

JULY 3, 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, July 3, 2012.

**ATTENDANCE**

**Present:** Chairman Harold Cogdell, Jr. and Commissioners Karen Bentley, Dumont Clarke, Neil Cooksey, George Dunlap, 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 Bill James

---

**-INFORMAL SESSION-**

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

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

**REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0371, 12-0376, 12-0377, 12-0384, 12-0407, 12-0417.

**STAFF BRIEFINGS - NONE**

**(12-0412, 12-0398, 12-0399) CLOSED SESSION - TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A)(1), LAND ACQUISITION AND CONSULT WITH ATTORNEY**

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: Tax Parcel 015-071-01.

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: To Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(A)(1), Land Acquisition and Consult with Attorney.

***The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 6:20 p.m.***

JULY 3, 2012

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

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

---

**-FORMAL SESSION-**

***Chairman Cogdell called this portion of the meeting to order, which was followed by introductions, invocation by Commissioner Pendergraph, and the Pledge of Allegiance to the Flag; after which, the matters below were addressed.***

**Prior to the start of the business portion of the meeting, Commissioner Cooksey requested a point of personal privilege and made the following remarks.**

“When I called Harold this morning and realized I was probably feeling well enough to come and do this, this evening. I thought, well, I can sit down and write out some poignant? remarks that I could read and would get all the things out on the table I've been wanting to say; but then I said that would be a waste of a really good afternoon. So, I am going to speak from the heart this afternoon. I first want to say, I never thought in all my years that I'd be able to use this and really mean it, but, I want to point out to the news media that's out there, that the rumors of my demise have been greatly exaggerated. I am still alive and kicking. I am looking towards this time of my life as a time to reconnect, a time to share memories with people that I have known since childhood. I had a visit on Saturday with probably my oldest friend, who I met in the third grade and we still stay in contact. So, it's been a real time of blessing for me. I also wanted to spend a moment and thank the Charlotte community for the way they've reached out to me and my family and loved ones. It's really been unbelievable. I know that I've taken some actions to kind of maintain my privacy. I don't do that lightly, but if you know somebody who is going through a difficult time in the hospital, it's hard enough to get any rest in the hospital as it is, but it's near impossible to get any rest in the hospital if you have visitors coming through the door. So, I apologize if some people felt excluded, but you're not the only one, everybody else has been excluded too. I would like to recognize at this time probably the one person that has helped me get this far through this journey, the love of my life, my wife Allison. Allison if you would stand up. I call Allison my caregiver. She has been more than that. She's helped me get through the maze, that is the hospital system. If you ever go through the hospital system, find somebody that you trust, that can stand by your side. If you find someone who can do it anywhere like she can, then you'll truly be a blessed person. Also, in the audience is my brother and my daughter. Abigail stand up. Abigail just finished her freshman year at Chapel Hill. I couldn't be more proud of you. Abigail's name means “A Father's Source of Joy.” She certainly has been that for me throughout her entire life. Hailing from Wyoming is my brother Greg. He's out here from Wyoming. I want to talk a little about where I am in life and where maybe all of us should be. I've learned through this process a lot about the historical dichotomy between the ways of science and the ways of faith. The ways of science in my current condition say that I'm incurable. Basically, that there is not a path forward that will take me into a long term sustainable course. That's because doctors don't understand everything about the human body that there is to understand. There's another way out there too, and that's the ways of faith; and the ways of faith are certainly un-understandable and miraculous. Two and half years ago when I first got this diagnosis, I thought there was about a zero percent chance I'd be here today; and I'm still here. I've probably had, despite all the setbacks, some of the best two and half years that I've ever had in my life. I've done things with my kids and my wife that I'll never forget and hope they never forget. It's been a real blessing. So, tonight, I guess what I want to say is, it's that ways of faith that I want you to focus on. I want you to focus on lifting up those who are down trodden and needy. Doing something out of the ordinary or unexpected for somebody that you don't know. Just praying without ceasing. Make your whole life be a prayer to Christ above. I'm not praying, so I think I'm allowed to say

**JULY 3, 2012**

that Marvin. Let your whole life be a prayer. I guess I'd like to close by just suggesting to you, well actually, I do want to add a little politics to this, this being the fourth of July there was something I wanted to say about politics that I think is appropriate. Many of you know that I am kind of an Abraham Lincoln fan and recently I was reading a portion of a biography of Abraham Lincoln about the Lincoln/Douglas debates and that was an election, an important election in a frontier state that was a long way from the center of what was then the metropolis, the center of our country. They had 10, 11 or 12 debates. I can't remember what the number is, but they would have thousands of people come and listen to those debates and thousands more people read the texts of those debates in the paper the next day. This was before we had all the recording equipment and all the other stuff that we have today so people from the newspaper would take notes and jot down what transpired and they printed it the best they could word for word and people would read it, word for word, in the paper the next day; that was the level of interest in our political culture back then. I pray for this nation as we move forward, that we have that level of interest again; that we really have a new birth of freedom and a new birth where people take seriously their rights, their obligations as citizens of this country. If more people would get involved in the political process and elect representatives that they're truly proud of, and they truly respect; then a lot of these issues that we see in the newspaper everyday would go by. But, I'm afraid and I'm ashamed to say that I think a lot of our issues either evolve out of apathy or people wanting to "toot" their own horn and be more than just wanting people to make a career out of politics as oppose to making it an avocation and duty. I respect my colleagues here who have decided to go on and try for higher offices. I wish you both luck in your race. I hope you have a very civil race. My hope is that as we move into this election season, we, and I frankly have been guilty of this as much as other people, have more civility. It's easy to say, but have more civility in our political discourse. I realize how important that is now, looking back on my two and a half year terms of public service. So, I leave with you tonight, with just this one admonition, when you get home tonight, first of all I thank you for coming out and showing your interest in public affairs tonight, but when you get home tonight, there are special people in your life that you spend time with, that you care enough to build a life together, make sure that you hug that person a little extra harder, that you go out of your way to be a little extra nicer. One of the things that you realize in a hospital, is that you're completely dependent upon other people for your care and if you're an ogre in the hospital you're not going get very good care, likewise, if you're an ogre to your husband or your children, I think you can expect them to be an ogre right back at you and it's a vicious cycle. So be a little gentler, a little more loving and it'll serve you well. So, with that, I'm not going stay for the meeting tonight. I wanted to just say goodbye in my own way and hope that you guys have a productive meeting. I may go watch NCIS. I leave you guys to your devices and the Lord willing I'll see you at the August meeting. Okay."

Commissioner Cooksey excused himself from the meeting and was absent for the remainder of the meeting. Commissioners and staff embraced Commissioner Cooksey upon his departure and wished him well.

#### **AWARDS/RECOGNITION - NONE**

#### **(12-0400) PUBLIC APPEARANCE**

No one appeared to speak during the Public Appearance portion of the meeting.

#### **(12-0402) NOMINATIONS/APPOINTMENTS**

#### **BUILDING DEVELOPMENT COMMISSION**

**JULY 3, 2012**

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to reappoint Bernice Cutler to the Building Development Commission as the Charlotte Apartment Association representative for a three-year term expiring July 31, 2015.

**CITIZEN'S CAPITAL BUDGET ADVISORY COMMITTEE**

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to reappoint Richard Kingsberry and Chad Lacy to the Citizen's Capital Budget Advisory Committee for two-year terms expiring July 31, 2014.

**INFORMATION SERVICES & TECHNOLOGY COMMITTEE**

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Charles Ashford to the Information Services & Technology Committee for a three-year term expiring February 28, 2015.

*He replaces Edward Deason.*

**PERSONNEL COMMISSION**

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Sheila Fetner to the Personnel Commission to fill an unexpired term expiring February 4, 2013.

*She replaces Phillip Plott.*

**(12-0411) TOWN OF HUNTERSVILLE PLANNING BOARD**

Motion was made by Commissioner Dunlap, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to reappoint JoAnne Miller to the Town of Huntersville Planning Board as an Extraterritorial Jurisdiction (ETJ) representative as recommended by the Town of Huntersville Board of Commissioners for a three-year term effective July 1, 2012 through June 30, 2015.

**(12-0422) ALCOHOLIC BEVERAGE CONTROL BOARD CHAIRMAN**

Motion was made by Commissioner Dunlap, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to reappoint Cleveland Edwards as Chairman of the Alcoholic Beverage Control Board for the duration of his term.

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

**PUBLIC HEARINGS**

**(12-0372) STREET NAME CHANGE - PORTION OF ODELL SCHOOL ROAD TO MALLARD CREEK ROAD, AND PORTION OF MALLARD CREEK ROAD TO RIDGE ROAD**

**JULY 3, 2012**

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to open a public hearing to hear residents' comments on the proposed renaming of a section of Odell School Road to Mallard Creek Road, and a section of Mallard Creek Road to Ridge Road.

*Note: Due to the construction of I-485, some existing road alignments will change which will require name changes for portions of the affected streets as indicated on the site map provided. NCDOT has requested official street name change approval before it fabricates street signs. The actual changes will take place once road construction is completed in 12-18 months.*

No one appeared to speak.

Motion was made by Commissioner Roberts, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to close the public hearing on the proposed renaming of a section of Odell School Road to Mallard Creek Road, and a section of Mallard Creek Road to Ridge Road.

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the renaming of a section of Odell School Road to Mallard Creek Road, and a section of Mallard Creek Road to Ridge Road.

**(12-0406) COLLATERAL SUBSTITUTION FOR LIMITED OBLIGATION BONDS**

**PUBLIC HEARING**

The Chairman announced that this was the hour, day and place fixed for a public hearing held pursuant to Sections 153A-158.2 of the North Carolina General Statutes, as amended, for the purpose of considering whether the Board of Commissioners for the County (the "Board") should acquire a parking facility known as the CPCC Deck #2, located on Fourth Street in Charlotte, North Carolina (the "Parking Deck"), from Central Piedmont Community College ("CPCC").

The costs of constructing, renovating and equipping the Parking Deck were refinanced using the proceeds of the Mecklenburg County Public Facilities Corporation Refunding Limited Obligation Bonds, Series 2009 (the "2009 Bonds"). The County's obligations with respect to the 2009 Bonds are secured by a deed of trust granting a security interest in certain property (the "Mortgaged Property"). The County wants to modify the deed of trust to release a portion of the Mortgaged Property and to add certain property, including the Parking Deck, as Mortgaged Property. In order to accomplish this, the County must acquire the Parking Deck from CPCC.

The Chairman announced that the notice of the public hearing was published in The Mecklenburg Times on June 22, 2012.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Roberts and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to open the public hearing.

It was requested that the Clerk to the Board inquire to determine whether there were any persons who wished to speak at the public hearing. The names, addresses and testimony of the persons who were present and who offered comments on the proposed acquisition, or who responded in writing to the notice of public hearing, are as follows: None.

**JULY 3, 2012**

After the Board had heard all persons who had requested to be heard, Commissioner Jennifer Roberts moved that the public hearing be closed. The motion was seconded by Commissioner Jim Pendergraph and was adopted 6-0.

\* \* \*

Commissioner Jim Pendergraph introduced the following Resolution which was read by title, and moved it be adopted:

**RESOLUTION AUTHORIZING AND APPROVING (1) THE ACQUISITION OF CERTAIN PROPERTY TO BE USED BY CENTRAL PIEDMONT COMMUNITY COLLEGE AND (2) THE MODIFICATION OF THE DEED OF TRUST SECURING THE COUNTY'S OBLIGATIONS PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT**

**WHEREAS**, the proceeds of the Mecklenburg County Public Facilities Corporation's (the "Corporation") \$223,980,000 Refunding Limited Obligation Bonds, Series 2009 (the "2009 Bonds") were used by Mecklenburg County (the "County") to, among other things, refinance the costs of building or improving Central Piedmont Community College's ("CPCC") Deck #2, located on Fourth Street in Charlotte, North Carolina (the "Parking Deck");

**WHEREAS**, the County granted a lien on certain property financed or refinanced with the proceeds of the 2009 Bonds (the "Mortgaged Property") by recording a Deed of Trust dated as of September 1, 2009 (the "Deed of Trust") from the County to a deed of trust trustee (the "Deed of Trust Trustee") for the benefit of the Corporation;

**WHEREAS**, the County wants to modify the Deed of Trust to (a) release a portion of the property, including the improvements thereon, known as the Behavioral Health Center and currently described as part of Parcel Two in Exhibit A to the Deed of Trust and (b) add the sites and improvements of the Parking Deck and the County's Valerie C. Woodard Office Center to the Mortgaged Property;

**WHEREAS**, in order to add the Parking Deck to the Mortgaged Property, the County must acquire the Parking Deck from CPCC pursuant to Section 153A-158.2 of the North Carolina General Statutes;

**WHEREAS**, the County wants to lease the Parking Deck to CPCC for the term of the 2009 Bonds, after which the County will convey the Parking Deck back to CPCC;

**WHEREAS**, the Board of Commissioners of the County (the "Board") duly conducted a public hearing today regarding the County's acquisition of the Parking Deck from CPCC; and

**WHEREAS**, there have been available at this meeting drafts of the forms of the following:

- (1) a Modification of Deed of Trust to be dated as of September 1, 2012 (the "Modification of Deed of Trust"), between the County and Regions Bank; and
- (2) a Lease to be dated as of September 1, 2012 (the "Lease") between the County and CPCC.

**WHEREAS**, the Board of Commissioners of the County wants to approve the acquisition of the Parking Deck and the modification of the Deed of Trust and to authorize other actions in connection therewith; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the County as follows:

**JULY 3, 2012**

1. Each of the Modification of Deed of Trust and the Lease, in the form submitted to this meeting, is hereby approved, and the Chairman of the Board, the County Manager, the Director of Finance, any Deputy Director of Finance, and the Clerk to the Board are each hereby authorized and directed to execute and deliver each of those documents, on behalf of the County, with such changes, insertions or omissions as each may approve, the execution thereof by any of them to constitute conclusive evidence of such approval.
2. The Chairman of the Board, the County Manager, the Director of Finance, or any Deputy Director of Finance, the Clerk to the Board and the County Attorney are each hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this Resolution and to effect the acquisition of the Parking Deck and the modification of the Deed of Trust. Execution of the Modification of Deed of Trust and the Lease by the Chairman of the Board, the County Manager, the Director of Finance or any Deputy Director of Finance, shall conclusively evidence approval of all such details of the acquisition and modification.
3. All actions of the County effectuating the proposed acquisition of the Parking Deck and modification of the Deed of Trust are hereby approved, ratified and authorized pursuant to and in accordance with the transaction contemplated by the documents referred to above.
4. This Resolution shall become effective immediately upon its adoption.

Commissioner Vilma Leake seconded the motion and the motion was adopted by the following vote:

Ayes: Commissioners Dumont Clarke, Harold Cogdell, Jr., George Dunlap, Vilma Leake, Jim Pendergraph and Jennifer Roberts.

Noes: None.

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

***Commissioner Bentley returned to the dais.***

#### **ADVISORY COMMITTEE REPORTS**

##### **(12-0334) DOMESTIC VIOLENCE FATALITY REVIEW TEAM SECOND INTERIM REPORT**

The Board received a report from the Domestic Violence Fatality Review Team. The presenters were Jane Harper, chair of the Domestic Violence Fatality Review Team, Kim Barker, vice-chair, and Kim Livingston.

*Note: Session Law 2009-52, which authorized Mecklenburg County to establish a Domestic Violence (DV) Fatality Prevention and Protection Review Team, requires an annual report to the Board of County Commissioners.*

It was noted that the ongoing themes as it relates to domestic violence involves Firearms, Substance Abuse, Jealousy, Rage & Perceived Loss of Control Over Victim, Families & Friends were Aware of the Domestic Violence.

The report included the following recommendations, each of which were elaborated upon.

- Name the Violence, Condemn It, and Raise Awareness about the Lethality Risk

**JULY 3, 2012**

- Enhance DV Safety Planning for Victims and Children
- Increase Frequency/Focus of Probation Contacts
- Promote Development of Workplace Policies Regarding DV
- Magistrate's Office and Sheriff's Office Need to Provide Privacy to Persons Seeking Protective Orders
- Faith Community Leaders Require On-going DV Education
- Supervised Visitation and Exchange
- Additional Need for Victim Advocates
- Improved Law Enforcement Response to 50B violations
- Inadequate Time for Hearing 50B Cases
- Explore Improvements to Batterer Intervention Programs
- Address Co-occurring Issues
- Restrict Access to Illegal Weapons

The report highlighted the following accomplishments of the Team, each of which were elaborated upon.

- Increase DV Training for Law Enforcement Officers
- Implement Lethality Assessments
- Increase DV Screenings Among Health Care Providers
- Increase Public Awareness about the statutory mandate for reporting to Child Protective Services when a juvenile has been exposed to DV.
- Continue to educate staff and the public about the lethality of domestic violence situations.
- Educate prosecutors to seek out defendants' military records (when applicable) to strengthen DV cases—both homicide and non-homicide.
- Strengthened Relationships

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

Comments

Commissioner Leake addressed restraining orders. She said the procedures associated with restraining orders were "difficult, long and drawn out." Commissioner Leake said an individual could go from one site, that's not known to the public, to the courthouse and then discover they don't have the appropriate paperwork; subsequently, that individual has to go back to the original site. Commissioner Leake suggested that once a victim appears, that they be given the appropriate information to avoid making multiple trips to the same site.

Commissioner Leake addressed protective orders.

Commissioner Leake said she hoped efforts were being made to reach out to parents and children as young as five years of age, that sometime display acts of violence or bullying in their interaction with other children.

Commissioner Bentley addressed the need for a magistrate, via satellite in North Mecklenburg County, as well as, in South Mecklenburg County. Commissioner Bentley asked whether this need had been discussed by the Team with the Chief Magistrate. *Ms. Harper said they had not discussed this with the Chief Magistrate since they haven't had a case in that area that involved a fatality. Ms. Harper said she appreciated Commissioner Bentley's persistence on this matter.*

Commissioner Bentley asked that the Team assist her in advocating for this need.

Commissioner Clarke asked if the Team planned to present their report to Charlotte City Council. *The response was no, since this was a County established group.*



**JULY 3, 2012**

Commissioner Clarke suggested consideration be given to presenting the report to Charlotte City Council, in light of the Charlotte-Mecklenburg Police Department's involvement with these types of matters. *Ms. Harper said they would follow-up on that suggestion.*

Commissioner Roberts asked would the phone number for the Battered Women's Shelter change, per their move to a new facility in December. *Ms. Harper said she did not know but that was a good question.*

Commissioner Roberts suggested if it was at all possible, that the number remain the same.

Commissioner Dunlap encouraged the Team to be proactive. He made that statement in light of the response to Commissioner Bentley's question regarding discussions around having a magistrate in North and South Mecklenburg. Commissioner Dunlap said it was better to be proactive and have measures in place before an incident occurred.

Ms. Harper addressed the Team's scope of work as outlined by the statute establishing the team. She said, however, that she would take the suggestions regarding the need for a magistrate in North and South Mecklenburg to the team for discussion and a possible recommendation.

Chairman Cogdell thanked the presenters for the report.

## **MANAGER'S REPORT**

### **(12-0409) NAMING OF COUNTY FACILITY**

The Board received a report from County Manager Jones on the process for considering the naming of a County facility.

*Note: An application was submitted by Chairman Cogdell for the Board to consider naming the former Criminal Courts building located at 700 E. 4th Street, which is owned by the County, in honor of Judge Clifton E. Johnson.*

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to schedule a public hearing on August 14, 2012 at 6:30 p.m. to receive public comment on the proposed naming of a County facility.

### **(12-0408) KNIGHT'S BASEBALL FINANCING PLAN UPDATE**

The Board received an update from General Manager Bobbie Shields on the Knight's Baseball Financing Plan.

*Note: The Charlotte Knights were required to submit its Finance Plan to the County by June 30.*

The following was noted:

- The Charlotte Knights have submitted their Finance Plan as was required.
- The Charlotte Knights have two sponsors confirmed and possibly two more forthcoming.
- Ballpark Construction Financing:
  - A Ballpark Construction Financing Sources spreadsheet was provided. General Manager Shields noted a correction to the spreadsheet that was originally provided to the Board. General Manager Shields said there was a line item that

**JULY 3, 2012**

- showed \$2 million for Capitalized Interest and Transaction Fees provided from ownership, however, the \$2 million was a part of the \$10 million on the equity.
- The Knights have a confidential construction loan commitment letter from lenders committing to lend the Knights \$45 million.
  - The Knights have a confidential confirmation of ownership contribution capacity from financial advisors, in the amount of \$15 million.
  - The Knights have provided a budget in the amount of \$56 million, which is consistent with the \$56 million identified financing.
  - The Knights provided contractor certification of adequacy of sources to fund ballpark construction.
  - The Knights provided an update on their Feasibility study.
  - The Knights provided comparable market/ballpark attendance data.
  - In the Development Agreement, the Knights have committed to play ball as long as they have a minimum attendance of 430,000.
  - The Knights provided a schedule for construction.
  - The Knights are required to begin construction by October 1, 2012.

No action was taken or required.

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

**(12-0403) 2011 REVALUATION REVIEW**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to authorize the County Manager to negotiate and execute an agreement with Pearson's Appraisal Service to serve as the reviewer of the 2011 Mecklenburg County revaluation.

Cary Saul, director of Land Use and Environmental Services Agency presented this matter to the Board.

*Note: On May 1, 2012, the Board directed the County Manager to recommend a reviewer, specific scope of work and budget for conducting a review of the 2011 Mecklenburg County revaluation. The recommended reviewer was Pearson's Appraisal Service. The specific scope of work, timetable (16 weeks) and budget (\$254,400) proposed by Pearson's Appraisal Service was provided to the Board.*

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

Commissioner Bentley asked that the following email exchange be entered into the record.

Pearson proposal

**Bentley, Karen**

Page 1 of 2

-----  
**From:** Saul, Cary [Cary.Saul@mecklenburgcountync.gov]

**Sent:** Tuesday, July 03, 2012 2:36 PM

**To:** Bentley, Karen; Jones, Harry L.

**Cc:** McGillicuddy, John; William Putney

**Subject:** RE: Pearson proposal

Commissioner Bentley,

We have confirmed with Pearson's Appraisal Services Inc. that the scope of work presented is intended to identify non-compliance areas in the 2011 Revaluation process. The final report will make recommendations for remedial or corrective measures to address the areas of non-compliance. The recommendations could include

**JULY 3, 2012**

actions to remediate or correct aspects of the 2011 revaluation as well as recommendations for changes in subsequent revaluations. Obviously, it would be up to the County if, when and how to proceed.

Please contact me if you any further questions.

Cary Saul  
Director  
Mecklenburg County  
Land Use & Environmental Services Agency  
700 N. Tryon St.  
Charlotte, NC 28202  
704-336-3725  
[Cary.Saul@MecklenburgCountyNC.gov](mailto:Cary.Saul@MecklenburgCountyNC.gov)

**From:** Bentley, Karen [mailto:kbentley@novanthealth.org]  
**Sent:** Tuesday, July 03, 2012 11:21 AM  
**To:** Jones, Harry L.; Saul, Cary  
**Subject:** Pearson proposal

Good morning, Harry and Cary.

After reviewing the proposal from Pearson, I have a question. In the **RFP** we specifically stated that the vendor should:

**3.1. Board of County Commissioners' Directions:**

*2) Develop lawfully permitted remedial or corrective measures designed to address any identified noncompliance areas in the 2011 Revaluation process;*

And,

**1) Detailed Scope of Work/Services**

The Service Provider must provide a recommended and detailed scope of work/services to meet the directions provided by the Board in Section 3.1 above, as well as a scope for providing citizen involvement consistent with Section 3.2.

Pearson proposal Page 2 of 2

I do not see where Pearson addresses this in their scope of work. Can you provide some clarification around this? Thanks.

Karen  
***Karen. 'Bentley***  
Director, Community Relations  
Presbyterian Healthcare  
704-384-3651 (o)  
704-316-8616 (f)  
980-297-9670 (c)  
[kbentley@novanthealth.org](mailto:kbentley@novanthealth.org)

07/03/2012  
End of Email

Commissioner Dunlap asked that Director Saul suggest to the reviewer that when they meet with the public to “be up front and say that this does not mean that your taxes will change.”

**COUNTY COMMISSIONERS REPORTS & REQUEST**

**(12-0421) CMS RESTRICTED CONTINGENCY**

Motion was made by Commissioner Leake seconded by Commissioner Clarke and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve releasing and appropriating to Charlotte Mecklenburg Schools (CMS) \$18,555,613 of FY13 County funds currently held in restricted contingency based upon the Board of Education's approved plan outlined in its June 26, 2012 meeting agenda item III(c) that provides all CMS employees a 3% Cost of Living Salary Increase and completes planned market adjustments.

Prior to the above vote, Sheila Shirley, Finance Officer for CMS addressed questions from Board members. Superintendent Heath Morrison was also present and addressed the Board.

*Commissioner Leake* asked of CMS, how much money was saved as a result of the closing of schools last year. *Finance Officer Shirley* said the total savings related to the continuous improvement project, which involved the closing of some schools, moving of some schools, consolidating schools, and a number of different items, that total net annual savings was \$5.2 million.

Commissioner Leake asked how were the savings being utilized in the school district. *Finance Officer Shirley* said when the Board of Education adopted its budget for this year that it cut those dollars out of the budget because they're considered an annual savings and they were looking for budget reductions. So those items that they were able to cut as a result of those consolidations and closings, those dollars were cut from the budget.

*Commissioner Clarke* asked of CMS how much more or less was the State of N.C. giving CMS this year compared to last year, not only taking into account what they are giving CMS as an appropriation, but then they tell you, you have to give them back a certain amount of money. *Finance Officer Shirley* said CMS has not received its final allotments from the state as of to date.

Commissioner Clarke asked of CMS that when they received final numbers from the state, to provide Commissioners with that information. *Superintendent Morrison* said they would provide that information to the Board.

**STAFF REPORTS & REQUESTS**

**(12-0335) BUSINESS INVESTMENT PROGRAM GRANT AND ECONOMIC DEVELOPMENT GRANT: UNITED TECHNOLOGIES CORPORATION**

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 6-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes and Commissioner Pendergraph voting no, to adopt Resolution approving a Business Investment Program grant and an Economic Development grant to United Technologies Corporation for a total estimated amount of up to \$1,351,596 and authorize the County Manager to negotiate and execute a contract.

*Note: This project entails the relocation of United Technologies Corporation (UTC) Aerospace Systems headquarters to Charlotte. The project will include a capital investment of between \$4 million and \$14.54 million beginning in 2012. It will create 325 new jobs over the first five years with a minimum average annual wage of approximately \$168,462, which is more than three times the required BIP annual wage of \$45,610, and is 80% of the expected annual average wage of \$210,578.*

John Allen, Economic Development Director presented this matter to the Board.

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

**(12-0378) BUSINESS INVESTMENT PROGRAM GRANT: MSC INDUSTRIAL DIRECT CO., INC.**

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and carried 6-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes and Commissioner Pendergraph voting no, to adopt Resolution approving a Business Investment Program Grant to MSC Industrial Direct Co., Inc. for a total estimated amount of up to \$603,263 and authorize the County Manager to negotiate and execute a contract.

*Note: MSC Industrial Direct Co., Inc. (MSC) is one of the largest direct marketers and premier distributors of Metalworking and Maintenance, Repair and Operations ("MRO") supplies to industrial customers throughout the United States. This project entails the establishment an auxiliary headquarters in Davidson. The project will include a capital investment of approximately \$31 million. The investment will be in the construction of a 180,000 square-foot office building, parking structure, and new business personal property. It will create 400 new jobs over five years with a projected average annual salary of approximately \$87,000.*

John Allen, Economic Development Director presented this matter to the Board.

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

**(12-0380) SMALL BUSINESS REVOLVING LOAN FUND - CHAIRMAN COGDELL**

Motion was made by Commissioner Dunlap, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to direct the County Manager to explore all opportunities to provide economic development opportunities to micro businesses and report back to the Board.

Commissioner Dunlap presented this matter to the Board for consideration. His original thought was to ask the County Manager to evaluate the feasibility of a County administered small business revolving loan fund, however, at the suggestion of Commissioner Roberts, he agreed to amend his motion as stated above.

Commissioner Roberts said she was not comfortable with the County getting into the loan business in this fashion. She said there were other ways that assistance could be provided to small businesses, such as combining the permitting offices (City/County) or the County could explore leniency in permitting timeframes or tax penalties for small companies starting up.

**(12-0405) FY12 PROGRAM REVIEW RESULTS**

The Board received a report on the FY12 Program Review results. Monica Allen, Performance & Evaluation Manager and Charles Rutherford gave the report.

*Note: The County began Program Review in 2003 that was modeled after the Federal Government approach to assess services. Since inception of the model in Mecklenburg County, staff have conducted numerous reviews of County services on relevance, performance and efficiency. Staff will also provide an update on the process moving forward for FY2013 and beyond.*

The report addressed the following:

- Background of Program Review

**JULY 3, 2012**

- Current Methodology
- Performance Results
- Recommendations
- Efficiency Review Results
- Efficiency Methodology
- Efficiency Service Results
- Recommendations
- Conclusions
- Evolve Performance Evaluation

It was noted that in general, County services were meeting targets and have systems to collect and report data.

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

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

#### **COUNTY COMMISSIONERS REPORTS & REQUEST**

##### **(12-0418) SELECTION OF NACO VOTING DELEGATE**

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph voting yes, to select Commissioner Dunlap to serve as the County's voting delegate for the 2012 National Association of Counties (NACo) Annual Conference to be held July 13-17, 2012 in Allegheny County, PA; and in the event the Board's representative is unable to attend, authorize the president of the NC Association of County Commissioners (or his/her designee) to cast the County's vote.

##### **(12-0419) SELECTION OF NCACC VOTING DELEGATE**

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph voting yes, to appoint Commissioner Roberts as the County's voting delegate for the 105th Annual Conference of the North Carolina Association of County Commissioners to be held in Wake County, N.C., on August 16-19, 2012.

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

#### **CONSENT ITEMS**

**Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 5-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, and Leake, voting yes, to approve the following item(s):**

##### **(12-0327) STORM WATER FEE - RESOLUTION ADOPTING THE CITY OF CHARLOTTE'S MINOR SYSTEM RATES**

Adopt the RESOLUTION AUTHORIZING INCREASING THE MINOR SYSTEM COST COMPONENT OF THE STORM WATER SERVICE CHARGES TO BE LEVIED WITHIN THE CITY OF CHARLOTTE

*Note:* the Board of Commissioners of Mecklenburg County that effective July 3, 2012 the minor system component of the storm water service charge to be levied on properties within the City of Charlotte is increased to the following:

**JULY 3, 2012**

- \$ 5.08 per month for single family residences with less than 2,000 square feet of impervious area (lower tier)
- \$ 7.48 per month for single family residences with 2,000 or more square feet of impervious area (upper tier)
- \$124.70 per month for each acre of impervious surfaces for all other residential or non-residential land, and a prorata share of each portion thereof.

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

**(12-0359) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT**

Recognize and receive Area Mental Health Monthly Financial Report for period ending April 2012.

*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 April 2012**

|                                   | Budget        | Actual        | %<br>Received |
|-----------------------------------|---------------|---------------|---------------|
| Revenue Source                    |               |               |               |
| Medicaid & CAP                    | \$ 8,893,442  | \$ 4,674,237  | 52.56%        |
| State and Federal                 | 33,359,945    | 19,012,105    | 56.99%        |
| Third Party/Other                 | 75,756        | 37,037        | 48.89%        |
| County                            | 39,803,728    | 14,157,683    | 35.57%        |
| Total Revenues                    | \$ 82,132,871 | \$ 37,881,062 | 46.12%        |
|                                   |               |               | %<br>Spent    |
| Service Continuum                 |               |               |               |
| Children's Developmental Services | \$ 7,496,036  | \$ 5,232,546  | 69.80%        |
| Child & Adolescent Services       | 13,236,062    | 6,952,632     | 52.53%        |
| Adult Mental Health               | 7,320,056     | 3,921,906     | 53.58%        |
| Adult Substance Abuse             | 14,076,186    | 10,402,525    | 73.90%        |
| Local Management Entity           | 7,775,537     | 5,072,875     | 65.24%        |
| BHC Randolph                      | 22,157,265    | 0             | 0.00%         |
| Developmental Disabilities        | 10,071,729    | 6,298,578     | 62.54%        |
| Total Expenditures                | \$ 82,132,871 | \$ 37,881,062 | 46.12%        |
| Net (Revenues - Expenditures)     | 0             | 0             | 0%            |

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

**(12-0381) AREA MENTAL HEALTH FY2012 THIRD QUARTER REPORT**

Recognize and receive the Third Quarter 2012 Area Mental Health Report.

*Note: In accordance with General Statute 122C-115.1(e), within 30 days of the end of each*

**JULY 3, 2012**

*quarter of the fiscal year, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program. 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.*

**FINANCIAL MANAGEMENT**

|                                   | Budget     | Actual     | Received |
|-----------------------------------|------------|------------|----------|
| Revenue Source                    |            |            |          |
| Medicaid & CAP                    | 8,856,442  | 4,196,538  | 47.38%   |
| State and Federal                 | 33,359,945 | 16,758,286 | 50.23%   |
| Third Party/Other                 | 75,756     | 34,084     | 44.99%   |
| County                            | 39,803,728 | 12,441,978 | 31.26%   |
| Total Revenues                    | 82,095,871 | 33,430,886 | 40.72%   |
|                                   | Budget     | Actual     | Spent    |
| Service Continuum                 |            |            |          |
| Children's Developmental Services | 7,496,036  | 4,709,599  | 62.83%   |
| Child & Adolescent Services       | 13,236,062 | 6,159,799  | 46.54%   |
| Adult Mental Health               | 7,320,056  | 3,191,870  | 43.60%   |
| Adult Substance Abuse             | 14,039,186 | 9,199,324  | 43.60%   |
| Local Management Entity           | 7,775,537  | 4,612,482  | 59.32%   |
| BHC Randolph                      | 22,157,265 | 0          | 0.00%    |
| Developmental Disabilities        | 10,071,729 | 5,557,812  | 55.18%   |
| Total Expenditures                | 82,095,871 | 33,430,886 | 40.72%   |
| Net (Revenues - Expenditures)     | 0          | 0          | 0%       |

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

**(12-0382) CONSTRUCTION CONTRACT - TORRINGTON BRIDGE REPAIRS ON LOWER MCAPLINE CREEK GREENWAY**

Award a construction contract to JD Goodrum Co., Inc. in the amount of \$255,675 for the construction/repair of Torrington Bridge on Lower McAlpine Creek Greenway.

*Note: The project site is located near the intersection of I-485 and Johnston Road, behind Pike's nursery. Repairs include rebuilding the existing bridge abutments, installing prefabricated concrete ramps.*

**(12-0391) GRANT APPLICATION - ENVIRONMENTAL HEALTH (PUBLIC HEALTH/LUESA)**

Approve submission of \$60,000 grant application, Advancing Conformance with the Voluntary National Retail Food Regulatory Program Standards from US Food and Drug Administration to Mecklenburg County Health Department. This grant application is due July 15, 2012; and if awarded, recognize, receive and appropriate amount awarded through the grant period.

**(12-0385) AMENDMENT TO BYLAWS - WASTE MANAGEMENT ADVISORY BOARD**

Approve an amendment to the Bylaws of the Waste Management Advisory Board.



**JULY 3, 2012**

*Note: The first proposed change identifies several specific individual and business interests that should be represented in the membership of the WMAB to provide a diversity of interests in waste management issues. The second proposed change to the Bylaws relates to the conduct of meetings to provide for broader participation of the membership, while still recognizing the need for member recusal from voting on matters of conflict.*

**(12-0386) ON-ROAD EQUIPMENT PURCHASE (LUESA)**

Authorize the County Manager to award and execute a unit price contract for the purchase of one Tandem Drive Compressed Natural Gas (CNG) Rolloff Truck for a total amount of \$190,933 to the following lowest responsible bidder:

Charlotte Truck Center  
Tandem Drive CNG Rolloff Truck \$190,933 per unit

**(12-0387) SALE OF PROPERTY TO FIBER MILLS, LLC**

Adopt the resolution entitled "Mecklenburg County Board of Commissioners Resolution Authorizing Sale of Property to Fiber Mills, LLC."

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

**(12-0389) RELOCATION OF COUNTY FLEET OPERATIONS – INTERLOCAL AGREEMENT RESOLUTION**

Adopt the resolution entitled "Mecklenburg County Board of Commissioners Resolution for an Interlocal Agreement among the North Carolina Department of Transportation (NCDOT), the City of Charlotte (City) and Mecklenburg County (County)."

*Note: Approval of this resolution will authorize the County Manager to negotiate and execute an Interlocal Agreement among the three parties consistent with the business terms in Exhibit B of the Resolution; and will authorize the County Manager to negotiate and execute an amendment to the Interlocal Agreement for Consolidation of Fleet Maintenance Operations with the City of Charlotte consistent with the business terms in Exhibit B of the Resolution.*

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

**(12-0390) EQUIPMENT LEASE - PITNEY BOWES POSTAGE EQUIPMENT**

Authorize the County Manager to negotiate and execute a four-year lease for postal Equipment with Pitney Bowes.

**(12-0392) SET PUBLIC HEARING - ROAD CLOSINGS/ABANDONMENT AT CHARLOTTE-DOUGLAS INTERNATIONAL AIRPORT**

Set a public hearing at 6:30 p.m. on August 14, 2012 to hear all interested citizens who appear with respect to the abandonment and closing of roadways and their right-of-ways at the Charlotte-Douglas International Airport.

Adopt resolution declaring intent to abandon.

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

**(12-0393) RESOLUTION OF FIRE PROTECTION INTERLOCAL AGREEMENTS**

Approve the Resolution of Fire Protection Interlocal Agreements with the Towns of Davidson, Huntersville and Mint Hill.

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS  
RESOLUTION  
APPROVING FIRE PROTECTION INTERLOCAL AGREEMENTS  
WITH THE TOWNS OF  
DAVIDSON, HUNTERSVILLE AND MINT HILL**

**WHEREAS**, under Article 20 of Chapter 160A of North Carolina General Statutes, as amended, cities and counties are authorized to enter into interlocal cooperation undertakings with other local governments for the joint exercise, or the contractual exercise by one government for another government, of any power, function, public enterprise, right, privilege, or immunity of local governments in North Carolina; and

**WHEREAS**, N.C.G.S. §153A-233 provides that a county may maintain a fire department and provide financial assistance to incorporated volunteer fire departments, and may contract for fire-fighting or prevention services with counties, cities, or other units of local government, and may for these purposes appropriate funds not otherwise limited as to use by law; and

**WHEREAS**, the Mecklenburg Board of County Commissioners has established fire protection service districts that cover the entire unincorporated area of Mecklenburg County and has levied a property tax for every fire protection service district for the purpose of funding fire protection services in the unincorporated area of Mecklenburg County; and

**WHEREAS**, the County has offered to contract with the Towns of Cornelius, Davidson, Huntersville and Mint Hill for the Towns to provide fire protection services in the fire protection service districts located in the spheres of influence of the Towns by the Towns exercising the power granted to the County by N.C.G.S. 153A-233 to maintain a fire department and to provide financial assistance to incorporated volunteer fire departments in the unincorporated area of Mecklenburg County using funds to be provided by the County from the property taxes levied in the fire protection service districts, but Cornelius has already rejected this offer; now, therefore, be it

**RESOLVED** by the Mecklenburg County Board of Commissioners that the attached form of Interlocal Agreement is hereby approved, that the County Manager is hereby authorized to execute Interlocal Agreements with the Towns of Davidson, Huntersville and Mint Hill in substantially the form attached to this Resolution and to negotiate and execute any further ancillary documents or changes to the Interlocal Agreements as may be necessary, and that this Resolution shall be spread upon the minutes.

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

**(12-0395) TAX REFUNDS**

Approve refunds in the amount of \$486,950.26 and interest as statutorily required to be paid as requested by the Tax Assessor resulting from clerical errors, audits and other amendments, including revaluation appeals.

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

**(12-0396) RESOLUTION - REGISTER OF DEEDS REVIEW OFFICER**

**JULY 3, 2012**

Amend "Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2," in order to add Gregory L. Van Hoose as a Review Officer.

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

**(12-0397) CITY OF GASTONIA RADIO SERVICE INTERLOCAL AGREEMENT**

Adopt a resolution authorizing Execution of an Interlocal Agreement for Radio Service Between the City of Charlotte, Mecklenburg County and City of Gastonia.

**MECKLENBURGCOUNTYBOARD OF COMMISSIONERS  
RESOLUTION  
AUTHORIZING EXECUTION OF AN  
INTERLOCAL AGREEMENT FOR RADIO SERVICEBETWEEN  
THE CITY OF CHARLOTTE, MECKLENBURG COUNTY AND CITY OF GASTONIA**

**WHEREAS**, under North Carolina General Statutes §160A-461 and §153A-445, as amended, cities and counties are authorized to enter into interlocal cooperation undertakings with other local governments for the joint exercise of any power, function, public enterprise, right, privilege, or immunity of local governments in North Carolina; and

**WHEREAS**, in December of 2003, the City of Charlotte and Mecklenburg County entered into an Interlocal Agreement consolidating all functions of the Public Safety Radio Network within Mecklenburg County under the City of Charlotte. That agreement provides that the City and the County will work together to promote regional participation in building a shared radio network (the "Regional Public Safety Radio Network").

**WHEREAS**, on or about May 27, 2008 the City of Gastonia entered into an Interlocal Agreement for Access to and Service of Radio System under which Gastonia joined the Regional Public Safety Radio Network as a participant using Charlotte/Mecklenburg infrastructure (the "2008 Gastonia Radio Interlocal").

**WHEREAS**, the City of Gastonia has now obtained funding to build its own radio subsystem to participate in the Regional Public Safety Radio Network instead of participating as a user on the Charlotte / Mecklenburg infrastructure.

**WHEREAS**, having Gastonia buy its own radio subsystem will enhance the technical capability and interoperability of the Regional Public Safety Radio Network.

**WHEREAS**, addition of the Gastonia radio subsystem will entail terminating the 2008 Gastonia Radio Interlocal and having the City of Gastonia, the City of Charlotte and Mecklenburg County enter into a new Interlocal Agreement for Radio Service.

**WHEREAS**, the City of Charlotte, City of Gastonia and Mecklenburg County now desire: (a) to terminate by mutual consent the 2008 Gastonia Radio Interlocal and replace it with a new Interlocal Agreement for Radio Service, a copy of which is attached to this resolution as Exhibit A (the "Agreement"), and (b) to authorize their respective City and County Managers to amend

**JULY 3, 2012**

*the Agreement to incorporate any future changes that the parties may agree to from time to time regarding the radio service or support provided under the Agreement, so long as such changes do no impose any costs on the County that are not subject to reimbursement by the City of Gastonia.*

**NOW, THEREFORE, BE ITRESOLVED** by the Mecklenburg County Board of Commissioners that the Agreement is hereby approved, that the County Manager is hereby authorized to execute such Agreement in substantially the form attached to this Resolution, that the County Manager is hereby authorized to terminate the 2008 Gastonia Radio Interlocal in accordance with the Agreement, that this Resolution shall be spread upon the minutes, and that the County Manager is authorized to amend the Agreement to incorporate any future changes that the County Manager, City of Gastonia and City of Charlotte may agree to from time to time regarding the radio service or support provided under the Agreement, so long as such changes do no impose any costs on the County that are not subject to reimbursement by the City of Gastonia.

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

**(12-0410) LEASE FOR ATM MACHINES AT COUNTY FACILITIES**

Adopt a resolution titled "Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to Fifth Third Bank" for ATM Machines at county facilities.

**MECKLENBURG COUNTY  
BOARD OF COMMISSIONERS  
RESOLUTION DECLARING INTENT TO LEASE PROPERTY TO  
FIFTH THIRD BANK**

**WHEREAS**, Mecklenburg County is the owner of several park and recreation, jail and general government facilities in Charlotte, NC; and

**WHEREAS**, Fifth Third Bank has submitted a proposal to lease space for one automated teller machine (ATM) at each of nine (9) Mecklenburg County owed facilities consistent with the following business terms:

- Locations**
- (1) Mecklenburg County Courthouse
  - (2) Ray's Splash Planet
  - (3) Mecklenburg County Jail Central
  - (4) Bob Walton Plaza
  - (5) Wallace Kuralt Center
  - (6) Hal Marshall Center
  - (7) Valerie C. Woodard Center
  - (8) Mecklenburg County Work Release
  - (9) Mecklenburg County Jail Annex

**Lease Term** Five (5) years

**Base Lease Rate** Tenant shall pay County 90% of all revenue after deducting all expenses, including operating expenses, interest paid, taxes, and depreciation

JULY 3, 2012

**Option to Renew** County to have Two (2) options to renew for two (2) years each

**Insurance** Bank shall carry comprehensive general liability insurance insuring against a combined loss of not less than \$1,000,000.00 for each occurrence.

**WHEREAS**, the County BSSA-Asset and Facility Management has determined that the space that Fifth Third Bank desires to lease will not be needed by the County during the term of the lease; and

**WHEREAS**, pursuant to G.S. 160A-272 the Board of Commissioners has determined that it would be in the public interest for it to agree to the arrangement proposed by Fifth Third Bank; now, therefore, be it

**RESOLVED** that the Mecklenburg County Board of Commissioners does hereby declare its intent to enter into a lease arrangement with Fifth Third Bank, as described above, and directs that the Clerk to the Board publish a notice of the Board's intent to approve the lease arrangement with Fifth Third Bank at the Board's August 14, 2012 meeting as required by law.

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

**(12-0413) MEETING MINUTES**

Approve minutes of Regular meeting held June 19, 2012 and Closed Session held June 19, 2012.

**(12-0425) BOARD BULLETIN**

Receive the County Manager's Board Bulletins published since the last Board meeting.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

---

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, and Leake voting yes, to approve the following items:

**(12-0371) BUDGET ADJUSTMENT - AREA MENTAL HEALTH (REVENUE INCREASE)**

Recognize, receive and appropriate NC Department of Health and Human Services funds of \$1,026,563.

*Note: The North Carolina Division of MH/DD/SAS has issued a three-way contract between Mecklenburg County Area Mental Health, Presbyterian Hospital and the NC Division of MH/DD/SAS in the amount of \$1,026,563 in FY2013. The primary purpose of the contract is for the establishment and usage of new local psychiatric inpatient bed capacity at the local community level for indigent acute care. Mecklenburg County Area Mental Health will reimburse Presbyterian Hospital for actual services provided on a per day/per unit basis, and the NC Division of MH/DD/SAS will reimburse Mecklenburg County for the expenditures paid to Presbyterian.*

JULY 3, 2012

**(12-0376) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY13 FUNDING**

Recognize, receive and appropriate Community Development Block Grant (CDBG) funds of \$515,368 until expiration of the grant period for use in promoting development within low-income areas.

**(12-0384) GRANT APPLICATION - CDC COMMUNITY TRANSFORMATION GRANT**

1. Approve submission of a \$2,500,000 grant application to Centers for Disease Control and Prevention for a Community Transformation Grant. This grant application is due July 31, 2012.
2. If awarded, recognize, receive and appropriate awarded funds for the grant period.

*Note: In partnership with community stakeholders, the Mecklenburg County Health Department is requesting approval to apply for a Community Transformation Grant to support efforts to increase access to healthy foods, promotion of physical activity and cessation of tobacco products, to reduce chronic disease rates, prevent the development of secondary conditions and address health disparities.*

**(12-0407) PURCHASE AND LEASE AGREEMENTS - DRUG TESTING REAGENTS, SUPPLIES AND EQUIPMENT (SOLE SOURCE)**

1. Authorize County Manager to negotiate and execute a unit price sole source contract with Siemens Healthcare Diagnostics Inc. of Columbia, SC for a term of five years to provide drug testing reagents and supplies. After the initial five year term, the contract will automatically renew annually with the option to terminate with notice. Based on the number of clients currently receiving these services, the annual expenditures for this contract is estimated to be \$42,312.54.
2. Authorize County Manager to negotiate and execute a lease agreement for drug testing equipment and software with Siemens Healthcare Diagnostics Inc. of Columbia, SC for a term of five years. After the initial five-year term, the contract will automatically renew annually with the option to terminate with notice. The annual expenditure for the lease agreement is \$9,612.

**(12-0417) CHARLOTTE-MECKLENBURG SCHOOLS LEASE OF PROPERTY**

Adopt a resolution titled "Mecklenburg County Board of Commissioners Resolution Authorizing Charlotte-Mecklenburg Board of Education to Negotiate and Execute a Lease with Grace & Mercy Cathedral Ministries, Inc."

*Note: Charlotte-Mecklenburg Schools (CMS) proposes to enter into a lease agreement with Grace and Mercy Ministries, Inc. to lease property located at 2670 Dr. Carver Rd, Charlotte, North Carolina. This site then will be subleased to Project L.I.F.T. (Leadership and Investment for Transformation). The site will be known as the L.I.F.T. Institute, and will host 75-100 high school boys. L.I.F.T. is a public-private partnership that provides support, additional services, and educational enhancements for CMS students in the West Charlotte corridor, defined as West Charlotte High School and the 8 middle and elementary schools that feed into it.*

*North Carolina G.S. 115C-530 stipulates that operational leases of real or personal property for use as school buildings or facilities for three years or greater must be approved by a resolution adopted by the local board of county commissioners.*

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

Commissioner Leake removed these items from Consent for more public awareness.

**Commissioner Pendergraph returned to the dais.**

**(12-0377) GRANT APPLICATION - WIC REGIONAL LACTATION TRAINING CENTER – HEALTH DEPARTMENT**

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

1. Approve submission of a \$180,000 grant application (\$60,000 per year for three years) for continuation of the WIC Regional Lactation Training Center program from the NC Department of Health and Human Services, Division of Public Health, Women's and Children's Health Section. This grant application is due August 24, 2012.

2. If awarded, recognize, receive and appropriate funds for the grant period.

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

**12-0398 CLOSED SESSION – LAND ACQUISITION**

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph voting yes, to Authorize the County Manager to:

Negotiate and execute necessary documents for the purchase of Tax Parcel 015-071-01 (+/- 89.45 acres) and 015-081-02 (+/- 48.447 acres) in the Town of Huntersville from the Trust for Public Land for \$2,625,000; and

Negotiate and execute a lease between the County and Beatrice Sherrill for the single family home located on Tax Parcel #015-071-01.

*Note: The property is in close vicinity to several large residential communities west of I-77 and south of Gilead Road in Huntersville that suffer from a lack of available public parks and outdoor recreation opportunities. The acquisition of this property will serve those neighborhoods and is consistent with the County's adopted 2008 Parks Master Plan as well as the Town's adopted 2020 Master Plan, which specifically identified the need for a 100+ acre active park west of I-77 and south of Gilead Road.*

**ADJOURNMENT**

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:01 p.m.