

JUNE 7, 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, June 7, 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

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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 15, 17, 18, 19, 20, 21, 22, 27, 29, 31, 33, and 34.

**(2) STAFF BRIEFINGS -BALLANTYNE TAX INCREMENT GRANT**

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to receive a request from Bissell Companies for a Tax Increment Grant for transportation upgrades in and around Ballantyne Corporate Center and refer to the Board's Economic Development Committee for further study, refinement and recommendation to the Board.

*Note: This project involves the construction of various road improvements in the Ballantyne area to allow for additional development planned in Ballantyne Corporate Center, and to improve traffic flow in the area. The work includes improvements to Ballantyne Commons Parkway, John J. Delaney Drive and connecting two segments of North Community House Road via a new bridge over I-485. The total cost is estimated to be \$11 million, which would be paid for by Bissell Companies. The request is for the City and County to provide a Tax Increment Grant to Bissell to reimburse the cost of the work.*

Ned Curran, President of Bissell Companies, presented the request. He was introduced by Economic Development Director John Allen.

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

Comments prior to the above vote:

Commissioner James asked Mr. Curran when would Bissell like a response back from the County. *The response was September.*

Commissioner James said he'd like to know more about the rate of return, if it's reasonable and should it be included in the calculation.

Commissioner Clarke asked Mr. Curran what kind of development do they expect the road improvements to stimulate, which was addressed.

Commissioner Clarke asked was there more land to be developed. *The response was yes.*

Commissioner Cooksey asked for clarification regarding the TIF, which was addressed.

Commissioner Cooksey said he'd like the Economic Development Committee to take a look at the proforma.

### **(3A, B) CLOSED SESSION – LAND ACQUISITION AND CONSULT WITH ATTORNEY**

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition and Consult with Attorney matters to be discussed in Closed Session:

- Property located at 1727 Providence Road (Tax Parcel 15512301)
- Trina Armstrong v. Mecklenburg County.

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 go into Closed Session for the following purposes: A) Land Acquisition and B) Consult with Attorney.

***The Board went into Closed Session at 5:45 p.m. and came back into Open Session at 5:59 p.m.***

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

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### **-FORMAL SESSION-**

***Invocation was given by Commissioner Dunlap, 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 persons appeared to speak during the Public Appearance portion of the meeting:

Sheila Neisler extended an invitation to the Board and the public to participate in 20th Anniversary Celebration of The Roasting Company, June 19-25, 2011. 20% of the Roasting Company's dinner sales will go to the Harvest Center of Charlotte. The Harvest Center of

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Charlotte is a faith-based non-profit which serves low income families, at-risk youth and homeless individuals in the community.

Jeanie Welch extended an invitation to the Board and the public to participate in the Annual Hickory Grove Independence Day parade and celebration, Monday, July 4, 2011.

Bob Deaton addressed revaluation. Mr. Deaton read a letter that was provided to the Board from him dated June 6, 2011. In the letter, Mr. Deaton questioned the adoption of next year's budget when many property owners have not gone through the appeals process. Mr. Deaton also requested records pertaining to the inspection of his home for revaluation purposes.

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

## **APPOINTMENTS**

### **(3A) NOMINATIONS/APPOINTMENTS**

#### **ALCOHOLIC BEVERAGE CONTROL BOARD**

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to reappoint Angeles Ortega-Moore to the Alcoholic Beverage Control Board for a three-year term expiring June 30, 2014 as recommended by the Board's Ad Hoc Appointment Committee.

*Note: The other nominees were James Ross and John Rumball.*

#### **CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES**

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 appoint Wilhelmenia Rembert to the Central Piedmont Community College Board of Trustees for a four-year term expiring June 30, 2015 as recommended by the Board's Ad Hoc Appointment Committee.

*Note: She is replacing Roni-Marzetta Jones.*

*Note: The other nominees were Danmon Gregory and Wendy Jamison. James Gulley was nominated but asked that his name be removed from consideration.*

#### **CITIZEN'S TRANSIT ADVISORY GROUP**

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

Robert Watson	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts <i>Voting Ceased</i>
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Rodney Conklin  
Danmon Gregory

Chairman Roberts announced the appointment of Robert Watson to the Citizen's Transit Advisory Group for a two-year term expiring June 30, 2013.

*Note: He is replacing Robert Bischoff.*

**PUBLIC BROADCASTING AUTHORITY**

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to appoint Dee Dixon to the Public Broadcasting Authority to fill an unexpired term expiring June 30, 2011 and a three-year term effective July 1, 2011 expiring June 30, 2014 and Jonathan Pullin for a three-year term expiring June 30, 2014.

*Note: They replace Mike Boggs and Hattie Leeper.*

*Note: The other nominee was Tabitha Barwell.*

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

**(3B) BOARD OF EQUALIZATION AND REVIEW**

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Robert Flowe to the Board of Equalization and Review for a three-year term expiring June 30, 2014 as recommended by the Board's Ad Hoc Appointment Committee.

*Note: He is replacing Gregory Lee.*

***Commissioner Cooksey returned to the dais.***

**(4) PUBLIC HEARINGS – NONE**

**ADVISORY COMMITTEE REPORTS**

**(5A) CHARLOTTE-MECKLENBURG COALITION FOR HOUSING**

The Board received a report on the progress of the Charlotte-Mecklenburg Coalition for Housing and its FY12 strategic plan.

Mike Rizer, Chair of the Charlotte-Mecklenburg Coalition of Housing, gave the report.

*Note: The Charlotte-Mecklenburg Coalition for Housing has been charged with reporting to the Board of Commissioners the progress made in implementing the Charlotte-Mecklenburg Ten Year Plan to End and Prevent Homelessness.*

Chairman Roberts thanked Mr. Rizer for the report.

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

**MANAGER'S REPORT**

**(6A) AMENDMENT – LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE – LAND DEVELOPMENT**

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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 amend the LUESA Fee Ordinance to reflect new and revised fees for Land Development.

Dave Canaan, Director of Storm Water Management addressed this matter, prior to the above vote.

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

**(6B) OPERATING BUDGET AND WORK PROGRAM FOR FY 2011-2012**

County Manager Jones and Budget/Management Director Hyong Yi presented the proposed operating budget and work program for FY 2011-2012 based on the straw votes taken by the Board on June 1 and 2, 2011.

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap, to approve the Mecklenburg County, North Carolina Budget Ordinance Fiscal Year 2011-2012 and Work Program, which reflects a property tax rate of 81.66 cents per one hundred dollars of assessed valuation of taxable property and a Law Enforcement Service District tax rate of 18.66 cents.

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts, to increase funding in the FY11-12 budget for the YMCA Starfish Academy in the amount of \$78,000. Secondly, to reduce funding in the FY11-12 budget for the Sheriff's Office by \$78,000.

*Note: Commissioner Bentley said the above motion would not change the budget ordinance prepared by staff.*

Substitute Motion was made by Commissioner Cooksey, seconded by Commissioner Pendergraph and failed 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting no and Commissioners Bentley, Cooksey, James, and Pendergraph voting yes, to defer adoption of the Mecklenburg County, North Carolina Budget Ordinance Fiscal Year 2011-2012 and Work Program until the June 21, 2011 meeting; and that the County Manager be directed to come back to the Board with a revenue neutral budget with a tax rate of 78.83 cents.

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

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes and Commissioners Bentley, Cooksey, James, and Pendergraph voting no, to approve the Mecklenburg County, North Carolina Budget Ordinance Fiscal Year 2011-2012 and Work Program, which reflects a property tax rate of 81.66 cents per one hundred dollars of assessed valuation of taxable property and a Law Enforcement Service District tax rate of 18.66 cents.

**(6C) OUTSOURCING ASSESSMENT – CMS, CPCC, PUBLIC LIBRARY**

The Board received information, via the County Manager, from CMS, CPCC and the Public Library in response to the request made by the Board regarding outsourcing.

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

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**(6D) CITY/COUNTY COOPERATION AND ASSISTANCE AGREEMENT ABOUT DEMOCRATIC NATIONAL CONVENTION**

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a resolution approving the Cooperation and Assistance Agreement with the City of Charlotte about Code Enforcement expedited review, inspection and approval of construction work at Time Warner Cable Arena preparing it for the Democratic National Convention and authorizing its execution.

Dan Murrey, former County Commissioner, addressed the request, prior to the above vote.

*Note: The City has entered into agreements for the Democratic National Convention (DNC) to use the Time Warner Cable Arena. One of those agreements provides that the City will expedite the review and approval process for all permits, variances, licenses and approvals required in connection with the construction work at the Arena so as to permit the construction work to be completed in accordance with the schedules and deadlines set forth in or contemplated by the agreements. The Cooperation and Assistance Agreement does not require that the County provide any funds to support this work, or that any of the normal fees charged by the Code Enforcement Department be waived, it merely agrees to cooperate in assisting the City in meeting deadlines for work to be performed by the Code Enforcement Department in enforcing the Building Code and to provide such reasonable assistance, consistent with budgeted funds, as may be needed from time to time to enable the City to meet its other obligations under the DNC Agreement where such assistance is needed with respect to issues where the County has some authority or responsibility.*

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

**(6E) RESOLUTION CONCERNING SB578**

Assistant to the County Manager Brian Francis addressed SB 578, "An Act to Facilitate the Transfer of Beds From a State Psychiatric Hospital to a Community Facility Within Certain LMES."

*Note: The act states: The Secretary of the Department of Health and Human Services may transfer beds from a State psychiatric hospital to a community facility pursuant to the State Medical Facilities Plan Policy PSY-1 without a written memorandum of agreement between the local management entity serving the county where the beds are to be located and the facility submitting the proposal if all of the following conditions are met.....*

*The Charlotte Hospital Authority wants to build a facility in Mecklenburg County.*

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to adopt a resolution opposing SB 578, "An Act to Facilitate the Transfer of Beds From a State Psychiatric Hospital to a Community Facility Within Certain LMES."

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS  
RESOLUTION OPPOSING SB 578**

**WHEREAS** ,The Charlotte-Mecklenburg Hospital Authority is seeking the approval of forty four (44) new psychiatric hospital beds for the construction of a new facility in Mecklenburg County; and

**WHEREAS**, With respect to the residential facilities for the mentally ill, the General Assembly of

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North Carolina has found "That the proliferation of residential treatment facilities results in costly duplication and underuse of facilities and may result in lower quality service" (GS 122C-23.1(3)); and

**WHEREAS**, The General Assembly of North Carolina has further found "That it is necessary to protect the general welfare and lives, health, and property of the people of the State for the local management entity (LME) to verify that additional beds are needed in the LME's catchment area before new residential treatment facilities are licensed" (GS 122C-23.1(5)); and

**WHEREAS**, The Mecklenburg County Board of Commissioners has assumed the duties of the Area Mental Health, Developmental Disabilities, and Substance Abuse Area Board under a consolidated Human Services Board, and therefore is also the LME for Mecklenburg County; and

**WHEREAS**, Mecklenburg County has requested additional information from the Charlotte-Mecklenburg Hospital Authority in order to meet its statutory obligation to evaluate The Charlotte-Mecklenburg Hospital Authority's application for a license for the proposed new facility; and

**WHEREAS**, as of the date of this Resolution, The Charlotte-Mecklenburg Hospital Authority has not provided the requested information; and

**WHEREAS**, The Charlotte-Mecklenburg Hospital Authority has sought legislative authority to receive permission to build additional psychiatric beds without approval from Mecklenburg County; and

**WHEREAS**, The Mecklenburg Board of County Commissioners believes that in the best interest of meeting the psychiatric treatment needs of the residents of Mecklenburg County, full transparency and good faith communication from all involved parties must occur prior to the authorization of additional psychiatric beds; now therefore, be it

**RESOLVED** that the Mecklenburg Board of County Commissioners opposes Senate Bill 578 (Edition 2) and any other legislation that repeals the provisions of 122C-23.1, or otherwise authorizes issuance of a license for the additional 44 psychiatric beds without support from Mecklenburg County; and be it

**FURTHER RESOLVED** that a copy of this resolution be sent to the Speaker of the North Carolina House of Representatives, the President Pro Tempore of the Senate, the Mecklenburg County legislative delegation, and the bill sponsor.

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

## **STAFF REPORTS AND REQUESTS**

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

### **(7A) SOLID WASTE DISPOSAL OPTIONS**

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

1) Rescind authorization for the Developer of the ReVenture Project to include the County's Foxhole Landfill as the receiving landfill for residuals and by-pass waste in their Solid Waste Permit Application.

2) Rescind authorization to appropriate \$100,000 from the Solid Waste Enterprise Fund Balance to the FY 2011 Operating Budget for the purpose of performing an expert technical evaluation of the ReVenture Project.

3) Confirm staff recommendation to discontinue negotiations with the developer of the ReVenture Project for its use as a long-term disposal option for the County's residential waste.

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4) Confirm staff recommendation to continue negotiations with the Republic Speedway Landfill for a multi-year extension to the current landfill agreement.

Director of Solid Waste Bruce Gledhill addressed this matter prior to the above vote.

Comments prior to the above vote:

Commissioner Clarke said the action taken by the Board, should not be interpreted as the Board's intent to forever take the Foxhole landfill off the table for future consideration for the disposal of municipal solid waste.

Director Gledhill concurred with Commissioner Clarke's statement. He said there may come a need at some point in the future for the County to direct residential solid waste to the Foxhole landfill.

Commissioner Clarke said staff should make sure the public is aware of this fact and that it should be stated in a public document.

Commissioner Pendergraph said he concurred with Commissioner Clarke.

Commissioner James said the residents in the area of the Foxhole landfill need to be kept involved and informed.

**(3A) CLOSED SESSION LAND ACQUISITION HAZARD MITIGATION PROGRAM-FLOODPLAIN ACQUISITION & LEASE – DORE ACADEMY**

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

1. Accept the "Offer of Sale and Agreement of Purchase and Sale of Real Estate" from Dore Academy, Inc., owner of property at 1727 Providence Road (Tax Parcel 15512301) for \$1,525,000. A condition of the sale is that the facility be leased to Dore Academy and that they maintain at least \$2 million of commercial general liability insurance.
2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.
3. Adopt a Resolution Approving Transfer of Reusable Building Materials to Habitat for Humanity of Charlotte, Inc. to allow for salvage of materials prior to demolition.

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

**(8) COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE**

**CONSENT ITEMS**

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

**(9) APPROVAL OF MINUTES**



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Approve minutes of Regular meeting held May 17, 2011, Special Meetings held June 1, 2011, June 2, 2011, March 22, 2011 and February 22, 2011 and Closed Sessions held May 17, 2011, April 19, 2011, and April 5, 2011.

**(10) INSURANCE REIMBURSEMENTS**

Recognize, receive and appropriate insurance reimbursement funds in the amount of \$761 for Real Estate Services and \$1,991 for Park and Recreation.

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

**(11) TAX REFUNDS**

Approve refunds in the amount of \$614,597.46 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) REPORT OF SETTLEMENT OF LAWSUIT**

Receive as information that CLIFTON G. SETTLEMYER and DAWN D. BALLENGER, ELI BAXTER SPRINGS, IV, and the HISTORIC ELIZABETH NEIGHBORHOOD FOUNDATION, INC (Plaintiffs) vs. MECKLENBURG COUNTY, THE CITY OF CHARLOTTE, and THE TRUSTEES OF CENTRAL PIEDMONT COMMUNITY COLLEGE (Defendants) has been settled by Consent Judgment.

*The Consent Judgment and Memorandum of Understanding is recorded in Minute Book 45-A, Documents # \_\_\_\_\_ & \_\_\_\_\_.*

**(13) RESOLUTION/MAP APPROVAL – CHARLOTTE RURAL FIRE DISTRICT**

Approve Charlotte Rural Fire District Map and Resolution.

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

**(14) SET PUBLIC HEARING – STORM WATER FEE – TOWN OF DAVIDSON'S MINOR SYSTEM RATES**

Set a public hearing for 6:30 p.m. on June 21, 2011 on proposed changes in the Minor System component of the Town of Davidson's Storm Water fee.

**(16) SET PUBLIC HEARING – ABANDONMENT OF RIGHT-OF-WAY FOR FORMER FAYETTE ROAD**

Set a public hearing for July 12, 2011 to hear citizens comments with respect to the abandonment of the right-of-way for former Fayette Road located along a section of the current Denbur Drive (SR 2950); and adopt a Resolution declaring intent to abandon.

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

**(23) AQUATIC CENTER HVAC REPLACEMENT – EQUIPMENT PURCHASE**

Award a contract to Hahn Mason in the amount of \$472,920 for dehumidification equipment for the Heating, Ventilation, and Air Conditioning (HVAC) replacement at the Mecklenburg County Aquatic Center.

**(24) CONSOLIDATED AQUATICS CAPITAL RESERVE REQUEST – PARK AND RECREATION**

Authorize and appropriate a capital expenditure of \$41,800 from the Consolidated Aquatics Capital Reserve Account to fund the following:

- 1) Replace the diving board and diving stand at the Cordelia Pool - \$15,000.
- 2) Replace two pool vacuum systems with poles and battery rechargers at the Double Oaks and Cordelia Pools - \$3,400.
- 3) Replace five televisions at Ray's Splash Planet in the lobby, classroom, and fitness areas – \$4,000.
- 4) Install window tinting at the front of Ray's Splash Planet - \$5,000.
- 5) Replace the elliptical fitness machine at the Mecklenburg County Aquatic Center - \$4,400.
- 6) Resurface two diving boards at the Mecklenburg County Aquatic Center - \$4,000.
- 7) Replace the electronic starting system component and two touch pads at the Mecklenburg County Aquatic Center - \$6,000.

**(25) GRANT APPLICATION – CATAWBA-WATEREE HABITAT ENHANCEMENT – PARK AND RECREATION**

- 1) Approve submission of application for two Catawba-Wateree Habitat Enhancement Grants.
- 2) Recognize, receive and appropriate funds if grants are awarded.

*Note: The Park and Recreation Department will be submitting two grant applications. The first is to provide funds to assist with potential land purchases in the Mountain Island Lake/Catawba River area for wildlife habitat and watershed protection. The second application would fund the purchase of habitat management equipment to better manage natural areas within county nature preserve properties adjacent to the Catawba River and to control invasive species.*

**(26) CAROLINA THREAD TRAIL GRANT – PARK AND RECREATION**

Recognize, receive and appropriate \$35,000 from a Carolina Thread Trail grant for construction of a natural surface trail and associated amenities at the West Branch Nature Preserve.

**(28) CONTRACT EXTENSION – COUNTYWIDE RADIO EQUIPMENT**

Approve a contract extension with Motorola Solutions, Inc. from May 16, 2011 through November 30, 2011, for unit price purchases of Radio Equipment in an estimated amount of \$635,000.

**(30) SOLE SOURCE PURCHASE – PHASE II DISTRICT ATTORNEY OFFICE EXPANSION**

Authorize the County to specify equipment and services from Delta (HVAC) Heating Ventilating and Air Conditioning Controls as a sole source purchase to complete the Phase II DA Expansion and interface with the current Delta Controls at the Mecklenburg County Historic Courthouse as authorized by G.S. 143-129 (e)(6)(iii).

**(32) SOLE SOURCE PURCHASE – STORM WATER SERVICES – WATER QUALITY PROGRAM**

- 1) Approve the purchase of water quality monitoring equipment as authorized by the sole source exemption of G.S. 143-129(e) (6)
- 2) Approve a contract with YSI, Inc for the purchase of water quality monitoring equipment.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

**(15) SET PUBLIC HEARING – STREET NAME CHANGE**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to set a public hearing for 6:30 p.m. on June 21, 2011 to hear comments from citizens on the request to change the name of a section of Dixie River Road and Sandhaven Way to Shopton Road.

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

**(17) CARRY FORWARD OF FUNDS – CHILD SUPPORT ENFORCEMENT FILES MANAGEMENT AND DOCUMENT IMAGING PROJECT**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the carry forward to FY12 of funds remaining at **June 30, 2010** for completion of the files management and document imaging project in the Child Support Enforcement Division.

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

**(18) CARRY FORWARD OF FUNDS – LUESA – OXFORDSHIRE PHASE 3 & 4**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to carry forward remaining funds for subdivision improvements to Oxfordshire Phase 3, Maps 1 & 2 and Phase 4, Map 1 from FY11 to FY12.

*Note: Funds have been received due to the default of a bond obligation for completion of the Town of Mint Hill's subdivision requirements in Oxfordshire Phase 3, Maps 1 & 2 and Phase 4, Map 1. Letters of credit were provided by H C Grimmer Development Company, LLC for completion of these improvements in 2004. Mecklenburg County staff determined the*

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*developer was in default of the bond obligation due to the work not being completed. The funds received by the County will be used to complete the subdivision improvements required by the Town's Subdivision Ordinance.*

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

**(19) CARRY FORWARD OF FUNDS – LUESA – CROSSWIND VILLAGE**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to carry forward remaining funds for subdivision improvements to Crosswinds Village Phase 2, Map 1 from FY11 to FY12.

*Note: Funds have been received due to the default of a bond obligation for completion of subdivision requirements in Crosswinds Village Phase 2 Map 1. A letter of credit was provided on March 9, 2005 by Crosswinds Reality, LLC for completion of this work. The letter of credit was not renewed prior to its expiration date of March 9, 2009. Mecklenburg County staff determined the developer was in default of the bond obligation due to work not being completed. The funds received by the County will be used to complete the subdivision improvements required by the Town's Subdivision Ordinance.*

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

**(20) CARRY FORWARD OF FUNDS – UNSPENT VENDING FUNDS – SHERIFF'S OFFICE**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve a carry forward and appropriation to FY2012 the balance remaining (not to exceed \$50K) from vending machine revenue (Sheriff's Office) at June 30, 2011.

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

**(21) CARRY FORWARD OF FUNDS – 2011 REVALUATION**

Motion was made by Commissioner Cogdell seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the carry forward to FY12 approximately \$430,000 revaluation funds remaining at June 30, 2011.

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

**(22) INTERLOCAL AGREEMENT WITH THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY**

Motion was made by Commissioner Leake seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to adopt Resolution approving an Interlocal Agreement with the Public Library of Charlotte and Mecklenburg County.

*Note: Prior to the beginning of Fiscal Year 2011, the Library and the County agreed that the County would provide facility maintenance and security services for the Library. Beginning June 30, 2010, the County Real Estate Services Department commenced providing such services to*

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*the Library, while the two entities negotiated the terms and conditions of an Interlocal Agreement formalizing the arrangement. Pursuant to G.S. 160A-461, Interlocal Agreements have to be approved by the governing body by adoption of a resolution.*

**MECKLENBURG COUNTY  
BOARD OF COMMISSIONERS**

**RESOLUTION APPROVING THE  
INTERLOCAL AGREEMENT  
WITH THE PUBLIC LIBRARY OF CHARLOTTE AND  
MECKLENBURG COUNTY**

**WHEREAS**, N. C. General Statute 160A-460, *et seq.*, authorizes units of local government to jointly exercise any function which they have been granted the power to exercise alone, or to contract with the other for the exercise of any governmental function which they have been granted the power to exercise alone, and to enter into contracts and agreements to specify the details of these undertakings; and

**WHEREAS, THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY** (hereinafter "Library"), a body corporate created by the North Carolina General Assembly, and **MECKLENBURG COUNTY** (hereinafter "County"), a political subdivision of the State of North Carolina, have negotiated an Interlocal Agreement effective June 30, 2010 for the provision of Facility Maintenance and Security Services as more particularly described in the Interlocal Agreement; and

**WHEREAS**, the Library and the County previously agreed that the County would provide Facility Maintenance and Security Services for the Library, which the County has been providing to the Library; and

**WHEREAS**, in order to formalize this relationship, the Library and the County will need to enter into an Interlocal Agreement pursuant to N.C.G.S. 160A-461; **NOW, THEREFORE, BE IT**

**RESOLVED** by the Mecklenburg Board of County Commissioners, in regular session duly assembled, that the Interlocal Agreement between the Library and the County is hereby approved and that the Chairman of the Board of County Commissioners is hereby authorized to execute the Interlocal Agreement with the Library in substantially the form attached to this Resolution, and that this Resolution shall be made a part of the minutes of the Board of Commissioners.

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

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

**(27) AUTHORIZE COUNTY MANAGER TO EXERCISE LEASE OPTION – SHERIFF’S OFFICE**

Motion was made by Commissioner Leake seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to authorize the County Manager to exercise five-year lease option to the lease agreement with the Mecklenburg County ABC Board.

*Note: The Mecklenburg County Sheriff’s Office has housed its Field Operations division at the Mecklenburg County ABC Board offices at 3333 North Tryon Street since 2000. The Sheriff’s Office occupies 4,247 square feet in this facility. The contract has expired and the Sheriff’s Office wishes to exercise the lease option effective July 1, 2011.*

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

**(29) RELEASE OF UNCC REVERSIONARY DEED RESTRICTION**

Motion was made by Commissioner Leake seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to authorize the County Manager to execute a document extinguishing the automatic reversionary deed restriction on an approximately .43 acre portion of Tax Parcel 049-301-23, a parcel conveyed by Mecklenburg County to the State of North Carolina in 1982.

*Note: Duke Energy has requested a utility easement across Tax Parcel 049-301-23, a parcel on W.T. Harris Boulevard, to provide a back-up power supply to Carolina Healthcare System's University Hospital. The parcel across which the easement has been requested is one on which the County has a reversionary interest in the event that the property is not needed and used by UNCC for the institution. The reverter clause was included in a 1982 deed. Release of the reverter on the approximately .43 acre parcel shown in the attached survey will allow UNCC to grant the easement without triggering the reverter.*

Commissioner Leake removed this item from Consent for more clarity.

**(31) SOLE SOURCE PURCHASE – ELECTION SYSTEMS AND SOFTWARE, INC. – BOARD OF ELECTIONS**

Motion was made by Commissioner Leake seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the purchase of RTAL paper and supplies from Election Systems and Software, Inc. without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(e)(6)

Commissioner Leake removed this item from Consent for more clarity.

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

**(33) TOBY CREEK GREENWAY – PHASE 2 – GRANT CONTRACTS**

Motion was made by Commissioner Leake seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to:

- 1) Recognize, receive and appropriate \$1,810,000 in grant funds.
- 2) Authorize the County Manager to execute three grant contracts for the design and construction of Toby Creek Greenway, Phase 2 for a total amount of \$1,810,000.

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

Director of Park and Recreation Jim Garges addressed this matter prior to the above vote.

**(34) PROCLAMATION – QUEEN CHARLOTTE JUBILEE WEEK**

Motion was made by Commissioner Leake seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to adopt a Proclamation designating June 12, 2011 as Queen Charlotte Jubilee Week.

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

**JUNE 7, 2011**

Chairman Roberts removed this item from Consent for more public awareness.

***Commissioner Dunlap returned to the dais.***

**ADJOURNMENT**

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, 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 9:06 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman