

MARCH 6, 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 Tuesday, March 6, 2012.

**ATTENDANCE**

**Present:** Chairman Harold Cogdell, Jr. and Commissioners Karen Bentley, Dumont Clarke, 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:** Commissioner Jennifer Roberts

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**-INFORMAL SESSION-**

*The meeting was called to order by Chairman Cogdell, 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, 16, 19, and 20.

**(2) STAFF BRIEFINGS - NONE**

**(3A) CLOSED SESSION – 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 v. Mecklenburg County.

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

*The Board went into Closed Session at 5:30 p.m. and came back into Open Session at 5:53 p.m.*

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

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**-FORMAL SESSION-**

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

#### CITIZEN PARTICIPATION

**(1) AWARDS/RECOGNITION - NONE**

**(2) PUBLIC APPEARANCE**

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

Flay Hoover informed the Board that since his appearance at the February 21, 2012 meeting, the Department of Social Services has scheduled a visit for him with his son next Wednesday. Mr. Hoover said it's been ten months since he'd seen his son. Mr. Hoover's son, Devin Flay Hoover, is in the custody of the Mecklenburg County Department of Social Services.

James Bensman, who was accompanied at the podium by Bob Elliott, and Barbara & John Scott, addressed the County's revaluation process as addressed by Tax Assessor Garrett Alexander at the Board's February 7, 2012 meeting.

Mr. Bensman said many of the things stated by the Tax Assessor on February 7 were not accurate.

Mr. Bensman provided the Board with a letter of complaint signed by citizens and property owners, requesting action by the Board concerning the 2011 Revaluation Process by the County Assessor's office. The letter of complaint stated "we contend that the current process is flawed and results in citizens being denied fair and equitable treatment and due process under the law, generally as follows:....." The letter of complaint outlined 16 concerns. The letter also outlined 13 actions that the signees would like the Board to take.

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

The following persons expressed concerns and disagreement with how the County's revaluation process had taken place: Jack Ziegler, Mark Neroni, Ed Glass, Mike Osborne, John Hettwer, Jayne Trustram Eve, and David Eagle.

They addressed the decline in the housing market, significant increases in values, their experience with the informal appeals hearing process, due process, the format of due dates on letters, appraised values, and their experience before the Board of Equalization and Review.

Mr. Glass said he requested a copy of the recording of his informal appeal hearing but was told that could not be provided.

***A copy of a handout from Mr. Ziegler is on file with the Clerk to the Board.***

Motion was made by Commissioner Cooksey, seconded by Commissioner James and carried 5-3 with Commissioners Bentley, Clarke, Cooksey, James, and Pendergraph voting yes and Commissioners Cogdell, Dunlap, and Leake voting no, to suspend the Board's policy regarding the amount of time individuals and groups would be allowed to speak and allow everyone desiring to speak about Revaluation two minutes to speak.

The following persons also expressed concerns and disagreement with how the County's revaluation process had taken place: Wayne Goode, John Scott, Susan Medlin, and Cheryl Rotoatori. They addressed the same issues noted by the other speakers and referenced above; and in addition, they spoke of the need for transparency on the part of the Tax Assessor's

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Office and the inability to obtain information relevant to one's appeal and used by the Tax Assessor's Office and/or the Board of Equalization and Review to make its determination.

Ronald Kelley said he experienced some of the same problems expressed by the other speakers six years ago. He offered suggestions to remedy the process, including getting state legislative changes if necessary.

Frederick "Tim" Timmerman addressed the stigma adjustment, which he said was not fair.

Jim Payseur asked the Board to form a study committee to review these issues and needed changes in the Tax Assessor's Office.

***A copy of a handout from Mr. Payseur is on file with the Clerk to the Board.***

Chairman Cogdell read an email received from the Tax Assessor regarding revaluation concerns expressed by residents in the Cornelius and Lake Norman area.

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

Kathy Stratton, who was joined at the podium by Ken Sloan, Virginia McMahon, and Ms. T. Denton, spoke in opposition of her son, Spencer Stratton, being in the custody of the Mecklenburg County Department of Social Services (DSS). Ms. Stratton spoke in opposition to the Department of Social Services visitation rules. Ms. Stratton accused DSS attorneys of committing fraud. Ms. Stratton said her son's rights were being violated by DSS as it relates to the amount of time and the frequency of visits with his family. Ms. Stratton said her son should be with his family.

Betty Allen addressed a medical issue she has with Carolinas Healthcare System involving an injury to her throat. Ms. Allen said she wanted to share this with the Board and the community for public awareness purposes.

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

### **(3A) APPOINTMENTS**

#### **DOMESTIC VIOLENCE ADVISORY BOARD**

The vote was taken on the following nominees for appointment to the Domestic Violence Advisory Board:

Nicole Ivory	Commissioners Bentley, Cogdell, Dunlap, James, Leake, and Pendergraph
Vanessa Lane	Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, and Leake
	<i>Voting Ceased</i>

Beverle' Thomas

Chairman Cogdell announced the appointments of Nicole Ivory and Vanessa Lane to the Domestic Violence Advisory Board to fill unexpired terms expiring April 30, 2012.

*They replace Andrea Pettit and Marage Blakeney.*

#### **LAKE WYLIE MARINE COMMISSION**

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The vote was taken on the following nominee for appointment to the Lake Wylie Marine Commission:

Howard Virkler                      Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph

Chairman Cogdell announced the appointment of Howard Virkler to the Lake Wylie Marine Commission to complete his unexpired term expiring September 30, 2014.

**PUBLIC ARTS COMMISSION**

The vote was taken on the following nominees for appointment to the Public Arts Commission:

Patricia Fletcher                      Commissioners Bentley, Cogdell, Dunlap, James, Leake, and Pendergraph

Katrina Streiner                      Commissioner Cooksey

Chairman Cogdell announced the appointment of Patricia Fletcher to the Public Arts Commission to fill an unexpired term expiring June 30, 2012.

*She replaced Katrina Streiner.*

***Commissioner Clarke returned to the dais.***

**WOMEN’S ADVISORY BOARD**

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

Li Mia Bowen                      Commissioners Cogdell and Leake  
Robyn Codrington                      None  
Twanna Daniels                      None  
Vickie Evans                      Commissioner Dunlap  
Taylor Holloman-Pressley                      None  
Karen Okhoya                      None  
Amanda Prothero                      Commissioners Bentley, Clarke, Cooksey, James, and Pendergraph

Chairman Cogdell announced the appointment of Amanda Prothero to the Women’s Advisory Board to fill an unexpired term expiring June 30, 2013.

*She replaced Julie Owens.*

**(4) PUBLIC HEARINGS - NONE**

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

**(6) MANAGER’S REPORT**

County Manager Jones reminded the Board that effective with the March 20, 2012 meeting,

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staff would begin using the new agenda management software, Legistar. He encouraged Board members to contact staff if they had not already done so, regarding training on the new software.

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

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

**(8A) BOARD COMMITTEES (CHAIRMAN COGDELL)**

Motion was made by Commissioner James, seconded by Commissioner Bentley, to approve a revised Policy and Procedures for Board Committees.

*Note: At its Strategic Planning Conference (SPC) on February 23, 2012, the Board directed the County Manager to provide a policy and procedures for the establishment and operation of Board committees, per the consensus reached by the Board. The consensus of the Board was to only have two standing committees of the Board: a Compensation Committee and the Audit Review Committee. The Board would establish ad hoc committees as determined by a majority vote of the Board. Currently the Board has seven Board committees: Criminal Justice, Health & Community Support, Effective & Efficient Government, Economic Development, Natural Resources, Education Liaison, and Compensation.*

Commissioner Cooksey expressed concern regarding eliminating the other Board committees, especially those that had been active, such as the Effective & Efficient Government Committee.

Commissioner Cooksey said his preference would be to leave the current Board committees in place, but that they only meet if there's a need and not based on a preset schedule.

Commissioner Cooksey said per the revised policy, it would take a majority vote of the Board to establish an Ad Hoc committee and a majority vote of the Board to dissolve it. He said Board members appointed to serve would do so until that committee was dissolved. Commissioner Cooksey said with the current process members can rotate off annually, which allows others an opportunity to serve on a particular committee.

Commissioner Cooksey said he was also concerned about the language regarding the makeup of the committees by political parties and specifically saying Democratic or Republican. He doesn't feel specific parties should be mentioned.

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap, to send the Policy and Procedures for Committees back to staff for revisions based on comments from Board members.

Commissioner James addressed the history behind having the committees composed of members from the two political parties.

Commissioner James said his preference would be to support what's been presented, which would be to only have the two standing committees and appoint ad hoc committees as needed.

Commissioner James said he would support changing the language to accommodate all political parties and independents.

Commissioner Clarke said the policy before the Board was consistent with the Board's consensus at its Strategic Planning Conference.

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Commissioner Clarke said per Commissioner Cooksey's comments, he would suggest discussing this matter in more detail at a Budget/Public Policy meeting, rather than sending it back to staff.

Commissioner Clarke said perhaps it would be good to leave the current Board committees in place, but that they don't meet unless the Board refers something to a committee.

Commissioner Dunlap suggested keeping the current committee structure and that the committees only meet as needed.

Motion was made by Commissioner Leake to refer the matter of Board Committees to a future Budget/Public Policy meeting, but it could not be recognized because there was already a substitute motion on the floor, nor was there a second.

Chairman Cogdell asked County Manager Jones if the Board was in agreement that the current Board committee structure should remain in place, meet on an ad hoc basis and only meet if a matter is referred to the committee by the full Board, was that sufficient enough information for staff to go back and revise the policy. *County Manager Jones said yes.*

Commissioner Cooksey and Commissioner Dunlap amended the substitute motion, to refer the matter of Board Committees back to staff and that staff revise the policy to reflect that the current committees would remain in place, but only meet to address matters referred to a committee by the full Board.

Chairman Cogdell questioned the language in the policy regarding the makeup of committees and limiting it to only two political parties. He suggested some alternative language be used which would be inclusive of all political parties and independents or unaffiliated.

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

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap, and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes to refer the matter of Board Committees back to staff and that staff revise the policy to reflect that the current committees would remain in place, but only meet to address matters referred to a committee by the full Board.

#### **CONSENT ITEMS**

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

**(9) APPROVAL OF MINUTES**

Approve minutes of Regular meeting held February 21, 2012 and Closed Sessions held February 21, 2012 and February 7, 2012.

**(10) TAX REFUNDS**

1) Approve refunds in the amount of \$1,645,063.14 plus accrued interest in the amount of \$11,143.18 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

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2) Approve accrued interest refund in the amount of \$14,178.48 which was omitted from the refund request submitted and approved on February 21, 2012. Refund to be made by the Finance Department as requested by the Tax Assessor.

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

**(11) AUCTION FOR DISPOSAL OF SURPLUS EQUIPMENT**

- 1) Approve the list (Exhibit A) of vehicles and other small tools and equipment as surplus, and
- 2) Adopt a resolution authorizing sale of surplus personal property by public auction on April 14, 2012.

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

**(12) INSURANCE REIMBURSEMENTS**

Recognize, receive and appropriate funds in the amount of \$33,620 for Park and Recreation Department, \$799 for Business Support Services Agency-Asset & Facility Management and \$1,580 for Business Support Services Agency-IT.

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

**(13) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT**

Receive Area Mental Health Monthly Financial Report.

*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 January 2012**

	Budget	Actual	% Received
<b>Revenue Source</b>			
Medicaid & CAP	\$ 8,856,442	\$ 3,051,961	34.46%
State and Federal	33,359,945	11,402,934	34.18%
Third Party/Other	75,756	26,431	34.89%
County	39,803,728	11,541,441	29.00%
<b>Total Revenues</b>	<b>\$ 82,095,871</b>	<b>\$ 26,022,767</b>	<b>31.70%</b>
	Budget	Actual	% Spent
<b>Service Continuum</b>			
Children's Developmental Services	\$ 7,501,036	\$ 3,681,231	49.08%
Child & Adolescent Services	13,236,062	4,712,206	35.60%
Adult Mental Health	7,320,056	2,560,234	34.98%
Adult Substance Abuse	14,034,186	6,939,613	49.45%
Local Management Entity	7,775,537	3,559,953	45.78%
BHC Randolph	22,157,265		0.00%
Developmental Disabilities	10,071,729	4,569,530	45.37%
<b>Total Expenditures</b>	<b>\$ 82,095,871</b>	<b>\$ 26,022,767</b>	<b>31.70%</b>
<b>Net (Revenues - Expenditures)</b>	<b>0</b>	<b>0</b>	<b>0%</b>

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred

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

**(14) NAMING OF CIRCULAR LAWN ON LITTLE SUGAR CREEK GREENWAY**

Approve naming the circular lawn area near the "Spirit of Mecklenburg" sculpture of Captain James Jack on Little Sugar Creek Greenway at the intersection of 4<sup>th</sup> Street and Kings Drive to "Zeiss Green on Little Sugar Creek Greenway."

**(17) ARCHITECT/ENGINEER SELECTION—CAULKING AND WATERPROOFING**

Authorize the County Manager to negotiate fees and execute contracts with Sutton-Kennerly and Associates and Facility Engineering Associates, P.C. for design services for the caulking and waterproofing of eight County buildings. If negotiations with one of the firms are unsuccessful, authorize the County Manager to negotiate with the other firm for the remaining projects.

*Note: The other firm to negotiate with if negotiations with one of the firms are unsuccessful is Nelson Hall and Associates, Inc.*

**(18) LITTLE SUGAR CREEK GREENWAY—STORM DRAIN REPLACEMENT MOU AND CAPITAL RESERVE PROJECT**

1) Authorize the County Manager to negotiate and execute an MOU between Mecklenburg County and the City of Charlotte for City storm drain improvements on the Little Sugar Creek Greenway at Elizabeth Avenue and Kings Drive.

2) Recognize and appropriate revenue in the Capital Reserve Fund revenue to be received from



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the City in an amount not to exceed \$75,000 as a reimbursement for storm drain improvements at Little Sugar Creek Greenway

**(20) PROCLAMATION—INDIAN UNITY DAY**

Adopt Proclamation declaring Thursday, March 8, 2012 as Indian Unity Day in Mecklenburg County.

*Note: Commissioner Cooksey acknowledged the Indian Unity Day event that would take place.*

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

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**(15) PURCHASE AGREEMENT—COMPACT FOUR-DOOR SEDANS**

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to approve a unit price contract for compact four-door sedans with Capital Ford of Wilmington, NC for a term of one year with the option to renew up to two additional one-year terms.

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

**(16) CONSULTANT SELECTION—ROOF REPAIR/REPLACEMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to authorize the County Manager to negotiate fees and execute contracts with Nelson Hall & Associates and Stafford Consulting Engineers for design services for roof repair/replacements on four County-owned buildings. If negotiations with one of the firms are unsuccessful, authorize the County Manager to negotiate with the other firm for the remaining projects.

*Note: The buildings are the Aquatic Center, Amay James Recreation Center, Naomi Drennan Recreation Center, and WTVI. The other firm to negotiate with if negotiations with one of the firms are unsuccessful is Conley Group.*

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

**(19) YMCA OF GREATER CHARLOTTE / PARK & RECREATION DEPARTMENT PARTNERSHIP**

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to approve a Resolution to enter into a lease with the YMCA of Greater Charlotte for a joint use indoor facility at Park Road Park.

Commissioner Leake removed this item from Consent for more public awareness. Lee Jones, with

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Park and Recreation addressed this matter.

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

**ADJOURNMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph 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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Harold Cogdell, Jr., Chairman