

OCTOBER 4, 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, October 4, 2011.

ATTENDANCE

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

Absent: None

-INFORMAL SESSION-

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

(1) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 9, 14, 15, 16, 17, 18, & 25.

(2) STAFF BRIEFINGS - NONE

(3A) CLOSED SESSION – CONSULT WITH ATTORNEY

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

- Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County
- Mecklenburg County, a political subdivision of the State of North Carolina v. Schenkel & Shultz, Inc., HDR Architecture, Inc., Kallmann McKinnel & Wood Architects, Inc., and Schenkel Shultz/HDR/Kallmann McKinnel & Wood Architects Inc., a Joint Venture

Motion was made by Commissioner Pendergraph, seconded by Commissioner Cogdell 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 purpose: A) Consult with Attorney.

The Board went into Closed Session at 5:16 p.m. and came back into Open Session at 5:55 p.m.

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

-FORMAL SESSION-

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

CITIZEN PARTICIPATION

AWARDS/RECOGNITION

(1A) IKEA GRANT

The Board recognized IKEA for its community grant to provide child-friendly furniture for the County's Child Support Enforcement Department (CSE) office.

Brian Gott, Resource Development Coordinator with Public Service and Information presented the matter to the Board. He was joined at the podium by Sophia Hollingsworth, Citizens Involvement Coordinator and Jacqueline DeChamps with IKEA. Ms. DeChamps thanked the Board, on behalf of IKEA, for the opportunity to participate.

(2) PUBLIC APPEARANCE

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

Cathy Morrison spoke in opposition to the building of an Alcoholic Beverage Store at Callabridge Court. She presented a petition with signatures of others opposing the building of the ABC Store. She also presented a sketch of the area and pictures.

A copy of the petition, sketch, and pictures is on file with the Clerk to the Board.

Chairman Roberts informed Ms. Morrison that per follow-up with the Alcoholic Beverage Control Board, proper procedures were followed with respect to this site being slated for an ABC Store. Chairman Roberts said local ABC Board officials indicated that they would speak with the residents in the area.

(3) APPOINTMENTS

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Community Relations Committee:

ROUND ONE

Larry Edwards	None
Edward Mattison	Commissioners Cooksey, James, Leake, and Roberts
Omar Saxton	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts
Thomas Vinson	Commissioners Clarke and Leake
Shari Wright-Harley	Commissioner Bentley

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ROUND TWO

Larry Edwards
Edward Mattison

None
Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap,
James, Leake, Pendergraph, and Roberts
Voting Ceased

Thomas Vinson
Shari Wright-Harley

Chairman Roberts announced the appointment of Omar Saxton to the Charlotte-Mecklenburg Community Relations Committee for a three-year term expiring September 30, 2014 and Edward Mattison to fill an unexpired term expiring July 2, 2014.

They replace Demario Baker and Shay Merritt.

TRANSIT SERVICES ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Transit Services Advisory Committee:

Marshall Grier Commissioners Bentley, Dunlap, Leake, and Roberts
Chris McKillop Commissioners Clarke, Cogdell, Cooksey, James, and Pendergraph

Chairman Roberts announced the appointment of Chris McKillop to the Transit Services Advisory Committee to fill an unexpired term expiring February 3, 2013.

He replaces Edward Jernigan.

WOMEN'S ADVISORY BOARD

The vote was taken on the following nominees for appointment to the Women's Advisory Board:

Robyn Codrington None
Melissa Duscha Commissioners Bentley, Clarke, Cogdell, Dunlap, James,
Pendergraph and Roberts
Voting Ceased

Vickie Evans
Karen Okhoya

Chairman Roberts announced the appointment of Melissa Duscha to the Women's Advisory Board to fill an unexpired term expiring April 30, 2012.

She replaces Heather McCullough.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER'S REPORT

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County Manager Jones noted the following as an FYI:

- Each of the County's rating agencies have reaffirmed the County's Triple A Bond rating
- The Special Obligation Bonds for the Foxhole Landfill received a Double A Plus rating
- On Thursday, October 6, 2011 the Annual Employee Appreciation Day will be at Freedom Park from 10:00 a.m. – 3:00 p.m. Commissioners were invited.

STAFF REPORTS AND REQUESTS

(7A) BALLANTYNE INFRASTRUCTURE REIMBURSEMENT AGREEMENT

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 approving an Interlocal Agreement with the City of Charlotte that will require the County to pay 45% of the incremental County property taxes from the Ballantyne Synthetic TIF Zone to the City over 15 years to, in essence, reimburse the developer for certain public improvements in and around Ballantyne Corporate Center.

Resolution recorded in full in Minute Book ____ Document # ____.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) ACC FOOTBALL CHAMPIONSHIP – COMMISSIONER COGDELL

Commissioner Cogdell presented a request to fund Charlotte Collegiate Football, Inc. for the ACC Football Championship. The following was noted:

When Charlotte initially submitted its bid to host the game several years ago, the County agreed to provide a \$250,000 sponsorship, and the Charlotte Regional Visitors Authority (CRVA) a \$200,000 sponsorship. The County's subsequent budget difficulties made that sponsorship impossible, and last year, the CRVA provided the entire \$450,000. According to Visit Charlotte the direct visitor spending was approximately \$9,030,441 and the overall economic impact was \$13,545,600. The 2011 ACC Football Championship will be broadcast live on ESPN in primetime on December 3, 2011 at 8pm. Last year the ACC Football Championship game was a sellout and viewed by millions of Americans. The source of funding for this request is unused funds from Economic Development Grants. This year, due to increased costs, the game organizers are seeking a total of \$500,000. CRVA is not in a position to fund more than \$250,000 this year, thus the request to the County for \$250,000.

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Pendergraph voting yes and Commissioners James and Roberts voting no, to direct the County Manager to appropriate \$250,000 from the FY12 Economic Development Grants Fund to Charlotte Collegiate Football, Inc. for the ACC Football Championship.

Note: Chairman Roberts noted that her vote in opposition was due to this allocation being done outside of the normal budget process.

(8B) POLICY AND PROTOCOL FOR BOARD-EMPLOYEE RELATIONS – CHAIRMAN ROBERTS

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Chairman Roberts presented a proposed policy and protocol for Board-employee relations. The following was noted:

In August, 2011 County Manager Harry Jones asked her for assistance in working with the Board on a policy and protocol for managing investigations and remedies regarding employee complaints of harassment by a member of the Board of County Commissioners or a member of a board or commission appointed by the Board of County Commissioners. Chairman Roberts said she agreed to bring forward to the Board a policy and protocol developed by staff and endorsed by the County Manager.

Chairman Roberts said the proposed policy was not related to any incident, that this was something that's been in the making for quite awhile and was only applicable going forward.

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke, to approve a policy and protocol for managing investigations and sanctions regarding employee complaints of harassment by a member of the Board of County Commissioners or a member of a board or commission appointed by the Board of County Commissioners.

Commissioner Clarke asked for clarity on what was meant by harassment because it was not defined in the policy.

Chris Peek, Human Resources Director, read the definition as defined in the County's Human Resources Policy.

Definition of Harassment:

Harassment other than sexual, is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, religion, gender, national origin, age, disability, sexual orientation or political affiliation, which has the purpose or effect of creating an intimidating, hostile, or offensive work environment or interferes with an individual's work performance or otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, disability, sexual orientation or political affiliation. Written or graphic material which denigrates or indicates hostility or aversion toward an individual or group is prohibited from display on the employer's premises, or circulation in the workplace.

Commissioner Clarke offered a friendly amendment, which was accepted by the maker of the motion, to include the second definition of harassment as read by Director Peek and included in the County's Human Resources Policy, in the proposed policy and protocol for Board-employee relations.

Commissioner Cooksey asked for clarity on when something would come to Board and the amount of discretion the County Manager would have.

Director Peek explained the process. He said every case was different, as well as, the actions. He said in some cases repeated actions can create a hostile environment. He said Human Resources collects information from both sides or parties and tries to reconcile those facts to see if they line up. The information is then presented to the County Manager, at which time he would have to make a decision.

Director Peek said the intent of the policy was to prevent it from happening and if it does, to keep it from reoccurring.

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Commissioner Cooksey asked was it correct to say that if the employee was okay with whatever resolution was worked out then the matter basically drops. *Director Peek said that was correct, it would end at that point.*

Commissioner Leake said her concern was that what's perceived by one individual as harassment may not be perceived the same by someone else.

Commissioner Leake said it was important that harassment be defined and that both parties be interviewed to have their side heard.

Director Peek said it was part of the normal process for both parties to be interviewed. Further, that there's no assumption of "guilt" when approaching the interview process.

Commissioner James said even though the proposed policy may not be related to any particular incident, that the County Manager did confirm that incidents had happened recently.

Chairman Roberts clarified that the proposed policy was not related to any specific incident or incidents, that it's a tool for the County Manager going forward.

Commissioner Cooksey offered a friendly amendment, which was accepted by the makers of the motion to include both definitions of harassment as read by Director Peek and included in the County's Human Resources Policy, in the proposed policy and protocol for Board-employee relations.

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

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve a policy and protocol for managing investigations and sanctions regarding employee complaints of harassment by a member of the Board of County Commissioners or a member of a board or commission appointed by the Board of County Commissioners, as amended to include the definitions of harassment as outlined in the County's Human Resources Policy.

Policy recorded in full in Minute Book _____ Document #_____.

EEG COMMITTEE REPORT presented by Commissioner Dunlap, chairman of the Board's Effective and Efficient Government Committee.

(8A1) POLICY AMENDMENT - COUNTY MANAGER'S AUTHORITY-NEGOTIATED SEPARATION

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Pendergraph and Roberts voting yes and Commissioners Cooksey and Leake voting no, to approve revisions to the Human Resources Policy as recommended by the Effective & Efficient Government Committee (EEG) regarding the County Manager's authority for negotiated separation, which would read as follows:

COUNTY MANAGER'S AUTHORITY

Sections II through XI comprise the Mecklenburg County Human Resources Policy and Procedures as authorized by the County Manager pursuant to G.S. 153A-82, which outlines the powers and duties of the County Manager.

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As part of this authority, the County Manager establishes and administers Human Resources Policy and Procedures, either directly or through designee.

The County Manager shall direct and supervise the administration of all County offices, departments, boards, commissions and agencies under the general control of the Board of Commissioners, subject to the general direction and control of the Board.

This includes the County Manager's authority to appoint and remove subordinate officers, agents and employees for the general administration of County affairs. It also provides the County Manager authority to reorganize and/or restructure County offices, departments, boards, commissions and agencies under the general control of the Board of Commissioners, including the assignment and reassignment of filled and/or vacant positions authorized by the Board.

Revision:

When he concludes it is in the best interests of the County, the County Manager is also authorized to negotiate resignation and transition agreements for any employee who serves in a position that is at or above the level of director of a County department or agency. The compensatory value of any such agreement shall not exceed 50% of the employee's total annual compensation¹, in addition to those benefits payouts authorized for all separating employees. The County Manager shall notify the Board prior to the execution of any such agreement. The County Manager must receive Board approval for any exceptions to this provision.

Without approval from the Board of County Commissioners, the County Manager may not exercise this authority in combination with his authority under the Board's Settlement Resolution.

Note: Commissioner Cooksey said he could not support the motion because he'd like the Board to be notified in advance of the County Manager taking action, to allow the Board an opportunity to weigh in on that decision.

Commissioner Leake said she could not support the motion because she was still not clear on what it meant.

Policy amendment recorded in full in Minute Book _____, Document # _____.

(8A2) POLICY AMENDMENT - EMPLOYEE SEPARATION: PAY PLAN

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 revisions to the Human Resources Policy as recommended by the Board's Effective & Efficient Government Committee (EEG) relating to Employee Separation: Pay Plan, to specify that the County Manager must follow the guidelines set forth by the Board consistent with approved policy, unless an exception is recommended by the County Manager and approved by the Board, which would read as follows: .

CLASSIFICATION AND COMPENSATION

The County maintains a Classification System for budgeted positions as approved by the BOCC. The Classification System shall include all full-time, part-time, and temporary positions defined as follows:

1. Full-time - Positions scheduled to work an average of 40 (or more) hours per week during a 52 week period.
2. Part-time - Positions scheduled to work less than 40 hours per week during a 52 week period.

3. Temporary - Positions limited to 1,039 hours during a fiscal year.

(State law reference - Authority to adopt position classification plan G.S. 153A-92(a)).

Revised: July 11, 1994

RESPONSIBILITY

The Human Resources Director, with the approval of the County Manager, is responsible for the administration and maintenance of the Classification System.

(State law reference - Responsibility of County Manager relative to position classification plan, G.S. 153A-92(e)).

PAY PLAN

The BOCC has the responsibility and authority to establish and maintain a County pay plan. Each year during the adoption of the budget, the BOCC will review the status of the pay plan and consider any necessary amendments. The County Manager is authorized to revise the pay plan, as appropriate, during the fiscal year within the funds allocated in the budget. The County Manager is authorized to develop and implement salary administration procedures in support of the pay plan. The County Manager is authorized to approve starting salaries without prior approval of the BOCC.

Revision:

The County Manager will use discretion when finalizing employee terminations but will not deviate from guidelines set forth by the Board of County Commissioners.

Policy amendment recorded in full in Minute Book _____, Document # _____.

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

(8A3) POLICY AMENDMENT - EMPLOYEE SEPARATION: VACATION AND SICK LEAVE

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve revisions to the Human Resources Policy as recommended by the Effective & Efficient Government Committee (EEG) relating to Employee Separation: Vacation & Sick Leave, to specify that County employees will be paid a separation package equal to the eligible benefits accrued consistent with County policy, which would read as follows:

VACATION

Vacation accrues from the first day of service and is authorized for use by all regular employees from the first day of employment. Temporary employees are not eligible for vacation benefits. Maximum accrual of benefits is based on the employee's normal schedule.

Regular employees accrue vacation on a bi-weekly basis determined by the length of service (aggregate date in the retirement system or qualifying County service date). The accrual rate is as follows:

Length of Service	Approximate Hours Per Annum	Hours Earned Per Regularly
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	(40 Hour Week)	Scheduled Hours Worked
Under 2 years	80	.03847
2 - 5 years	96	.04616
5 - 10 years	120	.05770
10 - 15 years	144	.06924
15 - 20 years	168	.08077
Over 20 years	192	.09231

Vacation leave accrued in excess of 30 days or 240 hours during a calendar year will be converted to sick leave at the end of each calendar year.

Employees who leave the County employment will be paid for accrued vacation time up to a maximum of 240 hours.

Revision:

Any exceptions to the policy must be approved in advance by the Board of County Commissioners.

Four hours of vacation leave shall be awarded to the accumulated benefit of the regular full-time employee who does not use sick leave and/or LWOP for a period of seven consecutive pay periods. A regular part-time employee will receive the corresponding percentage of vacation leave.

SICK LEAVE

Sick leave with pay is designed to provide regular full-time and part-time employees with some measure of relief from the financial burdens caused by loss of earnings during periods of personal illness. Sick leave is not intended to provide time off for recreation, personal reasons, or to extend vacations. Temporary employees are not eligible for sick leave benefits.

The following policies govern sick leave:

1. Regular full-time and part-time employees accrue sick leave bi-weekly at a rate of .04615 hours per each regularly scheduled hour worked. For a regular 40 hour per work week schedule, this equals 96 hours per year. There is no maximum accrual limit.
2. Individuals employed by the County from another government jurisdiction who have creditable service in the NCLGERS are eligible to have up to 96 hours of earned unused sick leave transferred to the County.
3. Sick leave may be used for the illness of the employee or the employee's immediate family from the first day of employment.
4. When an employee separates from the County, the employee will be paid for 25% of all remaining accrued sick leave. If the employee is leaving employment due to a medical disability and the employee's physician has stated in writing that the employee will be incapacitated for a period of time that will exceed the number of accrued sick days, the employee may be paid for 100% of the accrued sick leave.

Revision

Any exceptions to the policy must be approved in advance by the Board of County Commissioners.

Prior to the above vote, Commissioner Pendergraph expressed concern for those employees that may have more than 240 hours of vacation at the time of their retirement and questioned whether the proposed policy change would prohibit that employee from being paid those earned hours.

Commissioner Dunlap said that could still be accomplished with the amended policy.

Policy amendment recorded in full in Minute Book _____, Document # _____.

Commissioner Cooksey returned to the dais.

(8A4) SETTLEMENT LIMIT POLICY

Motion was made by Commissioner Pendergraph, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, **to approve the Settlement Limit policy** recommended by the Effective and Efficient Government Committee (EEG) regarding the limit associated with the County Manager's authority consistent with the Settlement Resolution which would read **as follows:**

SETTLEMENT LIMIT POLICY

Board Policy establishing the settlement limit associated with the County Manager's authority consistent with the Settlement Resolution.

Under the settlement authority provided to the County Manager by the Settlement Resolution adopted by the Board of County Commissioners, the Manager shall not exceed the maximum authorized settlement amount for any individual or entity applicable to the Settlement Resolution, without the approval of the Board of County Commissioners. In addition, without approval from the Board of County Commissioners, the County Manager may not exercise this authority in any instance where he or she has exercised or is exercising the County Manager's authority to negotiate a resignation and transition agreement with the same individual under the provisions of the Mecklenburg County Human Resource Policy.

Policy recorded in full in Minute Book _____, Document # _____.

CONSENT ITEMS

Note: Commissioner Cooksey noted that he did not wish to remove Item 9 as indicted earlier.

Motion was made by Commissioner Pendergraph, seconded by Commissioner James 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 meetings held September 20, 2011 and September 7, 2011 and Closed Session held August 2, 2011.

(10) PROCLAMATION – SUBSTANCE ABUSE AWARENESS MONTH

Adopt a joint proclamation designating October, 2011 as Substance Abuse Awareness Month.

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

(11) DESTRUCTION OF DOCUMENTS – TAX ASSESSOR'S OFFICE

Approve the disposal/destruction of tax assessment documents in accordance with North Carolina Records Retention and Disposition Schedule.

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

(12) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION – 3103 CULLMAN AVENUE

1. Accept the “Offer of Sale of Land” from No Da Arts, LLC, owner of property at 3103 Cullman Avenue (Tax Parcel 08303116) for \$482,000.
2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

Note: This acquisition is a continuation of ongoing flood mitigation efforts. The requested action will consist of acquisition and demolition of the existing structure. This voluntary acquisition will mitigate future flood loss and increase open space plus provide opportunities to improve water quality through stream restoration and water quality features.

(13) TAX REFUNDS

Approve refunds in the amount of \$31,249 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) SET PUBLIC HEARING – PRELIMINARY STREET LIGHTING ASSESSMENTS

Adopt a resolution of the Preliminary Assessment Roll for the operating cost of street lights and set a public hearing on November 1, 2011 on Street Lighting Preliminary Assessment Roll for the Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions.

Resolutions recorded in full in Minute Book _____ Documents # _____, _____, _____, _____, _____, _____, _____, _____ and _____.

(20) ANNEXATION OF COUNTY PROPERTY BY THE TOWN OF CORNELIUS

Authorize the County Manager to execute a petition for voluntary annexation of the following County owned properties into the Town of Cornelius:

- (1) Tax Parcel 001-821-19 (+/- 1.356 acres)
- (2) Tax Parcel 001-821-21 (+/- 6.061 acres)
- (3) Tax Parcel 001-821-22 (+/- 1.884 acres)
- (4) Tax Parcel 001-821-23 (+/- 10.640 acres)
- (5) Tax Parcel 001-821-25 (+/- 3.877 acres)
- (6) A portion of Tax Parcel 005-071-12 (+/- 55.179 acres)
- (7) A portion of Tax Parcel 005-071-88 (+/- 2.146 acres)
- (8) A portion of Tax Parcel 005-071-90 (+/- 0.353 acres)

Note: The Town of Cornelius has asked that the County approve the voluntary annexation of these parcels, totaling +/- 81.496 acres. The Town hosts many events at the parks and would like the property annexed into the Town because of the added municipal services that come with properties that are inside of the corporate limits. In particular, the Town is interested in the improved police response time the area will receive if it covered by the Town of Cornelius' Police Department. There would be no adverse consequences to the County created by such an

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annexation, and the County has historically honored such requests from the City and Towns.

(21) PIEDMONT NATURAL GAS UTILITY EASEMENTS

(1) Grant a 50' wide easement on County owned Tax Parcel #211-602-99 to Piedmont Natural Gas for the relocation and maintenance of a natural gas pipeline.

(2) Release a 50' wide easement on County owned Tax Parcel #211-602-99 (+/- 16,332 SF) previously granted to Piedmont Natural Gas.

(3) Recognize \$35,500 from Piedmont Natural Gas as compensation for an easement on County owned Tax Parcel #211-602-99 and appropriate \$10,000 of that amount for land and property management associated costs with the remaining \$25,500 appropriated to the County's Pay-As-You-Go fund for capital projects.

(22) LAND EXCHANGE – HILLSIDE RESIDENTIAL, LLC

Adopt a resolution authorizing the exchange of 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.

Note: Hillside Residential, LLC proposes exchanging a portion of Tax Parcel 151-113-72 (+/- 20,477 SF) for a portion of County owned property (Tax Parcel 151-112-01, +/- 20,461 SF) at the intersection of Hillside Avenue and Willow Oak Road. In exchange for the Hillside Avenue property, the County will obtain a portion of Tax Parcel 151-113-72 which is along Little Sugar Creek and will add to greenway assemblage. The developer wishes to obtain the County owned property to have road frontage on Hillside Avenue for a planned subdivision.

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

(23) GREENWAY DONATION – COFFEY CREEK

Accept donation of a portion of Tax Parcel #201-301-11 (+/- 3.5 acres) from Grove Associates Limited Partnership on Coffey Creek.

(24) ENERGY SERVICE COMPANY – NOTICE OF PROPOSED AWARD

Approve publication of a Notice of proposed award of a Guaranteed Energy Savings Contract to Ameresco, Inc. for work at Jail Central and Jail North.

(26) JOINT PROCLAMATION – CAROLINA LIGHTNIN' DAY

Adopt a joint proclamation designating October 15, 2011 as Carolina Lightnin' 1981 ASL Championship 30th Anniversary Reunion Day in Charlotte/Mecklenburg County.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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(14) BUDGET AMENDMENT – DSS (REVENUE INCREASE) – NC HEALTH CHOICE PROGRAM

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate additional revenue of \$5,288 to reflect actual State and Federal allocations for the Department of Social Services.

Note: The North Carolina Division of Medical Assistance is providing additional funding for the administration of the NC Health Choice program above originally budgeted funds. This funding source provides for the administration of this program to provide medical insurance to children that do not qualify for Medicaid.

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

(15) BUDGET AMENDMENT – DSS (REVENUE INCREASE) – ADULT DAY CARE SERVICES

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 recognize, receive and appropriate additional revenue of \$247,607 to reflect actual State and Federal allocations for the Department of Social Services, Adult Day Care Services.

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

(16) BUDGET AMENDMENT – DSS (REVENUE INCREASE) – AGING AND ADULT SERVICES

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 recognize, receive and appropriate additional revenue of \$27,968 to reflect actual State and Federal allocations for the Department of Social Services for Aging and Adult Services.

Note: The North Carolina Division of Aging and Adult Services are providing net additional funding for adult services, above originally budgeted funds. Adult Care Home Case Management funding was reduced by \$12,000 and Adult Home Specialist funding was increased \$39,968. Adult Care Home Case Management provides services for individuals in nursing homes and Adult Home Specialist provides for the monitoring of assisted living facilities.

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

(17) BUDGET AMENDMENT – DSS (REVENUE DECREASE / REVENUE INCREASE) – CHILD CARE SMART START

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

1) Amend the Department of Social Services (DSS) FY12 Adopted Budget to reduce the Child Care Smart Start budget by \$1,587,685 in State revenue.

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2) Amend the DSS Child Development budget to recognize, receive and appropriate \$528,377 additional Federal and State Child Care Subsidy and Administration funds.

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

(18) GRANT AWARD - UNITED STATES DEPARTMENT OF JUSTICE 2011 JUSTICE ASSISTANCE GRANT – SHERIFF’S OFFICE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate funds from the U. S. Department of Justice, Justice Assistance Grant for the Sheriff’s Office in the amount of \$178,531 and recognize, receive and appropriate interest income earned on this grant during the term of this grant in accordance with grant requirements.

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

(25) GROUNDS MAINTENANCE SERVICES CONTRACTS

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve Grounds Maintenance Services Agreements with five vendors at a cost of \$1,055,133 per year for three years.

Note: The selected companies include three current vendors (Napper, Truesdale, Laney’s) and two new vendors (Hill’s Premier, All American).

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

ADJOURNMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:35 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman