

DECEMBER 17, 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, December 17, 2013.

ATTENDANCE

Present: Chairman Trevor M. Fuller and Commissioners Karen Bentley, Dumont Clarke, Patricia Cotham, George Dunlap, 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 Bentley 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 Fuller, 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 13-1483, 13-1499, 13-1500, and 13-1502.

(13-1514) STAFF BRIEFINGS - INFORMATION PRIVACY AND SECURITY REQUIREMENTS - ITEM REMOVED

(13-1505, 13-1507, 13-1511, 13-1515) CLOSED SESSION – BUSINESS LOCATION AND EXPANSION, CONSULT WITH ATTORNEY, LAND ACQUISITION AND PERSONNEL MATTER

Prior to going into Closed Session County Attorney Bethune noted the following Land Acquisition matter to be discussed in Closed Session: Tax Parcel # 047-261-98.

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

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The Board went into Closed Session at 5:10 p.m. and came back into Open Session at 6:24 p.m.

Commissioners Bentley 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 Fuller called this portion of the meeting to order, which was followed by introductions, invocation by Commissioner Dunlap and the Pledge of Allegiance to the Flag. The matters below were then addressed.

(13-1515) PERSONNEL MATTER SELECTION OF COUNTY MANAGER

Motion was made by Commissioner Ratliff, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to enter into an Employment Agreement with Dena R. Diorio as the next County Manager with the effective date of her employment as County Manager being January 1, 2014 on the terms and conditions as provided in the proposed Employment Agreement provided to the Board, and that the Chairman be authorized and directed to execute the Employment Agreement on behalf of the County in the form presented to the Board.

Note: County Manager's Compensation - Base Salary \$228,000 Benefits \$6,687 Deferred Compensation \$15,000 Expense Allowance \$13,200 Total Compensation \$262,887

Employment Agreement recorded in full in Minute Book _____, Document # _____.

Note: Dena Diorio is the first female County Manager of Mecklenburg County.

Assistant County Manager Diorio thanked the Board for its support and the opportunity to serve Mecklenburg County in this capacity.

Commissioner Fuller informed and assured Assistant County Manager Diorio that her selection received unanimous support of the Board. He said statements in the newspaper were incorrect.

Each Commissioner expressed their gratitude to Assistant County Manager Diorio for accepting the County Manager position and said they looked forward to working with her in this capacity.

AWARDS/RECOGNITION - NONE

(13-1508) PUBLIC APPEARANCE

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

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

APPOINTMENTS

(13-1492) WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Clarke, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, and Ridenhour voting yes, to appoint Martin Doss to the Waste Management Advisory Board as recommended by Charlotte City Council for a term effective immediately and expiring February 1, 2014 and a full three-year term beginning February 2, 2014 expiring February 1, 2017.

(13-1493) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, and Ridenhour voting yes, to reappoint Evelyn Moses to the Adult Care Home Advisory Committee for a three-year term expiring December 30, 2016. Secondly, to direct the Clerk to continue to advertise for the remaining vacancies.

AIR QUALITY COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, and Ridenhour voting yes, to nominate and appoint Joe Sgroi to the Air Quality Commission as the Industrial representative to fill an unexpired term expiring August 31, 2014 and James Watts as the Engineer representative for a three-year term expiring August 31, 2016. Secondly, to direct the Clerk to continue to advertise for the remaining vacancies.

They replaced Anthony Keene and Kris Knudsen.

INDUSTRIAL FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, and Ridenhour voting yes, to reappoint Robert Griffin, Rick Sanderson and Charles Stewart to the Industrial Facilities & Pollution Control Financing Authority for six-year terms expiring October 31, 2019.

PUBLIC HEARINGS - NONE

Commissioner Ratliff returned to the dais.

ADVISORY COMMITTEE REPORTS

(13-1513) CITIZEN'S CAPITAL BUDGET ADVISORY COMMITTEE – CAPITAL PROJECT STANDARDS

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to approve recommended capital standards developed by the Citizen's Capital Budget Advisory Committee (CCBAC) for Charlotte-Mecklenburg Schools (CMS), County Jails and Government Facilities.

The proposed Standards were presented by Cynthia Bush, chairman of the Citizen's Capital Budget Advisory Committee and member Eric Sieckmann.

Commissioner Clarke asked that the Standards developed by the Citizen's Capital Budget Advisory Committee to date, be placed in one binder and distributed to the Board.

Chairman Fuller thanked the presenters for their report.

Standards recorded in full in Minute Book _____, Document # _____.

MANAGER'S REPORT

(13-1305) CENTER CITY BRIEFING

The Board received an update on the "State of Center City Charlotte" as it related to office retail and residential growth, strategic initiatives, private development projects and research studies.

President and CEO of Charlotte Center City Partners Michael Smith gave the update.

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

Comments

Commissioner Leake asked about the status of the Brooklyn Village project, which was addressed. *Mr. Smith said the key to bringing the project forward was coming up with the right process to bring in the right private developer.*

Commissioner Leake asked about affordable housing and a high school with respect to the Brooklyn Village project. *Mr. Smith said affordable housing within the project was something that they were "committed" to. He said affordable housing and having a high school in the plan was an important component.*

Commissioner Leake commented on the growth of SouthEnd and its impact on Brookhill.

Commissioner Leake said Brookhill needed revitalizing. She asked if there were any plans regarding the Brookhill community. *Mr. Smith said he would look into it and follow back up with Commissioner Leake regarding any revitalization plans for Brookhill.*

Commissioner Cotham commented on the needs of the poor. She asked Mr. Smith to consider and remember the needs of this population when developing plans and that those efforts be included in their plans.

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Commissioner Ridenhour asked whether the ideas used for Center City ever exported to other areas of the County, which was addressed.

Commissioner Bentley asked about noise walls and how that would impact the vision for Center City, which was addressed.

Commissioner James asked about the status of there being a CAP that would cover some portion of I- 277, which was addressed.

Commissioner James commented on the Brooklyn Village project. Commissioner James said he did not think it was likely that a developer would be found to develop the project because of the configuration of the area.

Commissioner James referenced a past plan that involved building a new government center to be used by the County, City, and Charlotte-Mecklenburg Schools. He said he could envision that building being constructed where the old Charlotte-Mecklenburg Schools ED Center Building was and the area expanding over to the Bob Walton Plaza Building. He said both buildings would be torn down to accommodate this plan. He said the area would include a new government center and a new park.

Commissioner James suggested consideration be given to having a CAP and new government building. He said this could be the catalyst to restart the Brooklyn Village project.

Chairman Fuller thanked Mr. Smith for his presentation.

(13-1516) CONTRACT WITH CHIEF OF PROTOCOL

The Board received information regarding the upcoming celebration of the twentieth anniversary of the Partnership between Mecklenburg County, North Carolina and Mecklenburg-Vorpommern, Germany, Sunday, January 19, 2014. The event will be held at the Bechtler Museum Of Modern Art.

Interim County Manager Shields addressed this matter. It was noted that in 1994 Mecklenburg County formed a partnership with Mecklenburg-Vorpommern, Germany.

Interim County Manager Shields shared with the Board that he entered into an agreement with Katherine Hanson to assist with the planning of the event on behalf of the County and to also assist with developing a more extensive plan dealing with the County's partnership with Mecklenburg-Vorpommern, Germany. The amount of the contract is \$7,500.

Interim County Manager Shields said there was also a major event coming up in June in Mecklenburg-Vorpommern, Germany. He said Ms. Hanson was working with representatives in Germany regarding the event and how the County could be involved.

Commissioner Cotham commented on her interactions with Ms. Hanson regarding this matter when she served as Board chairman. Commissioner Cotham said she would encourage the County's participation in these events.

STAFF REPORTS & REQUESTS

(13-1510) MECKLINK TRANSITION UPDATE

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The Board received an update on the MeckLINK transition process.

Assistant County Manager Michelle Lancaster gave the update. The following was noted:

- Negotiations with Cardinal Innovations have not progressed to the point of having an agreement for the transition of MeckLINK to Cardinal Innovations for the Board's consideration.
- It was communicated to Cardinal that the County would like to have an agreement available by January 7, 2014.
- The key items being worked on through negotiations were Governance, Employees, Loan Repayment, Assumption of Lease Space, Delegation of Credentialing Authority, Financial Obligation in terms of start-up cost, the Consumer and Family Advisory Committee and MeckLINK's Provider Council (with the expectation that they would remain tacked and operate as they do currently).
- A staffing plan was requested of Cardinal, however, they have not provided one.
- Cardinal provided a "conservative" estimate of the number of staff they would need, per the transition. The number is somewhere between 120-130 employees.
- Currently there are 193 MeckLINK employees, previously it was 230. Half of that 14 staff have moved to other positions within the County, and 14-15 have left the County's employ. It's anticipated that there will be an increase in the number of MeckLINK employees leaving the County's employ.
- The County has asked Cardinal for a guarantee that MeckLINK employees would have a job offer if they met all of the minimum job qualifications for a position.
- The County has asked Cardinal for preference for any MeckLINK employee, not just at the time of transition, but up to 365 days post transition
- The County has asked that MeckLINK employees' salaries be at a minimum the current salary that the employee earns for Mecklenburg County. If their comparable salaries at Cardinal are higher, then that's the salary the employee should receive.
- The County has asked Cardinal for consideration of a severance payment for employees that are terminated without cause, up to 12 months after their unemployment date.

Comments

Commissioner Dunlap asked whether MeckLINK positions that became vacant between now and the transition, be filled. *Assistant County Manager Lancaster said only if it was a position determined to be critical, otherwise, they would continue to use temporary staff and/or move other staff around, in order, to address the need.*

Commissioner Dunlap said he would not want to give anyone a false sense of hope, if hired at this point. *Assistant County Manager Lancaster said it was and would be made very clear to any new hire on what MeckLINK's status was.*

Commissioner Dunlap asked would it not be better to negotiate with Cardinal around those employees that were in good standing, which could or could not get you closer to the number of employees Cardinal anticipates needing. *Assistant County Manager Lancaster said Cardinal has not provided the County with any specifics with regard to the 120-130, so it's not known how those positions would crosswalk with the County's positions.*

Commissioner Dunlap asked what would happen if there was no contract on January 7, 2014. *County Attorney Bethune said staff would continue to work out something with Cardinal. He said the "real" question was what would happen if there's no agreement by the end of March. County Attorney Bethune said at that point, it would become a state problem because by statute the County couldn't continue to operate even if it wanted to.*

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Commissioner Bentley asked about non Medicaid services for agencies that receive funding from the state and County and how those services would be impacted through the transition. Assistant County Manager Lancaster said staff was gathering information around this issue and would be reporting back to the Board on its findings.

Commissioner Leake asked Assistant County Manager Lancaster to comment on where things stood, so that the average citizen would know and understand. *Assistant County Manager Lancaster said a lot of meetings were taking place between Cardinal and County staff, but there was not a lot of movement towards the transition.*

Commissioner Leake asked why things weren't progressing. *Assistant County Manager Lancaster said Cardinal believed there were things they needed from the state in order to move forward, in particular, a contract amendment. She said Cardinal was not comfortable moving forward without the contract amendment from the state.*

Commissioner Leake requested a check off sheet that could be used by Board members when discussing MeckLINK with constituents with respect to what had occurred and what's to occur.

Commissioner Leake asked for clarity on Item 13-1499 Budget Amendment-Fund Transfer (MeckLINK Forensic Evaluation Unit to Criminal Justice Services) which Assistant County Manager Lancaster addressed.

Commissioner Cotham asked if staff was having any dialogue with the state. *Assistant County Manager Lancaster said yes.*

Commissioner Dunlap asked about services provided by the County but not by Cardinal, such as Hinds Feet Farm and Lifespan, which was addressed by Assistant County Manager Lancaster.

Chairman Fuller encouraged Cardinal to move forward with negotiations. He said the County's intent was to negotiate in the best interest of those it served.

The following persons spoke in support of MeckLINK and it being a single county authority: Laura Berryhill and Beverly Corpening, mothers who have children that are consumers of MeckLINK services. A video was also shared regarding MeckLINK's value to the community as attested by providers.

COUNTY COMMISSIONERS REPORTS & REQUESTS

(13-1512) AUDIT REVIEW COMMITTEE REPORT -- COMMISSIONER CLARKE

The Board received a verbal report from Vice-Chairman Clarke on behalf of the Audit Review Committee. The following Commissioners are also members of the County's Audit Review Committee: Commissioners James, Bentley, and Dunlap. There is also a citizen representative Richard Harris.

Vice-Chairman Clarke noted the following:

- The County's fiscal year ends June 30 of each year and at the end of each fiscal year an independent audit is done of the County's financial statements for that fiscal year end.
- The Fiscal Year 13-14 audit was performed by Cherry Bekaert & Holland.
- The County received a "clean and unmodified opinion," meaning the County's financial statements "fairly" present the County's financial position and the results of operations. Further, there were no "significant" deficiencies or material "weaknesses" in the internal control over financial reporting and no instances of statutory non-compliance.

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- With respect to the single audit, state and federal, regarding the County’s management and use of state and federal dollars received, the County received an “unmodified” opinion. There were some deficiencies noted in both single audits, five in the federal and five in the state audit with respect to compliance. It was concluded that even though there were some deficiencies, they did not “constitute” a material “weakness” in the controls that were in place.
- The full report is included in the Annual Comprehensive Financial Report and is available on the County’s website.

Commissioner Clarke said in summary the Auditors gave the County “good news” on all of its audits.

(13-1511) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Dunlap, seconded by Commissioner Ratliff and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to authorize the Interim County Manager or County Manager to negotiate and execute all documents necessary for the acquisition of Tax Parcel 047-261-98 (±1.01 acre) from the University Place Owners Association in the amount of \$19,800.

Note: The acquisition of tax parcel 047-261-98 in its entirety from the University Place Owners Association would allow the County to construct Barton Creek Greenway trail. Barton Creek Greenway trail, identified on the Park and Recreation Master Plan, will connect existing Mallard Creek Greenway trail to JW Clay Boulevard in northeastern Mecklenburg County. Money for property acquisition will come from the Land Funds Account.

CONSENT ITEMS

Motion was made by Commissioner Dunlap, 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):

(13-1473) CAPITAL PROJECT ORDINANCE -- PARK AND RECREATION

1. Amend FY 2012 Authorization Park and Recreation Facilities Approved in November 2, 2004 Referendum Capital Project Ordinance.
2. Authorize the Interim County Manager to execute contracts with NCDOT.
3. Authorize the Interim County Manager to negotiate and execute an agreement with the Hampton Place Property Owners Association.

Note: These actions will provide budgetary authority for additional greenway projects and are needed to address unanticipated challenges and opportunities now to ensure greenway system connectivity (avoid permanently severing the trail in some places). The action also addresses project partnerships for which a significant citizen donation or grant has been unexpectedly committed.

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

(13-1484) LAND DONATION -- WALKERS BRANCH GREENWAY

Accept the donation of Tax Parcel 201-431-11 (±11.705 acres) along Walkers Branch for future greenway construction.

Note: The developer of the Huntington Forest community was required to dedicate property to the County for future greenway construction along Walkers Branch as part of their development approval. The property will serve as an important link between Steele Creek Road and South Tryon Street.

(13-1490) BUDGET AMENDMENT -- HEALTH DEPARTMENT (REVENUE INCREASE) – ITEM REMOVED

(13-1491) BUDGET AMENDMENT -- DONATION TO PARALYMPIC SPORTS CLUB (PARK AND RECREATION)

Recognize, receive and appropriate a \$20,000 donation from Park Oil as part of BP Oil's Fueling Communities initiative to Mecklenburg County Park and Recreation for the Paralympic Sports Club - Metrolina, a program of Mecklenburg County Park and Recreation / Therapeutic Recreation.

Note: The \$20,000 donation is earmarked to enhance the ability of the Paralympic Sports Club to provide programs to community members.

(13-1494) HAZARD MITIGATION PROGRAM -- FY14 FLOODPLAIN ACQUISITIONS

1. Accept the "Offer of Sale of Real Estate" from Louise J. Hart, owner of property at 4023 Whitehurst Road (Tax Parcel 145-212-04) for \$45,000.
2. Accept the "Offer of Sale of Real Estate" from Florence Geer, owner of property at 4035 Whitehurst Road (Tax Parcel 145-212-06) for \$45,000.

Note: The goal of the Charlotte-Mecklenburg Storm Water Services Flood Mitigation Program is to minimize the risk of potential loss of life and property damage from flooding, while enhancing the natural and beneficial functions of the floodplain (creating open space, expanding greenways, constructing wetlands, etc.). This action represents a continuation of buyouts using FY14 Flood Mitigation Capital Funds. The properties were identified in the Orphan Parcel Floodplain Acquisition Plan adopted by the Board on May 1, 2012. The requested actions will consist of acquiring and demolishing the existing homes.

(13-1497) TAX REFUNDS

Approve refunds in the amount of \$5,814.13 for registered motor vehicles as statutorily required to be paid as requested by the Assessor resulting from clerical errors, value changes, and appeals processed in the new statewide vehicle tax system.

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

(13-1509) MINUTES

Approve minutes of Regular meeting held December 3, 2013

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(13-1483) BUDGET AMENDMENT -- DSS (REVENUE/EXPENDITURE INCREASE)

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 recognize, receive and appropriate funds in the amount of \$76,193 from the North Carolina Department of Transportation (NCDOT) Community Transportation Grant.

Commissioner Leake removed this item from Consent for clarity purposes. Interim County Manager Bobbie Shields addressed this matter.

Note: NCDOT provides grants to help improve public transportation by providing transportation service to people with disabilities, work first participants and the general public. These funds will be used to purchase an additional vehicle. A local match of 10% is required, which is already included in the FY14 operating budget.

(13-1499) BUDGET AMENDMENT -- FUND TRANSFER (MECKLINK FORENSIC EVALUATION UNIT TO CRIMINAL JUSTICE SERVICES)

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 approve the transfer of FY14 County funds totaling approximately \$603,000 from the MeckLINK Fund to the General Fund for the Criminal Justice Services Department's operation of the Forensic Evaluation Unit.

Note: The County-funded Forensic Evaluation Unit is responsible for conducting comprehensive clinical assessments of juveniles and adults involved in the court system. Due to the pending change in governance structure of MeckLINK this County funded program will be transferred to the Criminal Justice Services (CJS) Department. This transfer will ensure the uninterrupted operation of the Forensic Evaluation Unit for the court system and the residents of Mecklenburg County.

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

(13-1500) BUDGET AMENDMENT -- SHERIFF'S OFFICE (REVENUE INCREASE)

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:

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1. Recognize and appropriate \$110,869 from Inmate Commissary revenue to the Sheriff's Special Revenue Fund.

Note: All funds collected through Jail commissary operations are to be used for inmate education, library and self-sufficiency programs, as well as supplies and equipment to support the programs.

2. Recognize and appropriate \$55,078 from the Vocational Facility telephone revenue to the Sheriff's Special Revenue Fund.

Note: All funds received from 16.8 percent of commissions from the inmate telephone system are to be used for inmate vocational education programs.

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

Commissioner Cotham asked about the cost of phone calls for inmates. Interim County Manager Shields said he would find out.

(13-1502) CAPITAL RESERVE REQUEST -- GOLF COURSES

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 appropriate the expenditure of \$10,000 from the Consolidated Golf Capital Reserve Fund for additional repairs and paving cart paths at the Charles T. Myers Golf Course.

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

ADJOURNMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner James 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 8:57 p.m.

Janice S. Paige, Clerk

Trevor M. Fuller, Chairman