

FEBRUARY 15, 2011

**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, February 15, 2011.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.
Neil Cooksey, 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: None

-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 17, 18, 19, 20, and 21.

Commissioner Pendergraph said he would request to be excused from voting on Item 18- Maintenance Contracts-Government Facilities to avoid a conflict of interest. Commissioner Pendergraph acknowledged a relationship with The Keith Corporation.

(2) STAFF BRIEFINGS - NONE

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

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes and Commissioner Pendergraph voting no, to go into Closed Session for the following purposes: A) Personnel Matter and B) Consult with Attorney.

Note: Prior to going into Closed Session Commissioner Bentley asked County Attorney Bethune to clarify Personnel Matter for purposes of going into Closed Session. County Attorney Bethune referenced the applicable statute.

Commissioner Pendergraph also questioned why the Board needed to go into Closed Session to discuss Personnel Matter.

County Attorney Bethune said he would advise the Board to go into Closed Session, hear the

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information and upon receipt of that information, then decide what the Board would like to release to the public.

The Board went into Closed Session at 5:12 p.m. and came back into Open Session at 6:05 p.m.

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

-FORMAL SESSION-

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

CITIZEN PARTICIPATION

(1) AWARDS/RECOGNITION - NONE

(2) PUBLIC APPEARANCE

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

Greg Kudasz addressed a website he owns called, realmeck.com. He said the site is an independent look at Mecklenburg County with special emphasis on current issues, such as tax revaluation. Mr. Kudasz complimented the Tax Assessor and his staff for the fine job that they do. He also complimented staff from the Elections Office and GIS. Employees specifically named were: Dick Pacetti, Kristin Mavromatis, James Metz, Scott Black, Karen Isley, and Joe Brown.

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

APPOINTMENTS

(3A) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Anna Maria Medvid to the Adult Care Home Advisory Committee for a one-year term expiring February 28, 2012.

Note: She is replacing Andrea Arterburn.

Commissioner Cogdell returned to the dais.

AIR QUALITY COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Peter McGrath to the Air Quality Commission as the attorney representative to fill an unexpired term expiring August 31, 2011.

Note: He is replacing Randolph Perkins.

BICYCLE COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Jane Cacchione to the Bicycle Committee for a three-year term expiring March 31, 2014.

BOARD OF EQUALIZATION AND REVIEW

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint JoAnne Allen, James Barnett, Damon Bidencepe, Zanthia Hastings, Unithia McGruder, Jack Morgan and John Newitt to the Board of Equalization and Review for one-year terms expiring April 7, 2012. Secondly, to appoint James Barnett as chairman of the Board of Equalization and Review for the duration of his term.

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to waive the Board's appointment term policy and reappoint Russell Allen and William Hawkins to the Board of Equalization and Review for one-year terms expiring April 7, 2012.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Linda Ashendorf, Jessica Halvorsen and Jacqueline Levister to the Waste Management Advisory Board for three-year terms expiring March 31, 2014.

(3B) ALCOHOLIC BEVERAGE CONTROL BOARD

It was noted that persons nominated for appointment consideration to the Alcoholic Beverage Control Board were interviewed by an Ad Hoc Committee of the Board. Members of the Ad Hoc Committee were Commissioners Clarke, Pendergraph, Roberts, and Dunlap.

Chairman Roberts presented the committee's recommendation for appointment. Jerry Hwang was the committee's recommended candidate.

The vote was taken on the following nominees for appointment consideration to the Alcoholic Beverage Control Board to fill an unexpired term expiring June 30, 2012:

Jerry Hwang Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts

Voting Ceased

Daryl Broome
Robert Burroughs
Andrea Huff
Betty Newsam
Thomas Porter

Don Reid
James Ross
Lloyd Scher
Brian Sisson
Emily Wu

Chairman Roberts announced the appointment of Jerry Hwang to the Alcoholic Beverage Control Board to fill an unexpired term expiring June 30, 2012.

Note: He is replacing James Polk, who is deceased.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT

(6A) BUDGET UPDATE

Budget/Management Director Hyong Yi gave a budget update. The following was covered:

FY12 Revenue Assumptions
FY12 Projected Revenues
FY12 Expense Assumptions
FY12 Projected Expenses
Known Cost Increases
Known Cost Reductions
FY12 Baseline Budget
Wildcards
Conclusions

- Actions taken as part of the FY11 budget process have stabilized our financial situation
 - Establishing a new baseline for revenue
 - Cutting expenses consistent with expected revenue
- The initial budgetary position for FY12 is much improved from FY11 (\$0.5 million gap vs. \$95.0 million gap)
- Much work remains to be done to develop the Manager's Recommended Budget
- Mindset of targeted investments and not across the board reductions.

Next Steps

It was noted that numbers will change between now and the County Manager's Recommended Budget.

County Manager Jones informed the Board there may be some additional cost associated with planning for the Democratic National Convention. County Manager Jones said he did not know what those would be at this point and that they may be more capital related.

Comments

Commissioner James said he disagreed that revenue neutral should include a 1% growth factor. Commissioner James said he thinks it's easier when you're doing a revaluation that when you say revenue neutral, you use revenue neutral. He said he did, however, understand staff's logic for including it.

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Chairman Roberts asked if the legal requirement that a revenue neutral rate be shown, indicate also that growth be shown. *Director Yi said he would check and report back to the Board.*

Commissioner Clarke asked about paying down debt, which was addressed.

Commissioner Cooksey asked about known cost increases, specifically health and dental, which was addressed. Commissioner Cooksey suggested staff look at ways of doing things to help drive the cost down. He suggested staff consider some of the suggestions made by Commissioner Bentley in the past with respect to the County's medical plan.

Chairman Roberts asked about state funding and fund balance, which were addressed.

Commissioner Clarke asked if staff could predict at this time if the County would end the fiscal year with a surplus and if so, how much. *The response was based on what's known to date, the projection is \$5 million.*

STAFF REPORTS AND REQUESTS

(7A) BUSINESS INVESTMENT PROGRAM GRANT: GEO PLASTICS

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 6-3 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes and Commissioner Bentley, James, and Pendergraph voting no, to adopt a resolution approving a Business Investment Program Grant to GEO Plastics for a total estimated amount of up to \$67,935 and authorize the County Manager to negotiate and execute a contract.

Note: GEO Plastics, based in Los Angeles, California is a manufacturer of plastic products primarily used for the collection, storage and transport of hazardous fluids, such as oil and gas. The company also makes molded plastic wheels for roll-out containers, and specializes in custom, injection molding plastic components. This project entails the establishment of an East Coast manufacturing operation in Charlotte. The project will include a capital investment of \$3 million beginning in 2011. The investment will be in building improvements and new business personal property. It will create 30 new jobs over the first three years with a projected average annual salary of approximately \$40,000. The County's grant is equal to 90% of the taxes that will be paid by GEO Plastics over three 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 \$3,124 over six years. The City of Charlotte will also provide financial assistance to this project.

John Allen, Director of Economic Development presented this matter to the Board.

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

(7B) 2010 MECKLENBURG COUNTY COMMUNITY ASSESSMENT

Dr. Wynn Mabry, Health Director, presented the 2010 Mecklenburg County Community Assessment report. The Board received the report in its capacity as the Board of Health.

Note: Every four years, the Mecklenburg County Health Department and Mecklenburg Healthy Carolinians conduct an extensive examination of the community to monitor and evaluate key health indicators such as infant mortality, communicable disease rates and STD infections known as the Community Health Assessment. Findings are used by the Health Department for

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strategic planning and by Healthy Carolinians to develop or endorse collaborative community action addressing identified priority issues.

Dr. Mabry addressed the following topics:

- Chronic Disease Prevention through Healthy Choices
- Access to Care
- Healthy Environment-Healthy Places Supporting Healthy Choices
- Substance Abuse Prevention
- Violence Prevention
- Injury Prevention
- Mental Health
- Responsible Sexual Behavior, and
- Maternal Child Health.

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

Comments

Commissioner Dunlap asked about the following areas, all of which were addressed: mortality rates for racial/ethnic groups, the increase in the syphilis rates, infant mortality rates, and teenage suicide.

Commissioner Dunlap asked to what degree is the Health Department partnering with groups that represent the minority populations affected by the areas addressed in the report to help educate them on these issues. He asked if they were partnering with, for example, fraternities, sororities, churches, the Latin American Chamber, or Hispanic groups. *The response was yes, partnering was taking place. Dr. Mabry elaborated on some of the efforts taking.*

Commissioner Dunlap suggested the Health Department, send letters to organizations, inviting them to attend a particular event and that they be specifically asked to send a certain number of representatives. He said he felt that approach would receive a better response.

Commissioner Bentley addressed the importance of healthy choices and how this is an individual responsibility.

Commissioner Leake addressed educating the community.

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

(7C) ADVISORY BOARD APPOINTMENT PROCEDURES POLICY REVISION

Motion was made by Commissioner Clarke, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve revisions to the Board's Appointment Procedures Policy.

Note: ***Appointment Policy Summary of Proposed Changes***

- 1) *Title Change from Procedures for Advisory Board Appointments to Board Appointment Policy*
- 2) *Purpose statement was added as an introduction to the policy.*
- 3) *Advisory was deleted throughout the policy wherever it read advisory board. It now reads board.*
- 4) *Membership Terms was amended to allow persons appointed to fill an unexpired term to serve two full consecutive terms following the completion of the unexpired term.*
- 5) *Attendance Requirement was amended to clarify that persons serving on boards established by legislation or interlocal agreements would comply with the attendance requirements outlined in the legislation or interlocal agreement establishing them, which in some instances is different*

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- from the BOCC policy.*
- 6) *Removal of Members from Boards was amended to clarify that removal of persons serving on boards established by legislation or interlocal agreements would be done in compliance with the legislation establishing them.*
 - 7) *Administrative Procedures was amended to clarify that minutes of boards established by legislation or interlocal agreements shall be maintained in accordance with the legislation or interlocal agreement establishing them.*
 - 8) *Minor wording changes for purposes of clarity and consistency.*

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

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

CONSENT ITEMS

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held February 1, 2011.

(10) PROCLAMATION – TEEN DATING VIOLENCE AWARENESS MONTH

Adopt a proclamation designating February, 2011, as “Teen Dating Violence Month.”

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

(11) PROCLAMATION – GREAT AMERICAN CLEAN UP FOR KEEP MECKLENBURG BEAUTIFUL

Adopt a Proclamation designating March 1 through May 31 in Mecklenburg County as the ‘Great American Clean up.’

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

(12) TAX REFUNDS

Approve refunds in the amount of \$202,667.25 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(13) PURCHASE CONTRACTS – WHEEL LOADERS – LUESA

Authorize the County Manager to negotiate and execute unit price contracts for the purchase of three wheel loaders for a total amount of \$407,400 to the following lowest responsible bidder:

ASC Construction Equipment USA, INC \$135,800 per unit

(14) DESTRUCTION OF DOCUMENTS – LUESA

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

Note: These records comprise:

- 2 boxes of Closed Housing and Junk Vehicle case files (2004 and older)

(15) AGREEMENT WITH UNCC – NAMING OF TOBY CREEK GREENWAY

Approve Amendment 1.0 to the Memorandum of Understanding dated August 27, 2009, concerning the naming of Toby Creek Greenway, and authorize the County Manager to execute the Amendment.

Note: A Memorandum of Understanding between Mecklenburg County and the University of North Carolina at Charlotte (UNCC), dated August 27, 2009, was entered into to allow the construction of two miles of greenway across the UNCC campus. Work is moving forward to follow the agreement to abandon existing easements and create a new easement for the greenway. This amendment adds details related to assurance of continued maintenance, and creates a mechanism for naming this section of the greenway that will provide a role for UNCC in that process, since this section of the greenway runs through the UNCC campus.

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

(16) AREA MENTAL HEALTH SECOND QUARTER FY 2011 REPORT

Recognize and receive the Second Quarter 2011 Area Mental Health Report.

Note: FINANCIAL MANAGEMENT

	<u>Budget</u>	<u>Actual</u>	<u>% Received</u>
Revenue Source			
Medicaid & CAP	13,696,149	3,793,731	27.70%
State and Federal	34,256,321	10,726,708	31.31%
Third Party/Other	97,293	24,196	24.87%
County	40,498,282	21,277,032	52.54%
Total Revenues	88,548,045	35,821,667	40.45%

	<u>Budget</u>	<u>Actual</u>	<u>% Spent</u>
Service Continuum			
Children's Developmental Services	7,190,268	3,261,654	45.36%
Child & Adolescent Services	13,384,613	3,312,486	24.75%
Adult Mental Health	6,407,145	1,808,915	28.23%
Adult Substance Abuse	13,619,661	6,340,052	46.55%
Local Management Entity	8,621,876	3,563,706	41.33%
BHC Randolph	22,832,539	13,152,674	57.60%
Developmental Disabilities	16,491,943	4,382,180	26.57%
Total Expenditures	88,548,045	35,821,667	40.45%

Net (Revenues - Expenditures)	0	0	100%
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Note: In accordance with General Statute 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program. 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.

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

(22) BUDGET AMENDMENT – LUESA (REVENUE INCREASE)

1. Recognize, receive and appropriate \$2,372,758 in Hazard Mitigation Funds from the NC Department of Crime Control and Public Safety, Division of Emergency Management.
2. Authorize the County Manager to execute a contract with the NC Department of Crime Control and Public Safety, Division of Emergency Management for a Pre-Disaster Mitigation Grant.
3. Authorize the carry forward of unspent grant funds to subsequent years until completion of the project.
4. Actions 1, 2 and 3 are contingent upon and shall be effective upon, notice of receipt of FEMA 2010 PDM grant funds.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(17) HOME AND COMMUNITY CARE GRANT ADVISORY COMMITTEE

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

- 1) Approve the Home and Community Care Block Grant for Older Adults Advisory Committee amended By-Laws; Article III, Section 5, Terms.
- 2) Approve the following membership roster to the Home and Community Care Block Grant for Older Adults Advisory Committee.

2011-12 Roster
(Rev. 01/31/11)

Mary Wilson Department of Social Services or her designee (Committee Co-Chair), Debora Sparks (Committee Co-Chair) Executive Director Council of Aging, Corsha Caughman Charlotte Housing Authority, Darrell Cunningham Social Services) 2012, Joyce D. Freeman Executive Director Loving Touch Adult Day Health Care Ctr., Inc., Maryann Gilmore, Darryl Crenshaw Interim Division Director Veterans Services, Jacqueline GlennMeck. County Health Department, Mary Anne Hammond, Carlos Hernandez Interim Director Mecklenburg County Area Mental Health, John Highfill, John Duty, Dahn Jenkins, Executive Director Levine Senior Center. Ms. Ann Newman, Ms. Evelyn Newman, Edna Richmond, Bill Scott, Ms. Gayla Woody Program

Administrator Centralina Area Agency on Aging.

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

Note: The Department of Social Services and Charlotte Mecklenburg Council on Aging are the Lead Agencies for the administration of the Home and Community Care Block Grant. These Lead Agencies are preparing to develop the County Aging Funding Plan for Fiscal Year 2010 - 2011. Grant requirements include the appointment of an Advisory Committee to assist in gathering input and obtaining consensus regarding content of the plan. This appointment will assist the Lead Agencies in the development of the County Aging Funding Plan for Fiscal Year 2011-2012.

New members are recommended by current committee members to meet the composition requirements as outlined in Article III, Section 3 of the by-laws and are approved by a majority vote of the members. Perpetual members are recommended by their agency directors.

The Advisory Committee voted to approve changes to the by-laws including the following:

- 1. The term for Advisory Committee members was changed from two years to three years. This allows for membership to be staggered while retaining experienced membership.*
- 2. Appointments will be from July 1 to June 30 to coincide with the fiscal year. Previous appointments coincided with the calendar year. This allows all members to have some experience on the Advisory Committee before participating in the funding process.*

Changes to the by-laws require approval from the Board of County Commissioners.

(18) MAINTENANCE CONTRACTS – GOVERNMENT FACILITIES

Commissioner Pendergraph asked to be excused from voting on Item 18 Maintenance Contracts-Government Facilities to avoid a conflict of interest.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to excuse Commissioner Pendergraph from voting on Item 18 Maintenance Contracts-Government Facilities to avoid a conflict of interest.

It was noted that Commissioner Pendergraph is associated with The Keith Corporation.

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

Commissioner Cogdell returned to the dais.

Commissioner Cooksey returned to the dais.

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

1) Authorize the County Manager to negotiate and execute a five-year, three-month service contract with NorthMarq Real Estate Services, LLC (NorthMarq) in the amount of \$8,104,077 (maximum) for government facility maintenance; and

2) Authorize the County Manager to negotiate and execute a five-year, three-month service contract with The Keith Corporation in the amount of \$797,926 (maximum) for government facility maintenance.

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Note: Commissioner Cogdell left the dais while questions were being asked regarding Item 18 and was not present at the time of the vote.

Matthew Stiene with Real Estate Services addressed this matter.

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

Commissioner Cogdell was away from the dais until noted in the minutes.

Commissioner Pendergraph returned to the dais.

(19) BUDGET AMENDMENT – DSS (REVENUE DECREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to amend the Department of Social Services (DSS) Fiscal Year 2011 Adopted Budget to reduce the budget by \$366,000 in State revenue for the Smart Start Childcare Subsidy Program.

Note: The North Carolina Partnership for Children is reducing its current year budget by 2.7% across the state. The requested reduction and impact to Mecklenburg County's Smart Start budget is \$366,000. Child Care Resources Inc. (CCRI) is contracted by DSS to administer these funds and reports that this reduction will not result in the termination of any children currently receiving Smart Start childcare subsidy. However, to mitigate the impact of this funding reduction, CCRI will not be able to fill subsidy slots that occur through attrition. Ultimately, this will result in fewer children receiving the Smart Start childcare subsidy. There are no County funds in the Smart Start childcare budget.

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

(20) BUDGET AMENDMENT – AREA MENTAL HEALTH (REVENUE DECREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reduce Medicaid funds in the amount of \$3,854,000 due to changes implemented by the North Carolina Division of Medical Assistance (DMA).

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

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

(21) BUDGET AMENDMENT – AREA MENTAL HEALTH (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate federal funds for the renewal of the following single-year Housing and Urban Development (HUD) grants:

- 1) Shelter Plus Care: Grant for \$1,408,188 for the grant year 3/6/2011-3/5/2012.
- 2) Shelter Plus Care: Grant for \$294,336 for the grant year 3/7/2011-3/6/2012.

Note: These grants are a renewal of current grants from the U.S. Department of Housing and

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Urban Development. The goals of the programs are to provide rental subsidies for consumers who are homeless and disabled.

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

Commissioner Cooksey asked was this the grant involving Mecklenburg Open Door and that staff address the current status of this grant. *General Manager Michelle Lancaster addressed Commissioner Cooksey's questions. It was noted that this program was now being administered in-house. General Manager Lancaster said staff was working with the Charlotte Housing Authority to move this program into their purview, effective probably July of this year. General Manager Lancaster said she was comfortable with how the program was being managed currently.*

Note: Commissioner Leake took a point of personal privilege to acknowledge February as "Teen Dating Violence Month," and Black History Month. She also acknowledged March 1 through May 31 in Mecklenburg County as the 'Great American Clean up.'

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

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: A) Personnel Matter and B) Consult with Attorney.

The Board went into Closed Session at 8:30 p.m. and came back into Open Session at 10:45 p.m.

Commissioners Cogdell and James were present when the Board came back into Open Session.

Commissioner Clarke was absent when the Board came back into Open Session and until noted in the minutes.

County Manager Jones made remarks regarding his failure to communicate information to the Board regarding the negotiated resignation of former Area Mental Health Director Grayce Crockett.

Commissioner Clarke returned to the dais.

County Manager Jones apologized to the Board and to the public for the receipt of any information that may have been perceived as "incorrect or misleading."

County Manager Jones said he made another "lapse in judgment" regarding the release of some protected information concerning Commissioner Pendergraph. County Manager Jones acknowledged that earlier today and also during Closed Session, he apologized to Commissioner Pendergraph and that his apology was accepted.

County Manager Jones said he's committed to working with the Board around "redefining our expectations and improving on our communication as we go forward."

County Manager Jones, again, apologized for not communicating with the Board as he said he'd done in the past.

Chairman Roberts acknowledged a public statement prepared by the Board regarding the matter of the negotiated resignation of former Area Mental Health Director Grayce Crockett. Chairman Roberts said the statement would be shared with the media and the public, and also placed on-

line.

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

**STATEMENT OF THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS
February 15, 2011**

The Board has reviewed the actions of County Manager Harry Jones regarding the terms and conditions of former Area Mental Health Grayce Crockett's resignation, including the payment of a negotiated amount to Ms. Crockett totaling \$99,329.18. This involved a thorough review of County policy and the authority provided by the Board of County Commissioners to the County Manager. The Board also received and reviewed information on other negotiated resignations of County employees in recent years.

Based on this review, the Board believes the following:

1. The County Manager made a reasoned and sound decision in the best interests of Mecklenburg County taxpayers and had the authority to do so without prior Board approval.
2. The County Manager should have informed the Board in advance or immediately thereafter about the terms and conditions of Ms. Crockett's negotiated resignation, including the amount paid to her in excess of what she was entitled to receive in accrued vacation and sick benefits, and the reasons he decided the payment was in the best interests of the County and taxpayers.
3. The County is limited by privacy laws regarding the amount and type of information that can be released to the public.
4. Although the information publicly released involving Grayce Crockett's negotiated resignation was technically correct and was released in a good faith attempt to comply with North Carolina law, it provided a misleading impression to the Board and the public.
5. The County Manager erred by not timely correcting this misimpression.
6. The County Manager made a mistake by not informing the Board in advance or immediately afterwards about the terms and conditions of Grayce Crockett's resignation. The County Manager understands and acknowledges this mistake.
7. The County Manager seriously erred when he released information from Commissioner Pendergraph's personnel file that included some information protected by North Carolina privacy laws, although he did so without malice.
8. The County Manager understands and acknowledges he made a mistake when he released the protected information from Commissioner Pendergraph's personnel file. The County Manager has apologized to Commissioner Pendergraph and Commissioner Pendergraph has accepted his apology.
9. The additional amounts of accrued vacation paid to Commissioner Pendergraph at the time of his retirement were for benefits he earned during his service as Mecklenburg County Sheriff.
10. The County Manager must improve communication with the Board on personnel and matters of public interest.
11. The Board will work with the County Manager to establish clear expectations for how similar matters will be handled in the future.

The Board will put this statement in the County Manager's personnel file and intends to take all of the above into consideration when conducting the County Manager's annual performance evaluation later this calendar year.

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ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:55 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman