

JANUARY 6, 2009

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

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, January 6, 2009.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.
Neil Cooksey, George Dunlap, Bill James
Vilma Leake and Daniel Murrey
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None.

-INFORMAL SESSION-

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

**(1A) STAFF BRIEFINGS - SOUND RECORDING CLOSED SESSIONS
(COMMISSIONER JAMES)**

Commissioner James addressed the recording of Closed Sessions. He noted two alternatives drafted by County Attorney Bethune.

Alternate 1 (Excerpt)

**Sound Recording of Closed Sessions and Disclosure of Sound Recordings
and Minutes of Closed Sessions**

Sound Recording of Closed Sessions

The Clerk to the Board of Commissioners shall make a sound recording of all closed sessions of the Board of Commissioners. The sound recordings for each purpose of a closed session shall be kept separately to facilitate public disclosure of sound recordings of those portions of a closed session which may be disclosed. The sound recording of closed sessions shall be held in a confidential file by the Clerk to the Board until either the County Attorney or the Board of Commissioners has determined that public inspection would not frustrate the purpose of the closed session which was recorded.

The sound recordings of closed sessions shall be reclassified as no longer needing to be held in confidence when the minutes of the closed session have been reclassified as provided below.

Disclosure of Minutes of Closed Sessions

Alternate 2 (Excerpt)

**Sound Recording of Closed Sessions and Disclosure of Sound Recordings
and Minutes of Closed Sessions**

Sound Recording of Closed Sessions

The Clerk to the Board of Commissioners shall make a sound recording of all closed sessions of the Board of Commissioners except for closed sessions to “prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States or is not considered a public record within the meaning of Chapter 132 of the General Statutes” (N.C.G.S. 143-318.11 (a)(1), or closed sessions about personnel matters (N.C.G.S. 143-318.11 (a)(6)). The sound recordings for each purpose of a closed session shall be kept separately to facilitate public disclosure of the sound recording of those portions of a closed session which may be disclosed. The sound recording of closed sessions shall be held in a confidential file by the Clerk to the Board until either the County Attorney or the Board of Commissioners has determined that public inspection would not frustrate the purpose of the closed session which was recorded.

The sound recording of a closed session shall be reclassified as no longer needing to be held in confidence when the minutes of the closed session have been reclassified as provided below.

Disclosure of Minutes of Closed Sessions

Commissioner James said he thinks the current policy regarding Closed Sessions is “flawed” in the sense that it does not require the recording of closed session on matters that may be of interest to the public.

Commissioner James said he supports Alternate Two, which would only allow certain categories of closed sessions to be recorded.

Commissioner Clarke expressed concern for the amount of additional administrative work this will put on the Clerk and the County Attorney.

Commissioner Clarke said he also feels that as a matter of public policy of the state of N.C. that it’s important and a good idea to have uniform state law and uniform requirements applicable to the subdivisions of the state. He said state law is very clear on what the board is to do and that “we do it and do it well.”

He stated further that he feels the Board will find itself with a lot of difficult questions to answer about things that the Board would not be able to find any guidance for in the statute or case law in N.C. if it decides to record closed session.

Commissioner Clarke said in a way what this request is asking for is a different style of minutes (verbatim) than what the Board currently receives. He said it would be like having a court reporter present.

Commissioner Clarke said he can understand why the news media and others would like to have this, including the public. He said the public should be able to not only know what we decided but every thought process, the tongues in which things were spoken, the actual words used, that went into making that decision; but the law doesn’t require that. Commissioner Clarke said the Board should not go beyond what’s required.

Chairman Roberts said she would be interested in knowing the N.C. Association of County Commissioners take on this matter and what other counties are doing.

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County Manager Jones said as a management team, staff certainly wants to support transparency in government. County Manager Jones said he would have to rely on feedback from the Clerk with respect to how much this will require of her administratively with respect to additional resources that may be needed.

Clerk to the Board Paige said this would create more work for the Clerk's Division and explained the procedure staff would have to go through to ensure that topics discussed during closed session are recorded separately.

Clerk to the Board Paige said she spoke with her counterpart in Wake County and was informed Wake does not record closed session, or Pitt County, which is where Wake's Clerk was prior to going to Wake.

Clerk to the Board Paige said if the Board desires more details in Closed Session minutes, then she can do that. It was noted that currently the minute format used for closed session and open session is action minutes. Clerk to the Board Paige said there are examples of where she has prepared detailed closed session minutes, however, she didn't bring them. Also, that the amount of detail usually is based on the subject matter.

Commissioner Cogdell commented on the importance of transparency. He also noted that based on feedback from County Attorney Bethune, currently there's nothing to prevent a commissioner from recording closed session on their own and/or releasing that information, either in full or in part. Further, that the release of that information or partial information, may not fairly represent the context of what was said by someone in closed session.

Commissioner Cogdell said if you did have a recording or transcript of everything that was said "at least that at some point in time, on some issues, that could get released and you would get the full context of what was said and not a portion of something that may get released for some type of political consideration, by anyone."

Commissioner Murrey asked was it correct that any commissioner could record, edit, and release any portion of the closed session that they chose too.

Attorney Bethune said per his research of state law, there's nothing to prohibit that from occurring.

Commissioner Murrey said if that's the case what's the purpose of closed session.

Attorney Bethune said "there's an assumption in state law that county commissioners will keep confidential that which is discussed in closed session, but it is not written in the law."

Commissioner Murrey asked "in other cases where there's an assumption that a public official would behave in a certain manner and the public official doesn't carry out according to that assumption; are there any consequences of that;" or "is it an assumption of a certain degree of ethical obligation." The response was that it was the latter.

Commissioner Murrey asked was it true that if either of the alternates was adopted that it still would not preclude a commissioner from recording it, editing it, and releasing whatever they chose to release. The response was yes that's true.

Commissioner Murrey asked Commissioner James what would be the difference in his mind from having detailed minutes or even transcripts created, as opposed to tapes.

Commissioner James said his reason for wanting to record closed session is because "I think the minutes are inadequate." Commissioner James said this was not a reflection on the Clerk, but for example, the Board may spend an hour discussing say the Third Ward property or a Jerry Reese matter, but the minutes would not reflect the full discussion. He said he feels the public should know how the Board reaches its conclusion.

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Commissioner James said he doesn't "see that recording and releasing when appropriate is a huge problem." He said he understands there may be some additional cost and would recommend using digital media.

Commissioner Clarke asked Clerk to the Board Paige could not the Board asks for changes to be made to the minutes if it was felt that additions or changes needed to be made. The response was yes. All a board member has to do is bring it to the attention of the Clerk at the meeting of which those minutes are being considered for approval.

Commissioner Clarke said he doesn't recall during his tenure, where Commissioner James has said what's in the minutes is "not at all what happen in the meeting," or that any minor correction was needed to closed session minutes.

Commissioner Clarke asked Attorney Bethune to state what the law requires with respect to closed session minutes.

Attorney Bethune noted the following:

- That under Roberts Rules of Order minutes are not an account of what was said. It's an account of what was done, actions taken.
- 143-318.10. Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session.

Motion was made by Commissioner James, seconded by Commissioner Cooksey, to adopt Alternate Two as drafted by County Attorney Bethune with respect to a policy on making sound recordings of closed sessions to be effective March 1, 2009.

Commissioner James said the adoption of this would be with the understanding that the Clerk to the Board and/or the County Manager would come back and inform the Board of any problems with carrying this out.

Clerk to the Board Paige asked whether closed session minutes should continue to be in narrative form or verbatim.

Commissioner James said it was not his desire to change the minutes format but that he wanted to have available, if needed, a recording of the discussion that took place, that could be made available to the public, when deemed appropriate by the Board and/or County Attorney.

Commissioner Cogdell asked Commissioner James if he had asked staff about any alternatives to recording, such as a court reporter or video taping, something that maybe less cumbersome to staff, yet accomplishing what he wants.

Commissioner James said he feels recording is the least obtrusive because detailed (verbatim) minutes would put a tremendous burden on the Clerk to the Board.

Clerk to the Board Paige said verbatim minutes would require additional staff.

Chairman Roberts commented on the need for transparency and the Board's desire to always be transparent.

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After further discussion:

Substitute motion was made by Commissioner James, seconded by Commissioner Murrey, to support the concept of recording closed sessions and to direct the County Manager and Clerk to the Board to report back to the Board at the January 21, 2009 meeting with an amendment to the policy and a process for accomplishing this.

Commissioner Clarke asked that there be consistency with respect to keeping open and closed session recordings.

Commissioner Dunlap noted that anytime a commissioner reads the minutes and feels they do not adequately reflect what happened, they should inform the Clerk to the Board and other board members. Commissioner Dunlap said it appears to him, however, that this has not been the case. He said he doesn't see a compelling reason to change, but if the policy is going to change, then it should be more detailed than what's been presented. Detailed with respect to how long the recordings are to be kept; under what conditions can they be released; can a commissioner at anytime request a copy whether it's been edited or not, etc.

County Manager Jones asked that the makers of the motion accept a friendly amendment, which would be to allow staff to report back at the first meeting in February.

The makers of the substitute motion accepted the amendment.

The vote was then taken on the substitute motion, which read as follows:

Substitute motion was made by Commissioner James, seconded by Commissioner Murrey and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Murrey and Roberts voting yes and Commissioner Dunlap and Leake voting no, to support the concept of recording closed sessions and to direct the County Manager and Clerk to the Board to report back to the Board at the first meeting in February, 2009 with an amendment to the policy and a process for accomplishing this

(2A, B, C) CLOSED SESSION – A) LAND ACQUISITION, B) CONSULT WITH ATTORNEY AND C) PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition, matter to be discussed in Closed Session: Property located at 2901 Dunlavin Way

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Land Acquisition, B) Consult with Attorney and C) Personnel Matter.

The Board went into Closed Session at 6:01 p.m. and came back into Open Session at 6:45 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from Consent and voted upon separately. The items identified were Items 7, 9, and 10.

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

-FORMAL SESSION-

Invocation was given by Chairman Roberts, which was followed by the Pledge of Allegiance to the

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Flag and introductions; after which, the matters below were addressed.

Note: Commissioner Clarke was away from the dais when this portion of the meeting was called to order. He entered immediately following introductions.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) KAPPA ALPHA PSI FRATERNITY, INC. DAY

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating January 10, 2009 as Kappa Alpha Psi Fraternity, Inc. Day in Mecklenburg County.

The proclamation was read by Commissioner Cogdell and received by Carlos Watson, on behalf of the fraternity. Mr. Watson was joined at the podium by other fraternity members.

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

(2) PUBLIC APPEARANCE

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

Majid Alim-Obama addressed racial profiling and harassment by Charlotte/Mecklenburg Police and concern for the youth.

(3A) APPOINTMENTS

AIR QUALITY COMMISSION

The vote was taken on the following nominees for appointment to the Air Quality Commission:

William Nash Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake
and Roberts

Voting Ceased

Jason White

Chairman Roberts announced the appointment of William Nash to the Air Quality Commission to fill an unexpired term expiring August 31, 2010.

He is replacing Kimberly Holley.

BICYCLE COMMITTEE

The vote was taken on the following nominees for appointment to the Bicycle Committee:

John Arciero None
Jane Cacchione Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap,
James, Leake, Murrey and Roberts

Voting Ceased

Kurt Robinson
Jane Wasilewski
Gerald Williams

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Chairman Roberts announced the appointment of Jane Cacchione to the Bicycle Committee to fill an unexpired term expiring March 31, 2011.

She is replacing Lauren Blackburn.

WASTE MANAGEMENT ADVISORY BOARD

The vote was taken on the following nominees for appointment to the Waste Management Advisory Board:

Chad Faubel	None
Connie Harris	None
Jeremy O'Brien	Commissioners Bentley, Clarke, Cogdell, Dunlap, James and Roberts
Rita Plyler	Commissioner Murrey
Martin Sanford	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts

Chairman Roberts announced the appointments of Jeremy O' Brien to fill an unexpired term expiring June 30, 2010 and Martin Sanford to fill an unexpired term expiring October 30, 2010.

They are replacing Charles Rogers and Angela Weicherding.

(3B) WASTE MANAGEMENT ADVISORY BOARD - CHAIRMANSHIP

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve a Leave of Absence for the Chairman of the Waste Management Advisory Board.

Note: The current Chair of the Waste Management Advisory Board, Shawn Brady, has requested authorization to take a medical leave of absence from his duties in that position. The leave requested would extend from the date of authorization through the end of March 2009, a period containing three meetings of the advisory board. The Vice-Chair would act as Chair during the period. By approving the leave these absences would not count against the maximum number of absences permissible of a member during the year.

(4) PUBLIC HEARINGS – NONE

(5A) ADVISORY COMMITTEE REPORTS

ENVIRONMENTAL POLICY COORDINATING COUNCIL (EPCC) BIENNIAL REPORT

The Board received the Environmental Policy Coordinating Council (EPCC) biennial report.

Note: The Mecklenburg County Environmental Policy Coordinating Council (EPCC) was created in 2003 primarily to:

- *Prioritize important and strategic environmental issues,*
- *Discuss environmental policy and regional issues, and*
- *Report to the Mecklenburg County Board of Commissioners these issues, priorities, and considerations.*

The report is inclusive of 2007-2008 activity highlights as well as priorities for 2009-2010 that the EPCC will investigate.

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Emphasis was given to three areas of interest, specifically, although others are addressed in the report. Those areas were: 1) Energy Efficiency, 2) Regional interests and efforts, 3) Education.

The report was given by Heidi Pruess, Environmental Policy Administrator and Andy Zoutewelle, EPCC chairman.

Commissioner Dunlap referenced the legislative agenda item that was considered by the Board at the December 16, 2008 meeting but failed, mainly because it involved a tax. The matter was “Authorize Mecklenburg County to levy a vehicle registration fee to fund local air emissions reduction programs.”

Commissioner Dunlap asked was there another alternate to doing this without using a tax.

Mr. Zoutewelle said they would look into this.

Commissioner Bentley asked about land acquisition and preservation, specifically the recommendation to explore developing tax incentive programs, which was addressed. *It was noted that there are no specific programs at this time, that this was something that interest was expressed for.*

Commissioner Bentley asked for clarification on what is a “sustainable community” and the implications of it long term. *The response was “sustainable communities” start with land use planning but roles in the economic factor of businesses that might be in those communities; how those businesses relate to overall land use decisions; and the communities’ goals as they may stand on a social aspect as well. It’s looking at the social aspects, environmental aspects, and economic aspects “together to kind of define what a sustainable community could mean.”*

Commissioner Clarke addressed priority 5 & 6 of the report. He encouraged the EPCC to consider combining them. Also, that consideration be given to, in addition to tax incentives, coming back to the Board with a recommendation that the Board consider putting some money into acquiring development rights on land in exchange for getting an agricultural preservation easement, so that it could be used by people engaged in producing food.

Commissioner Cooksey echoed Commissioner Clarke’s comments.

Commissioner Murrey said he too echoes Commissioner Clarke’s comments. Further, that one way to think about this is from a health perspective. “If we can make farms that produce local, nutritious, affordable, and unprocessed foods, we can address a lot of the health issues in this community and in our country. Diabetes, obesity, hypertension, stroke, heart disease, can all be linked, at least to some degree, back to the vast consumption of processed foods.”

Chairman Roberts thanked Mr. Zoutewelle and Ms. Pruess for the report.

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

MANAGER’S REPORT

(6) RECEIVE MANAGER’S REPORT

Note: The Manager’s Report included discussion of Item 26

(26) RESTRICTED CONTINGENCY FUNDING FOR PUBLIC SAFETY/CRIME PREVENTION (COMMISSIONER CLARKE)

County Manager Jones, Commissioner Clarke, chair of the Board’s Criminal Justice Committee,

and General Manager Michelle Lancaster addressed the recommendation of the County Manager regarding allocation of \$2 million appropriated in June 2008 to “Restricted Contingency Fund for

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Public Safety/Crime Prevention” and the Board’s Criminal Justice Committee’s response to those recommendations. The committee’s recommendations were presented. Charlotte-Mecklenburg Police Deputy Chief Ken Miller was present and addressed questions.

Recommendation of Allocation of \$3 million* for Justice/Public Safety Task Force Recommendations

Justice/Public Safety Task Force Recommendation	Funding Recommendation	
#1 – Oversight Function	Sr. Manager for State Justice Services	\$91,000 (salary + benefits)
#3 – Focus on Chronic Offenders	120 additional electronic monitors	\$225,000
#5 – Information Systems Review	Funding for complete review by outside consultant	\$150,000
#7 – Expand Use of Specialty Courts	Funding for additional Mental Health Court counselor	\$61,876
#8 – Alternative Solutions to Incarceration	Additional Beds for Recovery Solutions	\$250,000
#9 – Adjust/Maintain Staffing Ratios	Funding for Additional staff in the District Attorney’s Office	\$1,369,256
Other Recommendations		
Information Technology Support – Trial Court Administrator’s Office	IT Business Analyst	\$77,761
District Attorney’s Office	Business Manager – with emphasis on HR issues	\$90,000
	TOTAL	\$2,314,893
Carry-forward all remaining funds to FY10 for Task Force Recommendation Implementation		\$685,107

*\$2 million in Restricted Contingency Fund for Public Safety/Crime Prevention and \$1 million appropriated for public safety and crime fighting efforts (with no specific purpose identified).

#1 – Sr. Manager for State Justice Services – this position would manage the current staff of three Management Analysts and one Administrative Support Coordinator. This position would assist in diagnosing problem areas, defining performance measures and promoting efficiencies, as well as implementing Task Force and CJAG recommendations.

3 - this will purchase 120 electronic monitors for use by CMPD with a focus on Chronic offenders – this will allow each division 10 new electronic monitors to utilize in their focus on chronic offenders.

5 – Information Systems Review - working with County IST to hire an outside consultant we will complete a comprehensive review of the information systems used in Mecklenburg County Criminal Justice System. The result will be an Information Technology Strategic Plan, including recommendations and a timeline for implementation of recommendations. We will work closely with all relevant agencies to insure that the review is truly comprehensive.

#7 – Expand use of Specialty Courts – this funding will provide one additional case manager for Mental Health Court. This position will increase the effectiveness of that specialty court.

8 – Alternatives to Incarceration – this funding will provide 10 additional beds for Area Mental Health’s Recovery Solutions program.

In November 2007, the Board appropriated funds for “Recovery Solutions”, the service managed by Area Mental Health (AMH) to reduce jail recidivism for those with mental illness. Recovery Solutions is designed to help people in the Mecklenburg County jail who could be released to a mental health treatment program.

There is currently funding for a 14-bed residential stabilization function that began January 1, 2008. This unit admitted its first consumer on January 11, 2008. Currently, there are seven people in treatment, with four awaiting

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court disposition for treatment. Since this is a new treatment service, it is essential to admit new consumers in a deliberate manner to maximize effectiveness and success.

Chronic offenders are being identified through the AMH jail diversion staff member in the jail, the Public Defender's Office, and the Mental Health Court. The Residential Stabilization Committee (comprising staff from the Mecklenburg County Sheriff's Office, Mecklenburg Open Door, AMH and the Public Defenders Office) meets every other week to discuss new cases, concerns and to collaborate on effective ways to address this population.

9 – Adjust/Maintain Staffing Ratios – work had begun on analysis of staffing ratios and salaries of all county funded criminal justice agencies (excluding the Sheriff's Office) – preliminary information regarding the District Attorney's Staffing indicates a significant need for Legal Assistants and Administrative Assistants. This recommendation funds 17 Legal Assistants, three Administrative Assistants and three Assistant District Attorneys. This funding will be sufficient through FY 10.

Additional recommendations:

IT Business Analyst – This position will provide support for County applications, hardware and audio/visual equipment in the Mecklenburg County Courthouse for the Trial Court Administrator's Office, Clerk of Superior Court's Office and the Public Defender's Office. Additionally, they will act as a liaison to the Bar and others who utilize the Electronic Courtroom Systems and with the Administrative Office of the Courts.

We currently fund a similar position in the County's IT Department that is assigned to the District Attorney's Office.

D.A.'s Business Manager -This position will provide support to the District Attorney for overall management of the D.A.'s operations. There will be a strong emphasis on Human Resources – recruitment/retention; communication and operations management.

Commissioner Leake asked about the use of electronic monitors, which was addressed. Commissioner Leake said she would like to be kept up-to-date on the success of this process.

Commissioner Cogdell said he hopes consideration will be given to providing support to the drug court program, noting that he didn't see any discussion of this in the recommendations. Commissioner Cogdell said drug court has proven to be a successful program, that has addressed recidivism in a big way.

Commissioner Cogdell said he has reservations with respect to the outside consultant recommendation. Commissioner Cogdell said he feels the County would be spending money on something from an outside source that he would expect the state justice system manager to take responsibility for.

Commissioner Bentley asked about electronic monitors and the fact that this would be a reoccurring expense. She asked would this be a City of Charlotte expense after 2010 or how would that work budget wise. *The response was that staff would discuss this with CMPD to see what other resources they may be seeking or revenue streams they have available and to see how best the County can work going forward to make this a successful program. It was stated that staff would keep the Criminal Justice Committee and the Board updated as those discussions occur.*

Commissioner Bentley asked for clarification regarding staffing for the District Attorney's Office, as it relates to the breakout of those positions. *The response was that what's recommended is based on feedback from the District Attorney. It was noted that Assistant District Attorneys currently have to do their own administrative work but with these positions (legal assistants and administrative assistants) it would free them to do their Assistant District Attorney work.*

Commissioner James asked about staffing for the District Attorney's Office. *It was stated that what's before the Board is what the District Attorney has indicate to staff are his needs at this time.*

Commissioner James said he would like to know at what point will the District Attorney present a plan that outlines the statements he's made in the media and to the Community Health and Safety Committee, indicating that he needed to double the number of Assistant District

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Attorneys over a period of time in order to be at benchmark standing. *The response was that staff has not asked the District Attorney to make such a presentation, but it's staff understanding that Commissioner James has asked him. Further, if that's the Board's desire and staff is directed to do so, staff would have that conversation.*

Commissioner James said at some point he would like to know when the District Attorney will make such a presentation regarding his staffing plan.

Commissioner James requested a report on the status of the Criminal Justice Information System (CJIS).

Commissioner Cooksey commented on the community's concern for property crime and asked that the Criminal Justice Advisory Group (CJAG) take up this matter in their discussions. *It was noted that CJAG is aware of this and will continue to work on this issue.*

Commissioner Leake addressed the continued need for mental health court counselors.

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following recommendations:

Recommendation of Allocation of \$3 million* for Justice/Public Safety Task Force Recommendations

Justice/Public Safety Task Force Recommendation	Funding Recommendation	
#1 – Oversight Function	Sr. Manager for State Justice Services	\$91,000 (salary + benefits)
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Other Recommendations		
Information Technology Support – Trial Court Administrator's Office	IT Business Analyst	\$77,761
District Attorney's Office	Business Manager – with emphasis on HR issues	\$90,000
	TOTAL	\$2,314,893
Carry-forward all remaining funds to FY10 restricted contingency for Task Force Recommendation Implementation		\$685,107

(6B) DONATION CAMPAIGNS

County Manage Jones referenced a memorandum addressed to him from employees that have been past chairs of the County's United Way and Arts & Science Council campaigns for employee donations. He said the purpose of their memorandum was to clarify and correct misconceptions and misinformation regarding the nature of these campaigns as depicted in the news media and in the quotes attributed to a member of the Board.

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

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County Manager Jones said if anyone knows of a list that was posted in any department that suggest a giving level for any of the County's campaigns, to inform him of that. He said he would then contact that department and inform them that's something the County doesn't do.

County Manager Jones said staff has no knowledge that has occurred.

He encouraged the Board to read the memorandum and attached Outlook article. County Manager Jones said his philosophy is that giving is a personal matter.

Commissioner James said as a related issue to this, he and the Chairman and the media have had discussions about the County's charitable policies.

Commissioner James referenced United Way campaign material he received under the previous County Manager's tenure. He also commented on the raffles that occur. Commissioner James feels employees are indirectly forced to contribute.

Commissioner James said his interest in this matter has to do with the fact that there are lots of other charitable organizations, in addition to United Way and the Arts & Science Council, so is it fair to employees to just offer these two.

Commissioner James said he feels the Board should adopt a policy with respect to this issue and hopes it'll be discussed soon.

Chairman Roberts said the Board will discuss this issue at a later meeting.

Chairman Roberts said she wanted to acknowledge that Commissioner James' interpretation of something that happened 12 years ago and something that happened in his former office is an extrapolation that doesn't apply to current County policy and she wants the media to understand this. Chairman Roberts said her policy question with respect to this matter comes from a different perspective than Commissioner James.

County Manager Jones concluded the discussion by saying Commissioner James makes a valid observation. He said the loop does need to be closed relative to the direction staff received from the previous board committee regarding charitable contributions. He stated further that staff has been conducting research and is close to completing that research with respect to this issue. The hope is to have this matter on the Board's January 21, 2009 agenda with recommended strategies for going forward.

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

CONSENT ITEMS

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s), with the exception of Items 7, 9, and 10 to be voted upon separately:

(8) AMENDMENTS TO GROUNDWATER WELL REGULATIONS

Amend the Mecklenburg County Groundwater Well Regulations.

Amended Regulations recorded in full in Minute Book 44-A, Document # _____.

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(11) GRANT APPLICATION - US DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN (OVW) – (ENFORCEMENT OF PROTECTION ORDERS)

Approve the submission of a grant application for funding in the amount of \$263,342 to the United States Department of Justice, Office on Violence Against Women, for the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program; and if awarded, recognize, receive and appropriate such funds.

(12) IRWIN CREEK GREENWAY – SAFE ROUTES TO SCHOOL GRANT APPLICATION

Approve a Safe Routes to School grant application in the amount of \$125,000 to fund a connection between existing Irwin Creek Greenway and Barringer Academic Center.

(13) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION, QUICK BUY

- 1) Accept the “Offer of Sale of Land” from Randy E. Furr owner of 2913 Dunlavin Way for \$189,992.66.
- 2) Accept the “Offer of Sale of Land” from Stacy and Linda Byrd owners of 2923 Dunlavin Way for \$148,926.72.
- 3) Accept the “Offer of Sale of Land” from Mark and Sara Colvin owners of 2941 Dunlavin Way for \$189,371.09.
- 4) Accept the “Offer of Sale of Land” from Kenneth and Tammy Laub owners of 3019 Harbinger Court for \$138,585.46.
- 5) Accept the “Offer of Sale of Land” from Mary Goodnight-Cochran owner of 3200 Brixton Court for \$142,051.55.
- 6) Accept the “Offer of Sale of Land” from Richard S. McVicker owner of 3204 Brixton Court for \$95,552.35.
- 7) Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

Note: This action will purchase and remove the above properties from the floodplain.

(14) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

- 1) Accept the “Offer of Sale of Land” from Mini-Skools Ltd. of 1700 Eastway Drive for \$72,000.
- 2) Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

Note: This action will purchase and remove the above property from the floodplain.

(15) 2009 DIGITAL OBLIQUE IMAGERY ACQUISITION

Approve the execution of a contract with Pictometry International to acquire and produce high

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quality Oblique Imagery for Mecklenburg County and the City of Charlotte as part of update process to support Tax, Storm Water Services, Medic, Police, Fire and all GIS Efforts.

(16) 2009 DIGITAL AERIAL IMAGE ACQUISITION

Approve the execution of a contract with Photo Science, Inc. to acquire and produce digital aerial imagery for Mecklenburg County as part of update process to support all GIS Efforts.

(17) AREA MENTAL HEALTH AUTHORITY MONTHLY FINANCIAL REPORT

Recognize and receive Area Mental Health Authority Monthly Financial Report.

**AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2009, For the period ending November 30, 2008**

Revenue Source	<u>Budget</u>	<u>Actual</u>	<u>% Received</u>
Medicaid & CAP	13,786,864	4,208,277	30.52%
State and Federal	35,014,500	9,939,693	28.39%
Third Party/Other	97,293	39,042	40.13%
Grants	3,845,759	1,083,765	28.18%
County	47,351,099	17,256,621	36.44%
Total Revenues	\$100,095,515	\$32,527,398	32.50%

Service Continuum	<u>Budget</u>	<u>Actual</u>	<u>% Spent</u>
Children's Developmental Services	6,991,679	2,648,583	37.88%
Child & Adolescent Services	17,143,686	4,131,067	24.10%
Adult Mental Health	12,131,804	2,579,147	21.26%
Adult Substance Abuse	13,417,880	5,268,867	39.27%
Local Management Entity	12,224,883	3,498,225	28.62%
BHC Randolph	20,020,073	8,164,777	40.78%
Developmental Disabilities	18,165,510	6,236,732	34.33%
Total Expenditures	\$100,095,515	\$32,527,398	32.50%

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred.

Note: In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented.

(18) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH AUTHORITY

Approve, recognize, receive and appropriate State funds in the amount of \$38,195 for HUD Housing.

Note: These funds will be used for start-up and operational funds for five apartment units

operated by Residential and Support Services Inc. This is a HUD 811 project for adults with developmental disabilities. HUD is providing the funds for the construction of the apartments and the funds allocated by the North Carolina Division of MH/DD/SA Services will furnish the apartments and fund supervised living services to the residents.

(19) UNCC GREENWAY EASEMENT AGREEMENT

Authorize the County Manager to negotiate and execute a Memorandum of Understanding between the County and the University of North Carolina at Charlotte to (1) reconfigure and reduce the area within the existing greenway easement on the campus, and (2) become effective at the time construction of the greenway trail by the County begins.

(20) GRANT APPLICATION – US DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN (SAFE HAVENS)

1) Approve the submission of a grant application for funding in the amount of \$400,000 for a three-year grant to the United States Department of Justice, Office on Violence Against Women, for the Safe Havens: Supervised Visitation and Safe Exchange Grant Program from the Mecklenburg County Community Support Services Department - Women's Commission Division.

2) If awarded, recognize, receive and appropriate such funds.

(27) ACQUISITION FOR LONG CREEK GREENWAY

1) Rescind action of September 16, 2008 authorizing purchase of +/- 18.61 acres included in Tax Parcels 033-221-06 and 033-051-25 off Simpson Road from Lucille McClure for \$130,270.

2) Approve the purchase of +/- 21.388 acres included in Tax Parcels 033-221-06 and 033-051-25 off Simpson Road from Lucille McClure for \$7,000 per acre +/- \$149,716.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioner Bentley returned to the dais.

(7) APPROVAL OF MINUTES

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve minutes of Regular Meeting held December 16, 2008, as amended, and Budget/Public Policy Meeting held December 9, 2008 and Closed Session minutes of December 16, 2008.

Commissioner Cooksey removed this Item from Consent in order to note a correction to the vote on Item 28 of the December 16, 2008 minutes.

It was noted by the Clerk that Commissioner Cooksey was correct. The error was due to a misreading of her notes. She thanked Commissioner Cooksey for bringing this to her attention and said the correction would be made.

Note: The amendment was a correction to the vote taken on Item 28, which should have read,

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 6-3 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes and Commissioners Bentley, Cooksey, and James voting no.

(9) FUNDS RECEIVED - COMMUNITY SUPPORT SERVICES/HOMELESS SUPPORT SERVICES DIVISION

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to recognize, receive and appropriate \$5,000 received from the Community of St. Matthew to the Mecklenburg County Community Support Services Homeless Support Services Division.

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

(10) FEDERAL CRISIS INTERVENTION PROGRAM (CIP) – DSS

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to amend the Fiscal Year 2009 Adopted Budget to receive, recognize and appropriate \$1,035,149 of additional Federal revenue for the Crisis Intervention Program (CIP).

Note: The additional funding will assist Mecklenburg County citizens with heating and cooling needs through the winter and summer months.

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

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

(2A) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to accept the “Offer of Sale of Land” from Allison M. Stedman and David M. Fillmore, Jr., owners of 2901 Dunlavin Way for \$163,383.48.

Note: This action is necessary for the purchase of a floodplain property under the Hazard Mitigation Program.

Commissioners Cogdell and Leake left the dais and were away until noted in the minutes.

STAFF REPORTS AND REQUESTS

(21) COPS CONVERSION RESOLUTION

Commissioner James introduced the following Resolution which was read by title, and moved it be adopted:

RESOLUTION AUTHORIZING REPLACEMENT OF THE LIQUIDITY FACILITY AND REMARKETING AGENT FOR THE COUNTY’S VARIABLE RATE CERTIFICATES OF PARTICIPATION (2006 MECKLENBURG COUNTY)

WHEREAS, the County previously issued its \$108,000,000 principal amount Variable Rate Certificates of Participation (2006 Mecklenburg County) (the “2006 Certificates”);

WHEREAS, DEPFA Bank plc, acting through its New York Branch (the “Bank”), currently serves as the provider of a liquidity facility for the 2006 Certificates;

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WHEREAS, because of financial difficulties facing the Bank, the County has determined it is in its best interest to replace the current liquidity facility for the 2006 Certificates with a liquidity facility provided by Branch Banking and Trust Company (“BB&T”);

WHEREAS, Wachovia Bank, National Association currently serves as the remarketing agent for the 2006 Certificates;

WHEREAS, in conjunction with the replacement of the liquidity facility, the County has determined it is in its best interest to change the remarketing agent for the 2006 Certificates to Scott & Stringfellow, Inc., trading as BB&T Capital Markets (“BB&T Capital Markets”);

WHEREAS, there have been available at this meeting drafts of the forms of the following documents (collectively, the “Documents”) relating to the transactions described above:

- (1) A Standby Certificate Purchase Agreement to be dated as of January 1, 2009, among the County, Mecklenburg County Public Facilities Corporation, Deutsche Bank National Trust Company, as trustee, and BB&T;
- (2) A Remarketing Agreement to be dated January 22, 2009, by and among the County, the Corporation and BB&T Capital Markets; and
- (3) A Remarketing Supplement with respect to the remarketing of the 2006 Certificates (the “Remarketing Supplement”).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County (the “Board”) as follows:

1. The form and content of each of the Documents are hereby in all respects authorized and approved, and the Chairman of the Board, the County Manager, the Director of Finance and the Clerk to the Board are each hereby authorized and directed to execute and deliver each of the Documents for and on behalf of the County in substantially the form and content presented to the County, but with such modifications thereto as each may deem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of such approval; and from and after the execution and delivery of the Documents, the Chairman of the Board, the County Manager, the Director of Finance and the Clerk to the Board are each hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Documents. The use of the Remarketing Supplement by BB&T Capital Markets in connection with the remarketing of the 2006 Certificates is hereby authorized, approved and confirmed.
2. The Chairman of the Board, the County Manager, the Director of Finance, the Clerk to the Board and the County Attorney, or their respective designees, are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents which they in their discretion deem necessary or appropriate to consummate the transactions contemplated by the Documents.
3. All acts of the County Manager or the Director of Finance and the Clerk to the Board that are in conformity with the purposes and intents of this Resolution and in the furtherance of the transactions contemplated by the Documents are in all respects ratified and approved.
4. All resolutions or parts thereof of the Board in conflict with the provisions contained in this Resolution are, to the extent of such conflict, hereby superseded and repealed.
5. This Resolution shall become effective immediately upon its adoption.

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Commissioner Karen Bentley seconded the motion and the motion was adopted by the following vote:

AYES: Commissioners Karen Bentley, Dumont Clarke, Neil Cooksey, Bill James, Daniel Murrey, and Jennifer Roberts

NAYS: None

Note: Commissioners George Dunlap, Harold Cogdell, Jr., and Vilma Leake were away from the dais at the time of the vote.

Resolution & Extracts recorded in full in Minute Book 44-A, Document # _____.

Commissioners Dunlap, Cogdell, and Leake returned to the dais.

(22) ENVIRONMENTAL LEADERSHIP POLICY & ACTION PLAN

Motion was made by Commissioner Bentley, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to receive a report on implementation of the County's Environmental Leadership Policy & Action Plan for fiscal year 2008 and direct the County Manager to proceed with implementation of proposed 2009 and 2020 goals.

Note: In 2004, the Mecklenburg County Board of Commissioners adopted the Environmental Leadership Policy (Policy) prescribing the environmental principles to be adopted in daily activities conducted by the County. The Environmental Leadership Team (ELT) implementing the Policy includes members from: Land Use and Environmental Services, General Services, Real Estate Services, Park and Recreation, Health, and Charlotte-Mecklenburg Purchasing, as well as from Charlotte-Mecklenburg Schools, Central Piedmont Community College, and the Public Library of Charlotte-Mecklenburg County.

This report describes results toward fiscal year 2008 goals and lays out an action plan for goals to be completed by the end of fiscal year 2009. Programs to implement the Policy evolve as accomplishments are realized and the ELT strives for continual improvement.

Cary Saul, Director of LUESA presented the report.

Prior to the above vote, Commissioner James questioned the accuracy of the numbers (the acreage) with respect to acquiring, maintaining and preserving land to protect the natural environment. He asked were the numbers from the Parks and Recreation 10-Year Master Plan.

Director Saul said he assumes they are and that the numbers are cumulative.

Commissioner James said he doesn't know if the acreage stated is sustainable as a goal.

Commissioner Bentley asked for additional information with respect to bus emissions.

Commissioner Dunlap said he would like to know what the barriers were to achieving some of the goals, which was addressed.

Commissioner Cogdell said he hopes the Board would be a leader, regionally and in the state, with regard to many of the issues talked about in the report. Commissioner Cogdell said potentially there may be some tax deferral incentives the County should take a look at if a business or a private owner is willing to invest in the type of plumbing and electrical sensors necessary to conserve long term.

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

(23) 2008 MECKLENBURG COUNTY PERFORMANCE REPORT

The Board received as information the County's FY 2008 Performance Report.

The purpose of the report is to inform the Board and public about progress over the past year in achieving the Board's goals for the community, as identified on the Board's Community & Corporate Scorecard. The information also serves as background for the Board's Strategic Planning Conference on January 29 and 30.

Leslie Johnson, Planning and Evaluation Director gave the report.

Commissioner Bentley asked for clarification with respect to 1) the business growth rate, 2) information concerning community parks, and 3) how does the County capture customer satisfaction, which was all addressed.

Commissioner James asked about the violent crime rate, which was addressed. He said the County may need to take a look at how this is calculated, noting that it's a green light, which he feels is not completely accurate.

Commissioner Murrey asked for clarification with respect to the health parameters, specifically the disability adult abuse and neglect rate and why it has increased. Also, is it known whether these are predominantly institutionalized settings or people living in the community. *The response was that staff is in the process of trying to determine why the change has occurred and would get back with an answer.*

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(24) ORDINANCE PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON COUNTY PROPERTY (COMMISSIONER CLARKE)

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes and Commissioner James voting no, to amend the County's Ordinance Prohibiting the Consumption of Alcoholic Beverages on County Property to exempt special events held in the Courthouse.

Commissioner Clarke and Trial Court Administrator Todd Nuccio addressed this request.

Note: A second reading is required and will take place at the January 21, 2009, since the vote was not unanimous. The second reading will not require a unanimous vote, only a majority.

(25) "BUYING AMERICAN" POLICY (COMMISSIONER JAMES)

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Commissioner James addressed the Board's Buying American Policy.

Commissioner James asked the Board to consider re-affirming the 'Buy American' Policy of the Board of County Commissioners and receive a report from the County Manager on how he has complied (or failed to comply) with Board policy dated 12-2-1985. Expand the existing policy to cover allowable contracted services (such as IT maintenance or phone assistance) and to define an 'American' product as one that has at least 50% of its materials and labor costs from American sources. Require the Manager to maintain a record of decisions that document when non-US made products are chosen over American-made products.

County Manager Jones asked the Board to allow staff an opportunity to consult with the Procurement Department to see what's currently being done and/or can be done with respect to Commissioner James' request.

County Manager Jones said he would communicate to the Board through the Board Bulletin with respect to when staff may be ready to report back on this issue.

Commissioner Dunlap said he wants to make sure the policy can be implemented without violating treaties and other provisions as stated in the current policy.

It was the consensus of the Board to allow the County Manager to report back on 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 James, seconded by Commissioner Cogdell and unanimously carried Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:29 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman