

MAY 21, 2013

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, May 21, 2013.

ATTENDANCE

Present: Chairman Patricia Cotham and Commissioners Karen Bentley, Dumont Clarke, George Dunlap, Trevor Fuller, Bill James, Vilma Leake, Kim Ratliff and Matthew Ridenhour
Interim County Manager Bobbie Shields
County Attorney Marvin Bethune
Clerk to the Board Janice S. Paige

Absent: None

-INFORMAL SESSION-

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

The meeting was called to order by Chairman Cotham, 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 13-1000, 13-1012, 13-1029, 13-1040, 13-1041, 13-1060, 13-1081, and 13-1073.

STAFF BRIEFINGS - NONE

(13-1083, 13-1089, 13-1108) CLOSED SESSION – CONSULT WITH ATTORNEY, LAND ACQUISITION AND PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matters to be discussed in Closed Session: Tax Parcel #015-223-12 and Tax Parcel #199-491-04.

Motion was made by Commissioner Bentley, seconded by Commissioner Ratliff and carried 7-0 with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, and Ratliff voting yes, to go into Closed Session for the following purposes: Consult with Attorney, Land Acquisition and Personnel Matter.

The Board went into Closed Session at 5:12 p.m. and came back into Open Session at 5:50 p.m.

Commissioners Leake and Ridenhour 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 Cotham called this portion of the meeting to order. She then recognized Commissioner Fuller to give the invocation, which was followed by the Pledge of Allegiance to the Flag, and introductions; after which, the matters below were addressed.

POINT OF PRIVILEGE REQUESTED

Commissioner Clarke asked Chairman Cotham for a point of personal privilege, so that he could make a personal comment.

Chairman Cotham denied the request and said it was not in order.

Commissioner Clarke questioned the denial. He stated that in the past, commissioners had been allowed to do so.

Chairman Cotham said per consultation with the County Attorney regarding a point of personal privilege during a meeting, the request was not in order.

Chairman Cotham asked County Attorney Bethune to comment.

County Attorney Bethune said Roberts Rules of Order allowed for personal privilege but the way it was commonly used by local governing bodies was not consistent with Roberts Rules of Order.

County Attorney Bethune said normally points of personal privilege dealt with things that were on the agenda or the environment, such as, the lighting or temperature in the room. County Attorney Bethune said it was really not designed for people to talk about things that were unrelated to the meeting or the environment.

County Attorney Bethune said he noted in his correspondence to Chairman Cotham that a point of personal privilege was commonly used the way that it had been in the past, however it had not been used in the way that Roberts Rules of Order stated it should be used.

After hearing from County Attorney Bethune, Chairman Cotham ruled the request out of order as she'd previously stated.

Commissioner Fuller said his understanding was that a member had a right to raise a point of personal privilege and that it took precedent over other motions. Further, that one of the subjects that could be raised as a matter of personal privilege was, for example, the conduct of members or of the meeting; thus, broader than what was described by County Attorney Bethune. Commissioner Fuller said he thought raising the issue of a point of personal privilege was not debatable and interrupts the business of the meeting.

County Attorney Bethune said normally the chairman would hear what the subject matter was before ruling the request out of order.

County Attorney Bethune said it was used frequently broader than what Roberts Rules of Order stated.

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Chairman Cotham said it was her understanding that if a commissioner wanted to appeal the decision of the chairman, they could do so with the vote of six members of the Board.

Commissioner Dunlap said that was his understanding as well that the commissioner making the request could appeal to the full board. He said the full board would then vote with respect to the request to speak.

Commissioner Fuller said he wanted clarification on whether or not a point of personal privilege could be raised and if so, in what manner.

Commissioner Clarke said he was a little “flabbergasted” because in the past the Chairman granted a point of privilege to members who just wanted to say something that was on their mind without any inquiry about what it was. Commissioner Clarke said Chairman Cotham was not being consistent.

County Attorney Bethune said he hoped his response to Chairman Cotham was not taken to mean that all requests for a point of personal privilege were out of order. County Attorney Bethune said when he responded what he was saying was that the way it was “frequently” used was inconsistent with Roberts Rules of Order.

County Attorney Bethune said not having heard what the subject matter was, it was difficult to say whether the request was consistent with Roberts Rules of Order or not.

County Attorney Bethune said it was correct that a commissioner making the request could appeal the decision of the chairman to the full board.

Commissioner Clarke appealed the decision of the chairman.

Commissioner James asked what the topic was.

Commissioner Clarke said he would disclose the topic if granted the opportunity to speak to it.

County Attorney Bethune said he would research Roberts Rules of Order to see if the topic had to be disclosed prior to voting on the appeal.

Commissioner Dunlap echoed Commissioner Clarke’s earlier comment that going forward, he hoped the Chairman would be consistent in her ruling with respect to the question of raising a point of personal privilege.

County Attorney Bethune said it appeared from his review of Roberts Rules of Order that “if a member had the floor and they indicate that they would “rise to a question of privilege affecting the assembly or to a question of personal privilege” the chair then directs the member to state his question of privilege, at which point in time, the chair can either rule in order or out of order.” Thus, it appears that the member is at least able to state the question of privilege.

County Attorney Bethune said this rule was really designed for the U.S. House of Representatives, a huge legislative body.

Commissioner Clarke said he was still confused on what standard the Chairman was using with respect to his question of personal privilege.

Chairman Cotham said she was going by Roberts Rules of Order, per information received from the County Attorney.

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County Attorney Bethune said he would send the information provided to Chairman Cotham to all members of the Board.

Commissioner Clarke withdrew his appeal and asked that the Chairman be consistent going forward.

Commissioner Fuller said he had a point of personal privilege to make. He said it was his understanding of Roberts Rules of Order that a member could request a point of privilege, state what the point of personal privilege was, and then the chairman would rule with respect to whether or not the request was in order or out of order.

County Attorney Bethune said that was correct. He said at this point if Commissioner Clarke wanted to state the subject of his point of personal privilege, the chairman would then make a ruling. If the chairman ruled the request out of order, then Commissioner Clarke could appeal that decision to the full board.

Commissioner Clarke decided to state his subject matter which was the events that took place at the Board's May 7, 2013 concerning termination of former County Manager Harry L. Jones, Sr.

Chairman Cotham said in accordance with her understanding of Roberts Rules of Order, she would again deny Commissioner Clarke's request for a point of personal privilege.

Chairman Cotham informed Commissioner Clarke of his right to appeal her decision to the full Board and that it would take six votes of the full Board to overturn her decision.

Commissioner Clarke appealed the decision of Chairman Cotham.

County Attorney Bethune said at this point the matter was not debatable, nor was a second required, in order for the Board to move forward with voting on the appeal.

The vote was then taken and carried 6-3 with Commissioners Bentley, Clarke, Dunlap, Fuller, Leake, Ratliff voting yes and Commissioners Cotham, James, and Ridenhour voting no, on the appeal by Commissioner Clarke to be allowed to speak regarding the events that took place at the Board's last meeting at which former County Manager Harry L. Jones, Sr. was terminated.

Commissioner Clarke made the following statement: "I just want to publicly apologize myself to Mr. Jones because I should have supported his desire to speak at that point and I did not and I merely want to, in public, apologize to him for not doing that. I should have done it and I did not. Secondly, I want to say that in the past ten days I've had more people tell me that they have over heard a number of people saying given the way he was terminated and walked out and not allowed to go to his office, etc., there must of have been something else that they decided to fire him for. I want to assure everyone that was not the case. There was absolutely never any suggestion of wrong doing by Mr. Jones. No one should imply from the circumstances under which he was terminated and asked to leave the building and so forth, that the Board had any reason other than simply exercising its right to terminate his employment, and he served at the pleasure of the Board. There was never any hint suggested in any deliberations for which I was a part of that there was any wrong doing."

Commissioner Fuller requested a point of privilege with respect to the conduct of the assembly and of personal privilege.

Chairman Cotham granted Commissioner Fuller's request for a point of privilege.

Commissioner Dunlap noted Chairman Cotham's inconsistency by granting Commissioner Fuller's request and denying Commissioner Clarke's.

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Chairman Cotham said she wanted to be consistent and reversed her approval of Commissioner Fuller's request, thus, the request was denied.

Chairman Cotham informed Commissioner Fuller of his right to appeal her decision to the full Board.

Commissioner Fuller appealed the decision of Chairman Cotham.

The vote was then taken and carried 6-3 with Commissioners Bentley, Clarke, Dunlap, Fuller, Leake, Ratliff voting yes and Commissioners Cotham, James, and Ridenhour voting no, on the appeal by Commissioner Fuller to be allowed to speak regarding the conduct of the assembly and to make a point of personal privilege.

Commissioner Fuller made the following statement: "In the last two weeks we have endured a great amount of turmoil. It began with a decision that was a difficult decision, that is, whether to terminate former the County Manager who had served this county for many years. As I've said publicly, I believe that the decision that I made was the right decision. The concern though that has been raised to me, repeatedly, is the manner in which that decision was carried out. As I've said publicly, I accept that criticism because we could and should have done better. I want to give voice to the disappointment that many people in this community felt about how our former county manager was dealt with because it's real disappointment. It's not just one part of the community. I heard it from many parts of the community that people didn't question our authority to do what we did, the decision that we made, but that we had a duty to treat people with respect, to be dignified in what we do and afford dignity to others. I'm afraid Madam Chair that we did not and I'm not pointing fingers at anyone, except all nine of us. We fell short of the mark and it's important for us to acknowledge that so that we can begin the process of moving on." "... There is a sense that the Board is not communicating with each other that there are factions in some form and that public perception is not good for any of us and certainly not good for this body and not good for this community."

Commissioner Ridenhour asked for a point of privilege that concerned the assembly.

Chairman Cotham recognized Commissioner Ridenhour.

Motion was made by Commissioner Ridenhour, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to suspend Roberts Rules of Order until such time that every commissioner that would like to make comments do so.

Commissioner Ratliff made the following statement. "I want to first apologize to those that were here two weeks ago and those who heard about what happened two weeks ago. The shameful way in which the manager, ex-manager, Mr. Harry Jones, however you want to refer to him, the way that he was publicly humiliated. I want to apologize, not only to Mr. Jones, but to the citizens of Mecklenburg County. For those of you who have called me, emailed me, stopped me in the mall, the grocery stores, the behavior that night was totally wrong and unacceptable. Mr. Jones was and is an upstanding citizen of Mecklenburg County. He should have been able to speak whether from the dais or from the podium. He should have definitely been given that opportunity that night. I want to apologize to him because I was overwhelmed with sadness in my heart, because he got fired and was not able to speak up at that time. I am speaking up now, and again like I said, I want to thank everyone that's here and everyone for their calls, prayers. This Board is not in agreement with one another and I can truly say that I am the vice chair, but I'm treated as a citizen only. I have reached out to Chair Pat Cotham several times since December and I'm not on any committees. I have tried to reach out to her again, even after talking to Mr. Shields to reach out to her again, to no avail. I have

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heard through the grapevine that she has told Mr. Shields, who is the Interim County Manager, not to talk to Kim Ratliff. So, how is this Board going to be able to work together.”

Commissioner Ratliff said she would be happy to sit down with Chairman Cotham any time so that they could be on one accord. “It’s not about democrats being on one accord, republicans being on one accord, it’s about this Board being on one accord, doing what’s best for the citizens of Mecklenburg County.”

Chairman Cotham asked Interim County Manager Shields to comment on the remark made by Commissioner Ratliff that mentioned his name.

Interim County Manager Shields said he remembered lots of conversations but he did not remember that conversation. He said it was not true that Chairman Cotham directed him or suggested to him that he not speak with Commissioner Ratliff. He said that “simply was not true.”

Commissioner Ratliff took another point of privilege and made the following statement. “To address Chairman Cotham and Ms. Leake, who thought I texted Harry Jones and told him he was going to be fired, I have much respect for Mr. Harry Jones. He is my friend whether he’s county manager or not. I would never do anything to hurt Mr. Jones and to send a text to say you’re fired, I’m not that person, so there must be another leak in the building.”

Commissioner Dunlap made the following statement. “I was not here two weeks ago at the time that Mr. Jones was terminated. I think had I known , I probably wouldn’t have went out of town, but of course had I not gone out of town, there was still nothing that I could have done. One of the things that I have done as I’ve gone throughout this community talking to people about this particular incident is that the Board has had every right to do what it did. I’ve known that for a long time. Mr. Jones knew that for a long time. In fact, I just wondered when somebody would pull the trigger and it just so happened the trigger was pulled on the day that I was not here. So, I respect their right to do what I had anticipated would happen anyway. I, like some of my colleagues, am very disappointed in the manner in which it occurred. I think there are a lot of people throughout this community who are disappointed in the manner in which it occurred. But, more importantly, is the attitude about what happened. To say to people if you don’t agree with me, screw you. If that was in reference to the commissioners and in my case, I represent 156,000 people, then what you’ve said to me, you’ve said to them because you are in essence saying that they didn’t have a voice. That’s disappointing to say the least. As a result of that I’ll be frank with you and tell you that I’ve done something that I’ve never done before. I’ve not campaigned against anybody. I’ve simply campaigned for people, but I’ve made a concentrated effort everywhere I go, to talk about the leadership of this Board. My voice will not be silent until such time there’s another election.”

Chairman Cotham made the following statement. “I would just like to say that I did follow the laws. I certainly thought that Mr. Jones would speak, would sign up to speak as any citizen could. I thought he would but did not. I did follow all of the laws. They weren’t my decisions on how to do things, but I did follow the laws of the State of N. C. If anyone has problems, they probably should talk to the legislators because that’s where the statutes are.”

This concluded comments regarding the May 7, 2013 meeting.

AWARDS/RECOGNITION

(13-1059) NORTH CAROLINA STATE TREASURER'S AWARD FOR EXCELLENCE IN ACCOUNTING AND FINANCIAL MANAGEMENT – ITEM WAS REMOVED FROM THE AGENDA

PUBLIC HEARINGS - 6:30 PM

(13-1067) PUBLIC HEARING -- JOHNSON C. SMITH UNIVERSITY TEFRA

Motion was made by Commissioner Karen Bentley, seconded by Commissioner Kim Ratliff and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to open TEFRA public hearing and receive comments on the proposed refunding financing.

The Chairman held the public hearing described below and introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by its title:

RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED \$4,500,000 OF THE PUBLIC FINANCE AUTHORITY EDUCATIONAL FACILITIES REVENUE REFUNDING BOND (JOHNSON C. SMITH UNIVERSITY) SERIES 2013

WHEREAS, at 6:30 P.M., the Chairman announced that the Board of Commissioners (the "Board") would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by the Public Finance Authority (the "Authority"), a unit of government and a body corporate and politic of the State of Wisconsin, of not exceeding \$4,500,000 of its Educational Facilities Revenue Refunding Bond (Johnson C. Smith University), Series 2013 (the "Bonds");

WHEREAS, the Authority will loan the proceeds of the Bonds to Johnson C. Smith University, Incorporated, a North Carolina nonprofit corporation (the "Borrower") and the Borrower will use the proceeds of the loan from the Authority for the purpose of refinancing the costs of constructing the expansion of a library, constructing a new track and stadium and making other capital improvements to the Borrower's facilities, all located at 100 Beatties Ford Road, Charlotte, North Carolina 28216 (collectively, the "Project");

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Authority must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries the project is located (the "Project Jurisdiction");

WHEREAS, the Borrower has requested that the Board approve the financing of the Project and the issuance of the Bonds in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "Joint Exercise Agreement") and Section 66.0304(11) (a) of the Wisconsin Statutes;

WHEREAS, on May 3, 2013, a notice of public hearing was published in The Mecklenburg Times, setting forth a general, functional description of the type and use of the facilities to be financed and refinanced, the maximum principal amount of the Bonds, the initial owner, operator or manager of the facilities and the location of the facilities, among other things;

WHEREAS, the names, address and testimony of the persons who were present and who offered comments on the proposed issuance of the Bonds or who responded in writing to the notice of public hearing are as follows: None

WHEREAS, the Chairman of the Board inquired elsewhere in and around the meeting room to determine whether there were any other persons who wished to speak at the public hearing and the Chairman of the Board determined that no other persons who wished to speak at the public hearing were found; and

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WHEREAS, the purpose of the above-described public hearing and this resolution is to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), in order to qualify the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF MECKLENBURG, NORTH CAROLINA:

Section 1. For the sole purpose of qualifying the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code, the Board hereby approves the issuance of the Bonds by the Authority for the purpose of providing funds to refinance the Project, provided that in no event shall Mecklenburg County, the State of North Carolina or any political subdivision thereof be liable for such Bonds nor shall the Bonds constitute a debt of Mecklenburg County, the State of North Carolina or any political subdivision thereof. It is the purpose and intent of the Board that this resolution constitute approval of the issuance of the Bonds by the applicable elected representative of the Project Jurisdiction, which is the governmental unit having jurisdiction over the area in which the Project is located, in accordance with Section 147(f) of the Code and Section 66.0304(11(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.

Section 2. This resolution shall take effect immediately upon its passage.

Motion was made by Commissioner James, seconded by Commissioner George Dunlap, to close public hearing and adopt resolution entitled: RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED \$4,500,000 OF THE PUBLIC FINANCE AUTHORITY EDUCATIONAL FACILITIES REVENUE REFUNDING BOND (JOHNSON C. SMITH UNIVERSITY) SERIES 2013 and adopted by the following vote:

AYES: Commissioner Karen Bentley
Commissioner Dumont Clarke
Commissioner Patricia Cotham
Commissioner George Dunlap
Commissioner Trevor Fuller
Commissioner Bill James
Commissioner Vilma Leake
Commissioner Kim Ratliff
Commissioner Matthew Ridenhour

NAYS: None

Extracts/Resolution recorded in full in Minute Book ____ Document # ____.

(13-1090) PUBLIC APPEARANCE

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

John White spoke in opposition to the manner in which the Board terminated former County Manager Harry L. Jones, Sr. He said things needed to be done "descent and in order." Mr. White suggested the Board have five town hall meetings to explain why former County Manager Harry L. Jones, Sr. was dismissed without cause. Mr. White said there had to be a cause. Mr. White said this matter needed to be aired out to make sure everyone was on "one accord." Mr. White also questioned Chairman Cotham's leadership.

Dr. Sandy Hoagland said he was glad to see that the Board was moving through the "healing process." Dr. Hoagland spoke in opposition to the manner in which the Board terminated

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former County Manager Harry L. Jones, Sr. He referenced a similar incident that occurred in 1974 involving the dismissal of a former School Superintendent. Dr. Hoagland said that form of history should not “repeat itself.” He said this was not the way the City of Charlotte should be represented. Dr. Hoagland said he was a “native Charlottean.”

Nick Mackey spoke in support of Chairman Cotham’s leadership. Mr. Mackey said per conversations he’d had with individuals regarding the firing of former County Manager Harry L. Jones, Sr., no one had taken the position that he should not have been fired. He said what individuals were displeased with was the fact that he was not allowed to speak after being removed from his position. Mr. Mackey said his question to those individuals was “how many people who are fired are allowed to remain in the workplace as if they had not just been fired.”

Dr. Gloria Rembert, on behalf of the Black Political Caucus, spoke in opposition to the manner in which the Board terminated former County Manager Harry L. Jones, Sr. She referenced the Board’s Community Vision and how it was not displayed by the Board on May 7, 2013. Dr. Rembert addressed what community meant. She said former County Manager Jones should not have been denied the opportunity to speak. She said he was publically humiliated and disrespected, which did not “sit well” with those that believe in community. She said the Board’s leadership should be asking about the “larger impact” of what occurred on May 7, 2013 and the political “fallout for politicians who have forgotten they are servants of the people.” She also addressed the exclusion of some Board members from discussions and how that was not the appropriate way to work as a “team.” Dr. Rembert said “better behavior” was expected from the Board. In closing, Dr. Rembert expressed thanks to former County Manager Harry L. Jones, Sr. for his service to the community.

Amanda Davis spoke in support of Chairman Cotham’s leadership and the Board’s decision with respect to the firing of former County Manager Harry L. Jones, Sr. Ms. Davis asked the community to look at the decision the Board made as being courageous and costly. Ms. Davis told Chairman Cotham that she was proud to have her represent her.

Pastor Brenda Stevenson said a prayer for the Board. She also addressed the New Outreach Summer Camp being offered this summer, June 10-August 19. She asked Board members for a donation.

A flyer regarding the summer camp is on file with the Clerk to the Board.

Robin Bradford, Chair of the Mecklenburg County Democratic Party and Board member Jeff Jackson noted for the record that neither the local Democratic Party, nor the State Democratic Party, had taken any position regarding the current climate of the six democratic members of the Board of County Commissioners, despite comments made in a Charlotte Observer newspaper article on May 15. Ms. Bradford said the firing of former Manager Jones was not a party issue. She said it was a personnel issue. Ms. Bradford said the quotes noted in the article were the opinions of democrats independently of the Party. Ms. Bradford said she requested a retraction, but the Charlotte Observer did not do so. Ms. Bradford said the local Democratic Party would like to “extend a hand” to the democratic members in speaking about this in a Town Hall setting if they liked. Ms. Bradford said what’s currently occurring on the Board was something that needed to be discussed amongst democrats. She asked the democrats on the Board to move forward and to have open dialogue and conversation amongst each other. Ms. Bradford said it should be kept in mind that commissioners represent the entire County irrespective of party affiliation.

Tom Derham expressed concern for the destruction of records in the Tax Assessor’s Office. Mr. Derham said records from 2010 and going forward, in light of the 2011 Revaluation situation, should not be disposed of until a new Assessor was appointed. He also recommended the Board have the new Assessor to report directly to the Board.

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

APPOINTMENTS

(13-1035) APPOINTMENTS

WOMEN'S ADVISORY BOARD

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

Heather Blake
Stephanie Gryder

Commissioners James and Ridenhour
Commissioners Clarke, Cotham, Dunlap, Fuller, Leake and
Ratliff

Voting Ceased

Teresa Smith

Chairman Cotham announced the appointment of Stephanie Gryder to the Women's Advisory Board to fill an unexpired term expiring November 30, 2015.

She replaced Najedah Stover.

(13-1062) ADVISORY BOARD 2012 ATTENDANCE REPORTS

Motion was made by Commissioner Dunlap, seconded by Commissioner Ratliff and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to approve requests for reappointment from five people who did not meet the 75% attendance requirement for 2012, due to unforeseen circumstances in most instances. The five persons are Park and Recreation Commission members: Norman Mitchell, Joe Pata, and Brenda McMoore, Planning Commission member Emma Allen, and Lake Wylie Marine Commission member Howard Virkler. Thus, Norman Mitchell is reappointed to complete his unexpired term expiring June 30, 2015, Joe Pata to complete his unexpired term expiring June 30, 2013 and reappointment to a three year term expiring June 30, 2016, Brenda McMoore to complete her unexpired term expiring June 30, 2015, Emma Allen to complete her unexpired term expiring June 30, 2013 and reappointment to a three year term expiring June 30, 2016, and Howard Virkler to complete his unexpired term expiring September 30, 2014.

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

(13-1080) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, and Ratliff voting yes, to reappoint Lori Love effective July 1, 2013 and Carolyn Talley effective June 1, 2013 to the Adult Care Home Advisory Committee for three-year terms expiring June 30, 2016; and to nominate and appoint Dorothy Barnes for a one-year term expiring June 30, 2014.

She replaced David Gwilt.

ALCOHOLIC BEVERAGE CONTROL BOARD

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, and Ratliff voting yes, to reappoint David Conway and Jennifer Stanton to the Alcoholic Beverage Control Board for three-year terms expiring June 30, 2016 effective July 1, 2013.

CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES

Commissioner Clarke nominated all applicants for appointment consideration to the Central Piedmont Community College Board of Trustees: Zach Anderson, Madelyn Caple, Melandee Jones, and Sholeh Kornegay.

Motion was made by Commissioner Leake, seconded by Commissioner Fuller to defer further action for two weeks and keep nominations open to allow others that may be interested in applying to do so.

Commissioner Leake noted that Dr. Angela Frye expressed interest in applying. Staff said it would contact Dr. Frye regarding the submittal of her application.

This matter will be back on the Board's June 4, 2013 agenda.

Note: This is one of several boards that require an interview process conducted by an Ad Hoc Committee of the Board. An appointment will occur after this has taken place.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

Commissioner James nominated all applicants for appointment consideration to the Charlotte-Mecklenburg Community Relations Committee: Lawrence Brinson, Sabrina Brinson, Lynnette Carr, Sarah Demarest, Melandee Jones, Shannon McKnight, Ola Mitchell, Kwesi Nichols, and Nadia Vanderhall.

Note: An appointment will occur on June 4, 2013.

DOMESTIC VIOLENCE ADVISORY BOARD

Commissioner James nominated all applicants for appointment consideration to the Domestic Violence Advisory Board: Monique Horace, Evelyn Mills, Christen Richardson, Teresa Smith, Lissette Torres, and Latonja Worsham.

Note: An appointment will occur on June 4, 2013.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

Commissioner James nominated all applicants for appointment consideration to the Information Services & Technology Committee: Natalie Donovan, Bill Lynch, and Lutemuka Zuendoki.

Note: An appointment will occur on June 4, 2013.

Commissioner Ridenhour returned to the dais.

JUVENILE CRIME PREVENTION COUNCIL

Commissioner Clarke nominated all applicants for appointment consideration to the Juvenile Crime Prevention Council as General Public representatives: Lawrence Brinson, Stephanie Carter-Tyson, Antoine Ensley, and Jamica LaFranque.

Note: An appointment will occur on June 4, 2013.

Motion was made by Commissioner Clarke, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to nominate and appoint Evelyn Mills to the Juvenile Crime Prevention Council as the Faith representative to fill an unexpired term expiring September 30, 2013.

She replaced Gwendolyn Hester-Cohen.

PARK AND RECREATION COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to reappoint Elaine Powell (NORT 1), Kendel Bryant (NORT 3), Douglas Burnett (SOUT 1), Travis Dancy (NOTWN), and Sheryl Smith (CENT 1) to the Park and Recreation Commission for three-year terms expiring June 30, 2016 effective July 1, 2013.

PLANNING COMMISSION

Commissioner James nominated all applicants for appointment consideration to the Planning Commission: Randy Fink, Laurissa Hunt, Kwesi Nichols, Wayne Powers, Joel Randolph, Samuel Spencer, Michael Sullivan, Nancy Wiggins, Marshall Williamson, and Amanda Wolfe.

Note: This is one of several boards that require an interview process conducted by an Ad Hoc Committee of the Board. An appointment will occur after this has taken place.

PUBLIC ARTS COMMISSION

Commissioner Clarke nominated all applicants for appointment consideration to the Public Arts Commission: Alicia Benjamin, L. M. Cathay Dawkins, Larry Lippi, Gaye List, and Charles Thomas.

Note: An appointment will occur on June 4, 2013.

SMALL BUSINESS AND ENTREPRENEURSHIP ADVISORY BOARD

Commissioner Ridenhour nominated all applicants for appointment consideration to the Small Business and Entrepreneurship Advisory Board: Mitchell Abdullah, Theresa Braswell, Travis Bucholtz, Dorian Carter, Antonia Childs, Stacey Dennis, Franklin Freeman, Juan Giometti, James Guin, Jonathan Hassell, Karim Kheireddine, Erin Martin, George McAllister, Eleanor McIntire, Michael Minnix, Joe Padilla, Kristin Prentice, John Shaul, Dana Sidberry, and Carl Terrell.

Note: Appointments will occur on June 4, 2013.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Clarke and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to reappoint Jeremy O'Brien and Steven Pepper to the Waste Management Advisory Board for three-year terms expiring June 30, 2016 effective July 1, 2013.

Commissioner Clarke nominated all applicants for appointment consideration for an additional opening on the Waste Management Advisory Board: Michael Bailey, Jimmy Hawk, and Carl Terrell.

Note: An appointment will occur on June 4, 2013.

ADVISORY COMMITTEE REPORTS - NONE

Commissioner Bentley returned to the dais.

MANAGER'S REPORT

(13-1092) FY2014 RECOMMENDED BUDGET

Interim County Manager Bobbie Shields and Management & Budget Director Hyong Yi presented to the Board the FY2014 Recommended Budget and the schedule for the budget process steps through Board adoption of the F2014 Budget. The following are highlights from the presentation:

- The FY2014 Recommended Budget totals \$1.68 billion.
- This is 17.2 percent more than the current year's adopted budget, an increase of \$247 million.
- Funding the Recommended Budget will require a property tax rate increase of 2.5 cents.
- The Recommended Budget is constructed primarily to sustain the services funded in the current year's budget and to address the growth in demand for these services, such as increases in CMS student population, opening of new parks, annualized cost for library operating hours expanded in this fiscal year, and merit increases for employees.
- The fundamental choice and consequence of adopting the FY14 budget is whether to sustain and maintain county-funded services at the cost of a property tax rate increase, or to cut services to maintain or possibly reduce the tax rate.

A copy of the presentation and the FY2014 Recommended Budget is on file with the Clerk to the Board.

Comments

Commissioner Leake asked for clarification regarding the increase cost of County Services overall which was addressed.

Commissioner Leake expressed her desire to make sure County employees were compensated for the work that they do. She also said with respect to CMS that her concern was money for the classroom teacher, cafeteria workers, bus drivers, and persons on that level.

Commissioner Leake said she was still interested in finding out from CMS about the savings gained from closing schools last year.

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Commissioner James said he would like to see a synopsis of the new County spending.

Director Yi referred Commissioners to the Budget Overview page in the Budget Book in response to Commissioner James' inquiry about wanting a synopsis.

Commissioner Clarke asked for clarification regarding the projected reduction in the tax base which was addressed.

Interim County Manager Shields said staff anticipated other reductions in the tax base in future years. He said some of it might be because of House Bill 200, but that impact wasn't known at this time.

Commissioner Clarke said he would like the following question answered during budget deliberations: If the tax base in June of 2013 had been adjusted for both the 2012 and 2013 appeals losses and releases and the Pearson's adjustments that have occurred in this year, what would the tax rate have been set at in June 2012 to produce the same amount of revenue that we expected to generate off of the tax rate that we did set for the higher tax value.

Commissioner Fuller asked was the recommended 2.5 cents property tax increase a revenue neutral number, or in other words, did that tax rate increase essentially just keeps the County where it was. *Director Yi said it would probably be a little more apparent, when the Board goes through the straw voting process which would show how it was generated. Director Yi briefly explained how that process would work.*

Director Yi said the tax rate increase of 2.5 cents comes after the fact, once the Manager makes the decision as to what he believes needs to be funded.

Commissioner Fuller asked would adopting the 2.5 cents increase essentially "keep us holding water" or from falling back. *Director Yi said he would address this on a conceptual level. He said what was happening was that the tax base was still changing and in this case, it was not growing, it was shrinking. He said with all the work that was being done with revaluation, if this was the tax base, based on what was going on now, and knowing what the revenue was in 2013, what would the tax rate need to be to generate the same amount of revenue. He said the calculation was very straightforward and simple. He said it was mandated by the state as to how you calculate it. The state tells you how to do it. He said based on that calculation it was 2.47 cents.*

Commissioner Fuller said if it was decided that a tax increase was "impalatable" would the only option be to cut what had been proposed. *Director Yi said the "short" answer was yes, however, the Board had two options when it came to the budget, reduce expense or raise revenue.*

Commissioner Fuller asked had staff already begun thinking about where cuts or other adjustments would need to occur if the Board decided not to raise the property tax rate.

Commissioner Fuller said he understood, however, that was a Board decision.

Director Yi said hypothetically, if the Board asked the Manager to cut 2.5 percent of expenditures out of the budget, it would be up to the Manager and his Assistants to decide the best way to do that with the least amount of harm to services provided by the County and its business partners.

Commissioner Fuller said if the Board was to make that decision he would expect to receive a recommendation from staff to help the Board do that.

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Director Yi said if the Board directed the Manager to provide the Board with recommendations then the Manager would do that.

Commissioner Dunlap said the Manager and his staff had produced their best recommendation to the Board. He said it was now the Board's decision as to what gets cut and not the Manager.

Commissioner Dunlap said if the Board didn't like what was proposed, the Board could change it.

Commissioner James said the recommended budget was not a "revenue neutral" budget. He said it was a "huge" revenue increase budget.

Commissioner James said he thought at the Board's retreat, "staff said that one of the budgets they would produce was a revenue neutral budget." He said the recommended budget was not one of the budgets that "we asked" staff "to produce at the retreat."

Commissioner James said "we wanted to know specifically what a revenue neutral budget would look like, so we could compare it."

Commissioner James said now the Board either has to go through the recommended budget and decide what to cut, which he said he was prepared to do, or staff would need to give the Board information on where staff would "draw the line," if you had a "real" revenue neutral budget, minus the \$27 million.

Commissioner James said he would like to request, that staff give the Board what its revenue neutral budget would look like, if the tax rate remained the same.

Interim County Manager Shields said what was presented was the Manager's "recommended" budget.

Interim County Manager Shields asked Commissioner James to clarify his definition of revenue neutral.

Commissioner James defined revenue neutral as "no tax increase." He said "growth was okay but no tax increase."

Director Yi said he would refer to what Commissioner James called "revenue neutral" as "tax rate neutral."

Commissioner James said he used the "revenue neutral" term because that's what's been used in the past.

Commissioner Leake asked about revaluation and whether the impact of that was known. *Interim County Manager Shields said the total impact was not known yet.*

Commissioner Leake expressed concern for the amount of funds being spent with respect to having an attorney participate in the appeals process. Commissioner Leake asked would the total cost of revaluation be shared, including the attorney's cost. *Interim County Manager Shields said yes.*

Commissioner Ridenhour asked for clarification regarding the projected \$44 million deficit which Director Yi addressed.

The above is not inclusive of every comment but is a summary.

STAFF REPORTS & REQUESTS

(13-1043) MECKLINK MONTHLY UPDATE -- CARE COORDINATION

The Board received a monthly update on MeckLINK Behavioral Healthcare Medicaid Waiver operations. The focus was on Care Coordination. MeckLink Behavior Healthcare Director Phil Endress and Dr. Aalece Pugh-Lilly gave the report.

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

Comments

Commissioner Fuller asked about the denial of claims which was addressed.

Commissioner Bentley asked if MeckLINK was benchmarking to see if it was on track. *Director Endress said MeckLINK was consistent with some of the other entities that they were comparing themselves to.*

Commissioner Ratliff asked about providers and was MeckLINK trying to “put providers out of business.” *Director Endress said no.*

Commissioner Bentley asked that in future updates staff provide the Board with data regarding the outcomes that were being tracked.

Commissioner Ratliff asked about the positions associated with Preventable Readmissions Options and Care Transitions (PROACT) and where persons should go to apply, which was addressed.

Commissioner Ratliff asked to be kept abreast of the status of any vacancies.

Commissioner Clarke asked about the receipt of Medicaid funds and at what point would staff be reviewing the amount of Medicaid funds received and the amount spent. *Director Endress said monthly reports were submitted to the state with respect to that matter. He said the April report showed a slight increase in MeckLINK’s profitability from March. Director Endress said MeckLink was on the “plus side.”*

Director Endress said the tru-up on the medical loss ratio per the agreement with the state would be in a period of six to nine months. Director Endress explained what medical loss ratio meant.

Commissioner Clarke asked was anymore known as to why the state decided to end the Western Highlands operation. *Director Endress said there probably was a number of contributing issues. He said the state gave them a plan of action to follow through on. He said it might have been a fiscal issue that made the state make the decision that it did.*

Commissioner Clarke asked had staff received any indications of any kind, that the state was “unhappy” with the way MeckLink was operating. *Director Endress said not that he was aware of. He said per his last conversation with the state, they were pleased that the PROACT model was being rolled out.*

The above is not inclusive of every comment but is a summary.

(13-1048) SECOND HARVEST FOOD BANK EXPANSION

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The Board received a report from Mark Hahn, Director, BSSA - Asset and Facility Management and Kay Carter, Executive Director of Second Harvest Food Bank of Metrolina, on a proposed partnership among the County, City, and Second Harvest Food Bank of Metrolina, Inc. for the expansion of the current food bank facility.

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

Comments

Commissioner Dunlap asked for clarification regarding the lease of land by the Food Bank from the City of Charlotte for site access and parking, which was addressed. Commissioner Dunlap asked staff to follow up with the City of Charlotte regarding the possibility of that land being purchased by the County, thus eliminating additional expense for the Food Bank.

Commissioner Leake asked about the impact of the proposed expansion with respect to providing services, which was addressed.

(13-1056) HEALTH DEPARTMENT FEE SCHEDULE

The Board received a report from E. Winters Mabry, MD, Health Director, on the proposed Health Department Fee Schedule for FY14.

A copy of the proposed fee schedule is on file with the Clerk to the Board.

Comments

Commissioner Leake asked about the dissemination of fee information, which was addressed. *Dr. Mabry said staff was available to attend community meetings to go over the Health Department fee structure and process if requested.*

Commissioner Ratliff asked if persons were ever denied services if they couldn't afford to pay. *The response was no.*

Chairman Cotham suggested disseminating fee information to agencies that work with persons in poverty or those that have a criminal record, since they have direct contact with this population. *Dr. Mabry said staff would be happy to do that. He asked Chairman Cotham to share any agencies that she was aware of that this information would be useful to.*

(13-1091) FIRE PROTECTION SERVICE DISTRICT FUNDING

Jim Bartl Director of Code Enforcement addressed transferring up to \$183,250 from the General Fund to the Mint Hill Fire Protection Service District (FPSD) fund, which would not be paid back. He also addressed the establishment of the FPSD. The deficit involving the City of Charlotte was also addressed.

Note: The Mint Hill FPSD was originally projected to collect \$500,528 in FY13. However, as of May 1, collections are only at \$275,615, indicating a projected shortfall of \$224,900. While the contract with Mint Hill stipulates that the Town will be paid only up to the collected amount, contract payments to the Town of Mint Hill have already been made through May totaling \$458,817.37, leaving a deficit (payments made in excess of tax revenue collected) in this district's fund balance of \$183,250 (as of May 1).

Comments

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Commissioner James asked when Mint Hill was going to have a fire department. *Director Bartl said he did not know.*

Commissioner James said he was okay with the transfer request, but his fear was that without some sort of incentive for the towns to form a fire department to take over these areas at some reasonable interval, this could go on for a long time.

Commissioner James said there needed to be something that said Mint Hill plans to form a fire department at a date certain.

Commissioner Dunlap acknowledged that he spoke with Director Bartl, Mr. Morehouse of his staff and Mark Auten, Fire Marshall earlier today regarding this matter and with Interim County Manager Shields.

Commissioner Dunlap said the proposal to transfer funds was unfair and explained why. Commissioner Dunlap said the towns of Davidson, Huntersville, and Cornelius generated enough money to pay for the fire services in their ETJ and Charlotte didn't. He said the proposal was to increase the tax rate on those people in the Charlotte ETJ one penny, so that over a course of a number of years, they'll pay back that cost.

Commissioner Dunlap said the proposal, as he understood it, was to "forgive" Mint Hill and take the money out of the General Fund. Commissioner Dunlap said that meant the people in Cornelius, Davidson, Huntersville and Charlotte would not only pay their cost of fire service, but they're also paying the cost of Mint Hill's.

Commissioner Dunlap said he served as the Board's liaison when the Fire Protection Service Districts concept was being developed.

Commissioner Dunlap said there was a fairer way for this matter to go forward. Commissioner Dunlap said based on the way the Service Districts were set up, everybody was supposed to pay their fair share. Commissioner Dunlap said it was not fair for everybody to pay their fair share and Mint Hill not.

Commissioner Dunlap said the alternative to increasing the rate of three percent on Mint Hill was to at least increase the tax rate by one percent, like it's being done for the Charlotte ETJ and then over an extended period of time Mint Hill would have paid the money back and paid their fair share like everybody else.

Commissioner Bentley asked why staff wouldn't consider reducing the tax rate for Huntersville given the significant over collection there. *Director Bartl addressed the question and noted his dialogue with the Town of Huntersville Town Manager regarding the letting the surplus build up in anticipation of future fire protection service needs.*

County Attorney Bethune said the Town of Huntersville would have to request the allocation of any surplus funds from the County and would have to indicate what those funds would be used for.

Commissioner Bentley said it would be helpful to have the Town Manager of Huntersville to send the Board their long term plan for the fire protection service district. *Director Bartl said staff would request the additional information.*

Interim County Manager Shields said Commissioner Dunlap's suggested alternative was a very viable option to consider. He explained the difference between the contractual arrangement with the City of Charlotte and that of Mint Hill.

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Interim County Manager Shields said with the City of Charlotte the County was obligated to pay the City of Charlotte the contracted amount. In the case of Mint Hill, the County was only obligated to pay Mint Hill up to the amount actually collected; but in the case of Mint Hill, the County overpaid them. He said that was the distinction and that it was through no fault of Mint Hill. He said first of all it was over estimated and secondly, the County overpaid them. Interim County Manager Shields said it was his understanding that the Mint Hill Volunteer Fire Department and the Town Manager understood they have to operate within the funds available to reduce the amount and were willing to do that.

Interim County Manager Shields said the only reason staff was offering the proposal was because the County could have stopped paying Mint Hill, but it didn't and it resulted in an overpayment.

Commissioner Dunlap said "here to fore" when the County made a mistake with respect to whatever the issue may have been, the citizens still paid.

Commissioner Dunlap gave the example of a neighborhood that the County had forgotten about with respect to their street lighting assessment and when it was remembered those residents had to pay.

Commissioner Dunlap said the County overpaid Mint Hill but they needed to pay the County back. Commissioner Dunlap said in order for Mint Hill not to be so overburdened with a two – three cent increase, allow them to pay it back over time.

Commissioner Fuller asked was it fair to say that the Mint Hill situation was a onetime occurrence. *Director Bartl* said yes, that's how staff viewed this matter, in light of this being the first year of having the Fire Protection Service Districts. *Director Bartl* said it was not anticipated that this would happen again. He said staff talked with the Mint Hill Town Manager and the Volunteer Fire Departments that were involved and they're set to go forth on the actual collection rate.

Commissioner Fuller concurred with Commissioner Dunlap that if Mint Hill was overpaid that money should be paid back to the County.

Director Bartl said Commissioner Dunlap's suggestion was a valid one.

Commissioner Leake asked how the error of overpayment occurred. *Interim County Manager Shields* said he did not know the exact reason, but he suspected it occurred because of the difference between the payment made to Mint Hill and the accountability for accounting for the amount of collection to be made. He said moving forward staff would make sure those two things were in sink, the actual revenue coming and the payment being made.

Commissioner Leake asked when was the error discovered. *Director Bartl* said late March or early April.

Commissioner Dunlap asked about the possibility of this type error occurring again and would not annexation by the City of Charlotte impact the future of some of the ETJ's. *The response* was yes it could because annexation would decrease the amount of revenue coming in from an ETJ area.

Director Bartl said his response to Commissioner whether this could happen again was specifically related to Mint Hill.

Director Bartl said as was stated when this began, the Charlotte ETJ could be somewhat volatile depending upon annexation.

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County Attorney Bethune said the County would have forewarning of any annexation of the ETJ because of the annexation process.

Motion was made by Commissioner Clarke to direct the Interim County Manager to implement the suggestion of Commissioner Dunlap in regard to the overpayment to Mint Hill, which would be to increase the tax rate from seven cents to eight cents with that additional one cent being used to pay the County back over a period of time.

County Attorney Bethune clarified that the Board would not be changing the tax rate for the Fire Protection Service District tonight. He said the Board's action would be the equivalent a "straw vote" because when the Board adopts the budget ordinance that's when it would actually set the rates. Thus, it was not necessary for the Board to take any action at this time.

Commissioner James said he agreed that if someone was overpaid, they should pay it back unless there was some other "creative solution."

Commissioner James said he would, however, like to get the Town of Mint Hill's Board's view of this matter and the alternative suggested by Commissioner Dunlap.

Interim County Manager Shields clarified that it would be the residents of the unincorporated area that would be paying the money back.

Interim County Manager Shields said staff would bring this matter back before the Board during budget deliberations.

(13-1101) PROPOSED CAPITAL PLAN -- FY2015 - FY2017

The Board received a briefing on the capital project prioritization process and a preliminary project ranking for FY2015 - FY2017. Assistant County Manager Dena Diorio presented the proposed Capital Plan.

Note: The entities that receive capital funds from the County submitted projects to be ranked through the Board-approved prioritization process. Entities were asked to submit projects for prioritization not to exceed \$300 million per entity.

The following was covered:

- Prioritization Rationale
- Capital Project Criteria
- Ranking for FY 2015
- Project Evaluation and Ranking Process
- Total Projects Submitted
- Four Year Results
- Allocation of Funds
- Charlotte Mecklenburg Schools 4 Year Capital Projects by BOCC Districts
- Next Steps
 - Analyze land acquisition needs and phasing opportunities
 - Analyze project distribution for geographic balance
 - Analyze future pay-go capacity
 - Determine referenda duration (3 or 4 years)
 - Determine referenda size
 - Finalize financing strategy
 - June 18 BOCC adopt capital plan and financing strategy
 - Referendum

Comments

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Commissioner James asked about the lack of Charlotte Mecklenburg Schools (CMS) capital projects for District 6 and whether CMS thought the needs of District 6 were less significant. Assistant County Manager Diorio said CMS did not think District 6 was less significant. She said it was more of a function of how the rankings came out after going through the ranking process.

Commissioner Dunlap asked about land banking, which was addressed. *Assistant to the County Manager Diorio said funds have not been available to put aside for the sole purpose of land banking. She said if the choice was to do land banking, then other projects wouldn't get done.*

Commissioner Dunlap said at some point he'd like to hear more about land banking.

Commissioner Bentley commented on the geographic balance of projects as well and said that's something the Board should look at closely and within the process that was developed. Commissioner Bentley said support by those that live in the suburbs was important when it came to getting a bond referendum package passed.

Commissioner Bentley asked if it was possible to consider a five year bond package. *Assistant County Manager Diorio said yes, but one of the things that you'd have to work through would be that if you go five years down the list, you want to make sure that other entities were in the mix and not just Central Piedmont Community College (CPCC) and CMS.*

Assistant County Manager Diorio said staff would come back with several options for the Board to consider with respect to certain durations and sizes.

Commissioner Bentley requested a list of the projects for District 1 for the last five years.

Commissioner Fuller asked for clarification with respect to what happens to CMS' priority list when it's provided to the County and ran through the County's ranking process. He noted that he's heard that CMS' list comes out different once it goes through the County's process. *Assistant County Manager Diorio said the process that the County used was not designed to make sure CMS got all of its projects in the priority order that they wanted.*

Assistant County Manager Diorio said the model was designed to make sure that every entity in the county that competes for County dollars has a "fair shake" at getting capital dollars. She said it was not designed to make CMS "happy."

Assistant County Manager Diorio said it was important that when the County goes through this process that every entity has a fair chance.

Assistant County Manager Diorio said the model was aimed at being reflective of the Board's priorities and what the Board said was important.

Assistant County Manager Diorio said some of the criteria would benefit CMS and CPCC because education was the Board's number one priority, but there were other criteria such as economic outcome, joint use savings, etc., that would benefit other entities.

Commissioner Fuller asked was there a mechanism in place to allow CMS to come to the County and ask for adjustments if CMS' priorities get changed after going through the process. *Assistant County Manager Diorio staff presents the list of projects to the Board based on the ranking process and that it was the Board's decision to accept the list or make changes.*

Assistant County Manager Diorio said staff would not make those types of recommendations for change because from staff's perspective it "undermines" the process.

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Commissioner Fuller asked about the referendum duration, which was addressed.

Commissioner Clarke asked for clarification on the geographic diversity of project which was addressed.

Commissioner Clarke said he had some concern as well for the diversity of the projects themselves. He said when you look at the four year bond referendum it's dominated by CMS and CPCC. He said when you look at the list of projects that there were many park and recreation projects that ranked very low and that voters had approved bonds to fund some of those projects.

Commissioner Clarke asked when that approval occurred. Assistant County Manager Diorio said in 2008.

Commissioner Clarke said there would be persons who would feel that the things in the four year package were being moved in front of them.

Assistant County Manager Diorio said staff was aware of the point raised by Commissioner Clarke and that one of the next steps involved taking a look at pay-go capacity to see if there was opportunity to give other entities access to dollars for their projects.

Commissioner Ratliff asked about the status of West Mecklenburg High School. *Assistant County Manager Diorio said it was on the list for FY2014.*

Commissioner Clarke requested information on CMS and CPCC FY2014 projects.

COUNTY COMMISSIONERS REPORTS & REQUEST

(13-1078) RESTRUCTURING GOVERNMENT - CHAIRMAN COTHAM – ITEM WAS REMOVED FROM THE AGENDA

(13-1089) CLOSED SESSION – LAND ACQUISITION- GAR CREEK NATURE PRESERVE AND MCDOWELL NATURE PRESERVE

Motion was made by Commissioner Fuller, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to:

1) Authorize the County Manager to negotiate and execute documents necessary for the acquisition of Tax Parcel #015-223-12 (+/- 3 acres) from Melinda & Frank Armstrong for \$48,000.00.

2) Designate Tax Parcel 015-223-12 as part of the Gar Creek Nature Preserve in accordance with the 2008 Nature Preserve Master Plan (component of the 2008 Park and Recreation 10-year Master Plan)

Motion was made by Commissioner Fuller, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to:

1) Authorize the County Manager to negotiate and execute documents necessary for the acquisition of Tax Parcel #199-491-04 (+/- 1.93 acres) from Francis John & Mary Ellen Hoen for \$50,000.00

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2) Designate Tax Parcel 199-491-04 as part of the McDowell Nature Preserve in accordance with the 2008 Nature Preserve Master Plan (component of the 2008 Park and Recreation 10-year Master Plan)

CONSENT ITEMS

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

(13-1015) REAPPOINTMENT -- MECKLENBURG COUNTY TAX COLLECTOR

In accordance with G.S. 105-349(a), reappoint Neal L. Dixon to the Office of the Mecklenburg County Tax Collector for a four-year term effective upon administration of the oath of office, and direct the Clerk to the Board to administer the oath of office and file it in the Clerk's permanent records.

Note: Mr. Dixon joined the County in May 1995 as a Tax Collections Supervisor and has been serving as the Mecklenburg County Tax Collector since September 1996. His current appointment as tax collector expires in July 2013.

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

(13-1026) SET PUBLIC HEARING ON CITY STORM WATER FEE RATES

Set a public hearing for 6:30 p.m. on June 4, 2013 on proposed changes in the Minor System component of the City's Storm Water fee.

(13-1030) BUDGET AMENDMENT -- MECKLINK BEHAVIORAL HEALTHCARE (REVENUE INCREASE)

Recognize, receive and appropriate additional State funds in the amount of \$133,436 for CAPI/DD funding.

(13-1031) BUDGET AMENDMENT -- HEALTH DEPARTMENT (REVENUE INCREASE)

Recognize, receive and appropriate additional revenue of \$59,995 to reflect actual state and federal allocations.

(13-1033) MINUTES

Approve minutes of Regular meetings held April 16, 2013 and May 7, 2013, Special Meetings held April 9, 2013, January 30, 2013, January 31, 2013 & February 1, 2013; and Closed Sessions held April 16, 2013, April 9, 2013, March 5, 2013, and May 7, 2013.

(13-1037) RETIRE CANINE OFFICER BLECKY -- SHERIFF'S OFFICE

Retire and approve the donation of a retired Canine Officer to an MCSO Detention Officer.

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Note: This action will allow the Mecklenburg County Sheriff's Office (MCSO) to retire and transfer ownership of Canine Officer Blecky to a MCSO detention officer. The Canine Officer performed his duties faithfully and diligently and has reached the age and physical condition for retirement. The Canine Officer was specifically trained in certain law enforcement procedures and may behave unpredictably and perhaps in an aggressive manner as a result of such training. Therefore, the Canine Officer presents a risk to general public health and safety if presented for sale to or adoption by the general public, who are unfamiliar with the specialized training the Canine Officer received. Such risk to public health and safety is not present when the Canine Officer is transferred to the care and keeping of an MCSO detention officer. This allows each canine officer to retire to a familiar environment in the care of an MCSO detention officer very familiar with their training, and permits an ownership transfer of the canine officer that does not endanger public health and safety.

(13-1038) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of \$345 for the Sheriff's Office, \$20,155 for Park and Recreation Department, \$1,125 for Land Use and Environmental Services Agency and \$463 for Business Support Services Agency-Business Financial Management.

Note: All reimbursements are for stolen and damaged items.

(13-1045) PROCLAMATION -- FOSTER CARE AWARENESS MONTH

Adopt Proclamation designating May, 2013 as "Foster Care Awareness Month" in Mecklenburg County.

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

(13-1046) PURCHASE CONTRACT -- SHERIFF'S OFFICE TACTICAL BODY ARMOR

Approve a waiver of competitive bidding ("piggyback") under G.S. 143-129(g) allowing the Sheriff's Office to purchase tactical body armor at the same or more favorable prices as terms set forth in the City of Charlotte's unit price contract number 1300277 to Lawmen's Safety Supply dated September 24, 2012, for a term of two years with the option to renew up to three additional one-year terms.

(13-1050) ANNEXATION OF COUNTY PROPERTY BY THE CITY OF CHARLOTTE

Authorize the County Manager to execute a petition for voluntary annexation of the following County-owned properties into the City of Charlotte:

- (1) Tax Parcel 141-171-11 (+/- 72.00 acres)
- (2) Tax Parcel 141-171-12 (+/- 105.01 acres)
- (3) Tax Parcel 141-171-19 (+/- 2.33 acres)
- (4) Tax Parcel 141-171-20 (+/- 8.19 acres)
- (5) Tax Parcel 141-181-01 (+/- 22.24 acres)
- (6) Tax Parcel 141-291-06 (+/- 10.00 acres)
- (7) Tax Parcel 141-171-28 (+/- 0.05 acres)
- (8) Tax Parcel 141-171-23 (+/- 8.99 acres)

Note: The above-listed County-owned properties (acquired for the purpose of parkland) adjoin the current City of Charlotte municipal boundaries. These properties collectively serve as

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Berewick District Park, and include Berewick Elementary School (constructed within the park). The City has asked that the County approve the voluntary annexation of these parcels, totaling +/- 228.81 acres. All these properties are located within Charlotte's extraterritorial jurisdiction.

(13-1051) PURCHASE AGREEMENT -- TWO RAM AUTO-TIE COMINGLE BALER FOR METROLINA RECYCLING FACILITY

Approve a one-time purchase of a International Baler Corp Model TR12-T75 Baler from BE Equipment, Inc of Quakertown, PA for a price of \$395,495 to include freight, installation, and options.

(13-1052) CONVEYING OF PROPERTY -- SHERIFF'S OFFICE

Approve the conveying of property from the Mecklenburg County Sheriff's Office to the Huntersville Police Department.

(13-1055) BUDGET AMENDMENT -- WATER QUALITY MONITORING -- LUESA

Amend the Land Use and Environmental Services Agency (LUESA) FY13 budget to recognize, receive and appropriate \$16,310 for water quality monitoring activities. Approve carrying forward to FY2014 any unspent funds from this appropriation for this project.

(13-1063) BUDGET AMENDMENT -- LUESA

Recognize, receive and appropriate \$52,312 to the FY13 Land Development Bond Budget.

(13-1064) GREENWAY DONATION -- SUGAR CREEK GREENWAY

Approve accepting the donation of Tax Parcel 203-031-09 (\pm 5.01 acres) along Sugar Creek for future greenway trail construction.

(13-1065) SOLE SOURCE VENDOR APPROVAL -- METROLINA RECYCLING FACILITY

1) Approve the purchase of equipment as authorized by the sole source exemption of G.S. 143-129(e)(6).

2) Approve a contract with CP Manufacturing, Inc. for the purchase of a conveyance system and for the relocation of the comingle baler at the Metrolina Recycling Facility in the amount of \$547,200.

(13-1066) TAX REFUNDS

Approve refunds in the amount of \$330,305.23 and interest as statutorily required to be paid as requested by the Assessor resulting from clerical errors, audits and other amendments.

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

(13-1068) STATE SECONDARY ROAD PROGRAM FY 2012 – 2013

Approve an amendment to the FY2012 - 2013 State Secondary Road Program.

Note: In accordance with North Carolina General Statute 136-44.8, the North Carolina Department of Transportation must inform the Board of County Commissioners of proposed secondary road construction projects. On April 3, 2012, the Board approved a list of projects to be constructed this fiscal year. This amendment will add Meffert Lane to the project list. The work performed typically includes grading, drainage improvements, installing base course, and paving.

(13-1069) DESTRUCTION OF DOCUMENTS (ASSESSOR'S OFFICE)

1) Approve updated Records Retention and Disposition Schedule and Amendments for County Tax Administration.

2) Approve the disposal/destruction of tax assessment documents in accordance with North Carolina Records Retention and Disposition Schedule (see attached list of records).

A copy of the Records Retention and Disposition Schedule and Amendments is on file with the Clerk to the Board.

A list of the documents to be disposed of is on file with the Clerk to the Board.

(13-1075) LEASE AGREEMENT -- MECKLINK SOUTH OFFICE

Authorize the County Manager to execute a lease with Emanuel Properties, LLC for office space for MeckLINK.

(13-1076) LAND CONVEYANCE TO CPCC

Authorize the County Manager to execute documents necessary for the conveyance of a portion of Tax Parcel #215-061-06 (+/- 14 acres) from the County to Central Piedmont Community College.

(13-1084) BUDGET ADMENDMENT -- SHERIFF'S OFFICE (REVENUE INCREASE)

1. Recognize and appropriate for the Sheriff's Special Revenue Fund, \$4,365 from seized assets.
2. Recognize and appropriate for the Sheriff's Special Revenue Fund, \$424,000 from concealed handgun permit fees.

**(13-0991) ORDINANCE AMENDMENT -- MECKLENBURG COUNTY SOLID WASTE FEE
ORDINANCE - SECOND READING**

Approve an amendment to the Mecklenburg County Solid Waste Fee Ordinance.

Note: LUESA - Solid Waste proposes a change to the Mecklenburg County Solid Waste Fee Ordinance, which is designed to encourage the development of a Construction and Demolition Waste (C&D) processing and recycling infrastructure and to facilitate the receipt of processed C&D materials at the County's Foxhole Landfill. The fee is set to fully recover the County's cost of operation. LUESA - Solid Waste is a wholly fee funded organization, receiving no general tax revenues, and thereby reliant upon appropriate fees for service. The proposed change relates to the establishment a new discounted rate under the 521 Landfill Construction and Demolition Waste Fee

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Schedule designed to encourage increased C&D processing/recycling. In this Schedule, a \$20 per ton fee is added for loads of processed construction and demolition materials (C&D) generated from a permitted C&D treatment and processing/recycling operation. This fee is less than the \$39 per ton that would have been charged for unprocessed C&D Waste or the \$29 per ton for loads of source separated materials (clean dry wall, shingles). A second intent of the change is to encourage the delivery of select materials for placement in the base/fluff layer of the newly constructed cell at the Foxhole Landfill. The operational plan for the filling of the new cell includes the placement of a base/fluff layer to help protect the underlying landfill liner system from damage. It is estimated that the new fee could attract about 10,000 tons per year of processed materials.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(13-1000) GRANT APPLICATION -- U. S. DEPARTMENT OF LABOR, VETERANS' EMPLOYMENT AND TRAINING SERVICE AWARD

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to approve submitting a grant application for funding in the amount of \$7,000 for a one-year grant from the U.S. Department of Labor, Veterans' Employment and Training Service award for the 2013 Homeless Veterans Stand Down; and recognize, receive and appropriate awarded funds, if grant is awarded.

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

(13-1012) ROMARE BEARDEN PARK TOBACCO FREE POLICY

Motion was made by Commissioner Fuller, seconded by Commissioner Ratliff and carried 7-2 with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, Leake, and Ratliff voting yes and Commissioners James and Ridenhour voting no, to approve Park and Recreation policy to make Romare Bearden Park Tobacco Free.

Note: The park is designed to host events such as concerts and festivals, and use of tobacco products will negatively impact visitors' enjoyment and health. A tobacco-free policy also assists in reducing litter and the promotion of parks as healthy environments for all park patrons.

Policy recorded in full in Minute Book _____ Document # _____.

Commissioner Ridenhour removed this item from Consent to express opposition to the policy.

(13-1029) JCPC FY14 FUNDING ALLOCATION PLAN

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to:

1. Recognize and appropriate FY14 Department of Public Safety - Division of Juvenile Justice funds in the amount of \$1,387,620.
2. Approve FY14 funding allocation plan recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

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Commissioner Leake removed this item from Consent for more public awareness. Tom Eberly, Director of Criminal Justice Services addressed this item.

(13-1040) PROCLAMATION -- OLDER AMERICANS MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to adopt a proclamation designating May 2013 as "Older Americans" month in Mecklenburg County.

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

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

(13-1041) CMS SECURITY CAPITAL PROJECT ORDINANCE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to adopt the *FY2014 School Security Enhancement Project* Capital Project Ordinance.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 21st DAY OF MAY 2013:

Section I. That for the purpose of providing funds, together with any other available funds, for the School Security Enhancement Project including the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, in order to provide additional school facilities in said County to maintain the nine months' school term as required by Section 2 of Article IX of the North Carolina Constitution, \$19,325,000 is hereby appropriated.

Section II. That it is estimated that the following revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from sale of bonds, Pay-As-You-Go/Other County Funds: \$19,325,000

Section III. That the Director of Finance is authorized from time to time to transfer as a loan from the General fund or unspent County proceeds in the Capital Projects funds, cash in an amount necessary to meet obligations until such time as financing is arranged, at which time repayment will be made and the Director of Finance is authorized to sign the Declaration of Official Intent to Reimburse Expenditures as required by Internal Revenue Service regulations.

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

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

(13-1060) DOMESTIC VIOLENCE GRANT-FUNDED POSITIONS

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to approve the creation of up to four full-time positions, funded through a U.S. Department of Justice (Office of Violence Against Women) grant, to reduce the harmful effects of domestic violence on children and youth who have been exposed or are themselves victims.

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

(13-1081) BUDGET AMENDMENT - BUSINESS SUPPORT SERVICES AGENCY (CARRY FORWARD OF UNSPENT FUNDS)

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to approve carry forward to FY2014 of \$190,000 of Business Support Services Agency funds that remain unspent at June 30, 2013.

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

(13-1073) NAMING REQUEST -- ROZZELLE'S FERRY NATURE PRESERVE (PARK & RECREATION)

Motion was made by Commissioner Ridenhour, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to approve commencement of the public process to name two recently acquired properties, parcels # 02330101 and 02330102, the "Rozzelle's Ferry Lakeshore Preserve."

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

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Ratliff and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:49 p.m.

Janice S. Paige, Clerk

Patricia "Pat" Cotham, Chairman