

OCTOBER 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, October 6, 2009.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.
Neil Cooksey, George Dunlap, Bill James
Wilma Leake and Daniel Murrey
County Manager Harry L. Jones, Sr.
Deputy County Attorney Tyrone Wade
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.

(1) STAFF BRIEFINGS -NONE

(2A, B, C) CLOSED SESSION – A) TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A)(1), B) LAND ACQUISITION AND C) CONSULT WITH ATTORNEY

Prior to going into Closed Session, Deputy County Attorney Wade announced the following land acquisition matter to be discussed in Closed Session: Tax Parcels 023-221-13, -14, -15, -16, -17, and -18 (+/- 7.70 acres) on Neck Road.

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley 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) To prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(a) (1), B) Land Acquisition and C) Consult with Attorney.

The Board went into Closed Session at 5:50 p.m. and came back into Open Session at 6:24 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 10 and 13.

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

-FORMAL SESSION-

Invocation was given by Commissioner Murrey, 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) MECKLENBURG PARTNERSHIP - MINISTRY OF EDUCATION, SCIENCE AND CULTURE MECKLENBURG-VORPOMMERN

Motion was made by Commissioner Dunlap, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a joint resolution reaffirming the partnership agreement between Mecklenburg County and the Ministry of Education, Science and Culture Mecklenburg-Vorpommern, Federal Republic of Germany.

Note: Several officials from Mecklenburg-Vorpommern, Federal Republic of Germany were present and thanked the Board for the resolution. The resolution was read by Chairman Roberts.

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

(1B) SUBSTANCE ABUSE AWARENESS MONTH

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating October 2009 as Substance Abuse Awareness Month.

The proclamation was read by Commissioner Murrey and received by Helen Harrill, the executive director of Substance Abuse Prevention Services and Lopa Thakkar.

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

(1C) NATIONAL 4-H WEEK PROCLAMATION

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to recognize October 4-10, 2009 as National 4-H Week.

The proclamation was read by Commissioner Bentley and received by Robert B. Furr, Extension Agent 4-H Youth Development Park & Recreation and 4-H participant McKayla Heyward. They were joined at the podium by 4-H staff members Nicole Sanders and Susan Buckley.

OCTOBER 6, 2009

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

(1D) CHAMPION FOR CHILDREN AWARD

The Board recognized Area Mental Health Director Grayce Crockett for receiving the Champion for Children Award. The award was presented by the Council for Children's Rights at their annual meeting on September 21, 2009. Brett Loftis, Executive Director of the Council for Children's Rights was present and acknowledged Director Crockett's receipt of the award.

(2) PUBLIC APPEARANCE

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

Betty Allen – addressed a medical issue she's involved in with Carolina's Medical Center. Ms. Allen said she sustained an injury while at Carolinas Medical Center. Ms. Allen said her injury involved the disconnection of the inside of her throat from the esophagous. Ms. Allen said when she was discharged, she was told she had no injuries. She later found out she did. Ms. Allen said she wanted to make the public aware of what happened to her because the same thing could happen to them.

Wendell Parham, Ellen Peninger, and George Benjamin Hariston, III encouraged funding of and expansion of the jail diversion program rather than building a new jail. They said the issues of mental illness and substance abuse need to be addressed, because there are many people in the jail with these problems. Mr. Hariston commented on how he has benefited from the jail diversion program.

Sheriff Chip Bailey and Area Mental Health Director Grayce Crockett addressed jail services for inmates with mental health and substance abuse issues. Sheriff Bailey said he's not opposed to jail diversion and that he's been an advocate for diversion of those persons that do not need to be in jail. Sheriff Bailey said it's important that everyone understand it's not a jail or crime versus mental health situation; and it's not an either/or situation. Sheriff Bailey said there are a lot of dynamics that go on to bring someone into the jail system and it's not just mental health/mental illness. Sheriff Bailey said mental health and crime are not compartmentalized issues. He said these are community-wide issues that need to be addressed by the entire community.

Sheriff Bailey said this is not a matter where if you take all of those who are diagnosed with a mental illness out of the jails that it'll reduce jail beds. Sheriff Bailey said he's not sure this would happen. He said he thinks "low level" offenders can be brought out of the jail and into diversion programs that are very effective, however, he has "real hesitation" on taking violent offenders who are also diagnosed with mental illness out of the jail system because it's a more secure environment. Sheriff Bailey said a comprehensive study needs to be done regarding mental health issues within the County.

Director Crockett addressed specific services that are being provided to inmates. Director Crockett said she agrees that this is an issue that needs to be addressed and should be studied to see what the best practices are across the country; and to take the base of services that staff has developed and use that as a spring board to put recommendations before the Board about what would be best practices for Mecklenburg County for this population.

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

(3A) APPOINTMENTS

JUVENILE CRIME PREVENTION COUNCIL

OCTOBER 6, 2009

The vote was taken on the following nominees for appointment consideration to the Juvenile Crime Prevention Council:

Rev. George Banks

Commissioners Bentley, Clarke, Cogdell, Dunlap,
James, Leake, Murrey and Roberts

Voting Ceased

Gwendolyn Hester-Cohen

Chairman Roberts announced the appointment of Rev. George Banks to the Juvenile Crime Prevention Council for a two-year term expiring September 30, 2011.

Note: He is replacing Douglas Wilson.

PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6C) REPORT FROM CRISIS ASSISTANCE MINISTRIES

The Board received information from Carol Hardison, Executive Director – Crisis Assistance Ministries on the current human service needs in the community. Ms. Hardison addressed the following in her presentation:

- A sample of the rental and utility requests the agency receives, specifically for the month of August
- The number of clients seen
- The amount of financial assistance provided

Ms. Hardison said her agency has been spending a million dollars a month for the last five months.

Ms. Hardison noted that Loaves and Fishes, Community Health Services, and Goodwill have also experienced and continue to experience increases in requests.

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

Commissioner Cooksey returned to the dais.

County Manager Jones said he would continue to communicate with Ms. Hardison regarding the human services needs that her agency deals with on a daily basis. County Manager Jones said he doesn’t know if the data shared suggest that the community is close to “standing on the steps of the creation of another critical needs response fund,” but he’s concerned about what the numbers show. He’s also concerned about the approaching winter months and what that might mean for the community.

County Manager Jones said if an appropriate solution is determined, he will definitely share that with the Board and the County’s other partners in the community to help meet the need.

Comments

OCTOBER 6, 2009

Commissioner Dunlap informed Ms. Hardison that the Black Elected Officials Organization, in discussing its annual Christmas project, decided to provide proceeds from its Christmas holiday social to Crisis Assistance Ministries and one other organization this year.

Commissioner Dunlap said this was based on a recommendation from Congressman Mel Watt.

Ms. Hardison thanked Commissioner Dunlap.

Commissioner Cogdell informed the County Manager that there has been discussion amongst individual commissioners regarding what role the County can play in partnering and working with the private sector and the non-profit sector about developing a human services action plan. Also, what role does the County play when crisis situations come up that have a direct impact on the services the County provides. Commissioner Cogdell asked County Manager Jones if he needed specific direction from the Board that the County needs to make human services needs a priority in order to direct his office and the resources of the County to partner with the non-profit community and private sector partners to “get a head as best we can,” of whatever the critical needs are in the community. Or, does the County Manager feels he has that leeway based on hearing comments from various Commissioners about how important this is.

County Manager Jones said he doesn't feel he needs formal direction from the Board. He said as County Manager, he recognizes that the County is primarily a health and human services organization. He recognizes the County has a number of partners in the community, and he's heard very clearly expressions from the Board that it wants staff to consider quickly a strategy that will be comprehensive in nature, that would result in a better way to address the human services needs of the community. County Manager Jones said dialogue is already taking place and that staff will continue to stay at the table with the Board and community partners to try and make that happen.

(6A) FY11-13 STRATEGIC PLANNING PROCESS BRIEFING

Motion was made by Commissioner James, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to receive as information the briefing on the FY11-13 Strategic Planning Process and approve additional public policy workshop dates of October 27, January 26, and February 23.

Budget/Management Director Hyong Yi addressed this matter with the Board.

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

(6B) COUNTY MANAGER'S 2009-2010 STRATEGIC MANAGEMENT PLAN

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the County Manager's 2009-2010 Strategic Management Plan with the following additions as noted in red in the bullets below:



County Manager
Strategic Management Plan

Fiscal Year 2009-2010

Organizational Vision

To be the best local government service provider.

Values & Guiding Principles

- **Ethics:** We work with integrity.
- **Customers:** We serve our customers with dignity and respect
- **Employees:** We recognize employees as our most important resource.
- **Excellence:** We invest in learning and improving.
- **Teams:** We work as a team, respecting each other.
- **Accountability:** We focus on results

Personal Philosophy

It is my privilege to serve.

- Provide recommendations regarding solutions for providing law enforcement services in the unincorporated area.
- Develop a comprehensive plan for alternative solutions around mental health and substance abuse treatment for individuals currently housed in the jail. This will include additional in-jail programming and community programming.
- Attend one professional development seminar.
- Review and modify as necessary the financial management structure and processes throughout the County organization.
- Maintain the AAA bond rating
- Review the comprehensive capital planning process and provide recommendations for improvement
- Continue to review County operations to identify areas of potential cost savings, such as facility efficiency improvements, employee health care initiatives and to bring at least two proposals for substantive savings to the Board for consideration. (Offered by Commissioner Cooksey)
- To identify an accounts receivable process in the Office of the Tax Collector for managing delinquent real estate taxes. (Offered by Commissioner James)
- To work with non-profit and private community partners to develop a comprehensive and streamlined strategy to meet the

critical health and human services needs of the County. (Offered by Commissioner Cogdell)

OCTOBER 6, 2009

- To add to bullet number 4 - Review and modify as necessary the financial management structure and processes throughout the County organization “including strengthening the capabilities of the County’s internal audit department (Offered by Commissioner Clarke)

Note: Prior to the above vote, Commissioner Cooksey asked that Board members be provided the County Manager’s Strategic Plan for last fiscal year.

Also, prior to the above vote, County Manager Jones and Commissioner Clarke addressed his evaluation process.

(6D) H1N1 UPDATE

Health Director Dr. Wynn Mabry gave an update on H1N1. Dr. Mabry focused his comments around the following: 1) The incidences of H1N1 to date, 2) the severity of the illness, 3) the vaccine that has arrived at the Health Department and how it will be utilized, and 4) partnering with other providers in the community. The following was noted:

- The daily surveillance system continues.
- Per the incidence of influenza like illness through testing, it’s certain that H1N1 is prevalent in the community and the incidence is rising.
- With respect to severity, the illness has not become more severe for the general population, but its impact, particularly on those that are more vulnerable, is “certainly” there. This is why there’s the urgency to protect people through the vaccine program.
- The CDC has changed their categories and the public will begin to hear a different term rather than the pandemic flu level 6, which is describing the spread of the disease throughout the world. The CDC is now focusing on the level of the severity, sort of like what’s done with respect to hurricanes.
- The level of severity as described by the CDC is still fairly low, a level 1 out of 5 categories.
- The Health Department has received 3,600 doses of the vaccine out of a request for 160,000.
- Because the amount received was small and it’s not really the kind of vaccine that’s needed to protect the most vulnerable population, adjustments have to be made.
- The type of vaccine received was H1N1 Flu Mist.
- The CDC’s guidance with respect to who receives the flu mist versus the shot in terms of priority is different, which is changing the strategy.
- The priority population to receive the flu mist is healthy people between the ages of 2 – 24.
- The flu mist is not to be given to those that are considered high risk for complications of H1N1, such as those that are pregnant and those with chronic medical conditions. Thus, the strategy has to be adjusted to what the appropriate vaccination is for the population.
- The criteria for the mist will be healthy people between the ages of 2-24, people that are between 25-40 that are caregivers taking care of children younger than 6 months, and finally, medical personnel.
- The Health Department plans to select its medical staff that are considered most vulnerable for exposure, as well as, the medical staff of the medical community.
- The Health Department is in constant communication with the hospitals.
- The Health Department also plans to work with the women and children in the WIC Program.
- The Health Department also plans to work with CMS.
- The general population that has a medical provider and has insurance is being encouraged to contact their family physician and ask if they have the supply of vaccine that’s

OCTOBER 6, 2009

appropriate for them and their healthcare situation.

- The vaccine is coming into the community slowly and it's believed that the Health Department is currently the only provider that has received a shipment.
- The Health Department does not know when the vaccine in shot form will be received.
- The flu mist and the shot are both FDA approved, safe, efficient and effective given to the right population.
- The vaccine is free.

Comments

Commissioner Dunlap asked Dr. Mabry to comment on the safety of the vaccine.

Dr. Mabry said the process for developing the vaccine is the same process that has been used for years in developing the new seasonal vaccine every year. Further, that the pharmaceuticals producing the H1N1 vaccine are the same ones producing the seasonal.

Dr. Mabry said from a medical perspective, CDC and FDA perspective, they've already "earned" the trust and confidence of the majority of the medical community that they are producing a product through processes that have been tried and proven that are basically going to be the safest and most efficient way to protect the population against significant risk.

Dr. Mabry said he has confidence and trust in what's being done and how it's being done, such that he's going to insist that his family, his children and grandchildren take it.

Dr. Mabry said he's not going to say the vaccine has no risk because "anything you take in medicine has a risk, but the benefit is so much higher than the mild risk that individuals have experienced in the past."

Commissioner Bentley commented on the ability to adequately capture the presence of H1N1 in Mecklenburg County because she's aware that some healthcare providers are screening and some are not.

Dr. Mabry said what staff has learned watching the virus over the summer is that it came in at the "tale" end of the seasonal influenza and they were testing most people early on the onset of H1N1 experience. He said they were testing almost anyone with influenza like illness. He said the state lab was reporting a vast array of different types of viruses and one could see H1N1 "creeping" in and over the summer it has begun to dominate.

Dr. Mabry said there are sentinel providers that are testing. He said there are about 85 of these providers across the state and what has been found is that almost 98% of those tested with influenza like illness right now are H1N1. Dr. Mabry said what is occurring is that rather than waste a lot of time, effort, and expense in continuing to test people when there's over a 98% chance that they have H1N1, "we've moved beyond that," because it is the dominate virus.

Commissioner Bentley said she guess it really wouldn't change the treatment. *Dr. Mabry's response was no, it would not. He said it's a "fairly" mild illness and that most healthy people will resolve their illness in about 3-7 days, without any major medication and no need to see a physician or go to the emergency room.*

Commissioner Bentley asked was there a vaccine available at retail pharmacies. *Commissioner Murrey said the only one that's currently available is the seasonal influenza vaccine.*

Commissioner Leake asked which vaccine should be taken. *Dr. Mabry said it's being recommended that older adults take the seasonal influenza, which targets adults over 65 or starting at 50. H1N1 targets children and young adults.*

Chairman Roberts asked if the Schools plan to bring the flu vaccine to the schools. *Dr. Mabry*

OCTOBER 6, 2009

said they've layed the foundation to do that, but they don't have enough to start at this time.

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

(2B) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to

(1) Approve purchase of Tax Parcels 023-221-13, -14, -15, -16, -17, and -18 (+/- 7.70 acres) on Neck Road for \$272,700 from Johnny W. Dellinger.

(2) Approve designating Tax Parcels 023-221-13, -14, -15, -16, -17, and -18 as Nature Preserve in accordance with the 2008 Nature Preserve Master Plan Update (component of the 2008 Park & Recreation 10-Year Master Plan).

CONSENT ITEMS

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 8-0 Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to approve the following item(s) with the exception of Items 10 and 13 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held September 15, 2009, Special Meeting held August 4, 2009 and Closed Sessions held September 15, 2009 and July 7, 2009.

(8) TAX REFUNDS

Approve refunds in the amount of \$32,031.69 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.

(9) HEALTH DEPARTMENT REVENUE ADJUSTMENTS

Recognize, receive and appropriate additional revenue of \$718,089 to reflect actual state and federal allocations received by the Health Department.

(11) SIEMENS POWER GENERATION REFUND REQUEST

Authorize refund requested by Siemens Power Generation, Inc.

Note: In accordance with NCGS 105-312(k) Siemens Power Generation, Inc. has requested a refund of \$74,447.32 in property tax penalty resulting from a late listing of business personal property in 2007.

(12) FIRST WARD PARK AGREEMENT

Defer until October 20, 2009 consideration of a resolution authorizing the exchange of the

OCTOBER 6, 2009

County parcels in the County First Ward exchange block, valued at \$9,929,546, (080-063-01, 080-063-04 and 080-063-08 plus the parcels to be acquired from the City and the Board of Education for a total of +/- 3.0495 acres) to Seventh Street Investors, LLC for parcels in the Seventh Street Investors, LLC exchange block, valued at \$9,337,957, (a portion of 080-021-05 and 080-021-07 and all of 080-021-08, 080-021-10, 080-021-11, 080-021-12, 080-021-13, 080-021-14 and 080-021-15 for a total of 2.5221 acres).

(14) MEDIC CONTRACT REVISIONS – ITEM REMOVED

THIS CONCLUDED ITEMS APPROVED BY CONSENT

**(10) CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FY 2009-2010
ADOPTED BUDGET**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap to approve CMS Budget Amendments.

Note: As part of the approved FY 2010 budget, the BOCC approved a total operating funding level of \$317,367,391 for CMS. The previous allocations were established by County staff as placeholders in the budget resolution, subject to revision by CMS. The BOCC is required to approve any reallocation of funds submitted by the Board of Education that exceeds ten percent within the purpose and/or function categories of the approved county appropriation. The attached changes are the result of CMS adjustments and reductions required to adjust CMS' expenditure level to the County appropriation of \$317,367,391. These changes are only adjustments in the allocation of funds. No additional funds are being requested or appropriated. These adjustments have been approved by the Board of Education.

Commissioner Leake removed this item from Consent for clarity purposes. She asked if stimulus funds and/or Title 1 funds were included in this budget amendment. The response by Budget/Management Director Hyong Yi was no. He said what was before the Board was just the \$317 million that the County appropriates for CMS through the budget process.

Commissioner Cooksey asked what would happen if the Board did not approve the requested amendments. *The response by Director Yi was that CMS would have to abide by what the Board approved on June 16, 2009.*

Commissioner Cogdell said he would like to know why the Charter School appropriation increased. *County Manager Jones said it was because of an increase in Charter School enrollment.*

Commissioner Murrey returned to the dais.

Substitute Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and carried 5-4 with Commissioners Bentley, Cogdell, Cooksey, James, and Leake voting yes and Commissioners Clarke, Dunlap, Murrey, and Roberts voting no, to defer taking action with respect to approving CMS budget amendments until the October 20, 2009 meeting. Secondly, that when this matter comes back to the Board that the chart provided include two additional columns, 1) the Board of Education's submitted budget as presented to the Board on June 16,

2009 (total budget dollars for that category) and 2) the Board of Education's approved budget, total dollars, and 3) explanatory footnotes with respect to the deviations

OCTOBER 6, 2009

Commissioner Cooksey said he wants to be able to see what subset of those total dollars are County dollars and how those numbers have changed over time. Commissioner Cooksey said that would give the Board a “fuller” picture, rather than of what’s been presented with this agenda item.

Commissioner Cogdell said he would like to see more explanation with respect to the changes.

Note: Commissioner Bentley suggested that when the matter comes back to the Board that it include explanatory footnotes with respect to the deviations. This was accepted by makers of the above motion and likewise reflected in the above motion.

(13) REGISTER OF DEEDS ENHANCEMENT/PRESERVATION SPECIAL REVENUE FUND

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 authorize appropriating \$785,000 of fund balance in the Register of Deeds Enhancement/Preservation Special Revenue Fund for automation and preservation enhancements.

Commissioner Leake removed this item from Consent, to recognize the presence of the Register of Deeds, David Granberry.

STAFF REPORTS AND REQUESTS

(15) BUSINESS INVESTMENT PROGRAM GRANT: SCR-TECH LLC

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes and Commissioners Cooksey and James voting no, to approve a Business Investment Program Grant to SCR-Tech LLC for a total estimated amount of \$232,000 and authorize the County Manager to negotiate and execute a contract.

Note: SCR-Tech LLC regenerates selective catalytic reduction (SCR) systems used by coal-fired and natural gas power plants to reduce nitrogen oxide (NOx) emissions. SCR-Tech currently employs 45 at the former Clariant chemical plant in unincorporated Mecklenburg County. The new facility will be at 11707 Steele Creek Road. The expansion will include a minimum capital investment of \$7.8 million beginning in 2009, with potential for another \$5 million investment beginning in 2012. The expansion will create 61 new jobs within three years at an average annual salary of \$49,372, and 86% of the new positions will be hired locally.

Economic Development Director John Allen presented this matter. He was assisted by Justine Hunt with the Charlotte Chamber of Commerce.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(16) WEST CHARLOTTE AND PROVIDENCE HIGH SCHOOL SWIMMING POOLS (COMMISSIONER LEAKE)

The Board received information on the partnership between Park and Recreation and

Charlotte-Mecklenburg Schools (CMS) concerning the operation of pools at West Charlotte and Providence High Schools.

Director of Park and Recreation Jim Garges gave the report. The following was noted:

OCTOBER 6, 2009

- *Park and Recreation operated both pools from 12:00 – 6 pm, Monday - Thursday, August 3 - 20, 2009 for open swimming during the summer break.*
- *The average daily attendance at the West Charlotte High School pool was 30 citizens per day in August. A total of three citizens used the Providence High School pool in August.*
- *Park and Recreation and CMS have agreed to pilot a program at West Charlotte High School to continue use of the pool on Saturday-only for adult water fitness classes and youth learn to swim programs. This began on September 26, 2009.*
- *The CMS high school swim season runs November 2009 through February 2010 with practices and swim meets held Monday through Saturday at West Charlotte and Providence High School pools.*
- *Park and Recreation and CMS are working on plans to operate both pools daily during the summer of 2010.*

Commissioner Bentley asked about participation at Providence High School, which was addressed. She asked that the utilization of the pool be tracked.

Director Garges said staff plans to track utilization at Providence High School and if the numbers don't increase, the pool will not be kept open.

Commissioner Bentley asked about the use of CMS track fields by the general public to exercise when they're not being used by CMS. Commissioner Bentley said the track at North Mecklenburg High School and Hopewell High School are closed.

Director Garges said he would check on this, because he was not aware that any of them were closed.

NEW ITEM – POLARIS

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 add an item to the agenda regarding a recommendation from the Board's Criminal Justice Committee.

Motion was made by Commissioner Dunlap, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to direct staff to complete, in a timely manner, a study regarding the feasibility of implementing a system of selectively removing information from the Polaris, web-based land records access system for the homes of all members of the law enforcement community as identified in the letter sent to the Commissioners on August 31, 2009 requesting the County to do so. Furthermore, staff should complete a list of categories of other persons who may need to have records regarding their homes removed from the Polaris system for similar reasons.

The following comments were made prior to the above vote:

Commissioner Clarke said officials who signed the August 31st letter felt that although they're only authorized to ask for this for law enforcement personnel, consideration should also be given to offering this option to victims of crime, witnesses, and judicial officers.

Commissioner Clarke said the feasibility study should address how this would be done, the cost involved and who would do it. He said upon receiving the results of the study, the Board would then

OCTOBER 6, 2009

take action to approve this matter.

Commissioner Cogdell noted other categories of persons that perhaps should be considered as well, such as, probation officers, social workers, and others because of their profession.

Commissioner Clarke asked that staff get clarity on whether officials who sent the August 31 letter intent were that all law enforcement personnel be removed or is it to be done on an individual request basis.

(2C) CLOSED SESSION CONSULT WITH ATTORNEY

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to go into Closed Session to Consult with Attorney.

The Board went into Closed Session at 9:52 p.m. and came back into Open Session at 10:30 p.m.

COMMISSION COMMENTS – No 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 Murrey, seconded by Commissioner Bentley and unanimously carried with 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 10:30 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman