

DECEMBER 6, 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, December 6, 2011.

**ATTENDANCE**

**Present:** Chairman Harold Cogdell, Jr. and Commissioners  
Karen Bentley, Dumont Clarke, Neil Cooksey  
George Dunlap, Bill James, Vilma Leake  
Jim Pendergraph and Jennifer Roberts  
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-**

***Commissioner Cooksey was absent when the meeting was called to order and until noted in the minutes.***

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

**(1) REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 14, 15, 16, 17, 18, 21, & 22.

**(2) STAFF BRIEFINGS – NONE**

**(3A, B) CLOSED SESSION - CLOSED SESSION - G.S. 143-318.11(9) AND CONSULT WITH ATTORNEY**

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

- Mecklenburg County vs. Simply Fashion
- Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: A) Closed Session - G.S. 143-318.11(9) and B) Consult with Attorney.

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*The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 5:47 p.m.*

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

*Commissioner Cooksey entered the meeting.*

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**-FORMAL SESSION-**

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

**ELECTION OF CHAIRMAN**

*Chairman Roberts called for the election of Chairman of the Mecklenburg County Board of Commissioners effective December 6, 2011 ending December 3, 2012.*

The following nominations were made for Chairman of the Mecklenburg County Board of Commissioners:

Commissioner Jennifer Roberts  
Commissioner Harold Cogdell, Jr.

by Commissioner Leake  
by Commissioner Bentley

This concluded the nominations.

The following person addressed the nominations:

Lloyd Scher, a former County Commissioner, asked the Board to re-elect Commissioner Jennifer Roberts as chairman.

No one else appeared to speak from the public.

Commissioner Leake addressed her reasons for nominating Commissioner Roberts.

Commissioner Bentley addressed her reasons for nominating Commissioner Cogdell.

Commissioner Roberts thanked Commissioner Leake for nominating her and the community for its support over the years in her capacity as chairman.

Commissioner Cogdell thanked Commissioner Bentley for nominating him. He also addressed his reasons for wanting to serve as chairman of the Board.

Commissioner Dunlap expressed his continued support of Commissioner Roberts as chairman and why.

Commissioner Dunlap said if Commissioner Cogdell became chairman, he would relinquish his position as chairman of the Board's Effective & Efficient Government Committee, effective immediately.

Commissioner Clarke expressed his continued support of Commissioner Roberts as chairman.

Commissioner Cooksey expressed his support of Commissioner Cogdell as chairman.

The vote was then taken on the nominations as follows:

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Commissioner Jennifer Roberts

Commissioners Clarke, Dunlap, Leake, and Roberts

Commissioner Harold Cogdell, Jr.

Commissioners Bentley, Cogdell, Cooksey, James, and Pendergraph

Commissioner Roberts announced the election of Commissioner Harold Cogdell, Jr. as Chairman of the Mecklenburg County Board of Commissioners effective December 6, 2011 and ending December 3, 2012.

Commissioner Roberts turned the gavel over to Chairman Cogdell.

**ELECTION OF VICE-CHAIRMAN**

Chairman Cogdell asked for nominations for Vice-Chairman of the Mecklenburg County Board of Commissioners effective December 6, 2011 and ending December 3, 2012.

The following Commissioners were nominated for Vice-Chairman of the Board:

Commissioner Jim Pendergraph

by Commissioner Cooksey

Commissioner Jennifer Roberts

by Commissioner Leake

The vote was then taken on the nominations as follows:

Commissioner Jim Pendergraph

Commissioners Bentley, Cogdell, Cooksey, James, and Pendergraph

Commissioner Jennifer Roberts

Commissioners Clarke, Dunlap, Leake, and Roberts

Chairman Cogdell announced the election of Commissioner Jim Pendergraph as Vice-Chairman of the Mecklenburg County Board of Commissioners effective December 6, 2011 and ending December 3, 2012.

***Commissioners Clarke and Cooksey left the meeting and were absent for the remainder of the meeting.***

**CITIZEN PARTICIPATION**

**(1) AWARDS/RECOGNITION – NONE**

**(2) PUBLIC APPEARANCE**

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

Kaleb DJ Whoota Walls, accompanied by his brother, Zai Walls, addressed a program called Let’s Move in After School. Mr. Walls asked the Board to consider designating April 4<sup>th</sup> and the month of April, as a whole, as a celebration of Let’s Move In After School. Mr. Walls said the mission of Let’s Move In After School was creating healthy outcomes for youth while building hope for success. He said Let’s Move In After School was created to fight the issue of childhood obesity.

***Copies of handouts regarding Let’s Move In After School is on file with the Clerk to the Board.***

**(3A) APPOINTMENTS**

**TOWN OF HUNTERSVILLE PLANNING BOARD OF ADJUSTMENT**

Motion was made by Commissioner Bentley, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint John Probst to the Town of Huntersville Board of Adjustment to fill the Extraterritorial Jurisdiction (ETJ) seat as recommended by the Town of Huntersville Board of Commissioners for a term expiring June 30, 2012.

**PUBLIC HEARINGS**

**(4A) STREET LIGHTING ASSESSMENT – CARDINAL WOODS**

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open the Public Hearing on Mecklenburg County’s participation in the Street Lighting Assessment project for the Cardinal Woods Subdivision.

No one appeared to speak.

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recess/continue the Public Hearing on Mecklenburg County’s participation in the Street Lighting Assessment project for the Cardinal Woods Subdivision until 6:30 pm on January 18, 2012.

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

**MANAGER’S REPORT**

**(6A) COUNTY MANAGER’S STRATEGIC MANAGEMENT PLAN**

County Manager Jones presented the County Manager’s Strategic Management Plan for FY 2011-2012, noted below.

***Commissioner Bentley left the meeting and was absent until noted in the minutes.***

County Manager  
Strategic Management Plan  
*Fiscal Year 2011-2012*

*Organizational Vision*

*To be the best local government service provider.*

*Values & Guiding Principles*

- ***Ethics:*** *We work with integrity.*
- ***Customers:*** *We serve our customers with dignity and respect*
- ***Employees:*** *We recognize employees as our most important resource.*
- ***Excellence:*** *We invest in learning and improving.*
- ***Teams:*** *We work as a team, respecting each other.*

- *Accountability: We focus on results*

Personal Philosophy

*It is my privilege to serve.*

- Continue to develop implementation strategies for the County's Consolidated Human Services Agency that results in greater sharing of resources and more formal functional consolidation of services.
- Enterprise Risk Management Priorities and Action Plan (i.e., the ultimate product after we do the risk assessment)
- Develop a procure-to-pay business/operating model.
- Implement Business Support Services Agency action plan (creating consolidated/shared services operating model for internal support functions).
- Implement first-year of volunteer program partnership with Hands on Charlotte.
- Implement electronic meeting agenda process using Legistar software.

Motion was made by Commissioner Roberts, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to approve the County Manager's Strategic Management Plan Fiscal Year 2011-2012 as presented.

*Note: Commissioner Leake asked County Manager Jones to see if there was a way to include caregivers in his review of possibly consolidating children services within the Human Services Agency. Commissioner Leake also requested a list of the agencies associated with the procure to pay business model.*

**(7) STAFF REPORTS AND REQUESTS – NONE**

*Commissioner Bentley returned to the dais.*

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

**(8A) MECKLENBURG COUNTY BOARD OF COMMISSIONERS 2012 MEETING SCHEDULE  
(CHAIRMAN ROBERTS)**

The Board considered approval of its 2012 Meeting Schedule.

Commissioner Roberts noted that because of the National Democratic Convention being held in Charlotte/Mecklenburg the week of September 3, and the uncertainty of whether the Government Center would be open on the evening of September 5, that perhaps the Board should consider an alternative meeting date.

Commissioner James suggested the Board extend its summer meeting schedule of having only one meeting in July and August to include September as well, with respect to Regular meetings.

It was the consensus of the Board to hold only one Regular meeting in September, September 18<sup>th</sup> and to hold the Budget/Public Policy meeting scheduled for September 11.

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

- 1) Approve the Mecklenburg County Board of Commissioners 2012 Meeting Schedule as presented with one amendment, that the Board only hold one (1) Regular meeting in September, September 18 and its Budget/Public Policy meeting on September 11, for a total of two meetings for the month of September 2012.
- 2) Authorize staff to place items needing Board action on the January 10, 2012 Budget/Public Policy meeting agenda if deemed necessary, in light of a Regular meeting not being held on January 4 because of Chamber renovations.

***A copy of the 2012 Meeting Schedule is on file with the Clerk to the Board.***

**(8B) SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT (CHAIRMAN ROBERTS)**

Commissioner Roberts acknowledged and recognized Mecklenburg County's role in securing a 2011 Sustainable Communities Regional Planning Grant from the Partnership for Sustainable Communities of the US Department of Housing and Urban Development (HUD), the US Department of Transportation (DOT) and the US Environmental Protection Agency (EPA).

No action was taken or required.

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

**(19) PROCLAMATION – HIV/AIDS DAY**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to acknowledge that December 1, 2011 was recognized as "World AIDS Day" in Mecklenburg County.

Prior to the above vote, the following persons spoke in support of World AIDS Day.

Natasha Fetterson, sponsor of the December 1, 2011 World AIDS Day event thanked the community and all those that participated in making the event a success.

Ann White with New Life Fellowship Church thanked the Board for its support of efforts to educate the public on HIV/AIDS. Ms. White noted an event held at New Life Fellowship Church on December 3, 2011 and the Health Department's participation.

Dr. Marc Johnson, Medical Director for the Infectious Disease Clinic at Carolinas HealthCare Center encouraged the Board to continue its support of educating the public on HIV/AIDS by developing a strategic plan in this regard. Dr. Johnson offered his assistance in developing a plan.

Shannon Calaman with New Life Fellowship Church thanked the Board and the community as well, and encouraged the Board to continue to support education and prevention efforts.

Kathea Dawkins, an art instructor and director of the non-profit Beyond the Arts, on behalf of youth, encouraged the Board to continue to support education and prevention efforts.

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

**CONSENT ITEMS**

**Motion was made by Commissioner Pendergraph, seconded by Commissioner James and carried 6-0 with Commissioners Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):**

**(9) APPROVAL OF MINUTES**

1) Approve minutes of Regular meeting held November 15, 2011, Budget/Public Policy meeting held March 9, 2011 and Closed Sessions held November 15, 2011, November 1, 2011, July 12, 2011, and June 21, 2011.

2) Authorize the Clerk to the Board to amend the minutes of Special Meeting held March 9, 2011 and approved by the Board on July 12, 2011 to: 1) Correct the time of the meeting to reflect 3:30 p.m. instead of 3:00 p.m. 2) to add a statement indicating that the meeting although scheduled to begin at 3:30 p.m. did not begin until 4:01 p.m. because of a prior meeting that was scheduled at 3:00 p.m. that didn't end until 4:01 p.m.

**(10) TAX REFUNDS**

Approve refunds in the amount of \$34,549.25 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

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

**(11) NOTICE OF INTENT – SALE OF SURPLUS EQUIPMENT**

1) Declare the following LUESA-Solid Waste heavy equipment as surplus:

Caterpillar, Model 320CL, Hydraulic Excavator, SWT503  
Diamond Z, Model 1460B, Tub Grinder, SWZ933

2) Adopt resolutions declaring intent to sell the above Mecklenburg County equipment to Carolina Cat and H&E Equipment.

*Resolutions recorded in full in Minute Book \_\_\_\_ Documents # \_\_\_\_ and \_\_\_\_.*

**(12) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION – 660 SHERYL CIRCLE**

Accept the "Offer of Sale of Real Estate" from Joy Dwelle Wyatt, owner of property at 660 Sheryl Circle (Tax Parcel 167-175-29) for \$6,000.

*Note: This acquisition is a continuation of ongoing flood mitigation efforts, which have resulted in more than 250 buildings being removed from the floodplain.*

**(13) HAZARD MITIGATION "QUICK BUY" PROGRAM – FLOODPLAIN ACQUISITIONS**

1. Accept the "Offer of Sale of Land" from Willie Mae Trapp of 2115 Slater Road (Parcel ID:

04112513) for \$67,596.26.

2. Accept the "Offer of Sale of Land" from Baucom's Investment Property, LLC of 832 Seldon Drive (Parcel ID: 06905108) for \$20,621.90.
3. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

*Note: This action is necessary for the purchase of floodplain properties under the Charlotte-Mecklenburg Storm Water Services (CMSWS), County Flood Mitigation Program. The above actions will allow the purchase and the removal of these flood-prone structures from the floodplain.*

**(20) GROUNDS MAINTENANCE SERVICE AGREEMENTS -- AMENDMENT**

Amend the action approved by the Board on October 4, 2011 regarding grounds maintenance service agreements to recognize inclusion of one additional vendor, EDL and a further reduction in cost.

*Note: On October 4, 2011 the Board approved grounds maintenance services agreements with five vendors at a cost of \$1,053,133 per year for three years, with the agreements becoming effective January 1, 2012. These agreements resulted from a competitive request for proposals process conducted from June to August, 2011. Following Board approval, the project team developed final contract pricing language for each of the five vendors. This step resulted in further clarification of pricing bids from one of the five vendors for one section of the bid package (southwest). This clarification revealed that, for this portion of the bid package, EDL rather than Hill's Premier was the lowest bidder. Therefore, staff is recommending that EDL be awarded the southwest portion of the bid package rather than Hill's Premier. Hill's Premier will retain the south 1 portion of the bid package as the lowest bidder. The addition of EDL as the lowest bidder for the southwest package reduces the overall annual costs by approximately \$1,898 per year. This increases the total savings to \$577,752 over the three years of the contracts.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

**(14) JOHNSON C. SMITH UNIVERSITY TRACK RESURFACING - MATERIAL PURCHASE**

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 5-0 with Commissioners Cogdell, James, Leake, Pendergraph and Roberts voting yes, to award a contract in the amount of \$590,116.75 to Sport Surfaces Distributing, Inc. for Johnson C. Smith University Track Resurfacing.

*Note: In October, 1998 Mecklenburg County entered into an agreement with Johnson C. Smith University (JCSU) for the construction of a new track and field facility. The facility is jointly used by JCSU and the Mecklenburg County Park and Recreation Department. The Lease, Joint Use and Management Agreement requires Mecklenburg County to include the resurfacing of the track in its Capital Needs Assessment (or applicable alternative) as a project that should be funded by the County every ten years. This project was funded as part of the approved FY12 capital plan.*

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



**(15) REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE (MCAPCO)**

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

(1) Approve opening a public review and comment period beginning December 6, 2011 for the proposed revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO) and

(2) Schedule a public hearing for 6:30 p.m. on January 18, 2012 to receive public comment and to adopt the proposed revisions to MCAPCO.

**(16) REEDY CREEK NATURE CENTER DONATION**

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 6-0 with Commissioners Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate a \$1,000 donation from Eric Rokinen for Reedy Creek Nature Center.

*Note: Reedy Creek Nature Center received a \$1,000 donation from Eric Rokinen of New York City, NY "in honor of the Reedy family." Staff will use the funds to upgrade and repair some of the displays in the nature center.*

**(17) BUDGET AMENDMENT – DSS (REVENUE INCREASE) – LIEAP**

Motion was made by Commissioner Pendergraph, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to amend the Department of Social Services (DSS) FY12 Budget to recognize, receive and appropriate \$1,055,751 federal revenue for the Low Income Energy Assistance Program (LIEAP).

**(18) CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FY 2011-2012 ADOPTED BUDGET**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve CMS Budget Amendments.

*Note: The Board of Education is requesting approval of changes in the allocation of the county appropriation by purpose and/or function of the amount included in the Board of County Commission (BOCC) budget resolution on June 7, 2011. As part of the approved FY 2012 budget, the Board of County Commissioners approved a total operating funding level of \$328,339,101 for CMS. The previous allocations were established by County staff as placeholders in the budget resolution, subject to revision by CMS.*

*The BOCC is required to approve any reallocation of funds submitted by the Board of Education that exceeds ten percent within the purpose and/or function categories of the approved county appropriation. The attached changes are the result of CMS adjustments required to adjust CMS' expenditure level to the County appropriation of \$328,339,101. These changes are only adjustments in the allocation of funds. No additional funds are being requested. These adjustments have been approved by the Board of Education.*

**Copy of the amendment is on file with the Clerk to the Board.**

**(21) SOURCE APPROVAL FOR FRANKLINCOVEY’S 7 HABITS OF HIGHLY EFFECTIVE PEOPLE WORKFORCE EFFECTIVENESS PROGRAM**

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve sole source agreement with FranklinCovey Co. for provision of the proprietary training content and materials for the *7 Habits of Highly Effective People* program.

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

**(22) MEDICAID WAIVER SPECIAL REVENUE FUND**

Motion was made by Commissioner Pendergraph, seconded by Commissioner Leake and carried 5-0 with Commissioners Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to:

1. Adopt the Medicaid Waiver Special Revenue Fund Ordinance establishing the Medicaid Waiver Special Revenue Fund to account for Federal and State funds as well as operations of the AMH Local Management Entity’s Medicaid Waiver activities.
2. Appropriate to the Medicaid Waiver Special Revenue Fund \$1.7 million of fund balance as a loan from the General Fund for FY2012 start-up costs related to the County establishing a Medicaid Waiver entity.
3. Approve establishing 7 positions per the information below.

**Cost Estimate - Medicaid Waiver Start Up go live 1/1/2013**

Expense/Position Type	#	Number of Months	Start Up Period
<b>Personnel Expenses:</b>			
Project manager/waiver	1	13	124,307
Project Manager-implementation of New Software System	1	13	117,807
Provider Network Director	1	13	93,107
Medical Director-additional to bring to full time	1	13	158,107
Clinical Director for Innovations (1915c) (Deputy Director Division I)	1	13	93,107
QI Unit supervisor	1	13	93,107
Admin Support Supervisor	1	13	63,223
<b>Personnel Subtotal</b>	<b>7</b>		<b>\$ 742,764.40</b>
Consultation			210,000
New LME Software			750,000
<b>Operating Subtotal</b>			<b>960,000</b>
Total			\$ 1,702,764.40

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

**ADJOURNMENT**

Motion was made by Commissioner Pendergraph, seconded by Commissioner Dunlap and carried 5-0 with Commissioners 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 8:25 p.m.

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Janice S. Paige, Clerk

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Harold Cogdell, Jr., Chairman