

MARCH 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, March 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-

Commissioners Bentley and Cogdell were absent when the meeting was called to order and until noted in the minutes.

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

(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 15, 19, 20, 21, 22, and 23.

(2) STAFF BRIEFINGS - NONE

(3A, B, C) CLOSED SESSION - TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A) (1), BUSINESS LOCATION AND EXPANSION AND CONSULT WITH ATTORNEY

Motion was made by Commissioner James, seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: A) To Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(a)(1), B) Business Location and Expansion and C) Consult with Attorney.

The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 6:00 p.m.

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Commissioners Bentley and Cogdell were present when the Board came back into Open Session. They entered the meeting during Closed Session.

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.

CITIZEN PARTICIPATION

(1) AWARDS/RECOGNITION – NONE

(2) PUBLIC APPEARANCE

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

Laurie Knudsen, president of the Charlotte Regional Realtors Association addressed Realtors Care Day scheduled to take place on April 8, 2011.

APPOINTMENTS

(3A) NOMINATIONS/APPOINTMENTS

BOARD OF EQUALIZATION AND REVIEW

The following persons were nominated for appointment consideration to the Board of Equalization and Review:

Derrick Bellamy	by Commissioner Cooksey
Parker Black	by Commissioner Bentley
Douglas Boone	by Commissioner Pendergraph
John Deas	by Commissioner Cogdell
Robert Flowe	by Commissioner James
Joyce Francois	by Commissioner Cogdell
Kenneth Friedman	by Commissioner James
David Guilford	by Commissioner Cogdell
Bruce Hamlett	by Commissioner Cogdell
Keith Horton	by Commissioner Clarke
Harvey Jeffers	by Commissioner Cogdell
Gregory Lee	by Commissioner Dunlap
Denise Presley	by Commissioner Cogdell
Alfred Tucker	by Commissioner Cogdell

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 Board of Equalization and Review must undergo an interview process.

Commissioners Leake and Clarke volunteered to serve on the ad hoc committee.

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Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Damon Bidencope as Vice-Chairman of the Board of Equalization and Review for the duration of his term.

BUILDING DEVELOPMENT COMMISSION

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 nominate and appoint Harold (Hal) Hester to serve on the Building Development Commission as the Plumbing, Heating and Cooling Contractors Association representative to fill an unexpired term expiring January 30, 2013.

Note: He is replacing Barry Hanson.

Motion was made by Commissioner Clarke, but died for lack of a second, to waive the Board's attendance policy and allow Will Caulder to continue to serve on the Building Development Commission as the Plumbing, Heating and Cooling Contractors Association representative for the remainder of his term.

Commissioner Dunlap suggested the Board ask the Plumbing, Heating and Cooling Contractors Association to recommend another representative to serve on their behalf, since Mr. Caulder failed to meet the attendance requirement.

It was noted that the Plumbing, Heating and Cooling Contractors Association was recommending Mr. Caulder, despite his failure to meet the attendance requirement.

Director of Code Enforcement Jim Bartl spoke in support of Mr. Caulder's reappointment. He said Mr. Caulder was a valuable member and prior to this past year, never had an attendance problem.

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to defer for a month consideration of waiving the Board's attendance policy to allow Will Caulder to continue to serve on the Building Development Commission as the Plumbing, Heating and Cooling Contractors Association representative for the remainder of his term. Secondly, in the interim that Mr. Caulder provides the Board additional information with respect to his absences.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The following persons were nominated for appointment consideration to the Charlotte-Mecklenburg Community Relations Committee:

Bolyn McClung	by Commissioner Dunlap
Bill Schreiner	by Commissioner Cogdell
Andrew Smith	by Commissioner Cogdell
Glenn Thomas	by Commissioner Leake
Doug Wilson	by Commissioner Leake

Note: An appointment will occur on April 5, 2011.

CRIMINAL JUSTICE CITIZEN'S ADVISORY COMMITTEE

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to defer for a month consideration of waiving the Board's attendance policy to allow James Henry to continue to serve on the Criminal Justice Citizen's Advisory Committee for the remainder of his term. Secondly, in the interim that Mr. Henry provides the Board additional information with respect to his absences.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

Motion was made by Commissioner Leake, 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 Edward Deason and Wendy Jamison to the Information Services & Technology Committee to fill unexpired terms expiring February 28, 2012.

Note: They are replacing Marcia Land and Craig Richardville.

PUBLIC HEARINGS

(4A) NCDOT COMMUNITY TRANSPORTATION GRANT APPLICATION – DSS

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open a public hearing on the Mecklenburg County Department of Social Services submittal of an application for the North Carolina Department of Transportation's Community Transportation Grant for Fiscal Year 2010-2011.

Chairman Roberts read the following statement:

Voluntary Title VI Public Involvement

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

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

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

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

No one appeared to speak.

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Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the public hearing on the Mecklenburg County Department of Social Services submittal of an application for the North Carolina Department of Transportation's Community Transportation Grant for Fiscal Year 2010-2011 and grant approval for the Mecklenburg County Department of Social Services to submit an application for the North Carolina Department of Transportation's Community Transportation Grant for Fiscal Year 2010-2011 (Community Transportation Program Resolution); and to recognize, receive and appropriate grant funds when awarded.

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

Commissioner Clarke returned to the dais.

ADVISORY COMMITTEE REPORTS

(5A) DOMESTIC VIOLENCE ADVISORY BOARD 2010 ANNUAL REPORT

The Board received the Domestic Violence Advisory Board 2010 annual report.

Joe Marinello, Chairman, and members Julie Owens, LiMia Bowen and Elizabeth Trosch presented the report.

Note: The Domestic Violence Advisory Board has been charged with reporting to the Board of County Commissioners about the state of domestic violence in the community.

Report Highlights:

- The problem in 2010 appears to be rising.
- The adult services for victims and treatment programs for perpetrators appear to be falling.
- Services to children and teens exposed to or experiencing domestic violence was addressed.
- Abuser intervention services was addressed.
- Positive news in 2010 was shared.
- Recommendations were offered:
 1. Continue DV on Priority Scorecard and funding to update DV data warehouse.
 2. Continue funding shelter for DV – current shelter and hotel shelter.
 3. Continue to support new shelter
 4. Continue partnership for alternative payment through community service for NOVA
 5. Sheriff's Department allocate more resources to serve added protection orders.
 6. Police ensure primary perpetrators are arrested. Perhaps DV/J could provide leadership for more training for officers in this volatile, difficult situation.
 7. CMS seek partners to provide programs to prevent and counsel dating violence.
 8. Appoint liaison from City Council to DVAB
 9. Continue to seek funding for: DV Coordinator for city/county/private services, supervised visitation center for child exchanges, and North Meck remote access to Magistrate.

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

Comments

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Chairman Roberts, on behalf of the Board, thanked the Domestic Violence Advisory Board for its work.

Commissioner Bentley asked representatives to address the role of a victim's advocate, which was done.

Commissioner Bentley also addressed the need for a Magistrate in North Mecklenburg, which was echoed by Commissioner Cogdell.

Commissioner Leake expressed concern for middle school students.

Commissioner Cogdell asked about the NOVA program, which was addressed.

Commissioner Pendergraph addressed the schedule of Magistrates.

MANAGER'S REPORT

(6A) BUDGET UPDATE

The Board received budget updates from Budget/Management Director Hyong Yi and Director of Planning and Evaluation Leslie Johnson.

The following topics were addressed:

- Vision 2020 Survey County Funding Priorities
- Get Real 2011 Public Funding Priorities
- Vision 2020 Survey Top Issues for County to Address
- Community Service Grants
- Fuel Projections
- Employment/Unemployment Trends

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

Comments

Commissioner Dunlap asked was the methodology used in conducting the Get Real 2011 Survey and the County's Vision 2020 Survey different. *The response was yes. Director Johnson addressed the differences.*

Commissioner Cooksey commented on the survey results with respect to workforce development and jobs. Commissioner Cooksey said Central Piedmont Community College (CPCC) plays a major role in this area, but that he noticed the County's survey and the Get Real survey results showed CPCC far down on the list of funding priorities. He asked Director Johnson to comment on this, which she did.

Commissioner Bentley asked Director Johnson to comment on what staff's hope was with respect to how the survey data would be used in the Board's decision-making process, which she did.

Commissioner Cooksey asked if staff knew the number of employed Mecklenburg county residents to date, since the information shared was as of the end of calendar year 2010. *The response was no, but staff would try to find out.*

(6C) CENSUS UPDATE

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Assistant to the County Manager Brian Francis gave an update on the Census, specifically, updated population figures by Board of County Commission districts.

It was noted that per the census, Mecklenburg County has approximately 920,000 residents and remains the largest county, by population, in the state of N.C.

It was noted also that the Board's redistricting committee had held its first meeting and would be reporting back to the Board.

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

Comments

Commissioner Leake asked what would be done with respect to the two smallest districts, 4 & 5. *Assistant Francis said he was not sure what the recommendation of the Redistricting Committee would be, but that at the simplest of levels you'd have to add precincts to Districts 4 & 5 and take precincts away from Districts 1, 3 & 6 in order to make them the appropriate size. Further, that since neither Districts 4 or 5 connect with District 1, you can't just take precincts from District 1 and put them into 4 or 5.*

Chairman Roberts said it'll result in lots of lines changing.

Commissioner Bentley asked about the timeline for the redistricting committee. *Assistant Francis said the Board has to have maps adopted in time for filing for next year's election, which would be January 2012. He said the goal was to have a recommendation for the Board in August.*

County Attorney Bethune clarified that in order for the maps to be effective, the resolution changing the districts has to be adopted more than 150 days before the date of the N.C. primary, which is in May. Thus, it would have to be done before January 2012.

Commissioner Cogdell asked about the guidelines for the redistricting committee, specifically, whether they would factor in protecting current incumbents that are district representatives; and would that come back to the Board for consideration, since the Board was split on this issue 4-4 at the Strategic Planning Conference. *Assistant Francis said the Redistricting Committee discussed that topic and plan to take that into consideration and may come back to the Board for further clarification.*

(6B) COMPLIANCE PROGRAM

County Manager Jones and General Manager John McGillicuddy addressed a proposed Compliance Program, including the structure and program governance.

Note:

Proposed Policy Statement

It is the policy of the Mecklenburg Board of County Commissioners that Mecklenburg County government be in compliance with all federal, state and local laws and regulations, contractual obligations, as well as policies established by the Board and the County Manager, including the Board's Code of Ethics ("Code of Ethics"). Compliance is the responsibility of every Mecklenburg County employee.

Proposed Purpose

Mecklenburg County's Compliance Program is established to implement the Policy Statement above by operating a strategic and organization-wide system ensuring regulatory and ethical

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compliance in providing quality service and public stewardship. The purpose also includes ensuring each employee understands his or her responsibility as a Mecklenburg County employee and acts accordingly. Each employee has an obligation to know and abide by the laws, rules, regulations, policies and procedures that relate to their job. Each employee has an obligation to:

- *Uphold Mecklenburg County's Vision, Mission and Values & Guiding Principles*
- *Be familiar with Mecklenburg County's Board's Code of Ethics as well as all other Board and County Manager policies*
- *Report known or suspected violation of the Code of Ethics, laws, regulations or any other Mecklenburg County policy and procedure using the chain of command*
- *Provide solutions to ensure compliance and/or prevent violations of laws, regulations, policy or procedures*
- *Participate in investigations concerning compliance matters as needed and in collaboration with other County departments and agencies as appropriate*

Comments

Commissioner Cooksey asked with respect to investigations under the program, to what extent would the Deputy Compliance Officer be involved in conducting the investigations.

County Manager Jones said he envisioned the Deputy Compliance Officer and the Chief Compliance Officer being the coordinators of the investigation function. He said the County would continue to follow its current protocol.

Commissioner Cooksey said based on some of the investigations the County has had in the past, the investigation seemed to be disbursed and that there was not a single person who was accountable. Thus, he hopes that this individual would be accountable for making sure the investigation was conducted properly.

County Manager Jones said it's not that the County has not been engaged in compliance, but what staff found was that there has been inconsistency and moving it to a more centralized approach would allow the County to do a better job.

Commissioner Cooksey asked for clarification with respect to the Chief Compliance Officer and the Deputy Compliance Officer having direct access to report to the Board in any instance where the County Manager does not keep the Board informed of compliance issues brought to the County Manager's attention in an appropriate and timely manner. He asked how would that process work. Commissioner Cooksey said it may be good to specify that process in the program guidelines.

County Manager Jones said he envisioned that if this needed to be done, that they would go to the Chairman of the Board and request a meeting with the full Board or a committee of the Board.

Commissioner Cooksey recommended that be outlined in the program guidelines.

Commissioner Cooksey with respect to the governance committee asked would it be appropriate to have a representative from the public to serve on that committee. He said it may be good to have someone that's an expert in ethics or has had some experience in these areas. Commissioner Cooksey acknowledged, however, that it may not be appropriate, in light of potential confidentiality issues.

County Manager Jones said he had not considered that but would give it thought.

County Attorney Bethune said there may be some circumstances where this would not be a problem but also circumstances where it may for reasons of confidentiality.

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General Manager McGillicuddy said primarily the governance committee was intended to be those leaders in the organization, senior management, who are in fact, responsible for compliance in various areas. He said they currently seek input from outside sources in a variety of ways.

Commissioner Cooksey asked if staff envisioned that the governance committee would periodically make presentations to the Audit Committee. *The response was yes, to the Audit Committee and the Board.*

Commissioner Cooksey said he thought this was a step in the right direction.

Commissioner Dunlap referenced the Responsibilities and Accountabilities section of the program document, specifically, the County Employees section where it stated employees are responsible for informing themselves about the County's compliance program and the organization's expectations for their ethical behavior

Commissioner Dunlap suggested employees be required to sign something verifying that they received knowledge of or participated in training on a particular subject matter.

Commissioner Dunlap referenced the Responsibilities and Accountabilities section of the program document, specifically, the County Employees section where it stated employees are responsible for their compliance and are responsible for reporting suspected violations of the Code of Ethics and/or other pertinent accountabilities associated with the compliance.

Commissioner Dunlap suggested there be some consequences for knowing that something was going on and not disclosing it.

Commissioner Dunlap said employees who disclose information (whistle blower) should be assured that there are no consequences for bringing information forward.

Commissioner Cogdell questioned whether the Deputy Compliance Officer should be hired by and report to the Board or hired by and report to the County Manager. He said there needed to be clarity on how the reporting would work.

County Manager Jones said compliance has always been the responsibility of management. He said as Manager, he wants the Board to hold him accountable and that compliance was a management responsibility.

County Manager Jones said the Board through this process would be briefed and kept abreast.

County Manager Jones said this process was about moving compliance to a centralized function.

County Manager Jones said he would not recommend this person be a direct report to the Board, but have it structured as it's being proposed, under the auspices of management.

Commissioner Pendergraph questioned why this position had to be an attorney.

County Manger Jones said staff found that the most prevalent person in this type of position was an attorney housed in the attorney's office.

Commissioner Pendergraph asked who would be the hiring authority. *The response was the County Manager.*

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Commissioner Pendergraph suggested the person hired co-report to the County Manager and the Board.

County Manager Jones reminded the Board that Mecklenburg County has a council-manager form of government and addressed what that meant. County Manager Jones said the Board has to have confidence in him in order for this program to be successful. .

General Manager McGillicuddy said one of the values of having any attorney serve in this position was in the area of contract development and contract management which is a role for an attorney, particularly in County as an organization. He said having this under the attorney's office was prevalent because ultimately what's going on with compliance was risk assessment, which ultimately focuses on what are the legal risks of various activities or things that we don't do.

General Manager McGillicuddy said when you look at compliance from the big picture, it's about risk management associated with complying with laws and other regulations.

General Manager McGillicuddy said a big component for the County's improvement in compliance was contract development, contract management, and contract monitoring, a significant role for the deputy compliance officer.

General Manager McGillicuddy said the market rate for a compliance officer that's not an attorney was comparable to that of a senior attorney.

Commissioner James questioned whether the deputy compliance officer should be an attorney or a CPA. He addressed the advantages of having a CPA.

Commissioner Dunlap suggested Board members with additional concerns about this process speak with the County Manager directly between now and when this matter comes back to the Board.

Commissioner Cogdell suggested the Board consider at some point how the County was structured with respect to those employees appointed by the Board. He noted that Charlotte City Council has three employees that they appoint, the City Manager, City Clerk, and City Attorney.

Commissioner Clarke suggested the Board exercise oversight responsibility for this function through the Audit Review Committee.

Commissioner Clarke questioned whether the County should have a separate code of conduct for employees only. *General Manager McGillicuddy said the Board's Code of Ethics applies also to employees. He said a code of conduct was included in the County's Human Resources Policy.*

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to defer consideration of the Mecklenburg County Compliance Program and authorizing one full-time position to serve as Deputy Compliance Officer in the Attorney's Office, for at least a month, in order to give the Board and the County Manager time to consider the questions raised.

STAFF REPORTS AND REQUESTS

(7A) FUNDING OF FIRE PROTECTION SERVICES IN MECKLENBURG COUNTY

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Director of Code Enforcement Jim Bartl, Director of LUESA Cary Saul and General Manager Bobbie Shields addressed funding fire protection services in Mecklenburg County.

Note: Staff proposes a new funding vehicle for delivery of fire protection services throughout the unincorporated areas of Mecklenburg County and the remaining ETJs of the Towns. Staff suggests that as urban growth in the County continues, and VFD expenses rise, the current funding strategy is unsustainable. Under the authority granted to the Board of Commissioners under N.C.G.S. 153A-301 et seq., staff proposes that the Board create Fire Protection Service Districts in Mecklenburg County as follows:

- *Five Town ETJ service districts – one each for the ETJs of the following Towns: Cornelius, Davidson, Huntersville, Mint Hill and Pineville.*
- *A sixth service district for the City of Charlotte's ETJ.*

These districts would be created to fund the full cost of providing fire protection service, to all residents of the service district, with the cost burden carried by all service district property owners, through the service district tax. The County would use the funds raised by the Fire Protection Service District property taxes to contract with the Volunteer Fire Department related to a specific Fire Protection Service District, to provide fire protection services for that ETJ area.

Comments

Commissioner Pendergraph asked Mr. Bartl if he felt the fire commission really understood how much additional cost this would be for those in the unincorporated area. Director Bartl said the Board would be setting a tax limit of up to 15 cents but that doesn't mean the tax would be 15 cents, it could be less. He said the Fire Commission does understand the cost but that they may look at it differently from the perspective that the cost is already there.

Commissioner James said his preference would be for some type of fee based service and that the towns or the City of Charlotte be in control of it. He said the area the County was talking about was very small. Commissioner James said he didn't feel a tax was the way to go.

Commissioner Bentley said she has received considerable pushback from persons in the Cornelius-Huntersville area regarding staff's proposal. She said it puts a high tax burden on these residents. Commissioner Bentley asked if other models were considered.

County Attorney Bethune said the alternatives were: 1) the Board can continue to do what it's currently doing, which is taxing everyone in the entire county and use it to support volunteer fire departments, 2) use the type of service district outlined by staff, or 3) a slightly different fire district that is similar in effect where there's a separate tax rate but it's actually created in a different manner and is much more complex.

County Attorney Bethune said if the Board was going to do anything other than to fund it out of the general county budget, what staff presented was really the only viable alternative under current state law.

County Attorney Bethune said there's no law in N.C. for a fee based process. He said it's tax based. Thus, it's either out of the entire tax rate or you levy a separate tax on the people in those areas. County Attorney Bethune said there were two ways to levy a separate tax and what staff proposed was the preferred way. He said there was another rural fire district mechanism that requires referenda and is very complicated and not used that much.

Commissioner Bentley asked was it necessary for the Board to take action by FY12.

Director Bartl said the proposal was asking the Board to authorize staff to continue to work on this issue with a goal of having service districts set up for FY13.

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Commissioner Bentley asked about the engagement of the towns in this process, which was addressed.

Commissioner Bentley asked about the status of past discussions by staff regarding combining police and fire in a service district, which was addressed.

Commissioner Dunlap said currently every resident of Mecklenburg County was being doubled taxed for fire service. Commissioner Dunlap said the Board's alternatives were to either accept staff's proposal or accept the fact that the City of Charlotte will provide services for those in the unincorporated area at the same rate that residents within the City of Charlotte pay, which he said was substantially higher than what's currently taking place.

Commissioner Cogdell asked about conversations between County and City of Charlotte staff regarding providing fire services in this area. *General Manager Bobbie Shields said it would be the same rate as they charged to the residents within the City of Charlotte, which was about 12 cents.*

Commissioner Cogdell asked for clarification on the 15 cents in staff's proposal. *Director Bartl said the 15 cents delineates a path that you take to create the service district.*

Commissioner Cogdell said the towns and the City of Charlotte have the right to charge the County some fair rate for what it cost them to provide this service. Commissioner Cogdell said there were also services that the County provides to the towns and the City of Charlotte. Commissioner Cogdell asked for those services, that the County provides, for example, property tax collection, does the County have flexibility in raising rates. *The response was yes.*

County Attorney Bethune addressed the tax collection contracts with the towns and the City of Charlotte.

Commissioner Cogdell asked was staff looking at what it was costing the County annually to provide services to the towns and the City of Charlotte to make sure the County was charging a fair and reasonable market rate. *County Manager Jones said staff had not conducted an analysis of that in the last several years.*

Motion was made by Commissioner Pendergraph, seconded by Commissioner Clarke and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to authorize staff to prepare a detailed proposal for the creation and initiation of six Fire Protection Service Districts in Mecklenburg County with funding to begin in the FY13 budget.

(7B) DOUBLE OAKS SYNTHETIC TAX INCREMENT GRANT REQUEST FROM CHARLOTTE-MECKLENBURG HOUSING PARTNERSHIP

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve a Synthetic Tax Increment Grant, in concept, for the Charlotte-Mecklenburg Housing Partnership for a maximum amount of \$1,300,000 and authorize the County Manager to negotiate a contract to be brought back to the Board for its approval.

John Allen presented this matter to the Board. He was assisted by Lee Cochran from the Housing Partnership.

(7C) BUSINESS INVESTMENT PROGRAM GRANT: BLUESTAR SILICONES USA CORP.

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Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to adopt Resolution approving a Business Investment Program Grant to Bluestar Silicones USA Corp. for a maximum amount of \$185,980 and authorize the County Manager to negotiate and execute a contract.

Note: Bluestar Silicones USA Corp. (Bluestar) is a French manufacturer of silicone-based adhesives for a wide range of industries including paper (e.g. labels), energy (e.g. solar panel assembly) and medical (e.g. dental impressions). Bluestar is based in Lyon, France and is owned by China National BlueStar. Bluestar plans to consolidate its two U.S. manufacturing operations, located in Ventura, Ca and Rock Hill, SC, into one facility located in the Charlotte region. The project will include a capital investment of between \$9.5 and \$11.8 million beginning in 2011. The investment will be in building improvements and new business personal property. It will create 125 new jobs over the first three years with a projected average annual salary of approximately \$62,040. The County's grant is equal to 90% of the taxes that will be paid by Bluestar 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 \$208,280 for a \$9.5 million investment, and \$219,049 for an \$11.8 million investment, over six years. Both the City of Charlotte and the State of North Carolina will provide financial assistance to this project.

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

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

(7D) HOUSE BILL 63 – FIREARM IN LOCKED MOTOR VEHICLE/PARKING LOT AND

(7E) HOUSE BILL 111 – HANDGUN PERMIT VALID IN PARKS AND RESTAURANTS.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Leake and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes and Chairman Roberts voting no, to take no action with respect to **(7D) HOUSE BILL 63 – FIREARM IN LOCKED MOTOR VEHICLE/PARKING LOT AND (7E) HOUSE BILL 111 – HANDGUN PERMIT VALID IN PARKS AND RESTAURANTS.**

Note: House Bill 63 provides that employers must allow employees to have firearms secured in their vehicles on employer-owned parking lots while at work. If an employer attempted to ban firearms from its parking lots, it cannot terminate an employee for violating that policy. Further, an employer would be civilly liable if an employee was injured, incurred damage or was killed as a result of an employee imposing a ban on firearms in its parking lot. One of the guiding principles the Board has provided to staff is to "oppose legislation that restricts county flexibility." As this legislation would pre-empt County-established policy, staff recommended that the Board of County Commissioners oppose H63.

House Bill 111- Under current law, local governments may prohibit the carrying of concealed weapons in local government buildings, their appurtenant structures and parks. H111 would remove "parks" from the law so that local governments could no longer prohibit concealed weapons in parks. One of the guiding principles the Board has provided to staff is to "oppose legislation that restricts county flexibility." As this legislation would pre-empt County-established policy, staff recommended that the Board of County Commissioners oppose H111.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

**(8A) CODE OF ETHICS – EFFECTIVE & EFFICIENT GOVERNMENT COMMITTEE
(COMMISSIONER DUNLAP)**

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve changes to the Code of Ethics to include content regarding not accepting tickets to events that receive financial support from the County.

Note: Major changes: Section (f) Gifts.

Gifts. *No County Official shall directly or indirectly solicit any gift, or accept or receive any gift, including a gift made to the County by a third party or entity, having a value of one hundred dollars (\$100.00) or more or gifts*

A gift of one or more tickets to attend a cultural or sporting event that is supported directly or indirectly in any way by an appropriation of money from the County (an "Event") creates the appearance of influence, regardless of the value thereof. No County Official may, therefore, solicit or receive any tickets to an Event if the County has in its most recently adopted budget included an appropriation that directly or indirectly supports the Event or the venue in which the Event is to be held (the "Venue"). Furthermore, no County Official may solicit or receive any tickets to an Event if the County Official knows or has reason to know that the sponsors or promoters of the Event or the Venue are seeking, or intend to seek, financial support from the County for the Event or the Venue. A County Official who pays to the person or entity providing them, including but not limited to the County, the face value of the tickets to attend an Event shall not be in violation of this ban on receiving a gift of tickets to attend an Event that is supported directly or indirectly in any way by an appropriation of money from the County.

Provided, however, a cultural or sporting event being operated, promoted or sponsored by a County department or by the Charlotte-Mecklenburg Schools, CPCC or the Public Library is not an "Event" under this Code of Ethics. These entities are generally considered major business partners with Mecklenburg County and have such a long history of funding by and fundamental connection to the purpose of County government that acceptance of tickets to cultural or sporting events operated, promoted or sponsored by these entities should not be considered by a reasonable person as affecting the funding decisions of County Officials.

Commissioner Dunlap, chairman of the Board's Effective and Efficient Government Committee presented this matter to the Board.

Revised Code of Ethics recorded in full in Minute Book 45-A, Document # _____.

(8B) BOARD PROCEDURE FOR COMMISSIONER REPORTS AND REQUESTS (COMMISSIONER COOKSEY)

Commissioner Cooksey asked that his item, Board Procedure for Commissioner Reports and Requests, be moved to the April 5, 2011 meeting, because of the lateness of the hour.

CONSENT ITEMS

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

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held March 1, 2011 and Closed Session held March 1, 2011.

(10) INSURANCE REIMBURSEMENT – 4TH STREET PARKING DECK REPAIRS

Recognize, receive and appropriate insurance reimbursements in the amount of \$25,970 to the Real Estate Services, Buildings and Grounds Division, Operational Fund to pay for repairs to the 4th Street Parking Deck.

(11) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of \$19,834 for Real Estate Services, \$29,259 for Park and Recreation and \$12,065 for Sheriff's Office.

Note: All reimbursements are for stolen and damaged items.

(12) TAX REFUNDS

Approve refunds in the amount of \$59,897.08 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.

(13) STATE BOARD OF ELECTIONS GRANT FUNDS FOR ADDITIONAL ONE-STOP VOTING LOCATIONS

Recognize, receive and appropriate grant funds in the amount of \$59,942 from State Board of Elections to pay for additional one-stop voting locations.

(14) REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE

Adopt revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO).

Note: The revisions to MCAPCO are in response to State certification requirements and the United States Environmental Protection Agency (USEPA) grant requirements.

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

(16) GRANT APPLICATION – POSTAL MODEL FOR MEDICAL COUNTERMEASURES – HEALTH DEPARTMENT

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1) Approve the submission of a grant application for \$50,000 to the U.S. Department of Health and Human Services, Office of Preparedness and Emergency Operation covering the period of June 1, 2011 through May 31, 2012.

2) If awarded, recognize, receive and appropriate such funds.

3) Approve the creation of a new part-time Health Program Coordinator/Supervisor position to administer this grant.

(17) APPOINTMENT OF REVIEW OFFICERS

Amend Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2 to designate Catherine Stutts as a Review Officer.

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

(18) EXCEPTION TO NC GENERAL STATUTE 159-32 DAILY DEPOSITS

Approve exception to daily deposit requirement pursuant to NC General Statute 159-32.

Note: NC General Statute 159-32 requires that "each officer and employee of a local government or public authority shall deposit his collections and receipts daily." Statute 159-32 also provides for an exception to this requirement - "If the governing board gives its approval, deposits shall be required only when the monies on hand amount to as much as two hundred fifty dollars (\$250.00), but in any event a deposit shall be made on the last business day of the month."

BOCC approval is requested to allow an exception to the daily deposit requirement, pursuant to Statute 159-32, when the monies on hand amount to as much as \$250.00, except on the last business day of the month. This request results from an analysis of the County's deposit patterns and the related cost of armored deposit pickup service.

Currently, the County takes in funds at 60 different locations. At many of these locations, the amounts collected over the course of a day are very small. In some cases, the amount of the daily deposit is less than the cost of the armored pickup service. Any funds not deposited on the day of receipt are secured in a locked safe.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(15) MI-CONNECTION INTERLOCAL AGREEMENT

Adopt Resolution Approving Second Amendment to the Cable Television System Interlocal Agreement for the Joint Operation of a Cable Television System

Note: The County entered into the Cable Television System Interlocal Agreement for the Joint Operation of a Cable Television System among the Towns of Mooresville, Davidson, Cornelius,

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and Mecklenburg County, which resulted in the purchase of the cable television system being operated by Adelphia in those Towns and the ETJ areas of those Towns. The County is not involved in the operations of the MI-Connection Cable System and has no operational or financial responsibility, or any liability associated with its operations.

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

(19) BUDGET AMENDMENT – HEALTH DEPARTMENT (REVENUE INCREASE)

Recognize, receive and appropriate additional revenue of \$137,511 to reflect actual state and federal allocations received by the Health Department.

Note: This funding includes funds for immunization efforts, tobacco prevention, family planning and Women Infant and Children services.

(20) ARCHITECT/ENGINEERING SELECTION – JAIL CENTRAL ARREST PROCESSING CENTER RENOVATION

Authorize the County Manager to negotiate a fee and execute a contract with Moseley Architects, for Architectural/Engineering Services for the Jail Central Arrest Processing Center Renovation and in the event negotiations with this firm are unsuccessful, approve negotiations with the second-ranked firm (Carter Goble Lee).

(21) RESOLUTION - BALFOUR BEATTY/RODGERS BUILDERS AS CONSTRUCTION MANAGER AT RISK - JAIL CENTRAL ARREST PROCESSING RENOVATION

Exempt Mecklenburg County from the qualified-based process for selecting a Construction Manager at Risk for the Jail Central Arrest Processing Renovation under North Carolina G.S. 143-64.31 as authorized by G.S. 143-64.32(b).

Adopt a resolution confirming the use of Balfour Beatty/Rodgers Builders as the Construction Manager at Risk for this subpart of the larger jail project for which they were previously selected.

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

(22) INTERNATIONAL ECONOMIC DEVELOPMENT COUNCIL ANNUAL MEETING SPONSORSHIP

Approve Mecklenburg County's \$10,000 sponsorship of the International Economic Development Council Annual Meeting in 2011.

Note: The International Economic Development Council will hold its annual conference in Charlotte in October, 2011. The conference is expected to bring more than 1,400 economic developers, consultants and real estate professionals from around the world to Charlotte resulting in an economic impact of more than \$1.4 million.

(23) RENAMING TOBY CREEK GREENWAY – UNC CHARLOTTE SECTION

Approve renaming the UNC Charlotte Section of Toby Creek Greenway (Hwy 49 – Mallard Creek Greenway) the Ruth G. Shaw Trail of Toby Creek Greenway.

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Note: This request recognizes Ruth G. Shaw's life-long commitment to service and leadership, including leadership with UNCC and the Carolina Thread Trail.

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley 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 10:57 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman