

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

FEBRUARY 7, 2007

5:00 P.M.

**NORTH CAROLINA
MECKLENBURG COUNTY**

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special 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 a Special Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Wednesday, February 7, 2007.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
J. Daniel Bishop, Dumont Clarke, H. Parks Helms
Bill James, Norman A. Mitchell, Sr.
Dan Ramirez and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioner Karen Bentley

-INFORMAL SESSION-

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

The meeting was called to order by Chairman Roberts, after which the following matters were addressed.

(1A) STAFF BRIEFINGS - NONE

(2A) CLOSED SESSION - CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced that the Consult with Attorney matters included the Adelpia Bankruptcy proceedings and the case of Mecklenburg County, North Carolina vs. Heirs of Mamie Walker.

Commissioner Bishop left the meeting and was away until noted in the minutes.

Motion was made by Commissioner James, seconded by Commissioner Mitchell and carried 5-0 with Commissioners Clarke, Helms, James, Mitchell, and Roberts voting yes, to go into Closed Session to Consult with the Attorney on matters, including the Adelpia Bankruptcy proceedings and the case of Mecklenburg County, North Carolina vs. Heirs of Mamie Walker.

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 6:04 p.m.

Commissioners Bishop, Ramirez, and Woodard were present when the Board came back into Open Session. They entered during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 14 and 15.

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

-FORMAL SESSION-

Invocation was given by Commissioner Bishop, which was followed by the Pledge of Allegiance to the Flag, and then introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) ROBERT B. FURR NATIONAL RECOGNITION – REMOVED FROM THE AGENDA

Note: This matter will be rescheduled.

(1B) BLACK HISTORY MONTH

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a proclamation designating February 2007 as Black History Month in Mecklenburg County.

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

(1C) RECOGNITION OF CHERYL JONES

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a proclamation designating February 7, 2007, as “Cheryl Jones Day” in Mecklenburg County.

The Board recognized Ms. Jones for her work with Mothers Against Drunk Drivers (MADD) on the local, state, and federal level.

Barbara Blackburn from the State Office of MADD was present and presented a plaque to Ms. Jones in appreciation and thanks for her work as well.

Ms. Jones thanked the Board and Ms. Blackburn for this recognition.

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

(2) PUBLIC APPEARANCE

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

Tommy Yarborough, Rob Weizle, and Liz Clasen on behalf of Homeless Helping Homeless, addressed the need for assistance to the homeless in filing for disability and an initiative to provide this assistance called SOAR. Ms. Clasen said Homeless Helping Homeless was present to advocate for a full time SOAR position to assist in expediting the claims process for the homeless. She noted also that N.C. was in the process of applying for an AmeriCorp grant. Ms. Clasen said if the County could ensure by the end of February that Mecklenburg County would have a full-time SOAR position beginning in September 2007, then this could be included in the grant application. Ms. Clasen asked the Board to consider assisting them in this matter.

Chairman Roberts thanked them for appearing and said staff would look into this matter.

Chairman Roberts acknowledged that Rev. Willie B. Simpson was scheduled to appear but the change in the Board's meeting date resulted in a scheduling conflict. Rev. Simpson was going to address an upcoming planning session regarding the annual "We Care" Festival to be held in May.

(3) APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE – ITEM WAS REMOVED FROM THE AGENDA

(4A) PUBLIC HEARINGS REAL ESTATE EXCISE TAX REFUND REQUESTS

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to hold a hearing on requests by Griffin Brunson & Perle, L.L.P. for reimbursement of North Carolina excise tax in the amount of \$202 and McMillan & Terry, P.A. in the amount of \$563.

Note: Both firms incorrectly filed deeds in Mecklenburg County and have since filed corrected deeds in the appropriate county.

No one appeared to speak.

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to close the hearing on requests by Griffin Brunson & Perle, L.L.P. for reimbursement of North Carolina excise tax in the amount of \$202 and McMillan & Terry, P.A. in the amount of \$563 and approve the reimbursements.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER'S REPORT - SEE 6A AND 6B

(6A) RECOGNITION OF DOT LAW – INTERIM PARK & RECREATION DIRECTOR

County Manager Jones with the support of the Board recognized Dot Law for her leadership as interim Park & Recreation Director.

Ms. Law expressed thanks for having had this opportunity and for the support she received from County Manager Jones, General Manager Bobbie Shields, and Park and Recreation staff.

Note: County Manager Jones acknowledged the presence of the new director, James Garges.

(6B) RYAN WHITE CARE ACT TITLE I GRANT APPLICATION

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to authorize Mecklenburg County on behalf of the Eligible Metropolitan Area to apply for funding of approximately \$2,000,000 from the U.S. Department of Health and Human Services, Health Resources and Services Administration under the Ryan White HIV/AIDS Treatment Modernization Act (RWMA).

Note: Under the RWMA Act, Mecklenburg County along with five neighboring counties (Anson, Cabarrus, Gaston, Union, and York, SC) now qualify as an Eligible Metropolitan Area (EMA) with 1,000 to 1,999 AIDS cases reported and confirmed by the CDC for the recent five (5) calendar years. EMAs are eligible for Ryan White Title I funding to assist these areas in developing and enhancing access to a comprehensive continuum of high quality, community based care for low-income individuals and families with HIV disease.

Health Director Wynn Mabry addressed this matter prior to the above vote.

CONSENT ITEMS

Motion was made by Commissioner Ramirez, seconded by Commissioner James and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 14 and 15 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular meeting held January 17, 2007, Budget/Public Policy meeting held January 9, 2007 and Closed Session minutes of January 17, 2007.

(8) 2007 SCATTERED SITE HOUSING GRANT APPLICATION – SET PUBLIC HEARING

- 1) Authorize the Chairman to sign a Certification of Interest certifying that the County intends to participate in the Community Development Block Grant Scattered Site Housing Program.
- 2) Schedule a public hearing for 6:30 p.m. on February 20, 2007 to receive comments on the 2007 Mecklenburg County Scattered Site Housing Grant Application.

Certification recorded in full in Minute Book 43-A, Document # _____.

(9) REVISIONS - LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE

Amend the LUESA Fee Ordinance to clarify permit requirements and establish an optional fee structure for high-rise residential projects.

Note: A second reading will be required, since all nine commissioners were not present. Thus, this matter will be placed on the Board's February 20, 2007 agenda for a second reading.

(10) ADDITIONAL POSITION REQUESTS - LUESA - CODE ENFORCEMENT

- 1) Approve the following seven additional positions in the Land Use & Environmental Services Agency

 Three electrical inspectors

- ✚ Two residential technical services multi-trade inspectors
- ✚ One Residential Drawing Submittal Plans Examiner
- ✚ One Commercial Plan Review Administrative Support Coordinator

2) Recognize and appropriate \$239,000 in additional permit revenue.

Note: This mid-year staff increase is focused on improving electrical inspection response time, and adding resources in both Residential and Commercial Plan Review.

(11) MECKLENBURG COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY

Receive as information and direct the Clerk to the Board to place in the minutes that on January 9, 2007, Robert Griffin, Michael McNamara and Charles Stewart took the required oaths of office for members of The Mecklenburg County Industrial Facilities and Pollution Control Financing Authority.

(12) VITAL RECORDS ENHANCEMENT/PRESERVATION SPECIAL REVENUE FUND

Recognize \$200,000 of fee revenue in the Vital Records Enhancement/Preservation Special Revenue Fund and appropriate the amount for automation and preservation enhancements.

(13) BROOKWOOD DEVELOPMENT PROJECT (HUNTERSVILLE)

Authorize the release of \$1,000,000 from Restricted Contingency for Project Brookwood (Huntersville).

(16) AREA MENTAL HEALTH AUTHORITY SECOND QUARTER FY 2007 REPORT

Recognize and receive the Second Quarter 2007 Area Mental Health Authority Report.

Note: It's required that the following financial information from the report be recorded in the minutes.

Finance

	Revenues		
	Budgeted	Actual	%
	Revenues	Revenues	Received
Revenue Source			
Medicaid	\$15,392,378.00	\$3,038,099.00	19.74%
Medicaid-CAP	544,000.00	256,475.00	47.15%
State and Federal	33,974,732.00	7,398,432.00	21.78%
Third Party/Other	193,602.00	80,068.00	41.36%
Grants	4,058,462.00	773,828.00	19.07%
County	40,100,897.00	19,766,311.00	49.26%
Total Revenues	\$94,264,071.00	\$31,313,213.00	33.22%

	Expenditures		
	Budgeted	Actual	%
	Expenditures	Expenditures	Spent
Service Continuum			

Children's Developmental Services	\$6,485,496.00	\$2,756,255.00	42.50%
Child & Adolescent Services	20,381,584.00	3,478,407.00	17.07%
Adult Mental Health	7,519,009.00	1,840,163.00	24.47%
Adult Substance Abuse	12,162,596.00	4,438,570.00	36.49%
Local Management Entity	11,938,573.00	4,582,348.00	38.38%
BHC Randolph	16,695,725.00	8,328,088.00	49.88%
Developmental Disabilities	19,081,088.00	5,889,382.00	30.87%
Total Expenditures	\$94,264,071.00	\$31,313,213.00	33.22%
** Total Budgeted Expenditures does not include 06' encumbrances			

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

(17) TAX REFUNDS

Approve refunds in the amount of \$538,253 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

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

(18) ARCHITECT SELECTION – DA EXPANSION HISTORIC COURTHOUSE

Authorize the County Manager to negotiate a fee and execute a contract with Neighboring Concepts PLLC for Architectural/Engineering services for DA Expansion at the Historic Courthouse; and in the event that negotiations with this firm are unsuccessful, authorize the County Manager to negotiate a fee and execute a contract with MHA Works, PA.

(19) ARCHITECT SELECTION – RENOVATION OF ARREST PROCESSING / INTAKE TO JAIL CENTRAL

Authorize the County Manager to negotiate a fee and execute a contract with Pease architects-Engineers for Architectural/Engineering services for Renovation of Arrest Processing / Intake to Jail Central; and in the event that negotiations with this firm are unsuccessful, authorize the County Manager to negotiate a fee and execute a contract with MHA Works, PA.

(20) DIGITAL AERIAL PHOTOS – GIS

Approve the execution of a contract with Kucera International to produce digital aerial photos for Mecklenburg County as part of the bi-annual update process to support GIS efforts.

(21) BLYTHE LANDING CAPITAL RESERVE REQUEST

Authorize a Capital Reserve expenditure of \$80,000 from funds accrued from boat launch fees at Blythe Landing to stabilize the shoreline.

(22) AQUATIC CENTER CAPITAL RESERVE REQUEST

Authorize a Capital Reserve expenditure of \$14,000 from funds accrued for admission and facility rental fees to replace the existing hot water heater at the Aquatic Center.

(23) RAMSEY CREEK CAPITAL RESERVE REQUEST

Authorize a Capital Reserve expenditure of \$20,000 from funds accrued from boat launch fees at

Ramsey Creek Park to remove the existing retaining wall and stabilize the shoreline in the area.

(24) ENCROACHMENT AGREEMENTS

Authorize the County Manager to negotiate and execute encroachment agreements with the NC Department of Transportation (NCDOT) and with local municipalities for connection of greenways to streets and sidewalks.

(25) BOARD OF ELECTIONS LEASE – 6735 REAMES ROAD

Authorize the County Manager to negotiate and execute a lease renewal with Silver Northpark, LLC for the Board of Elections Department (BOE).

Note: This is warehouse space at 6735 Reames Road Suite 600.

(26) GREENWAY DONATION – LITTLE SUGAR CREEK

Accept the donation of 0.2611 acre (portion of Tax Parcel 125-213-05) at Little Sugar Creek from Greenwood Cliff Developers, LLC.

Note: This property is located along Little Sugar Creek between Baxter Street and E. Morehead Street. The dedication was negotiated during the rezoning for the Tuscan Development building on Greenwood Cliff. This dedication is part of the land assemblage for the Little Sugar Creek greenway and stream restoration projects. This land includes a portion of the concrete cap currently covering the creek. The cap is scheduled to be removed as part of the stream restoration project.

(27) DESTRUCTION OF DOCUMENTS – LUESA

Approve the disposal of LUESA (Code Enforcement Department) records and plans in accordance with North Carolina records retention policies.

These records are comprised of:

- 240 commercial plans permitted Dec. 2004.
- Six (6) boxes of permitting and inspections records.

Note: These records have been imaged, stored and migrated to an online system for secure retrieval over the Internet.

(28) FUNDING ADJUSTMENT – AREA MENTAL HEALTH AUTHORITY

A.) Approve, recognize, receive and appropriate Federal funds in the amount of \$153,952 for Children’s Developmental Services Funding.

B.) Approve, recognize, receive and appropriate State funds in the amount of \$241,052 for Children’s Developmental Services Funding.

C.) Approve, recognize, receive and appropriate State funds in the amount of \$75,000 for Traumatic Brain Injury Services Funding.

(29) PRE-DISASTER MITIGATION GRANT APPLICATION

Authorize the County Manager to submit two grant applications in an amount up to \$2,200,000 (total) to the North Carolina Division of Emergency Management for the acquisition of floodprone properties and for the development of an automated flood mitigation-planning tool.

(30) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1. Accept the “Offer Of Sale Of Land” for the following property:
Sarah Brayboy of 11 30 Willhaven Drive for \$290,000.00.
2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(14) FREEDOM MALL RENOVATIONS – PHASE 1 – RAISED FLOOR CONTRACT

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the award of a contract in the amount of \$383,023 to Bonitz Contracting Company, Inc. to supply and install the Raised Access Flooring System as part of the Freedom Mall Renovations Phase 1.

Secondly, approve **ITEM (15) FREEDOM MALL RENOVATIONS – PHASE 1 – GENERAL CONSTRUCTION** - Award a construction contract in the amount of \$9,814,743 to Hendrick Construction, Inc. for Freedom Mall Renovations Phase I.

Commissioner Woodard removed these items from Consent to inquire about MWSBE participation, which was addressed by Doug Buchanan, project manager for the Freedom Mall Renovations project.

STAFF REPORTS AND REQUESTS

(31) ALIGNMENT OF MCALPINE CREEK RELIEF SEWER - JOHNSTON ROAD TO I-485

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to receive and support a recommendation from the Mecklenburg County Park and Recreation Commission to allow proposed alignment #1A of the McAlpine Creek relief sewer.

Prior to the above vote, Don Morgan with Park and Recreation addressed this matter. It was noted that the exact easement would be coming back to the Board for approval at a later date.

Note: Alignment #1A Cost est. \$4.7M

CMU has searched for an alignment on the south side of McAlpine Creek to satisfy the concerns of citizens, minimize the environmental damage due to the construction and long-term maintenance of the project, and be responsible in the use of public funds. If the 35-acres of deeply flooded wetlands can be drained with an acceptable environmental impact, an alignment that combines the features of alignments #1 and #2 can be considered by CMU.

Alignment #1 – Cost = est. \$ 6.6M

First Alignment considered by CMU. CMU owns the easement. When they purchased the easement the neighborhood development, Atkins Circle, and the commercial development, Streets of Torrington were not complete. Once the development was complete, CMU realized there is a very high slope and a retaining wall on the easement that would not allow construction of the sewer alignment.

**NOTE: CMU can use this alignment but they will incur an additional cost of \$2.6M to remove the slope and retaining wall. About 2.4 acres of trees will be cleared for this alignment.*

Alignment #2 – Cost = est. \$5M

This moves away from the slope but into deeply flooded wetlands. CMU will have to drain 35 acres of wetlands or pay for a coffer dam system which may do as much damage as draining them. There would be long term maintenance and it is not known if the wetlands can be restored. It is staff opinion (Stewardship) that there is more biodiversity in the wetlands than in forest land.

Clint Cort, an interested citizen also addressed the matter and spoke in support of the above motion.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(32) MCLEOD ADDICTIVE DISEASE CENTER PROPERTY

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a Resolution entitled:

**Mecklenburg County Board Of Commissioners
Resolution Declaring Intent To Sell 102 Lancaster Street To
McLeod Addictive Disease Foundation, Inc.
And To Make A Grant
To The McLeod Additive Disease Foundation, Inc.**

WHEREAS, in October, 2005 Mecklenburg County conveyed the property at 102 Lancaster Street (tax parcel 147-017-18) (the “Property”) to the McLeod Addictive Disease Foundation, Inc. (the “Foundation”) to be used in the work of McLeod Addictive Disease Center, Inc. to provide addictive disease treatment services to the residents of Mecklenburg County, which Property was conveyed subject to a reverter clause which provided that if the Property were no longer used for addictive disease treatment services, title to the Property would revert to Mecklenburg County; and

WHEREAS, the Foundation proposes to purchase from Mecklenburg County the reverter interest held by the County for the sum of Three Hundred Seventy Eight Thousand Dollars (\$378,000.00) which would enable the Foundation to sell the Property along with its other real estate, free and clear of the County reverter interest; and

WHEREAS, the Foundation requests that if the Foundation purchases the reverter interest in the Property from the County, that the County make a grant to the Foundation in the amount of \$378,000 to support the work of the Foundation of providing addictive disease treatment services; and

WHEREAS, the County has determined that it appears that the proposed purchase price is consistent with the appraised value of the Property; and

WHEREAS, pursuant to G.S. 160A-269, the Board of County Commissioners proposes to accept the offer and to follow the statutory procedures to advertise for upset bids, and to make a grant to the Foundation; now therefore, be it

RESOLVED that the Board of County Commissioners proposes to accept the offer from the McLeod Addictive Disease Foundation, Inc. to purchase the County's reverter interest in the Property at 102 Lancaster Street (tax parcel 147-017-18) for \$378,000.00, and if the reverter interest in the Property is sold to the Foundation for \$378,000, to make a grant in that amount to the Foundation, and directs that the 5% deposit received by the County Attorney from the Foundation be given to the Clerk to the Board and further directs the Clerk to the Board to have published a Notice of Intent to Sell as required by law.

Resolution recorded in full in Minute Book 43-A, Document # _____.

Note: Commissioner Helms presented this matter to the Board for consideration and noted the following.

In October, 2005 the County conveyed a small parcel of property located at 102 Lancaster Street, the former County dog pound property, to the McLeod Addictive Disease Foundation, Inc. to be used in the work of the McLeod Addictive Disease Center. The Property is surrounded by other real estate owned by the Foundation and used by the Center. The Center provides a wide array of addictive disease treatment services to the residents of Mecklenburg County and is supported financially by the County. The Property was conveyed subject to a reverter clause which provides that if the Property is no longer used for addictive disease treatment services, title to the Property would revert to Mecklenburg County. The Foundation proposes to sell all of its property in the Remount Road area in order to pay down the debt on newly acquired property on Clanton Road, to which the programs from the Center will be relocated.

The Foundation proposes to purchase the reverter interest held by the County for the sum of Three Hundred Seventy Eight Thousand Dollars (\$378,000.00), which is the value of the Property based on the appraised square foot value of the entire property owned by the Foundation at this location.

The Foundation has also requested the County make a grant to the Foundation in the amount of Three Hundred Seventy Eight Thousand Dollars (\$378,000.00) for use by the Foundation and the Center to further the mission of these organizations to provide addictive disease treatment services.

The first step in this process is the adoption of the above resolution declaring the Board's intent to sell the Property to the Foundation and to make a grant to the Foundation.

(33) ALTERNATIVE REVENUES COMMITTEE

Commissioner Woodard reminded the Board that she stated at the last meeting, January 17th that she would place on the Board's next agenda, discussion of the joint City/County Alternative Revenues Committee.

Commissioner Woodard said since that time, however, this matter was discussed at the Board's Strategic Planning Conference on February 2, 2007, and therefore she would not ask the Board to engage in that discussion tonight. Commissioner Woodard did, however, make the following comments with respect to the Alternative Revenues Committee.

- This is an on-going topic of discussion for the Board as a whole and with the City of

Charlotte.

- Further, that most of the ideas and suggestions brought forth at the Alternative Revenues Committee meeting were matters that would require legislative approval.

Commissioner Woodard said she knows how important it is to the community for the Board of County Commissioners to find other revenue alternatives, other than “taxes as we know them now.”

Commissioner Woodard said the Board would be kept informed with respect to this matter.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:27 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman