

OCTOBER 9, 2012

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA  
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, October 9, 2012.

ATTENDANCE

**Present:** Chairman Harold Cogdell, Jr. and Commissioners  
Dumont Clarke, George Dunlap, Vilma Leake and  
Jim Pendergraph  
General Manager Bobbie Shields  
County Attorney Marvin A. Bethune  
Clerk to the Board Janice S. Paige

**Absent:** Commissioners Karen Bentley, Neil Cooksey, Bill James,  
and Jennifer Roberts

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

**(1) BROOKLYN VILLAGE**

General Manager Bobbie Shields gave an update on the status of the agreement of sale for County property located at 800 East Third Street, Charlotte, NC. The update covered the following:

- Date of the Agreement
- Seller
- Buyer
- Property
- Purchase Price
- Outside Dismissal Date
- Key Seller's Covenants
- Uses of Sale Proceeds

The following was also noted:

- The buyer was not obligated to close on the property.
- The County now owns the former Charlotte-Mecklenburg Schools (CMS) Education Center building, which had been totally vacated by CMS.
- The Board of Education/CMS was no longer a part of this transaction with the exception of receiving payment from the County for the Education Center site.
- The County was in the process of getting a new appraisal on the Educational Center site, which was something the County agreed to do if the property was not sold by January 2011, which it was not.

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- CMS would receive the higher appraised value if it came in higher than what it was originally appraised for.
- The design and development fees might increase or decrease.
- The County was obligated to build the park as shown on the design map.
- Per the developer, if the property was purchased by December 1, 2012, they would start construction on the apartments Spring of 2013.
- If that occurred, the County would need to be ready to build the park as well.

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

Comments

Commissioner Clarke asked would the Education Center building need to be removed prior to the developer starting construction. *General Manager Shields said yes, and that the developer was responsible for demolishing the building. He said the County was only responsible for removing the asbestos.*

General Manager Shields said the developer decided to build the apartments first rather than condos.

Commissioner Clarke asked about the culvert removal, which was addressed.

Commissioner Clarke asked if staff knew whether the developer planned to purchase the property. *General Manager Shields said yes, that was staff's understanding.*

Commissioner Dunlap asked about funds for building the park. *General Manager Shields said capital funds would be used, bonds or pay-as-you-go.*

Commissioner Dunlap asked what did the County receive from the entire transaction. *General Manager Shields said this was presented as an economic development opportunity for the County and that the County was in the business of building parks.*

Commissioner Leake asked would the Second Ward gymnasium remain in the area. *General Manager Shields said the developer was going to work with CMS to see what could be done with the gymnasium, whether there could be some type of adaptive reuse of the facility. General Manager Shields said the gymnasium was owned by CMS.*

General Manager Shields said the developer planned to establish an advisory board, which would include someone with ties to the old Brooklyn High School. He said the chairman of the County Commission would also serve on that advisory board.

Commissioner Leake said she hoped there's some type of remembrance of old Brooklyn and Second Ward.

Commissioner Leake asked about the future of Marshall Park, which was addressed.

Chairman Cogdell asked about the payment to CMS and how it should be taken into consideration by the County when considering future capital requests from CMS. *General Manager Shields said CMS placed in the agreement that the County not take that into consideration with respect to future capital requests. This payment would not be related to bond money or operating funds. It would be a separate pool of funds. General Manager Shields said the County agreed to that stipulation.*

Chairman Cogdell asked if staff foresaw a request to extend this beyond the Outside Dismissal Date of December 1, 2012. *General Manager Shields said not to his knowledge and that per the developer they would not.*

**(2) MECKLENBURG COMMUNITY VISION**

Associate General Manager Leslie Johnson reported on proposed modifications to the Mecklenburg Community Vision 2015.

Associate General Manager Johnson said the Board would be asked to formerly adopt the proposed modifications at the October 16, 2012 meeting.

*Note: On November 1, 2011, the Mecklenburg Board of County Commissioners adopted a revised scorecard - Vision 2020: Community & Corporate Scorecard. The scorecard was updated to reflect the new realities post the Great Recession and to incorporate the Critical Success Factors that emerged from community input and that were endorsed by the Board of County Commissioners. Mecklenburg County's Community & Corporate Scorecard is the organization's performance management tool for translating its vision to action. As a result of the changes to the scorecard, the vision narrative also needed to be updated.*

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

Comments

Commissioner Dunlap questioned the statement “We will have safe neighborhoods with comparable crime rates from one neighborhood to another ...” Commissioner Dunlap asked to what degree the County had responsibility for doing that. *Associate General Manager Johnson said the County's Scorecard was both community and corporate.*

Associate General Manager Johnson said some of the things expressed in the Community Vision statement and in the Scorecard were things beyond the County's primary accountability, but they were things that the Board believed were important.

Commissioner Dunlap said part of his concern was why create a document that you can't be accountable for, but yet the County holds itself accountable. He also questioned the removable of the date in the title of the document.

Chairman Cogdell said he understood Commissioner Dunlap's concern and likewise suggested the statement “Through joint master land use planning and capital investments, quality of life in neighborhoods will be maximized” be changed by adding “in collaboration with all municipal governments” or something to that effect.

Chairman Cogdell said the County was trying to put out a Community Vision of what it wanted, but what that vision required was much greater than what the scope of county government did.

Commissioner Dunlap questioned the statement “We will have eliminated preventable child deaths and injuries,” in light of the County's limited control over such matters.

Commissioner Dunlap said in reference to the Scorecard, why rate yourself on things you're not accountable for.

Commissioner Leake questioned the statement “We will have eliminated preventable child deaths and injuries and will have no disparities in resident health based on ethnic background. We will have lower than the national average per capita cases of cancer, HIV/AIDS and other sexually transmitted diseases, heart disease, ...” Commissioner Leake asked how could this statement be made when Mecklenburg County had some of the highest numbers in the state when it comes to health disparities.

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Associate General Manager Johnson said the statements were the goals and that the County had strategies and efforts in place to combat these issues.

Associate General Manager Johnson said the companion piece to the Community Vision was the Balanced Scorecard that had supporting strategies and measures to assure the County meets the goals that had been established.

Commissioner Leake referenced the statement "Our senior citizens will have the choice to age with dignity in their homes." *Associate General Manager Johnson said that's the "over arching" goal since the adoption of the Community Vision and that there were services being provided to help ensure that happened.*

Commissioner Leake questioned whether the statement should read will have or shall have.

Commissioner Dunlap said he still questioned the crime rate statement and how the County could improve the crime rate. *Associate General Manager Johnson said the statement could be rephrased if there was no objection by the Board to say "we will have safe neighborhoods" as opposed to saying something about comparable crime rates.*

Commissioner Pendergraph said it should be kept in mind that this document was written eleven years ago. Commissioner Pendergraph said the Sheriff's Office had the opportunity to improve the crime rate for example, through the work release program and other programs provided by the Sheriff's Office to inmates.

Chairman Cogdell noted the County's funding of the Drug Court, which he said impacted the crime rate.

Associate General Manager Johnson said based on the feedback three changes were suggested:

1. Per Commissioner Dunlap, have a more generic statement when it came to talking about having safe neighborhoods and the crime rate.
2. Per Commissioner Leake, change "will" to "shall" where it talked about senior citizens will have the choice. . .
3. Chairman Cogdell suggested adding the words "in collaboration with" where it talked about joint master land use planning ...

Commissioner Dunlap asked that the proposed changes, per the feedback, be submitted to the Board in advance of the October 16 meeting for review.

Chairman Cogdell said he respected Commissioner Dunlap's perspective with respect to the crime rate, but that he was okay with the way it currently read.

Chairman Cogdell suggested consideration be given to adding something to the effect that Mecklenburg County would work with federal, state, and local officials in order to address various things outlined in the Community Vision.

Associate General Manager Johnson noted the following statement already in the Community Vision "We will maintain a local government that is highly efficient, effective, accountable, and inclusive. Partnerships between government, the private sector and the faith community will be bringing together people from diverse backgrounds to address and solve community problems."

Chairman Cogdell said the existing statement addressed what he was suggesting.

(3) RYAN WHITE PROGRAM

Dr. Wynn Mabry, Health Director and Bobbie Cobb Deputy Director reported on the Ryan White HIV/AIDS Program. The following was covered:

- History of the program
- Components of the program
- Program model
- Participating Counties
- Funding by Counties
- Program Oversight
- Required Meetings
- Funding Awards and Expenditures
- 2012 Priority Allocations
- The Planning Council
- The Advisory Board
- Advisory Board Model

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

Comments

Commissioner Dunlap asked about support services funding and who made the decision to move funding from one area to another. *Deputy Director Cobb explained that there were a number of processes that took place when it came to the allocation of funds and elaborated on those processes.*

Commissioner Dunlap asked what if a consumer needed financial assistance that was authorized under support services or needed assistance with housing or child care. *Deputy Director Cobb said in order to meet that need, it meant cutting off the provision of medical services for another consumer.*

Deputy Director Cobb said there was a limited pool of funds. He said over the years the demand for medical services and medications had increased. He said in light of that increased demand, funds were moved from other categories to medical services.

Deputy Director Cobb said persons with HIV/AIDS were living longer and that a lot of the emergency type support services that were needed in years past were no longer needed and that the greater need was for medical services.

Commissioner Dunlap asked for clarification on having an advisory board vs. a planning council. *Deputy Director Cobb said having a planning council was much more restrictive than an advisory board.*

Deputy Director Cobb said there's more flexibility with having an advisory board.

Commissioner Dunlap asked was it correct that consumers make up a portion of the advisory board. *Deputy Director Cobb said yes, 50%.*

Deputy Director Cobb said if Board members knew of individuals interested in serving on the advisory board to let staff know.

Commissioner Dunlap asked was it correct that providers on the advisory board do not vote to direct funds to certain agencies or organizations. *Deputy Director Cobb said they couldn't do that. Deputy Director Cobb said what they could do was say here were areas that we find were*

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*priority and percentages that you should allocate. He said the contract process was a fair, open bid process.*

Commissioner Dunlap asked whether someone on the advisory board, who was also a provider participated in the bid process. *Deputy Director Cobb said there were four providers on the advisory board and that even if they grouped together they could not sway the opinion of the advisory board. Deputy Director Cobb said they have one of 28 votes.*

Commissioner Dunlap said the perception was there were providers that served on the advisory board that awarded contracts and that they influence the outcome.

Commissioner Dunlap said he understood from staff that this would not happen, but wanted to share the perception was out there.

Commissioner Dunlap said he would be “careful” about providers having anything to do with reviewing or awarding contracts.

Deputy Director Cobb said they do not review contracts or bids. They were not allowed to participate in the review of the applications. He said they weigh in on the allocation of categorical resources.

Commissioner Leake said her concern was for prevention efforts.

Commissioner Leake asked about management of the Ryan White program. *Deputy Director Cobb said Luis Cruz was the Program Manager.*

Commissioner Leake asked was Mr. Cruz out in the community. *Deputy Director Cobb explained that the Ryan White Program was more about medical care. He said prevention under the Health Department was a function of the Prevention Outreach and Education division that was under the Carolina’s Healthcare contract that would be transitioning back to the County next year.*

Commissioner Leake asked had the information shared with the Board today been shared with the community. *Deputy Director Cobb said the Health Department dealt with HIV in several areas. He said there were disease intervention specialists, the outreach component, and the Ryan White component. He said outreach was done by the department.*

Dr. Mabry said the Health Department had a broad spectrum of services that supported the overall strategy. He said Commissioner Leake was correct that the secret to success in this area was both prevention and keeping individuals in treatment.

Dr. Mabry said it’s been learned over time that if individuals were kept in treatment that was prevention. He said Ryan White was a form of prevention because if you had individuals who were HIV positive and took their medicines on a regular basis they don’t transmit the disease.

Chairman Cogdell asked for a list of the advisory board members. *Deputy Director Cobb said he could provide a list of the groups represented but would not list individuals that were living with HIV and serving on the advisory board for confidentiality purposes.*

Chairman Cogdell asked about the difference between having a planning council vs. an advisory board, which was addressed. *Deputy Director Cobb said a planning council was more bureaucratic.*

Chairman Cogdell asked about the process for applying to serve on the advisory board. *Deputy Director Cobb said it was just a matter of informing the Health Department Director of one’s interest and that you meet the criteria required to serve.*

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Chairman Cogdell asked who made the decision regarding an individual's eligibility to serve. *Deputy Director Cobb said he didn't recall anyone ever being denied the opportunity to serve.*

Dr. Mabry said the process was pretty open, ended. He said sometimes recruitment was done to make sure the right balance was in place. He said the department was doing more encouragement to get individuals to serve vs. persons seeking to serve.

In response to Chairman Cogdell's question of who made the decision regarding an applicant's eligibility to serve, the response was the program director, who was currently Luis Cruz. The decision was made based on the criteria of need.

Chairman Cogdell asked why was the appointment decision made by the program director and not by the Board of County Commissioners like with other advisory boards. *Deputy Director Cobb said it probably was set up that way initially for expediency purposes. He said it was compared to the guidelines for a planning council and made sure that it met the criteria and that the applicant met the criteria of the planning council.*

Deputy Director Cobb said the appointment process could easily be changed. He said the matter could be presented to the Board if that was the desire of the Board. He said the Board would be making those appointments for a six county region.

Dr. Mabry reminded the Board that it already had an HIV Advisory Board and those representatives were placed on the regional advisory board.

Chairman Cogdell asked was there a conflict of interest policy that the advisory board adheres to with regards to voting on anything that could potentially appropriate resources to an employer. *Program Director Cruz said members were required to sign a conflict of interest form.*

Deputy Director Cobb said staff could go back and detail out the current policy, based on today's comments and forward that information to the County Manager to alter the process.

Commissioner Dunlap said he didn't know if the persons that have made allegations regarding the process were right or wrong, and noted that he'd learned a lot today, but nonetheless, it's the appearance that something was not right.

Commissioner Dunlap said there needed to be some specificity to the appointment process. He said it appeared to be "loose knit", with no specific number of members.

Deputy Director Cobb said the members of the existing advisory board did a good job. He said the department didn't want a negative perception about the program or process. He said staff would report back, per the Board's feedback.

Commissioner Leake said she would like to see the policy and procedures regarding the program. Commissioner Leake questioned the advisory board's meeting schedule and said she would prefer the advisory board not meet on the same day and time as the Board of County Commissioners. Commissioner Leake said this prevented a commissioner who might want to attend one of their meetings from doing so.

Chairman Cogdell suggested the Board be provided with information regarding the goals and responsibilities of the advisory board, the criteria for membership, who made or should make the appointment decision, and categories for appointment.

Deputy Director Cobb said staff would report back to the Board within a month.

This concluded the discussion. No action was taken or required.

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**ADJOURNMENT**

There being no further business to come before the Board the meeting was declared adjourned at 5:21 p.m.

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Janice S. Paige, Clerk

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Harold Cogdell, Jr., Chairman