

JANUARY 18, 2012

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 Wednesday, January 18, 2012.

ATTENDANCE

Present: Chairman Harold Cogdell, Jr. and Commissioners Karen Bentley, Dumont Clarke, 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: Commissioner Neil Cooksey

-INFORMAL SESSION-

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

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

(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 12, 13, 19, and 21.

(2) STAFF BRIEFINGS - NONE

(3) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION AND B) 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 carried 6-0 with Commissioners Bentley, Cogdell, 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 5:20 p.m. and came back into Open Session at 5:45 p.m.

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

JANUARY 18, 2012

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

-FORMAL SESSION-

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

CITIZEN PARTICIPATION

(1) AWARDS/RECOGNITION—NONE

(2) PUBLIC APPEARANCE - NONE

(3A) NOMINATIONS/APPOINTMENTS

PARK AND RECREATION COMMISSION

Motion was made by Commissioner Bentley, seconded by Commissioner James, to defer an appointment to the Park and Recreation Commission until the first meeting in February at the request of the chairman of the Park and Recreation Commission, Robert Brisley.

Commissioner Bentley said according to Mr. Brisley, the Park and Recreation Commission had not had an adequate opportunity to get candidates to apply.

Commissioner Leake commented on the applicant before the Board for consideration, Sheryl Smith. Commissioner Leake said Ms. Smith was a diligent worker in District Two and that she had the support of District Two.

Commissioners Dunlap and Roberts expressed the desire to move forward with the one applicant.

Chairman Cogdell said he was also aware of community support for Ms. Smith.

Substitute motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Sheryl Smith to the Park and Recreation Commission as the Central Region 1 representative to fill an unexpired term expiring June 30, 2013.

She replaces Beverly Lawson.

(3B) APPOINTMENTS

PLANNING COMMISSION

The following persons were previously nominated for appointment to the Planning Commission: Raymond Eschert, Ron Frazier, Danmon Gregory, Wendy Jamison, Susan Lindsay, Gray Newman, Deborah Ryan, Joe Simpkins, and Nancy Wiggins.

JANUARY 18, 2012

Note: Danmon Gregory and Joe Simpkins asked that their names be removed from consideration. Wendy Jamison's name was removed from consideration because she currently serves on the Information Services & Technology Committee.

Persons nominated for appointment to the Planning Commission are required to go through an interview process by an Ad Hoc Committee of the Board. The Ad Hoc Committee members were Commissioners Leake, Dunlap, Pendergraph and Chairman Cogdell.

Commissioner Dunlap presented one of the committee's recommendations which was to appoint Deborah Ryan to fill an unexpired term, expiring June 30, 2012.

Commissioner Pendergraph presented the committee's second recommendation for Raymond Eschert to fill an unexpired term, expiring June 30, 2014.

A copy of the Committee's recommendation is on file with the Clerk to the Board.

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Deborah Ryan to the Planning Commission to fill an unexpired term expiring June 30, 2012.

Motion was made by Commissioner Pendergraph, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Raymond Eschert to the Planning Commission to fill an unexpired term expiring June 30, 2014.

They replace Claire Fallon and Nina Lipton.

CONSENT ITEMS

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

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held December 20, 2011, Budget/Public Policy Meeting held November 8, 2011 and Closed Session held December 20, 2011.

(10) TAX REFUNDS

Approve refunds in the amount of \$97,027.44 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) REPORT OF SETTLEMENT OF LAWSUIT

Receive as information that *Arjan Jagtiani vs. Mecklenburg County*, in the General Court of Justice, Superior Court Division, Mecklenburg County, Case Number: 11-CVS-2278 was settled.

Note: On November 15, 2011, the Board of County Commissioners approved in Closed Session the settlement of the lawsuit entitled "Arjan Jagtiani vs. Mecklenburg County," in the General

JANUARY 18, 2012

Court of Justice, Superior Court Division, Mecklenburg County, Case Number: 11-CVS-2278. Motion was made by Commissioner Dunlap, seconded by Commissioner Cooksey, and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to settle this lawsuit on terms negotiated with the plaintiff.

N.C.G.S. 143-318.11(a)(3) requires that settlements approved in closed session be reported to the Board and entered into its minutes after the settlement is concluded.

Settlement agreement recorded in full in Minute Book _____, Document # _____.

(14) HAZARD MITIGATION “QUICK BUY” PROGRAM—FLOODPLAIN ACQUISITIONS

- 1) Accept the “Offer of Sale of Land” from Patricia Wilkes of 2759 Coronet Way (Parcel ID: 07113117) for \$42,625.
- 2) Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

(15) AD VALOREM TAX ADVERTISEMENT

Order the advertisement of delinquent 2011 real estate and personal property taxes.

Note: The advertisement is a notification to taxpayers of outstanding tax balances. This action is required by NCGS 105-369(a).

(16) BUDGET AMENDMENT—LUESA (REVENUE INCREASE)

1. Recognize, receive and appropriate \$659,464 in Hazard Mitigation Funds from the NC Department of Crime Control and Public Safety, Division of Emergency Management.
2. Authorize the County Manager to execute a contract with the NC Department of Crime Control and Public Safety, Division of Emergency Management for a Pre-Disaster Mitigation Grant.
3. Authorize the carry forward of unspent grant funds to subsequent years until completion of the project.

(17) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT

Recognize and receive Area Mental Health Monthly Financial Report for the period ending October 2011.

Note: In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the board of county commissioners.

**MECKLENBURG COUNTY AREA MENTAL HEALTH
Statement of Revenues and Expenses
FY 2012, For the period ending October 2011**

	Budget	Actual	% Received
Revenue Source			
Medicaid & CAP	\$ 8,966,442	\$ 1,458,182	16.26%
State and Federal	33,372,871	3,384,980	10.14%
Third Party/Other	74,318	1,872	2.52%
County	39,803,728	8,030,748	20.18%
Total Revenues	\$ 82,217,359	\$ 12,875,782	15.66%
	Budget	Actual	% Spent
Service Continuum			
Children's Developmental Services	\$ 7,501,036	\$ 1,947,452	25.96%
Child & Adolescent Services	13,111,062	2,178,285	16.61%
Adult Mental Health	7,510,306	969,365	12.91%
Adult Substance Abuse	13,641,395	3,498,568	25.65%
Local Management Entity	7,774,099	1,879,404	24.18%
BHC Randolph	22,157,265	0	0.00%
Developmental Disabilities	10,522,196	2,402,708	22.83%
Total Expenditures	\$ 82,217,359	\$ 12,875,782	15.66%
Net (Revenues - Expenditures)	0	0	0%

(18) GRANT APPLICATIONS—NORTH CAROLINA CLEAN WATER MANAGEMENT TRUST FUND

1. Authorize the County Manager to submit two stream restoration grant applications to the North Carolina Clean Water Management Trust Fund. The first grant for an amount up to \$853,000 (Main Stem McDowell Creek Upstream of Torrence Creek) and the second grant for an amount up to \$806,000 (Goose Creek).
2. Authorize the Chairman to execute the Authorization to File the Applications and Enter into Grant Contracts with Clean Water Management Trust Fund.
3. Recognize, receive and appropriate the amount of the awards when received.
4. Authorize the carry forward of unspent grant funds to subsequent years until completion of the project.

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

(20) AUTHORIZE THE SALE OF SURPLUS EQUIPMENT

- 1) Adopt resolutions authorizing the sale of the following Mecklenburg County equipment to Carolina Cat and H&E Equipment Caterpillar, Model 320CL, Hydraulic Excavator, SWT503 Diamond Z, Model 1460B, Tub Grinder, SWZ933
- 2) Upon sale of the equipment, recognize, receive and appropriate funds in the amount of \$210,000 for the Solid Waste Capital Reserve Fund.

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

(22) DELEGATION OF AUTHORITY TO DEPUTY CLERK

Approve delegation of authority to Deputy Clerk to the Board to execute documents in the absence of the Clerk.

Delegation of Authority Form recorded in full in Minute Book _____, Document # _____.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

MANAGER'S REPORT

(6A) ENVISION CHARLOTTE UPDATE

The Board received an update on Envision Charlotte activities from Heidi Pruess, the County's Environmental Policy Administrator and Vincent Davis with Duke Energy.

Note: Mecklenburg County is one of the partners supporting Envision Charlotte. Smart Energy Now (SEN) is the first model program of Envision Charlotte under the "Energy" pillar and it is now up and running.

The update addressed the progress of SEN to date, plans for the future of SEN and plans for the future of Envision Charlotte as it pursues additional model programs (under the pillars of Air, Water and Waste) to complete a full environmental sustainability platform.

Highlights

- Smart Energy Now (SEN) is an initiative sponsored by Duke Energy.
- It's all about energy efficiency.
- Envision Charlotte is now a 501(3c).
- Community enthusiasm for this program continues to build.
- Community engagement has begun.
- To participate in the program, a business has to be within the I-277 Loop and have at least 10,000 sq. ft. of office space.
- A tremendous response has been received from businesses.
- The program is slated for five years, a twenty percent reduction in energy consumption over five years.

Chairman Cogdell thanked them for the update.

PUBLIC HEARINGS

(4A) REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE (MCAPCO)

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open the public hearing to receive comments on revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO).

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake,

JANUARY 18, 2012

Pendergraph and Roberts voting yes, to close the public hearing on revisions to the Mecklenburg County Air Pollution Control Ordinance and adopt revisions to the Mecklenburg County Air Pollution Control Ordinance.

Note: The adoption of revisions to MCAPCO is in response to State certification requirements and USEPA grant requirements. The revisions include increases in air quality permit application and annual administering and compliance fees for the first time since 2004. Fees will become effective October 1, 2012.

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

(4B) STREET LIGHTING ASSESSMENT—CARDINAL WOODS SUBDIVISION

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, 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 and hear from staff and any other persons desiring to speak.

No one from the public appeared to speak.

Dave Canaan with LUESA addressed this issue with the Board and explained the background of this particular assessment.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the public hearing Mecklenburg County's participation in the Street Lighting Assessment project for the Cardinal Woods Subdivision and authorize the County Manager to:

- a) Restart the public hearing process for FY11 for Phase 1, Maps 1 – 3 of the Cardinal Woods Subdivision;
- b) Reimburse the Cardinal Woods Homeowners Association \$7,853.85 for the amount the County over-assessed in Phase 1, Map 4 and Phase 2, Map 1; and
- c) Continue coordinating with Cardinal Woods Homeowners Association, Cardinal Woods Estate homeowners association, and Duke Energy to identify options and come to consensus on recommendations for the Board to consider on how to perform future street lighting assessments for the Cardinal Woods Subdivision.

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

(12) BUDGET AMENDMENT—SHERIFF'S OFFICE (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate \$70,000 from Inmate Commissary for the Sheriff's Special Revenue Fund; and recognize, receive and appropriate \$43,132 from Vocational Facility Telephone Revenue for the Sheriff's Special Revenue Fund.

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

(13) CONTRACT AWARD—MISCELLANEOUS LAW ENFORCEMENT VEHICLES

JANUARY 18, 2012

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve a unit price, term contract with Parks Chevrolet for one year for the purchase of 15 Chevrolet Caprice Marked Sedans and one Chevy Caprice Detective Sedan and authorize the County Manager to renew this contract for up to four additional one-year terms.

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

Commissioner Clarke returned to the dais.

(19) SET PUBLIC HEARING—NCDOT COMMUNITY TRANSPORTATION GRANT APPLICATION

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to 1) Schedule a public hearing on February 21, 2012 to receive comments on the Mecklenburg County Department of Social Services' application for the North Carolina Department of Transportation's Community Transportation Grant for Fiscal Year 2012-2013. 2) Authorize the Clerk to the Board to publish Notice of the public hearing.

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

(21) SET REGISTER OF DEED FILING FEE FOR OFFICE OF REGISTER OF DEEDS

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a Resolution to Establish Salary for the Office of Register of Deeds.

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

County Attorney Bethune explained the purpose of the resolution.

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

(5) ADVISORY COMMITTEE REPORTS—NONE

(7) STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8B) UPDATES FROM COG AND NCACC BOARD MEETINGS (COMMISSIONER ROBERTS)

The Board received updates from Commissioner Roberts regarding the Centralina Council of Government and North Carolina Association of County Commissioners Board Meetings.

(8A) DAIS SEATING ASSIGNMENT FOR BOCC MEETINGS (COMMISSIONER LEAKE)

Commissioner Leake addressed the dais seating assignment for Board meetings and asked for clarity from Chairman Cogdell regarding procedure and effective date for seating of commissioners around the dais at meetings held in the meeting chamber.

JANUARY 18, 2012

Note: At the December 20, 2011 meeting of the Board of County Commissioners, changes were made to the seating arrangements of the commissioners pursuant to instructions given to the Clerk by Chairman Cogdell.

Commissioner Leake said she was not upset about where she sits around the dais but would like to know from the Chairman why he moved her from her previous seat.

Commissioner Leake said she had hoped this matter could have been discussed in private, but that it became public when the news media received information that no “democrat or republican” wanted to sit next to her.

Commissioner Leake said there was a note left at the podium by a commissioner that stated, “tell her the truth that no one wants to sit beside her because she is so disruptive; that came from Commissioner Pendergraph.”

Commissioner Leake said “I have not disrupted this meeting, nor have I, in any way, created any outburst or have not followed the procedures or process.”

Chairman Cogdell said he did not have any remarks.

(8C) ITEM REMOVED - UNCC FOX ENDOWMENT FUND CONTRIBUTION (CHAIRMAN COGDELL)

ADJOURNMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, 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 7:15 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., Chairman