

SEPTEMBER 20, 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, September 20, 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  
General Manager John McGillicuddy  
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, 24, and 26.

*Note: Commissioner Pendergraph noted that he would need to be excused from voting on Item 26 to avoid a conflict of interest. He does consulting work for the Keith Corporation.*

**(2) STAFF BRIEFINGS - NONE**

**(3A, B) CLOSED SESSION - BUSINESS LOCATION AND EXPANSION AND CONSULT WITH ATTORNEY**

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County.

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph 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) Business Location and Expansion and B) Consult with Attorney.

***The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 6:16 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 Leake, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.*

CITIZEN PARTICIPATION

AWARDS/RECOGNITION – NONE

(2) PUBLIC APPEARANCE

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

Michael DeVaul, accompanied by Yolanda Bynum, addressed a literacy enrichment program sponsored by the YMCA called Y Readers. The purpose of Y Readers is to engage children currently performing below grade level in active learning and enrichment that improves literacy skills and self-confidence in the classroom. They thanked the Board for its support of the program.

*A handout was provided to the Board regarding the program, a copy is on file with the Clerk to the Board.*

Cathy Morrison spoke in opposition to the building of an ABC store at Callabridge Court. Ms. Morrison said she was speaking also on behalf of churches in the area and some of the store managers at Callabridge Landing. Ms. Morrison said they were not aware until recently that an ABC store was slated for that area. Per their research, they discovered the property was purchased in November 2001 and notification was posted at that time for 30 days. Ms. Morrison said ten years ago nothing was in that area, thus no one would have seen a sign posted because you couldn't see the property from Mt. Holly-Huntersville Road or Brookshire. She said it was approved in 2002 and the thought by officials in Raleigh was that it would be built right away. Further, that per officials in Raleigh, if a store isn't built right away, the assumption is that the property would remain posted so people would know the intent. Ms. Morrison said that's the assumption, however, it's not a requirement. Ms. Morrison said the posting was taken down apparently after the specified time. Ms. Morrison said one of the concerns is that the property backs up to a McDonald's playground area and a Chick-fil-A, thus it's not conducive for an area where children are. Ms. Morrison said the area has changed since ten years ago and it's not suited for an ABC store at this time.

Chairman Roberts said she would follow up with the ABC Board leadership. She also informed Ms. Morrison that if there were others unable to come to tonight's meeting that they could come in October.

Hewitt Hurst addressed a petition for an easement. Mr. Hurst shared with the Board that his property adjoins the Clarke Creek Greenway. He said his pool and fence encroach upon county property. Mr. Hurst said the pool was installed by the original owner in 1995. As the current owner of the property, he has maintained the county property and stream for the last 14 years. He said the area belonging to the County was approximately 80 sf.

Mr. Hurst said he was told by the County's Real Estate Services department that he needed to remove his pool and fence because of the encroachment. Mr. Hurst said estimates received to remove the pool varied from \$500 to \$1,800.

Mr. Hurst asked the Board to grant him an easement to allow him to keep his pool and fence.

Chairman Roberts informed Mr. Hurst that follow-up would be done with the Real Estate Services department.

**(3A) NOMINATIONS/APPOINTMENTS**

**ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint James Guntrum to the Adult Care Home Community Advisory Committee for a one-year term expiring September 30, 2012.

*He replaces Evelyn Hochstat.*

**BUILDING DEVELOPMENT COMMISSION**

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint John Taylor to the Building Development Commission as the Mecklenburg General Contractors Association representative for a three-year term expiring September 30, 2014.

*He is replaces Will Caulder.*

**CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE**

Motion was made by Commissioner James, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Azania Herron, Jibril Hough, Clara Mayfield, Ruth Stevenson and Rhonda Taylor to the Charlotte-Mecklenburg Community Relations Committee for three-year terms expiring September 30, 2014.

Commissioner James nominated all applicants for appointment consideration to the Charlotte-Mecklenburg Community Relations Committee: Larry Edwards, Edward Mattison, Omar Saxton, Thomas Vinson, and Shari Wright-Harley.

*Note: An appointment will occur on October 4, 2011.*

**HISTORIC LANDMARKS COMMISSION**

Motion was made by Commissioner James, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint David Gieser to the Historic Landmarks Commission to fill an unexpired term expiring July 31, 2012.

*He is replaces Sonya Young.*

**JUVENILE CRIME PREVENTION COUNCIL**

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Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Gwendolyn Hester-Cohen to the Juvenile Crime Prevention Council as the Faith representative for a two-year term expiring September 30, 2013.

**LAKE WYLIE MARINE COMMISSION**

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 Terry Everhart and Howard Virkler to the Lake Wylie Marine Commission for three-year terms expiring September 30, 2014.

Motion was made by Commissioner Clarke, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Lynn Smith to the Lake Wylie Marine Commission for a three-year term expiring September 30, 2014.

**MOUNTAIN ISLAND LAKE MARINE COMMISSION**

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Margaret Morgan to the Mountain Island Lake Marine Commission for a three-year term expiring September 30, 2014.

**NURSING HOME COMMUNITY ADVISORY COMMITTEE**

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, to reappoint Barbara Blakeney, Larry Blakeney, Betty Forehand, Deborah Kennedy, Peco McKoy, Patricia Wilson and Wanda Wilson to the Nursing Home Community Advisory Committee for three-year terms expiring September 30, 2014.

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 Jeffrey Giddens and Carole Gaither to the Nursing Home Community Advisory Committee for three-year terms expiring October 31, 2014.

*Note: The Board exercised the exception provision of its Appointment Policy-Membership Terms and allowed Carol Gaither to be reappointed, since there's a dire need of members on the Nursing Home Community Advisory Committee.*

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Josephine Baker to the Nursing Home Community Advisory Committee for a one-year term expiring September 30, 2012.

*She replaces Lisa Khayyat.*

**TRANSIT SERVICES ADVISORY COMMITTEE**

Commissioner Cooksey nominated all applicants for appointment consideration to the Transit Services Advisory Committee: Marshall Grier & Chris McKillop.

*Note: An appointment will occur on October 4, 2011.*

**WOMEN'S ADVISORY BOARD**

Commissioner Clarke nominated all applicants for appointment consideration to the Women's Advisory Board: Robyn Codrington, Melissa Duscha, Vickie Evans, and Karen Okhoya.

*Note: An appointment will occur on October 4, 2011.*

**(3B) MINT HILL PLANNING BOARD**

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Mr. Roger Hendrix to the Mint Hill Planning Board as an Extraterritorial Jurisdiction Member (ETJ) as recommended by the Town of Mint Hill Board of Commissioners for a term to expire June 30, 2013.

**PUBLIC HEARINGS**

**(4A) GRANT APPLICATION - NCDOT RURAL OPERATING ASSISTANCE PROGRAM**

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open the public hearing to receive comments regarding the Mecklenburg County Department of Social Services submittal of an application for the NC Department of Transportation's Rural Operating Assistance Program for fiscal year 2011-2012.

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

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](mailto:slipscomb@ncdot.gov).*

No one appeared to speak.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the public hearing regarding the Mecklenburg County Department of Social Services submittal of an application for the NC Department of Transportation's Rural Operating Assistance Program for fiscal year 2011-2012 and adopt a Certified Statement for the Mecklenburg County Department of Social Services to submit an application for the NC Department of Transportation's Rural Operating Assistance Program for fiscal year 2011-2012; and recognize, receive and appropriate grant funds of \$416,383 when awarded.

***Certified Statement recorded in full in Minute Book \_\_\_\_\_, Document # \_\_\_\_\_.***

***Commissioner Cogdell returned to the dais.***

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

**MANAGER'S REPORT**

**(6A) PROJECT SEARCH**

The Board received a report on Project SEARCH. Chris Peek, Human Resources Director gave the report. He was joined in the presentation by Patricia Keul, NC Project SEARCH Coordinator, Chris Brigman with InReach, formerly known as Residential and Support Services, and April Root from Central Piedmont Community College.

JoAnna Smith, a participant in the program, thanked the Board on behalf of program participants for providing them with this opportunity. She was accompanied at the podium by her instructor Antavia Cherry.

*Note: Project SEARCH is a nationally recognized program designed to provide education and training to young adults with intellectual and developmental disabilities. This is achieved through an innovative workforce and career development model that benefits the individual, workplace, and community. The primary goal of the program is to secure competitive employment outcomes for each of the student graduates.*

*In January of 2011, Mecklenburg County became the first employer in North Carolina to participate in the Project SEARCH program. Through a partnership with Central Piedmont Community College (CPC), the County provided internships to eight students with intellectual or developmental disabilities. The interns spent a few hours a day in a classroom (provided by the County) and the remainder of the day working in Human Resources creating imaged documents of files. On May 3, this year's participants graduated. Since graduation, one employee has found a permanent position as a Scanner with a local business.*

Commissioner Cooksey noted for information purposes that the federal government has a program where they set aside particular contracts for companies that are called NISH contractors. He said they mainly employed disabled adults with all kinds of disabilities.

Commissioner Cooksey suggested the County, in addition to some of the other socio-economic goals it has with some of its contracting, consider looking at some contracting opportunities that might include companies that focus on hiring folks with disabilities to provide them with job opportunities.

Chairman Roberts thanked the presenters for the presentation and commended the program participants.

***A copy of handouts regarding the program is on file with the Clerk to the Board.***

**STAFF REPORTS AND REQUESTS**

**(7A) BUSINESS INVESTMENT PROGRAM GRANT: TIME WARNER CABLE, PHASE 3**

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 a resolution approving a Business Investment Program Grant (BIP) to Time Warner Cable for Phase 3 expansion.

*Note: Time Warner officials have now announced another expansion in Charlotte, known as Phase 3, with an estimated new investment of \$180 million and 225 jobs. Phase 3 consists of 2 projects:*

- *A consolidated data center with a total capital investment of \$150 million and 25 new jobs. This will take the place of smaller data centers spread out across Time Warner's operational footprint.*
- *A 105,000 square foot office building to house corporate Accounting, Human Resources and Information Technology functions. This represents a capital investment of \$30 million and will create 200 new jobs.*

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

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

**(8A) POLICY-PROCEDURES REGARDING AGENDAS FOR REGULAR BUSINESS MEETINGS – COMMISSIONERS COGDELL, BENTLEY, & COOKSEY**

Commissioner Harold Cogdell presented a proposed change in the Board's Policy entitled: Procedures Regarding Agendas for Regular Business Meetings of the Board of County Commissioners. Commissioners Bentley & Cooksey co-sponsored the item and spoke briefly regarding the purpose.

*The following was noted: During the course of the last several months different Commissioners have individually placed items on the Board of County Commission Regular Business meeting agenda that provide a vague or non-particularized description of the subject(s) to be discussed. In some instances, the subject matter discussed by individual Commissioner agenda items did not relate to any function or operation of Mecklenburg County Government nor did the subject matter relate to any county government or BOCC policy. Additionally, on many occasions, the individual Commissioner agenda items did not request the Board take or even consider taking any action. The result has been less time spent on the core business functions of county government and more opportunities to engage in contentious dialogue or offer opinions about subject matters that would otherwise not come before the Board of County Commission for consideration.*

The proposed changes were as follows:

**Section 2. Agenda items submitted by Commissioners can ONLY be accepted by the Clerk if submitted by three (3) or more Commissioners all of whose names must appear on the Action Item as either submitting the item or approving its submittal.**

**Exception: The Commission Chairman is entitled to submit agenda items without the approval of any other Commissioners and without any other Commissioners' names**

appearing on the Agenda item as co-submitters.

3. **Agenda items submitted by Commissioners must specify the topic or topics and any requested action or actions in sufficient detail that the public and other Commissioners will have a general understanding of what is to be discussed and requested.**
4. **The maximum time allocated during a meeting for each Commissioner to present an agenda item submitted by that Commissioner that does not request action by the Board is three (3) minutes. For example, if three (3) Commissioners submit an agenda item that does not request action, each Commissioner submitting the item would have three (3) minutes to present that agenda item. If just the Chairman put an item on the agenda that does not request action by the Board, the Chairman would have three (3) minutes to present the agenda item.**
7. Nominations to advisory committees shall appear, as appropriate, on the agenda for the second regular business meeting of each month; and appointments will be made at the first regular business meeting of each month; **however, the Board reserves the right to deviate from this schedule as noted in the Procedures for Advisory Board Appointments Policy.**

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey, to adopt revisions to the Board's Policy entitled: Procedures Regarding Agendas for Regular Business Meetings of the Board of County Commissioners.

#### Comments

Commissioner Dunlap said as a District representative, District Three, he did not feel it was necessary for him to have the consent of other commissioners to place matters on the agenda relative to the concerns of District Three.

Commissioner Dunlap said he felt the proposed change was too restrictive in terms of commissioners only having three minutes to address an issue.

Commissioner Dunlap said he understood what the presenters were attempting to do but felt this was not the way to do it.

Commissioner Cooksey said his intent with respect to the three minutes was not to say that each commissioner had to have three minutes but that the total time devoted to the issue would be nine minutes. He said the commissioners who sponsor an item could give all of the time to one commissioner.

Commissioner Leake spoke in opposition to the proposed policy change, which she said restricts a district commissioner's ability to speak about their work within their district.

Commissioner Leake said it was not "fair" to her or the community with respect to the proposed policy, to say that she's taking up Board time when talking about people and issues in her district.

Commissioner Leake asked if the proposed policy went through the Board's committee process.

Commissioner Leake said she viewed the proposed policy as a means to "shut her down" and "keep her from talking." Commissioner Leake said as long as she represented District Two, she was going to talk about the issues of the district because she had that "right. "

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Commissioner Bentley took issue with Commissioner Leake's comments and said the intent was not to "discriminate" against her or limit her speech. Commissioner Bentley said the purpose of the proposed change was to bring order to the Board's meeting, to move the meeting along, and to allow Commissioners to have appropriate access to an agenda item with background and justification for meeting purposes.

Chairman Roberts addressed process with respect to the item and referenced the Board's committee process, which she said the item did not go through.

Chairman Roberts said she would have felt better about this matter if it had gone through committee, as well as, received input from staff.

Chairman Roberts said she also felt the three minute limit was out of order and unnecessary.

Commissioner Cooksey said taking this action was well within the outlines of what's provided for in Roberts Rules of Order.

Commissioner Cooksey said there was nothing to his knowledge that requires a motion to go through a Board committee before it comes to the Board.

The vote was then taken on the motion as follows:

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey and carried 6-3 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Pendergraph voting yes and Commissioners Dunlap, Leake and Roberts voting no, to adopt revisions to the Board's Policy entitled: Procedures Regarding Agendas for Regular Business Meetings of the Board of County Commissioners, as presented by Commissioners Cogdell, Bentley, and Cooksey, effective immediately.

Revisions

**Section 2. Agenda items submitted by Commissioners can ONLY be accepted by the Clerk if submitted by three (3) or more Commissioners all of whose names must appear on the Action Item as either submitting the item or approving its submittal.**

**Exception: The Commission Chairman is entitled to submit agenda items without the approval of any other Commissioners and without any other Commissioners' names appearing on the Agenda item as co-submitters.**

- 3. Agenda items submitted by Commissioners must specify the topic or topics and any requested action or actions in sufficient detail that the public and other Commissioners will have a general understanding of what is to be discussed and requested.**
- 4. The maximum time allocated during a meeting for each Commissioner to present an agenda item submitted by that Commissioner that does not request action by the Board is three (3) minutes. For example, if three (3) Commissioners submit an agenda item that does not request action, each Commissioner submitting the item would have three (3) minutes to present that agenda item. If just the Chairman put an item on the agenda that does not request action by the Board, the Chairman would have three (3) minutes to present the agenda item.**
- 7. Nominations to advisory committees shall appear, as appropriate, on the agenda for the second regular business meeting of each month; and appointments will be made at the first regular business meeting of each month; however, the Board reserves the right to deviate from this schedule as noted in the Procedures for Advisory Board Appointments Policy.**

**Revised policy recorded in full in Minute Book \_\_\_\_\_, Document \_\_\_\_\_.**

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

CONSENT ITEMS

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

**(9) PURCHASE CONTRACT – TUB GRINDERS**

Authorize the County Manager to negotiate and execute a one-time contract for the purchase of two Tub Grinders for a total amount of \$1,175,602 to the following lowest responsible bidder: H&E Equipment \$1,175,602.

**(10) PROCLAMATION – FAMILY DAY**

Adopt a proclamation designating September 26, 2011 as Family Day – A Day to Eat Dinner with Your Children.

*Note: The National Center on Addiction and Substance Abuse (CASA) at Columbia University has requested support of the proclamation. According to CASA, in 2010, the President, all 50 Governors and the Mayors and Executives of more than 1,000 cities and counties across the nation proclaimed and supported Family Day – A Day to Eat Dinner with Your Children™. The National Center on Addiction and Substance Abuse (CASA) at Columbia University launched Family Day in 2001 after CASA's research consistently found that, the more often children eat dinner with their parents, the less likely they are to smoke, drink or use illegal drugs. The fourth Monday of September is the designated day of recognition. Upon adoption, the proclamation will be forwarded to The National Center on Addiction and Substance Abuse (CASA) at Columbia University, per its request.*

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

**(11) PROCLAMATION – SENIOR CENTER MONTH**

Adopt a proclamation designating September 2011 as Senior Center Month in Mecklenburg County.

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

**(12) PROCLAMATION – BIG SWEEP**

Adopt a joint proclamation designating Saturday, October 1, 2011 as BIG SWEEP Day in Charlotte and Mecklenburg County.

*Note: BIG SWEEP is an annual, statewide event held on the first Saturday in October that calls volunteers to action to remove trash and debris from creeks, lakes and rivers. For the past 18 years, Mecklenburg County has been an active participant in this event, which has involved thousands of volunteers in the removal of more than 160,000 pounds of trash from our waterways.*

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

**(13) REPORT OF SETTLEMENT OF LAWSUIT**

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Receive as information that Mecklenburg County, a political subdivision of the State of North Carolina v. Schenkel & Shultz, Inc., HDR Architecture, Inc., Kallmann McKinnell & Wood Architects, Inc., and Schenkel Shultz/HDR/Kallmann McKinnell & Wood Architects Inc., a Joint Venture, in the General Court of Justice, Superior Court Division, Mecklenburg County, Case Number: 10-CVS-16383 was settled with defendant Kallmann McKinnell & Wood Architects, Inc.

***Agreement recorded in full in Minute Book \_\_\_\_\_, Document # \_\_\_\_\_.***

**(14) DESTRUCTION OF DOCUMENTS – DSS**

Approve the destruction of records by the Department of Social Services in accordance with State requirement and applicable County policy.

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

**(16) TAX REFUNDS**

Approve refunds in the amount of \$4,054.42 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

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

**(19) LAND EXCHANGE – HILLSIDE RESIDENTIAL, LLC**

Adopt a resolution of intent to exchange a portion of County owned Tax Parcel 151-112-01 (+/- 20,461 SF) for a portion of Tax Parcel 151-113-72 (+/- 20,477 SF) owned by Hillside Residential, LLC along Little Sugar Creek.

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

**(20) LAND CONVEYANCE TO CITY OF CHARLOTTE**

Approve conveyance of a portion of Tax Parcels 229-011-30 (+/- 5,156 SF), 229-041-07 (+/- 3,262 SF), and 229-041-39 (+/- 3,778 SF) to the City of Charlotte to facilitate road improvements to Community House Road.

**(21) BUDGET AMENDMENT – STRUCTURED DAY PROGRAM (REVENUE INCREASE)**

Recognize, receive and appropriate \$39,078 in additional State funding for the Structured Day Program.

*Note: Funds will be used to purchase bus passes for transportation for Structured Day participants. The Structured Day Program (SDP) is a day-reporting center for probationers residing in Mecklenburg County.*

**(22) CONTRACT AWARD - FUEL SUPPLIES, FLEET CARDS AND RELATED SERVICES**

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- 1) Award the low bid unit price contract to FleetCor Technologies Operating Company, LLC d.b.a Fuelman of GA for the purchase of Fuel Supplies, Fleet Cards and related Services for a period of five years; and
- 2) Authorize the County Manager to extend the contract for two additional, two-year terms with possible price adjustments at the time of renewal as authorized by the contract.

**(23) REVISION TO LUESA FEE ORDINANCE – SECOND READING**

Amend the LUESA Fee Ordinance to delete the charge for seminars sponsored by the Department.

*Ordinance Amendment recorded in full in Minute Book \_\_\_\_\_ Document # \_\_\_\_\_.*

**(25) TEMPORARY LABOR CONTRACTS**

Approve Temporary Labor Agreements with five vendors at an average cost of \$.84 million per year for three years.

*Note: The vendors are Adecco, Goodwill, CareerMatch, Metro Staffing and Solutions Staffing.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**(15) GRANT APPLICATION – DOMESTIC VIOLENCE PUBLIC AWARENESS**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the submission of a grant application for funding in the amount of \$5,000 from the Justice Initiatives, Inc; and if awarded, recognize, receive and appropriate such funds.

*Note: The requested funding will allow Mecklenburg County Community Support Services Department Women’s Commission Division to partner with local news media and other organizations to provide an array of public awareness activities in 2012 that increase knowledge about signs and symptoms of domestic violence and educate the community about community resources available to respond.*

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

**(17) SOLE SOURCE PURCHASE – SHOWER DOORS – SHERIFF’S OFFICE**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the purchase of Cornerstone Institutional shower doors and frames for maximum security pods without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(e)(6); and approve a contract with Cornerstone Institutional, LLC for the purchase of custom build shower doors and frames in the amount of \$50,300.

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

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

**(18) REIMBURSEMENT – PARK AND RECREATION, SEAN CLARK MEMORIAL GARDEN**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate \$11,465 reimbursement for cost incurred to construct the Sean Clark Memorial Garden at Blythe Landing.

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

***Commissioner James returned to the dais.***

**(24) TRANSPORTATION CONTRACTS**

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve DSS Transportation Agreements with Five Vendors (A1 Wheelchair, AA Prestige, Checkered Flag, City Cab and Royal) at a cost of \$7.51 million per year for three years.

*Commissioner Cooksey removed this item from Consent for more public awareness and clarity. General Manager McGillicuddy addressed the contract and the services that would be provided.*

**(26) FACILITIES MAINTENANCE SERVICES CONTRACTS**

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to excuse Commissioner Pendergraph from voting on Item 26 – Facilities Maintenance Services Contracts to avoid a conflict of interest.

*Note: Commissioner Pendergraph indicated previously that he would need to be excused from voting on Item 26 – Facilities Maintenance Services Contracts to avoid a conflict of interest. Commissioner Pendergraph is a consultant for the Keith Corporation.*

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

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and carried 6-1 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, and Roberts voting yes and Commissioner Leake voting no, to approve Facilities Maintenance Services Agreements with Keith Corporation at a cost of \$5.7 million per year for three years.

*Commissioner Leake removed this item from Consent for more public awareness and for clarity regarding Commissioner Pendergraph's association with the Keith Corporation, which she said was a concern expressed to her. She also asked about the amount of the contract and the bidding process. General Manager McGillicuddy and Bill Battaile with Information Services and Technology addressed this matter.*

*Attorney Bethune noted that Commissioner Pendergraph had indicated in the past that he was a consultant with the Keith Corporation and likewise had asked to be excused from voting.*

*Commissioner Cooksey asked about the savings associated with the contract which was addressed.*

*Commissioner James said he would be interested in knowing who Charlotte-Mecklenburg Schools*

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*and Central Piedmont Community College selected and how their rates compare to that of the County.*

**ADJOURNMENT**

Motion was made by Commissioner Cooksey, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:15 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman