

APRIL 7, 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, April 7, 2009.

ATTENDANCE

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

Absent: Chairman Jennifer Roberts

-INFORMAL SESSION-

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

(1A) STAFF BRIEFINGS - NONE

(2A, B, C) CLOSED SESSION – A) LAND ACQUISITION, B) CONSULT WITH ATTORNEY AND C) BUSINESS LOCATION AND EXPANSION

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: property located at 5200 Spector Drive.

It was noted there was no Consult with Attorney matter to be discussed.

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to go into Closed Session for the following purposes: Land Acquisition and Business Location and Expansion.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:57 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. Identified were Items 11, 19, 20, 25, 26, 27, 30, 31, 33, and 34.

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

-FORMAL SESSION-

Invocation was given by Vice-Chairman Cogdell, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) INDUCTION INTO THE ORDER OF THE HORNET

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to induct Leon and Sandra Levine into the Order of the Hornet, in recognition of their service to Mecklenburg County.

Note: The Order of the Hornet was established in 1972. It is bestowed by the Board of County Commissioners on persons who have displayed valor or high order of service uniquely and specifically to the citizens of Mecklenburg County. This is the highest honor the Board bestows for service to the community.

Prior to the above motion, former County Commissioner Lloyd Scher spoke in support of this honor being bestowed upon the Levines.

Mr. and Mrs. Levine thanked the Board for honoring them in this manner.

(1B) FAIR HOUSING MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to adopt a joint proclamation designating April 2009 as "Fair Housing Month" in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Leake and received by Donna Anderson, president of the Charlotte Regional Realtors Association, Ken Szymanski, representing the Greater Charlotte Apartment Association, and Willie Ratchford, director of Charlotte/Mecklenburg Community Relations.

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

(1C) HEALTH CARE DECISIONS WEEK

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to adopt a proclamation designating April 12-18, 2009 as "Health Care Decisions Week" in Mecklenburg County.

The proclamation was read by Commissioner Bentley and received by Katie Kutcher with the Council on Aging and Marilyn Morenz with Hospice and Palliative Care.

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

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(1D) MINORITY HEALTH MONTH

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to adopt a proclamation designating April 2009 as “Minority Health Month” in Mecklenburg County.

The proclamation was read by Commissioner Murrey and received by Cheryl Emanuel with the Health Department, and community partners Bishop Wade Ferguson (15th Street Church of God), Dr. Avery, Reverend Harold Jones (Old Zion AME), and Reverend Bernard Ingram (New Emanuel Congregation).

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

(1E) CHILD ABUSE AWARENESS & PREVENTION MONTH

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to adopt proclamation designating April, 2009 as “Child Abuse Awareness and Prevention Month” in Mecklenburg County.

The proclamation was read by Commissioner Dunlap and received by Mary Wilson, director of Social Services and Paul Risk, division director for Youth and Family Services.

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

(1F) ALCOHOL AWARENESS MONTH

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to adopt a joint proclamation designating April as “Alcohol Awareness Month” in Mecklenburg County.

The proclamation was read by Commissioner Cooksey and received by Winona Chestnut, director of Fighting Back and members of her staff and Helen Harold, Executive Director of Substance Abuse Prevention Services and a member of her staff.

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:

Carletha Burwell addressed the Charlotte Club of the National Association of Negro Business and Professional Women’s Club Founders Day Program scheduled for April 18, 2009.

Commissioners were invited to attend. It was noted that County Manager Jones was going to be recognized at the event.

APPOINTMENTS

(3A) CHARLOTTE-MECKLENBURG DEVELOPMENT CORPORATION

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,

Leake and Murrey voting yes, to appoint Pat Garrett to the Charlotte/Mecklenburg Development

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Corporation as the County's Neighborhood Organization representative (community-based, nonprofit organizations).

Note: The Charlotte/Mecklenburg Development Corporation (CMDC) was created as a non-profit community development corporation. It was founded in 1997 as a private and public partnership between the City of Charlotte, Mecklenburg County, and the Charlotte Chamber of Commerce. The CMDC's primary mission is to identify opportunities and to revitalize distressed, inner-city corridors through the development or re-development of commercial projects that will then provide a catalyst for future development, serving neighborhood residents and enhancing business development in areas that would otherwise remain void of new activity.

She is replacing Ron Hare.

(3B) APPOINTMENTS

BOARD OF EQUALIZATION AND REVIEW

The vote was taken on the following nominees for appointment to the Board of Equalization and Review:

Neiland Cohen	None
Thomas Derham	Commissioners Bentley and Clarke
Zanthia Hastings	Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Murrey
Guy McBride III	None
John Newitt, Jr.	Commissioners Cogdell, Cooksey, Dunlap, James, Leake, and Murrey
	Voting Ceased
Christopher Olds	
Christopher Shelvin	
John Stroup	
Gerald Williams	
Pamela Williams	

Vice-Chairman Cogdell announced the appointment of Zanthia Hastings and John Newitt, Jr. to the Board of Equalization and Review for a two-year term expiring April 7, 2010.

They are replacing Damon Bidencepe and Aretha Blake.

DOMESTIC VIOLENCE ADVISORY BOARD

The vote was taken on the following nominees for appointment to the Domestic Violence Advisory Board:

Margaret Austin	Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Murrey
Dana Battle	None
Sherry Brower	None
Charlotte Brown-Williams	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey
Patrick Burris	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Murrey
Cynthiana Cain	None
Victoria Chopra	None
Zaria Davis-Humphries	None
Jackie Dienemann	Commissioners Cooksey and James
Carolyn Dubose	None

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Marsha Ford	None
Beverly Foster	None
Jessica Hardin	None
Danielle Lombard	Commissioner Murrey
Na'Shota Lytle	None
Kate Maynard	None
Katie McVeety	None
Shalawn Moore	None
Ed Mulheren	None
Brooke Nance	None
Angela Permenter	None
Andrea Pettit	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Murrey
Stacey Rose	None
Nazanin Rostam-Abadi	None
Andreal Shelton	None
Edward Smith II	None
Deborah Snowdon	None
Penny Spangler-Lambert	None
Nicola Staudinger	None
Monica Stevenson	None
Melba Streeter	None
Helen Strong	Commissioners Bentley and Dunlap
Elizabeth Trosch	Commissioners Cogdell and Clarke
Anne Ward	None
Catherine Ann Wargo	None
Karen Worrell	Commissioner Leake

Round Two

Elizabeth Trosch	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, and James
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Voting Ceased

Vice-Chairman Cogdell announced the appointment of Margaret Austin, Charlotte Brown-Williams, Patrick Burris, Andrea Pettit, and Elizabeth Trosch to the Domestic Violence Advisory Board for a three-year term expiring April 30, 2012.

They are replacing Tyyawdi Baker, Melissa Behrens, Morgan Cromwell and Donna Dukes.

WOMEN'S ADVISORY BOARD

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

Angelia Fryer	Commissioners Bentley, Clarke, Cogdell, Dunlap, James, and Leake
Deirdira Henderson	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Leake
Donna Hughes	Commissioners Bentley, Clarke, Cogdell, Dunlap, James, and Leake
Sally McMillen	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey
Nancy Plummer	Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Murrey
Marjorie Tate	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Murrey

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DOMESTIC VIOLENCE ADVISORY BOARD (DVAB)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to receive the Domestic Violence Advisory Board annual report.

The following was covered in the report:

- Domestic Violence in Mecklenburg County/City of Charlotte
- Services for Domestic Violence in Charlotte/Mecklenburg County
- Advocacy and Public Awareness
- Additional Priorities Identified by Domestic Violence Advisory Council
- Recommendations:
 - Continue to support planning for a new Domestic Violence (DV) emergency shelter(s) and DV transitional housing.
 - Convene a working group to develop a plan for providing shelter now for every victim that needs it.
 - Creation of a City/County Domestic Violence Coordinator Position to develop and oversee implementation of a strategic plan and to coordinate DV services to meet the needs of the city/county.
 - Establish a supervised visitation/child exchange center for DV victims and perpetrators of domestic violence.

Marage Blakeney, chair of the Domestic Violence Advisory Board gave the report. She was joined by Deborah Wideman and Jackie Dienemann.

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

Commissioner Bentley asked that staff check on the status of the proposal to have a magistrate located in the northern part of the county.

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

MANAGER'S REPORT

(6a) Budget Update

Budget/Management Director Hyong Yi gave a budget update. The following was addressed:

- Projected Revenues and Expenses (County costs only)
- Projected Budget Gap
- Next Steps
- The County Manager will present his recommended budget at the May 19, 2009 meeting.
- The budget public hearing will be held the latter part of May.

County Manager Jones said he would make available on-line all of the reductions that departments have submitted.

- The reductions that the County Manager is preliminarily looking at including in his recommended budget will also be listed.
- At the present time the County Manager has not decided how much he will recommend reducing Charlotte/Mecklenburg School's (CMS) budget request.
- This continues to be a "fluid" process.

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

Commissioner Clarke returned to the dais.

Vice-Chairman Cogdell asked for clarification on the number of County jobs that will be

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eliminated, which was addressed. He also asked about the FY10 current budget gap of \$38.8 million and whether staff was contemplating using fund balance. *The response was no. The County Manager said it's possible that it will come from reductions from CMS, Central Piedmont Community College (CPCC) and some of the outside agencies.*

Commissioner James asked about the elimination of positions and the impacted the departments, which was addressed. He also asked have employees been made aware of this possibility. *The response was yes.*

Commissioner James said CMS and other partners need to be made aware of their reductions in advance also.

Commissioner Bentley asked for clarification with respect to ADM funds, which was addressed.

Commissioner Cooksey asked for clarification with respect to any additional cuts for FY09, which was addressed.

Commissioner Dunlap asked about employee reductions, with respect to the possibility of inquiring of those employees that are eligible to retire, to consider doing so, which could save someone else's job. *The response was that's an individual decision that has to be made on the part of the employee.*

Commissioner Dunlap, with respect to outside agencies and during the Board's budget deliberations, said he would like to see them categorized in such a way, that the Board would know if the County would have to fund a service they provide, if they didn't exist.

Commissioner Dunlap asked for clarification with respect to the use of fund balance, which was addressed.

Commissioner Leake expressed concern for positions that may be lost. She asked for a list of those positions. *The response was that information will be a part of the information to be placed on-line.*

Commissioner Murrey asked for clarification with respect to the budget gap. What's impacting it? Is it slowing down or increasing, which was addressed.

Commissioner Murrey asked for clarification with respect to outside agencies being aware of the measures the County evaluates them on, which was addressed.

Commissioner Clarke asked about maintaining a certain percentage of fund balance, which was addressed. *It was noted that at the next Budget/Public Policy meeting there will be a presentation on fund balance.*

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(36) DEBT SERVICE RESERVE FUND FINANCING MODEL (COMMISSIONER COGDELL)

The Board received a report on Capital and Debt Service Comparison Mecklenburg County and the City of Charlotte.

Dena Diorio, Finance director gave the report. The following was addressed:

- The County's approach to capital and debt
- City of Charlotte approach to capital and debt
- Advantages and Disadvantages

- Summary

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

Comments

Commissioner James asked about the unreserved fund balance, which was addressed. He also asked Finance Director Diorio to give her perspective with respect to the County having a debt service fund.

Director Diorio said “its depends on what the end game is.” She said staff has spent a lot of time with the Board talking about how the County should issue its debt over the next five years; that a strategy was developed that staff felt was fairly sound in terms of putting sort of a “cap” in allocating the County’s capacity as a way to manage the County’s debt and “chip away” at this authorization going forward over the next five years.

Further, staff feels that at the “end of the day” you’ll get the same result, which is that the County will be “in a better place at managing its debt service and bringing the debt service load down.”

Director Diorio said the “trick” is in going forward, is how much is authorized going forward, and what mechanism is used to fund it. Director Diorio said she doesn’t think a debt service fund is needed to accomplish those goals. She said although the City of Charlotte has a debt service fund, if you look at their debt service as a percent of their operating budget, they’re at the exact same place as the County, hovering around 20%. Thus, if the expectation is that the County is going to get that percentage down by using this debt service fund, she’s not sure that you get there just because you have a debt service fund.

Director Diorio said what one would need to do is manage how much you authorize and how much you issue, which can be accomplished without having a debt service fund.

Commissioner James said he agrees “you don’t have to have a debt service fund,” but he doesn’t think the Board has addressed that “central” issue of how do you reduce that 20%.

Commissioner James said a debt service fund provides a structure and a limit, which can be a problem often for “politicians.”

Commissioner James said he feels a “sinking fund” is a “safeguard”, “protection for the budget, and the public.”

Commissioner Murrey said he doesn’t think now is the time to entertain this type of policy change; nor is he convinced fully that this will ultimately help “our county government” function better.

Commissioner Murrey said he thinks the County has to keep an eye on its debt policy and how much debt is issued and “be responsible about it.” He doesn’t think the taxpayers should be subjected to setting aside more and more money that’s not going to be spent in their best interest and offset that to some future generation is not necessarily a good policy.

Commissioner Clarke noted that the County has a Triple AAA credit rating and very fiscally prudent and is taking steps to maintain that.

Commissioner Clarke said he doesn’t think the County is in a position to do what the City of Charlotte is doing.

Vice-Chairman Cogdell said he placed this matter on the agenda because he thought it was a discussion the Board needed to have, for purposes of knowing there is a different way or model with respect to how the County finances its debt.

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Prior to the vote below, Commissioner Dunlap noted his opposition to the motion. He said he has not heard any valid reason why the County should do what the City of Charlotte is doing.

Commissioner Cooksey spoke in support of the motion and said he felt it puts some discipline on the Board's ability to spend money going forward on the capital side. He said it should at least be considered.

Motion was made by Commissioner James, seconded by Commissioner Leake and failed 4-4 with Commissioners Bentley, Cogdell, Cooksey, and James, voting yes and Commissioners Clarke, Dunlap, Leake and Murrey voting no, to direct staff to review the capital budgeting process and evaluate incorporation of the City of Charlotte's methodology along with continued implementation of the County's current debt policy and pay-as-you-go strategy; and report back to the Board in November.

Commissioner James said he'd like this matter to be placed back on the next meeting's agenda but not under his name.

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

Commissioner Cooksey left the meeting and was absent for the remainder of the meeting.

(6b) (10) AMENDMENT TO THE BOARD'S HUMAN RESOURCES POLICY

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake and Murrey voting yes, to amend the County's Human Resources Policy, Hours of Work/Work Schedule, to enable the County Manager/designee to change the County's operating hours for business needs.

Note: For reasons of work curtailment (ex. inclement weather) or budget shortages, the County Manager/designee, may need to institute changes to work hour requirements and/or may implement a furlough plan for all County employees. This includes changes to work weeks, days and hours of operation of County offices, work schedules, and the number of hours employees may be scheduled to work, for as long as the County Manager deems necessary.

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

Commissioner James left the meeting and was absent for the remainder of the meeting.

CONSENT ITEMS

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to approve the following item(s) with the exception of Items 11, 19, 20, 25, 26, 27, 30, 31, 33, and 34:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held March 17, 2009 and Closed Session minutes of February 17, 2009.

(8) AUCTIONS FOR DISPOSAL OF EQUIPMENT

- 1) Approve the list (Exhibit A) included in the Board's agenda packet as surplus, and
- 2) Adopt a resolution authorizing sale of personal property by public auction on April 18, 2009.

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Resolution and List recorded in full in Minute Book 44-A, Document # _____.

(9) TAX REFUNDS

Approve refunds in the amount of \$34,745.36 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.

(10) AMENDMENT TO THE BOARD'S HUMAN RESOURCES POLICY – ITEM MOVED TO MANAGER'S REPORT SECTION

(12) REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE (MCAPCO)

Adopt revisions to the Mecklenburg County Air Pollution Control Ordinance by reference.

Note: Regulations found in the Mecklenburg County Air Pollution Control Ordinance (MCAPCO) originate from either of two sources. Some are developed by Mecklenburg County, but many are adopted by reference from State rules. This adoption will contain State rules adopted by reference.

A second reading will be required at the April 21, 2009 meeting, since all nine Commissioners were not present.

(13) FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP MAINTENANCE FUNDING

- 1) Authorize the County Manager to submit a grant request in the amount of \$883,200 with the Federal Emergency Management Agency.
- 2) If awarded, recognize, receive and appropriate grant funds and authorize the County Manager to execute that contract.
- 3) Authorize the carry-forward of unspent funds for the duration of the grant.
- 4) Authorize the County Manager to negotiate and execute a Mapping Activity Statement between Mecklenburg County and the Federal Management Agency.

(14) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate funds in the amount of \$5,605 for General Services.

Note: All reimbursements are for stolen and damaged items

(15) STATE SECONDARY ROAD PROGRAM – FY 2008-2009

- 1) Receive report from the North Carolina Department of Transportation on the Secondary Road Program for Mecklenburg County for construction to be completed during FY 2008-2009.
- 2) Approve the State Secondary Road Program for FY 2008-2009 for Mecklenburg County.

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Note: In accordance with North Carolina General Statute 136-44.9, the North Carolina Department of Transportation sends a report to the Board of County Commissioners each year concerning the paving of secondary roads under the Secondary Road Construction program, for information and approval only. The scope of the work performed on each of the roads includes grading, drainage, installing base, and paving in Mecklenburg County for the fiscal year 2008-2009. Please note that the allocation is in 2008 but the construction will be completed during FY 2008-2009. The State and Federal fiscal years run from October through September.

(16) STREET ASSESSMENT PROJECT FOR MEFFERT LANE – SET PUBLIC HEARING

Adopt a resolution of the Preliminary Assessment Rolls for Meffert Lane Road Improvements and set a public hearing for May 19, 2009, on assessing property owners on Meffert Lane for funds spent on improvement to the roadway and acceptance of the final assessment resolution and roll.

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

(17) PURCHASE AND LEASEBACK OF 3001 DUNLAVIN WAY

Adopt a Resolution to Authorize the Purchase and Lease Back of 3001 Dunlavin Way (Parcel ID: 093-13-401).

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

(18) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1. Accept the “Offer of Sale of Land” from Frank and Rachel Lorch of 7545 Valleybrook Road (Parcel ID: 187-29-112) for \$590,000.
2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

Note: This action is necessary for the purchase of a floodplain property under the Hazard Mitigation Program, as amended at the November 1, 2005 BOCC meeting. This action will purchase and remove the above property from the floodplain.

(21) PROPERTY AND LAND DONATION/LAND ACQUISITION

- 1) Accept the donation of home and land parcel 065-042-11 located at 3200 Tuckaseegee Road from the Robert E. McQuay family and convey to the Historic Landmarks Commission for Historic Preservation and resale.
- 2) Approve the Historic Landmarks Commission purchase of adjacent land parcel 065-042-05 located at 3140 Tuckaseegee Road and 065-042-04 located at 3215 Avalon Avenue from the Robert E. McQuay family for Historic Preservation and resale and recognize and appropriate up to \$60,000 for the purchase.

(22) HISTORIC LANDMARKS COMMISSION - INTERLOCAL COOPERATION AGREEMENT

Adopt a resolution approving and authorizing the County Manager to sign an Interlocal Cooperation Agreement for the Charlotte- Mecklenburg Historic Landmarks Commission

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between Mecklenburg County, City of Charlotte and Town of Davidson.

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

(23) RELEASE OF REVERSIONARY DEED RESTRICTION

Approve extinguishing the automatic reversion deed restriction on approximately 3.62 acres of land conveyed by Mecklenburg County to the State of North Carolina.

Note: The State of North Carolina (State) and the Foundation of the University of North Carolina at Charlotte, Inc. (Foundation) are proposing a land exchange to facilitate the construction of an uptown facility located in First Ward for the University of North Carolina at Charlotte (UNCC). The subject properties are Tax Parcel 080-043-07 (a parcel at the corner of E. Ninth Street and N. Brevard Street owned by the Foundation in First Ward)(Map 1) and a portion of Tax Parcels 049-311-11 and 049-311-02 (a parcel owned by the State on the main campus of UNCC)(Map 2). Tax Parcel 049-311-02 (Map 2) was conveyed by Mecklenburg County to the State in 1964 subject to an automatic reversion in favor of the County if the property is not needed and used as a reasonably necessary part of the grounds and campus of UNCC. The uptown parcel of property currently owned by the Foundation (Map 1) was purchased on behalf of the State for an uptown campus facility. However, State funds cannot be used to construct a facility on private land, thus necessitating the land exchange. As proposed, the Foundation will convey all of Tax Parcel 080-043-07 (+/- 0.8697 acre – Map 1) to the State in return for a portion (+/- 12.75 acres – Map 2) of Tax Parcels 049-311-11 and 049-311-02. The Foundation is requesting that the automatic reversion be extinguished prior to this transaction. This request to release the automatic reversion only applies to approximately 3.62 acres of Tax Parcel 049-311-02 (shaded area on Map 2).

(24) SALE OF RIGHT-OF-WAY TO NCDOT

Approve the sale of approximately 0.1 acre (+/- 4,424 sq. ft.) of Tax Parcel 025-162-99 to NCDOT for additional right-of-way along I-485 at Long Creek for \$600.

Note: While working within the I-485 right-of-way to install the NCDOT controlled access fence, the State's contractor accidentally graded and installed the fence slightly across the property line. Since the State is required to hold fee simple title to the entire controlled access area, NCDOT is proposing to purchase the acreage encroached upon based on the State's valuation of just compensation (\$6,000 per acre).

(28) CHARLOTTE MECKLENBURG REGIONAL HOUSING CONSORTIUM HOME FUNDS GRANT APPLICATION – TENANT BASED

(1) Grant approval for the Mecklenburg County Department of Social Services application for the Charlotte Mecklenburg Regional Housing Consortium HOME Funds – Tenant Based Rental Assistance Grant Application, and

(2) Recognize, receive, and appropriate grant funds, if awarded, and carry over any unspent funds to Fiscal Year 2010.

Note: The initiative will address the employment and housing needs of residents with the goal of helping families (earning at or below 30% - 40% of Area Median Income) to work towards

becoming a successful apartment or home renter or owner. The Consortium HOME Funds Grant would provide \$150,000 for this project. DSS would expect to begin the program on May 1, 2009. No County match is required.

(29) CITY FUNDING FOR COUNTY ADMINISTRATION OF CONTRACT –

COMMUNITY SUPPORT SERVICES

Recognize, receive and appropriate \$7,500 from the City of Charlotte for A Way Home.

Note: Mecklenburg County and the City of Charlotte have adopted the Ten Year Plan to End and Prevent Homelessness and have contracted with A Way Home to implement the Plan. On November 24, 2008, the Charlotte City Council authorized the City Manager to enter into a Memorandum of Understanding (MOU) with the County to expend funds on behalf of the City to A Way Home for the FY09 operating costs. The City has paid \$22,500 directly to A Way Home upon their signing of the contract leaving a balance due of \$7,500. The County makes the 4th quarter payment of \$7,500 on April 15, 2009 after A Way Home has provided its 3rd quarter performance report. City and County staff will meet monthly with A Way Home to monitor performance.

(32) CAPITAL PROJECT ORDINANCES

Amend the Pay-As-You-Go, Land Bonds Approved in November 6, 2007 Referendum and School Facilities Approved in November 6, 2007 Referendum capital project ordinances.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(11) DONATIONS FOR THE 2009 MECKLENBURG COUNTY HOMELESS VETERANS STAND DOWN

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to approve the receipt of \$3,150.00 in donations to support the operation of the 2009 Homeless Veterans Stand Down, and to recognize, receive and appropriate funds.

Note: The 2009 Homeless Veterans Stand Down was a one day event to provide aid and comfort to our veterans. About one-fourth of the adult homeless population has served their country in the Armed Services. Current population estimates suggest that about 154,000 veterans (male and female) are homeless on any given night in the nation and perhaps twice as many experience homelessness at some point during the course of a year. Many other veterans are considered near homeless or at risk because of their poverty, lack of support from family and friends, and dismal living conditions in cheap hotels or in overcrowded or substandard housing.

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

(19) SOUTHEASTERN AFRICAN AMERICAN CENTER OF EXCELLENCE IN THE ELIMINATION OF DISPARITIES IN DIABETES (SEA-CEED) GRANT

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to recognize, receive and appropriate funding of \$27,909 from the Medical University of South Carolina contracted by the CDC National Center for Chronic Disease Prevention and Health Promotion to prevent and control diabetes within the African American at risk population and carryover to FY2010 the unspent balance at June 30, 2009.

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Note: This SEA-CEED grant, SE African American Diabetes, Hypertension & Stroke REACH US Center for Eliminating Disparities, will provide funding to expand diabetes education to four (4) African-American faith-based organizations aimed at educating and training community health ambassadors creating a coalition to create culturally sensitive and tailored primary prevention initiatives in their church and community. This project will become more intensive to reduce the prevalence and morbidity of type 2 diabetes amount the target population and work to decrease the emotional, spiritual, physical and financial burden of the disease. These funds are effective from October 29, 2008 through September 29, 2009.

Commissioner Leake removed this item from Consent for more public awareness. It was addressed by Dr. Wynn Mabry, Health Director and Cheryl Emanuel with the Health Department.

(20) HEALTH DEPARTMENT REVENUE ADJUSTMENT

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes to recognize, receive and appropriate additional \$8,183 from the NC Department of Health and Human Services for the Community-Focused Eliminating Health Disparities Initiative.

Note: These additional funds from the NC Office of Minority Health & Health Disparities will provide continued support for the Community Health Trust Builders project and faith based organizations that train community health ‘ambassadors’ and provides health screenings, referrals, and medical follow-up to high morbidity populations in underserved communities in Mecklenburg County. These new funds will focus specifically on faith based capacity addressing health disparities in men’s health within the African American population.

Commissioner Leake removed this item from Consent for more public awareness. It was addressed by Dr. Wynn Mabry, Health Director and Cheryl Emanuel with the Health Department.

(25) GRANT APPLICATION – US DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN (TRANSITIONAL HOUSING)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes to (1) Approve the submission of a grant application for funding in the amount not to exceed \$500,000 for a three-year grant from The United States Department of Justice, Office on Violence Against Women Transitional Housing Assistance for Victims of Domestic Violence, Dating Violence, Stalking, or Sexual Assault, under the recent Recovery Act legislation. (2) If awarded, recognize, receive and appropriate such funds.

Note: Transitional housing for victims of domestic violence is very limited in Mecklenburg County, but the need is great. The Shelter for Battered Women, operated by United Family Services, turned away 1700 individuals, including 400 who were in imminent danger this year. Community Support Services (CSS) also assists women and children in need of housing, due to domestic violence, and served 172 mothers and children since July 1 in motels. A portion of the grant funding CSS receives is due to expire in December 2009. This grant would enable the community to meet a larger portion of the need and to effectively transition domestic violence victims to situations where they will have opportunities for greater independence and safety.

Commissioner Leake removed this item from Consent for more clarity and public awareness. It was addressed by Peter Safir with Community Support Services.

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(26) ADMINISTRATION OF CHILDREN AND FAMILIES SYSTEM OF CARE PROJECT – DSS

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes to recognize, receive, and appropriate State revenues in the amount of \$106,250 to participate in the Federal project entitled, “Improving Child Welfare Outcomes through Systems of Care;” Carry forward unspent funds to the next fiscal year.

Note: System of Care is a philosophy that uses a community-based family friendly approach to address issues of children and families based on the guiding principles of interagency collaboration, individualized care practices, culturally competent service delivery, strength based practices, and child and family involvement along with measures of accountability. The State of North Carolina has allocated \$106,250 in System of Care (SOC) No-Cost Extension (NCE) funding to Mecklenburg County. This funding amount represents Mecklenburg County’s share of the unspent dollars remaining from the five (5) year SOC Grant, which must be spent by the end of the federal fiscal year 2009 that ends September 30, 2009.

Commissioner Leake removed this item from Consent for more clarity and public awareness. It was addressed by Mary Wilson, director of Social Services.

(27) CHARLOTTE MECKLENBURG REGIONAL HOUSING CONSORTIUM HOME FUNDS GRANT APPLICATION – SENIOR HOME

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to grant approval for Mecklenburg County Department of Social Services application for the Charlotte Mecklenburg Regional Housing Consortium HOME Funds – Senior Home Rehabilitation Grant; and to recognize, receive, and appropriate grant funds, if awarded, and carry over any unspent funds to Fiscal Year 2010.

Note: The Consortium HOME Funds Grant would include a senior home rehabilitation project. The Department of Social Services is interested in participating in this Project, as an essential element of the work of DSS is to provide programming and services for its elderly population to enhance their self-sufficiency and their accessibility to available resources. DSS requests that the Consortium provide \$100,000 under the HOME Funds Grant to assist elderly homeowners who are at risk of institutionalization or loss of housing. DSS would expect to begin the program on May 1, 2009. No County match is required.

Commissioner Leake removed this item from Consent for more clarity and public awareness. It was addressed by Mary Wilson, director of Social Services and Darrel Cunningham with Social Services.

(30) GRANT APPLICATION – US DEPARTMENT OF LABOR, VETERANS’ EMPLOYMENT AND TRAINING SERVICE AWARD

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to recognize, receive and appropriate \$7,000 of funds awarded by the U.S. Department of Labor.

Commissioner Leake removed this item from Consent for more clarity and public awareness. It was addressed by Robert Weeks, director of Veteran Services.

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(31) "JAIL DIVERSION AND TRAUMA RECOVERY PROGRAM-PRIORITY TO VETERANS" GRANT

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to approve Area Mental Health, in conjunction with the State Department of Mental Health to apply for a Substance Abuse and Mental Health Services Administration (SAMHSA) grant entitled "Jail Diversion and Trauma Recovery Program-Priority to Veterans" grant. The maximum amount for this grant would be \$394,000 per year for up to five (5) years.

Commissioner Leake removed this item from Consent for more clarity and public awareness. It was addressed by Grayce Crockett, director of Area Mental Health.

(33) GOVERNOR'S CRIME COMMISSION 2ND YEAR FUNDING REQUEST

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to approve submittal of 2nd year funding request and if awarded, recognize, receive and appropriate the Governor's Crime Commission grant funding in the amount of \$52,737 for the Assistance League of Charlotte's Mecklenburg County Teen Court program.

Commissioner Leake removed this item from Consent for more clarity and public awareness. The matter was addressed by Michelle Lancaster, General Manager.

Commissioner Leake requested more details regarding the program.

(34) LOAN APPLICATION (MATCHING GRANT) - PARK ROAD PARK LAKE ENVIRONS WATER QUALITY PROJECT

Motion was made by Commissioner Dunlap, seconded by Commissioner Murrey and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to approve the submission of a loan application and adopt a resolution for funding in the amount of \$1,000,000 for a Recovery Act Loan to be administered by the State of N.C. - Division of Water Quality.

It was noted that Commissioner Cooksey removed this item from Consent but had to leave the meeting, prior to this matter being addressed.

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

STAFF REPORTS AND REQUESTS

(35) BUSINESS INVESTMENT GRANT: GMAC FINANCIAL SERVICES

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to approve the County's share of a Business Investment Grant to GMAC Financial Services (GMAC) for a total estimated amount of \$143,000 over 3 years. (Total City/County grant is estimated at \$222,000).

John Allen, Director of Economic Development addressed this matter.

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COUNTY COMMISSIONERS REPORTS AND REQUESTS

(37) NAMING OF COUNTY-OWNED FACILITIES (COMMISSIONER COGDELL)

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to direct the County Manager to develop a proposed County Facilities Naming Policy/Process and present the same to the BOCC at a future meeting.

Vice-Chairman Cogdell said he placed this matter on the agenda for the following reason: Recently the BOCC named the County's Freedom Mall facility in honor of the late Honorable Valerie C. Woodard. Since that time, several members of the BOCC have inquired into whether a formal facility naming process and/or policy exist. The discussion has continued among commissioners regarding the process by which county owned facilities are named. Therefore, I suggest the BOCC direct staff to develop a set of guidelines setting forth the criteria and process to be used by this board in the naming of any county owned facility. It is my contention that the development of a naming process would create certain minimum eligibility criteria and require the existence of a rational relationship between the facility and the person for whom it may be named.

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 Bentley, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:55 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., Vice-Chairman