

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, November 5, 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

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**-INFORMAL SESSION-**

*Commissioner Dunlap was 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 13-1323, 13-1386, 13-1394, 13-1402, 13-1406, 13-1409, 13-1411, and 13-1412.

**STAFF BRIEFINGS - NONE**

**(13-1400, 13-1419) CLOSED SESSION – BUSINESS LOCATION AND EXPANSION AND CONSULT WITH ATTORNEY**

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cotham, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to go into Closed Session for the following purposes: Business Location and Expansion and Consult with Attorney.

*The Board went into Closed Session at 5:13 p.m. and came back into Open Session at 6:02 p.m.*

*Commissioner Dunlap was present when the Board came back into Open Session. He entered the meeting during Closed Session.*

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

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**-FORMAL SESSION-**

*Chairman Cotham called this portion of the meeting to order which was followed by introductions. She then recognized Commissioner Clarke to give the invocation, which was followed by the Pledge of Allegiance to the Flag, after which, the matters below were addressed.*

**AWARDS/RECOGNITION**

**(13-1388) EMPLOYEE AWARDS AND RECOGNITION**

The Board recognized and congratulated the following County employees:

- 1) The County's Team of the Year sponsored by the County's Diversity Council: Members of the Kinship Care Program in Mecklenburg County's Department of Social Services
- 2) The County's 2013 Customer Service Heroes:
  - Service Quality Hero - Veronica Trice, Business Tax Collections Office
  - Ethics Hero - Vikki Stokes, Building Plans Examiner for LUESA Code Enforcement Division
  - Timeliness Hero - Ron Herring, Business Support Services – Information Technology
  - Courtesy & Respect Hero - Georgette Hood, DSS Senior Nutrition Program Coordinator at Bette Rae Thomas Recreation Center
  - Communication Hero - Linda Margerum, MeckLINK Quality Management Division; and
- 3) Eileen Brown from Mecklenburg County's Child Support Enforcement Agency, the 2013 Gerald G. Fox Employee of the Year.

Human Resources Director Chris Peek presented the employees.

**(13-1418) PUBLIC APPEARANCE**

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

**(13-1415) APPOINTMENTS**

**WASTE MANAGEMENT ADVISORY BOARD**

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to appoint Kenneth Morris to the Waste Management Advisory Board for a three-year term expiring October 30, 2016.

*Note: He replaced Joe Howarth. The following persons were also nominees for appointment consideration to the Waste Management Advisory Board: Michael Bailey and Jimmy Hawk.*

**(13-1426) NOMINATIONS/APPOINTMENTS**

**CITIZEN'S TRANSIT ADVISORY GROUP**

Motion was made by Commissioner Leake, seconded by Commissioner Ratliff and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to nominate and appoint Anthony Davis to the Citizen's Transit Advisory Group (CTAG) to fill an unexpired term expiring June 30, 2015.

*He replaced Robert Watson who was appointed co-chair of CTAG.*

**PUBLIC HEARINGS - 6:30 PM**

**(13-1401) PUBLIC HEARING/GRANT APPLICATION -- NCDOT COMMUNITY TRANSPORTATION**

Commissioner Fuller read the following statement:

Voluntary Title VI Public Involvement

Title VI of the Civil Rights Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency's federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project. The North Carolina Department of Transportation wishes to clarify that this information gathering process is completely voluntary and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document. The completed forms will be held on file at the North Carolina Department of Transportation. For Further information regarding this process please contact Sharon Lipscomb, the Title VI Manager at telephone number 919.508.1808 or email at slipscomb@ncdot.gov.

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, to open a public hearing to receive comments on the Mecklenburg County Department of Social Services submitting an application for the North Carolina Department of Transportation's Community Transportation Grant for Fiscal Year 2014-2015.

No one appeared to speak.

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, to close the public hearing on the Mecklenburg County Department of Social Services submitting an application for the North Carolina Department of Transportation's Community Transportation Grant for Fiscal Year 2014-2015 and adopt the "Community Transportation Program Resolution" to approve the Mecklenburg County Department of Social Services submitting an application for the North Carolina Department of Transportation's Community Transportation Grant for Fiscal Year 2014-2015; and recognize, receive and appropriate grant funds when awarded.

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

**ADVISORY COMMITTEE REPORTS - NONE**

**MANAGER'S REPORT - NONE**

**STAFF REPORTS & REQUESTS**

**(13-1366) BUSINESS INVESTMENT PROGRAM GRANT – OCTAPHARMA PLASMA, INC.**

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 8-1 with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, Leake, Ratliff, and Ridenhour voting yes and Commissioner James voting no, to adopt a resolution approving a Business Investment Program grant to Octapharma Plasma, Inc. for a total estimated amount of up to \$443,216 and authorize the County Manager to negotiate and execute a contract.

*Note: This project entails the construction of a new facility in Westlake Business Park in Charlotte. The capital investment will be approximately \$22.6 million, and will create 31 full-time jobs with an average annual salary of approximately \$47,900. The Business Investment Program grant is equal to 90% of the taxes that will be paid by the company and will be paid over three years. The estimated value of this grant is up to \$443,216 and will be subject to the County's standard contract conditions setting compliance requirements on the part of the company, including clawback provisions. A fiscal impact analysis shows a present value of net benefits to the County of \$416,852 over six years. The City of Charlotte will also provide financial assistance to this project.*

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

**(13-1427) FY14 PLANNING PROCESS UPDATE**

The Board received an update on the FY14 planning process and timetable. Budget/Management Director Hyong Yi presented the update.

*Note: At its September 17, 2013 meeting, the Board received a report on the planning process to support the Board's development of a strategic agenda for the next 12-18 months. This update provided the Board a summary of key themes that emerged from input provided by Board members and others in response to questions related to the strengths and opportunities for improvement within the community and within the County organization. This update also provided the Board with recommended next steps in the planning process, including a timetable for finalizing the Board's strategic agenda in January prior to a budget retreat that is proposed to be held in February.*

Chairman Cotham thanked Director Yi for the presentation.

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

**COUNTY COMMISSIONERS REPORTS & REQUESTS**

**(13-1391) CULTURAL LIFE TASK FORCE REPORT (CHAIRMAN COTHAM)**

The Board received an update from the Arts and Science Council's Cultural Life Task Force on the work of the Task Force to date and the findings that will form the basis of their recommendations. Felecia McDowell Co-Chair of the Task Force gave the report. Wayne Powers a county appointee to the Task Force also made comments. The following was covered:

- Task Force Formation and Membership
- Economic Impact and Significance
- ASC Current Model
- Cultural Planning
- Funding and Support
- Five Comparison Cities
- Future Themes and Ideas

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

#### Comments

Commissioner Fuller commented on the importance of the arts to the quality of life in a community. He asked was the Task Force discussing how to get back and maintain things to where they were with respect to the cultural life in the community; as well as, the question of how do you grow that effort. *Ms. McDowell said yes and elaborated on that point. It was noted the estimated amount needed in order to get back and maintain was around \$5 million and to grow the arts, the number would be above \$5 million.*

Commissioner James said the fact that a service generates economic development didn't mean that government should "subsidize" that development.

Commissioner James said he had no intent to raise taxes, fees, or implement a hotel/motel tax or occupancy tax in order to provide the arts with additional money. Commissioner James said the reason he supported the study and formation of the Tax Force was because the County did not have to pay for it.

Commissioner Leake commented on how in past years teachers were directed to contribute a certain amount to the Arts. Commissioner Leake said that needed to change and that the mindset should be that giving to the Arts was a "free minded" act and not a demand.

Commissioner Leake expressed her support of Arts Education for children. Commissioner Leake said it was a concern in the community, however, regarding the salaries and number of employees of the Arts & Science Council.

Commissioner Leake requested information on how long had the Arts & Science Council received funds from the County. *Ms. McDowell said she would find out.*

Commissioner Leake said there must be "equity" in how the County allocates funds to outside agencies.

Commissioner Ridenhour said when the Board received the next update, he would like to know about publically funded programs and which category they fell under.

Commissioner Ridenhour commented on how art was "organic" and comes about through "inspiration." Commissioner Ridenhour said because art was organic, you can't "force it to be where it's not."

Commissioner Ridenhour said he was interested in knowing what the plan was for future growth of the arts, but not necessarily “through more dollars.” Commissioner Ridenhour said he believed in “organic art and not synthetic art.”

This concluded the discussion. The above is not inclusive of every comment but is a summary.

Chairman Cotham thanked the representatives for the report.

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

**(13-1417) BOARD OF COMMISSIONERS 2014 MEETING SCHEDULE**

Motion was made by Commissioner Dunlap, seconded by Commissioner Ratliff and carried 8-0 with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake and Ratliff voting yes, to approve the Mecklenburg County Board of Commissioners 2014 Meeting Schedule.

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

**(13-1421) MECKLINK TRANSITION COMMITTEE UPDATE**

Commissioner Fuller gave an update on the MeckLINK transition on behalf of the Board’s Ad Hoc MeckLINK Transition Committee, which he chaired.

*Note: Senate Bill 208 passed during the 2013 Legislative Session required that all LME/MCOs be governed by an independent authority. Staff, along with the ad hoc MeckLINK Transition Committee created by the Board at its October 15 meeting, continues to review its options to transition Mecklenburg County’s Medicaid Managed Care Services to a new governance structure in compliance with Senate Bill SB208.*

The following was noted:

- Background of MeckLINK
- Action by the State Legislature to “force” the County to change the way in which it provided behavior health services in Mecklenburg county
- The County was left with only a few options, none of which, per Commissioner Fuller, were good options
- Option 1, The County could have decided to create a separate authority under state law to provide and manage the Medicaid funded behavior health services in Mecklenburg county
- Option 2, The County could join with or turnover its Medicaid funded behavior health services to another entity or authority
- Option 3, The County could transition its Medicaid funded behavior health services to a company called Cardinal Innovations
- The position the County finds itself in impacts the County as an organization, its employees, the community, and those in the community that received behavior health services via the County (120,000), and providers (approximately 700)

***Commissioner Ridenhour returned to the dais.***

- The Board's Ad Hoc MeckLINK Transition Committee reviewed the options and all of the data that was available to the Committee
- The Committee came to the conclusion that the "best" option was to pursue a transition of MeckLINK to a company, Cardinal Innovations
- The Committee came to that decision understanding that many people in the community had a "contrary view" and were opposed to such a transition
- The voices of that opposition were heard
- The Committee looked at each of the options very carefully and the implications of each
- It's felt by some that the County doesn't have any options or leverage, but "that's not true"
- The future negotiating partner should not be of the belief that they can "dictate" the terms of the transition
- If the Ad Hoc Committee's recommendation is approved, going forward the County is faced with the challenge of rethinking how it provides integrated human services in the community

Motion was made by Commissioner Fuller, seconded by Commissioner Bentley and carried 7-2 with Commissioners Bentley, Clarke, Cotham, Fuller, James, Leake, and Ridenhour voting yes and Commissioners Dunlap and Ratliff voting no, to authorize the County Manager to negotiate an interlocal agreement with Cardinal Innovations consistent with the key tenants outlined - governance, employees, loan repayment, assumption of lease space and any other issues deemed critical/important. If negotiations with Cardinal are unsuccessful on the key issues, the committee recommends that we honor our contact with DHHS through March 31, 2014 and allow the state to make the determination of what will happen to the MCO function for Mecklenburg County without Mecklenburg County's involvement.

Note: Prior to the above vote, Commissioner Bentley offered a friendly amendment to correct the March 31 date to say 2014 and not 2013. Commissioner Fuller accepted the amendment.

Comments prior to the above vote:

Commissioner Dunlap said the option recommended by the Ad Hoc Committee was probably the "best of a bad situation."

Commissioner Dunlap said he still had concerns and therefore would not be able to support the motion.

Commissioner Dunlap said it was a case wherein the federal government was sending money to the state; the state decides how much of those funds they want and "take it off the top" and then send those funds down to the managed care organizations, who also "take money off the top;" and who then say to the provider "this is what you get for the services that you render."

Commissioner Dunlap said in essence much of the money from the federal government that was intended for consumers never gets spent for its intended purpose.

Commissioner Dunlap said another concern he had was the fact that the Governor appointed to the committee with respect to this issue, the CEO of the largest provider of services, Cardinal Innovations. Commissioner Dunlap said he viewed that as a "conflict of interest."

Commissioner Dunlap said the Board had been inundated with concerns about Cardinal Innovations and the way in which they provide services to the consumer.

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Commissioner Dunlap said even though MeckLINK was not perfect, the County was there to hear the voices of those citizens who had concerns and did everything it could to attempt to resolve those concerns. Commissioner Dunlap said going forward citizens of Mecklenburg County would be at a loss with respect to knowing who to go to with their concerns.

Commissioner Leake thanked all of the staff who “put in the time and energy” into this process. She also thanked the Board’s Ad Hoc Committee.

Commissioner Leake asked how much it would cost the County to operate MeckLINK and it not go to Cardinal Innovations. *Assistant County Manager Dena Diorio said in order for the County to set up MeckLINK as a single authority, there would be several infrastructure costs the County would have to incur, mostly in the information technology area. There would be a one-time cost of around \$2 million to set up as a single authority; about \$800,000 of annual recurring cost in addition to what the County currently pays.*

Commissioner Leake asked would this almost “bankrupt” the County. *Assistant County Manager Diorio said the concern would be whether the County could pay for this out of the Medicaid dollars it received. She said based on the operations of MeckLINK currently, it runs on a fairly “thin margin.” She said there were not a lot of surplus funds available, therefore, if there was not sufficient Medicaid money to pay for this, the question for the Board would be whether or not to use County dollars and continue to “subsidize” MeckLINK.*

Assistant County Manager Diorio said it was already known that currently the County was subsidizing MeckLINK in an amount around \$960,000 annually, because those services were being provided in-house.

Commissioner Leake asked if the County would get the \$8.7 million it invested in MeckLINK. *Assistant County Manager Diorio said once the County had satisfied all of its liabilities, there’s a risk reserve that the County was required to maintain and anything left in the reserve after all liabilities had been taken care of, the County would receive those reserve funds back.*

Assistant County Manager Diorio said assuming the risk reserve funds didn’t have to be touched, the County would receive \$4.5 million back. She said to the extent that the County’s future partner would be interested in paying the remainder, was subject to negotiation. Assistant County Manager Diorio said it was still not clear whether the County would receive part or any of the \$8.4 million back that it had invested.

Commissioner Leake said what the state was doing to the County was “outrageous.” She said the community needed to say to legislators and the Governor how this is perceived to impact persons all over the state and not just Mecklenburg county.

Commissioner Leake said the recommendation made by the Ad Hoc Committee was not one that it wanted to make, because it impacted the “weak of our weakest” in the community.

Commissioner Clarke asked for clarification on the cost to set up MeckLINK as a single authority, which was addressed by Assistant County Manager Diorio.

Commissioner Clarke asked was the current cost of \$960,000 to support MeckLINK an allocation of a portion of certain County employees compensation that provide support to MeckLINK. *The response was yes. It’s a cost allocation, the value of those employees’ time that provide support to MeckLINK.*

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Commissioner Clarke asked was it not correct that if MeckLINK went away, the County would still be spending the \$960,000. *The response was yes.*

Commissioner Clarke asked if the County was to set up as a single authority would it cost more dollars. *Assistant County Manager Diorio said more dollars would be required. She said the current in-kind service would become real cost.*

Commissioner Clarke asked Assistant County Manager Michelle Lancaster about the long term plans of the state to combine managed care organizations into two or three statewide and in light of this wouldn't it be a risk for the County to set up as a single authority. *Assistant County Manager Lancaster said that was correct.*

Assistant County Manager Lancaster said all indications from the Secretary's Office and Representative Dollar was that they were looking for consolidation across the state of managed care organizations into three or four.

Assistant County Manager Lancaster said the County setting up as a single authority would only be a short term solution and not an effective long term solution.

Commissioner Fuller said it was now apparent that the intent of the State was not for Mecklenburg County to operate as a single county authority but instead that Mecklenburg County would be a part of one of the three or four managed care organizations envisioned by the State.

Commissioner Ratliff thanked staff and the Ad Hoc Committee for its work. She also apologized to the employees, consumers, and providers for the unfortunate circumstance the County found itself in with respect to MeckLINK.

Commissioner Bentley asked Assistant County Manager Lancaster to comment on the conversation between Commissioner Fuller and herself with the Secretary and her senior staff relative to their commitment to the transition and the fact that all indications point to the fact that there was a common goal and interest.

Commissioner Bentley noted that she was not happy with the position the County was in as well.

Commissioner Bentley said she wanted to be on the record as saying that "the state was not out to get the County and they were not out to create a situation that was not favorable to constituents and to the providers."

Assistant County Manager Lancaster said per conversation with Representative Dollar, it was stated that he was looking toward movement towards consolidation and was hopeful that was the direction the County was going in. Further, that Representative Dollar said he didn't have a preference with respect to who the County partnered with, that was a local decision. Assistant County Manager Lancaster said Representative Dollar reiterated what he believed the General Assembly had displayed by their actions since 2011 with the first legislation that expanded the 1915BC Waiver and further changing the governance structure in 2012, the requirement and in 2013 and that those things from his perspective were the General Assembly displaying their support for public managed care and the behavioral health "space."

Assistant County Manager Lancaster said per conversation with the Secretary and her staff, they have been consistent in that they want this to be successful. They want local buy-in and will help the County in

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any way they can. They don't want a delay in moving forward and would want to take away as many "obstacles" as possible. Further, that the Secretary was very clear that consolidation of managed care organizations was what the state wanted.

Commissioner Bentley asked Assistant County Manager Lancaster if she felt the driving force beyond the business case and rationale for moving in this direction was to remain "patient focus and to ensure that the delivery of service was consistent and executed in a manner that was seamless from a providers and constituents and consumers perspective" and that they remain at the center of this transition. *Assistant County Manager Lancaster's response was yes. She said the Secretary's Office had been consistent in their comments and in their practice of publically managed behavior healthcare throughout all of staff's conversations with them.*

Commissioner Fuller said the phone conversation with the Secretary was "encouraging under the circumstances." Commissioner Fuller said he expressed the County's concerns about governance and County dollars used to create MeckLINK. Commissioner Fuller said he believed there was a desire to help the County work through those issues.

Commissioner Fuller said Cardinal and the County had both identified what their positions were. He said the County thinks that because of the size and nature of the County's population, the County deserves a proportional representation on the overall governance board of Cardinal. Further, that the County felt very strongly that County dollars that were used to create MeckLINK and with the expectation that the County would recoup those dollars through the operation of MeckLINK over the years, were important issues for the County.

Commissioner Fuller said he appreciated the Secretary's commitment to help the parties work through these issues.

Commissioner Fuller said at this point the County would have to just do what it needed to do and get it done the best way possible and to move forward. He said the goal would be to find ways through the negotiations and through continuing involvement afterwards, ways to continue to "protect our citizens, consumers of these services, providers, and the employees."

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

**(13-1423) DISTRICT 2 UPDATE (COMMISSIONER LEAKE)**

The Board received an update from Commissioner Leake regarding the events that she has attended and her efforts on behalf of her constituents in District 2.

**CONSENT ITEMS**

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

**(13-1390) DELEGATION OF SOLID WASTE REGULATORY AUTHORITY**

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Authorize the Interim County Manager or his designee to enter into a Memorandum of Agreement for Delegated Solid Waste Regulatory Authority with the NC Division of Waste Management.

*Memorandum of Understanding recorded in full in Minute Book \_\_\_\_\_ Document # \_\_\_\_\_.*

**(13-1396) LAND DONATION -- POLK DITCH GREENWAY**

Accept the donation of Tax Parcel 201-351-87 ( $\pm 1.975$  acres) along Polk Ditch for the County greenway system.

*Note: The developer of the Stonebridge Townhome community was required to donate property to the County for future greenway construction along Polk Ditch as part of its development approval. The developer instead conveyed the property to the homeowners association. County staff contacted the Stonebridge Townhome Homeowners Association to have it convey the property to the County, which it has agreed to do.*

**(13-1397) LAND DONATION -- BARTON CREEK GREENWAY**

Walden Court

1. Accept the donation of two greenway easement areas ( $\pm 1,254$  square feet) and one temporary construction easement ( $\pm 1,296$  square feet) located on tax parcel 047-291-43 from Walden Court, Inc

Walden Station

2. Accept the donation of three greenway easement areas ( $\pm 6,645$  square feet) and two temporary construction easements ( $\pm 5,348$  square feet) located on tax parcel 047-291-42 from Walden Station Properties, LLC

Welwyn

3. Accept the donation of tax parcel 047-261-99 ( $\pm 1.11$  acres) from Welwyn Cluster Homeowners Association, Inc

4. Accept the donation of a temporary construction easement ( $\pm 0.1933$  acres) and permanent greenway easement ( $\pm 0.03$  acres) on tax parcel 047-261-01 from Welwyn Cluster Homeowners Association, Inc

5. Accept the donation of a temporary construction easement ( $\pm 0.018$  acres) on tax parcel 047-261-38 from Thomas Ramsey Lucas and Barbara Bell in the Welwyn neighborhood

6. Accept the donation of a temporary construction easement ( $\pm 0.04$  acres) on tax parcel 047-261-35 from Frank Parker and Barbara Edwards in the Welwyn neighborhood

7. Accept the donation of a temporary construction easement ( $\pm 0.0088$  acres) on tax parcel 047-261-34 from Ivan and Vianne Howitt in the Welwyn neighborhood

8. Accept the donation of a temporary construction easement ( $\pm 0.0165$  acres) on tax parcel 047-261-33 from Nadine Hayes in the Welwyn neighborhood

9. Accept the donation of a temporary construction easement ( $\pm 0.0343$  acres) on tax parcel 047-261-32 from Mace Mangold in the Welwyn neighborhood

10. Accept the donation of a temporary construction easement ( $\pm 0.0239$  acres) on tax parcel 047-261-31 from Pamela Bynum in the Welwyn neighborhood

11. Authorize the Interim County Manager to enter into a Memorandum of Understanding (MOU) with Welwyn Cluster Homeowners Association, Inc., Thomas Ramsey Lucas and Barbara Bell, Frank Parker and Barbara Edwards, Ivan and Vianne Howitt, Nadine Hayes, Mace Mangold, and Pamela Bynum

Glenwater at University Place

12. Accept the donation of greenway property ( $\pm 0.748$  acres) from the Glenwater at University Place Homeowners Association

***Memorandum of Understanding recorded in full in Minute Book \_\_\_\_\_ Document # \_\_\_\_\_.***

**(13-1398) SET PUBLIC HEARING -- PRELIMINARY STREET LIGHTING ASSESSMENTS**

Adopt resolutions on the Preliminary Assessment Rolls for the operating cost of street lights and set a public hearing at 6:30 p.m. on December 3, 2013 on Street Lighting Preliminary Assessment Rolls for the Capps Hollow, Cardinal Woods and Cardinal Woods Estate, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood subdivisions.

***Resolutions recorded in full in Minute Book \_\_\_\_\_ Documents # \_\_\_\_\_ - \_\_\_\_\_.***

**(13-1405) HAZARD MITIGATION PROGRAM -- FY14 FLOODPLAIN ACQUISITIONS**

1. Accept the "Offer of Sale of Real Estate" from Mary Lee King, Annie King Butler & husband Albert Butler, Brenda King, Thomas L. King, and Thomas Lee King, III & wife Tina Marie King owners of property at 740 Prince Street (Tax Parcel 069-071-04) for \$30,000; and

2. Accept the "Offer of Sale of Real Estate" from Karen Y. Branan, Sabrina Y. Polly and Donna Y. Lilien, attorneys-in-fact for Mary W. Young, owner of property at 3101 Dunlavin Way (Tax Parcel 093-134-10) for \$108,000.

**(13-1410) LUESA FUND BALANCE APPROPRIATION**

Authorize the appropriation of \$104,359 of unreserved, undesignated fund balance from the Storm Water Fund Balance.

**(13-1413) TAX REFUNDS**

1. Approve refunds in the amount of \$1,784.43 for registered motor vehicles as statutorily required to be paid as requested by the Assessor resulting from Clerical errors, audits and other amendments.

2. Approve refunds in the amount of \$87,425.82 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.*

**(13-1414) LEASE EXTENSION -- CHILD SUPPORT ENFORCEMENT SPACE AT CHARLOTTE EAST COMPLEX**

Authorize the Interim County Manager to negotiate and execute a lease extension with Charlotte East, LLC for office space for Child Support Enforcement.

**(13-1420) MINUTES**

Approve minutes of Regular Meeting held October 15, 2013 and Special Meeting held September 24, 2013.

**(13-1422) BUDGET AMENDMENT -- FLEET RESERVE (REVENUE/EXPENSE INCREASE)**

Recognize and appropriate in the Fleet Reserve Fund \$124,856, which are proceeds from the auction of decommissioned County vehicles.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

**(13-1323) BUDGET AMENDMENT -- U.S. DEPARTMENT OF JUSTICE 2013 JUSTICE ASSISTANCE GRANT (JAG)/SHERIFF'S OFFICE (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to recognize, receive and appropriate funds from the U.S. Department of Justice, Justice Assistance Grant, in the amount of \$115,112, and recognize, receive and appropriate interest income earned during the term of the grant in accordance with grant requirements.

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

**(13-1386) FY14 RESTRICTED CONTINGENCY FUNDS FOR BETHESDA HEALTH CLINIC**

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to release \$165,000 from restricted contingency to the Bethesda Health Clinic.

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

**(13-1394) BUDGET AMENDMENT -- DSS (REVENUE INCREASE/DECREASE)**

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Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to Amend the Department of Social Services (DSS) FY14 Budget to decrease certain revenues, and recognize, receive and appropriate other revenues to align the FY14 DSS budget with the funding authorizations issued

- A. Family Reunification (new funding): Recognize, receive and appropriate \$58,449 in federal revenue
- B. LINKS: Increase of \$550 in federal revenue
- C. TANF Child Welfare: Decrease of \$98,105 in federal revenue
- D. Work First County Block Grant (TANF): Increase of \$82,203 in federal revenue
- E. Child Welfare State In-Home (new funding): Recognize, receive and appropriate \$472,731 in state funds
- F. Centralina Council of Governments: Recognize, receive and appropriate \$1,000 in state funds

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

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

**(13-1402) INTERLOCAL AGREEMENT WITH THE CITY OF CHARLOTTE – UMBRELLA MITIGATION BANK**

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 Resolution that Authorizes the Interim County Manager to Execute the Amended and Restated Interlocal Agreement for the Umbrella Mitigation Bank.

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

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

**(13-1406) GRANT APPLICATIONS -- N.C. DIVISION OF EMERGENCY MANAGEMENT**

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

1. Authorize the County Manager to submit HMA grant applications in an amount up to \$1,944,571 to the North Carolina Division of Emergency Management for the acquisition of flood prone properties; and
2. If awarded, recognize, receive and appropriate grant funds and authorize the County Manager to execute contracts with the NC Department of Crime Control and Public Safety, Division of Emergency Management; and
3. Authorize the carry forward of unspent grant funds to subsequent years until completion of the project.

Commissioner Leake removed this item from Consent for more public awareness. Interim County Manager Shields addressed this item.

**(13-1409) BUDGET AMENDMENT -- GEOSPATIAL INFORMATION SYSTEMS (REVENUE INCREASE)**

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 recognize and appropriate \$2,900 in revenue from various sponsors for GIS Day.

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

**(13-1411) LEASE TERMINATION -- OLD BILLINGSVILLE SCHOOL**

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 authorize the Interim County Manager to:

1. Execute all documents necessary to terminate the County's lease with Charlotte-Mecklenburg Board of Education for the old Billingsville School located at 3100 Leroy Street (Tax Parcel #157-038-08).
2. Execute all documents necessary to terminate the County's sub-lease to the Grier Heights Economic Foundation, Inc. for the old Billingsville School located at 3100 Leroy Street (Tax Parcel #157-038-08).
3. Decline the County's statutory right of first refusal to lease Tax Parcel #157-038-08 which is owned the Charlotte-Mecklenburg Board of Education to permit a lease of the property to the Grier Heights Community Center, LLC.

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

**(13-1412) BUDGET AMENDMENT -- HEALTH DEPARTMENT (REVENUE INCREASE/DECREASE)**

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 recognize a net reduction of \$713,187 in appropriations and in revenue to reflect federal, state, and other revenue for the Health Department.

Commissioner Leake removed this item from Consent for more public awareness. Assistant County Manager Lancaster addressed this item.

**ADJOURNMENT**

Motion was made by Commissioner Fuller, seconded by Commissioner Bentley 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 8:50 P.M.

**NOVEMBER 5, 2013**

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Janice S. Paige, Clerk

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Patricia "Pat" Cotham, Chairman