

APRIL 6, 2010

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 6, 2010.

ATTENDANCE

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

**Absent:** Commissioners Karen Bentley, Neil Cooksey, and Bill James

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**-INFORMAL SESSION-**

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

**(1) STAFF BRIEFINGS – NONE**

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

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purpose: 2B) Consult with Attorney.

*Note: 2A Business Location and Expansion was removed from the agenda.*

*The Board went into Closed Session at 5:31 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 12, 13, 16, 18, 19, and 20.

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

**-FORMAL SESSION-**

*Invocation was given by Commissioner 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**

**(1A1) FAIR HOUSING MONTH**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating April 2010 as "Fair Housing Month" in Charlotte-Mecklenburg County.

*The proclamation was read by Commissioner Leake and received by Willie Ratchford Executive Director, Charlotte-Mecklenburg Community Relations Committee, Lyn Kessie, President, Charlotte Regional Realtor Association, Andrea Granados Manager of Oak Park at Briarcreek Apartments, on behalf of the Greater Charlotte Apartment Association.*

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

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

**(1A2) CHILD ABUSE AWARENESS AND PREVENTION MONTH**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating April 2010 as "Child Abuse Awareness and Prevention" month in Mecklenburg County.

*The proclamation was read by Commissioner Clarke and received by Paul Risk, Director of Youth and Family Services and Bridget Happney of his staff.*

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

*Commissioner Cogdell returned to the dais.*

**(1A3) HEALTHCARE DECISIONS WEEK**

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating April 11-17, 2010 as "Healthcare Decisions Week" in Mecklenburg County.

*The proclamation was read by Commissioner Murrey and received by Debora Sparks, Executive Director of the Council on Aging and Peter Brunnick, CEO of Hospice & Palliative Care Charlotte Region.*

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

**(2) PUBLIC APPEARANCE**

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

Edy Raether, a family counselor, psycho therapist, and author, addressed a character building program for children called the Wings for Wishes Institute. Ms. Raether said her program facilitates healthy life choices; is a complete system of thinking; develops problem-solving skills; supports a positive belief system; encourages, empowers, and enlightens. Ms. Raether said she was seeking the Board's assistance in making the public aware of her program.

Susan Garvey, a volunteer with the Guardian Ad Litem Program for abused and neglected children and co-chair of the Guardian Ad Litem Advocacy Foundation acknowledged that April was Child Abuse Awareness and Prevention month. She said the Governor also proclaimed April as the Guardian Ad Litem Child Advocate Month. Ms. Garvey addressed the history of the Guardian Ad Litem Program. Ms. Garvey introduced three vista volunteers that will assist the Foundation in its work, Sabrina Nettles from Wisconsin, Kelsey Cander from Nebraska, and Anamita Gall from "all over the world." They each have decided to dedicate at least one year of their life to live in poverty and serve the poor in Charlotte/Mecklenburg County.

Elizabeth Harpootlian, and Kenji Kellen, consumers, spoke in support of and the continued need for Residential Support Services.

Adam Brooks addressed the BMWNC, Inc. medical waste incinerator. Mr. Brooks spoke in opposition to the renewal of BMWNC, Inc.'s permit. He presented a petition with signatures of other residents in opposition as well. Mr. Brooks said the petition supports a proposed Citizens Resolution Regarding the Incineration of Medical Waste by BMWNC in Southern Mecklenburg County. Mr. Brooks said residents impacted by the incinerator urge the Board to take "any and all necessary steps to request that a new unconditional Title V five year operating permit for the facility by the Mecklenburg County Air Quality Department NOT be renewed." Further, "if the operation of this facility cannot be prevented, increased oversight is warranted and absolutely necessary." Mr. Brooks said their resolution speaks to that need and provides measures for accountability to the community.

***A copy of the petition and resolution is on file with the Clerk to the Board.***

Catherine Mitchell on behalf of Citizens for a Healthy Environment spoke in opposition to the BMWNC, Inc. medical waste incinerator permit renewal request. Ms. Mitchell said BMWNC, Inc. did not meet the application renewal requirement. According to Ms. Mitchell an application for renewal of a permit must be submitted to the government agency nine months prior to the expiration date. Ms. Mitchell said BMWNC, Inc.'s application was due on June 22, 2008, but they didn't submit a complete application until February 16, 2009, "nearly eight full months late." Ms. Mitchell said Mecklenburg County Air Quality allowed BMWNC, Inc. to continue to operate and issued an application shield long after the permit had expired and past the timely application process. Ms. Mitchell said Citizens for a Healthy Environment would like to know why Mecklenburg County Air Quality issued the application shield.

*Chairman Roberts noted that the County's Air Quality Division was working on an update to be presented to the Board regarding the permit renewal process, the current status of things, what the Board can recommend, and what the Board can legally restrict with respect to the permit. She said the public would be kept informed.*

## **APPOINTMENTS**

### **BICYCLE COMMITTEE**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to appoint Kurt Robinson to the Bicycle Committee to fill an unexpired term expiring March 6,

2012.

*He is replacing Elizabeth Barnhardt.*

Note: The other nominees were: John Arciero, Jane Wasilewski, and Gerald Williams.

**BOARD OF EQUALIZATION AND REVIEW**

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

Damon Bidencope	Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts <i>Voting Ceased</i>
Kenneth Hammond	
Ralph McMillian	

Chairman Roberts announced the appointment of Damon Bidencope to the Board of Equalization and Review for a one-year term expiring April 7, 2011.

*He is replacing Alan Turner.*

**WASTE MANAGEMENT ADVISORY BOARD**

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

Rita Brannon	None
Christopher Brown	None
Chad Faubel	None
Daryl Goodman	None
Jacqueline Levister	Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts <i>Voting Ceased</i>
Philip O'Brien	

Chairman Roberts announced the appointment of Jacqueline Levister to the Waste Management Advisory Board to fill an unexpired term expiring March 31, 2011.

*She is replacing Jason McDaniel.*

**(4) PUBLIC HEARINGS – NONE**

**(5) ADVISORY COMMITTEE REPORTS – NONE**

**MANAGER'S REPORT**

**(6A) BUDGET UPDATE**

The Board received a budget update with respect to the condition of and outlook for the community as a part of the planning and preparation process for the FY2011 budget.

Budget/Management Director Hyong Yi gave the update.

The following was covered:

- The Economy (2002 – 2006) as it relates to the Value of Construction Permits in Mecklenburg County
- Mecklenburg County Unemployment Rate 2000 – 2007
- Mecklenburg County Population Growth 2000 – 2007
- Charlotte-Mecklenburg Schools Enrollment Growth 2000 – 2007
- Mecklenburg County's Response to Growth Factors
- Mecklenburg County Tax Revenues 2000 – 2007
- Economic Downturn and Impact on the Value of Construction Permits in Mecklenburg County
- Continued Growth in Unemployment Rate
- Economic Downturn and Impact on Service Demand
- Actions Taken to Balance Budgets
- FY 2010 Sales Tax Analysis
- Additional Budget/Public Policy Workshop Dates

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

Comments

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to approve scheduling additional Budget/Public Policy workshops on April 27 and May 25.

Commissioner Clarke requested staff provide data for 2008 – 2010 (projected) with respect to County tax revenues, as shown in the presentation for years 2000 – 2007.

Commissioner Cogdell commented on the FY2010 Sales Tax Analysis information. He said he hoped staff was taking a realistic approach when it came to revenue projections. Commissioner Cogdell said he'd rather budget low and have the harder impact and allow County departments and partners to be able to plan accordingly, than to come down three, four, six months later and have to take the kind of budget reductions the County has had to do the last two years.

County Manager Jones said staff thought it was being conservative when the budget was put together for this year. County Manager Jones said going forward next year he wants to be as conservative as he can, because he doesn't want to be back in a position mid-year of having to make adjustments. County Manager Jones said he'd rather "err on the side of caution" going forward.

County Manager Jones stated further, that if staff's evaluation means projections are going to be less than what's currently being looked at for sales tax and that number has to be adjusted down, to remember there will be a consequence for that occurring. Thus, departments and partners would have to be asked for additional reductions in order to meet revenue projections for next year.

Commissioner Cogdell said assuming current compliance with the County's debt policy, and the County's operational budget, what number does the County have to meet in order to maintain compliance with that policy. *County Manager Jones said it's 20% of the total debt to the operating budget.*

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Commissioner Cogdell asked with respect to the information provided regarding building infrastructure and expanding services and debt service payments, how much of that was attributable to additional debt or bonds being issued, and was any of that attributable to adjustable rate versus fixed rate. *Finance Director Dena Diorio said the County has had variable rate debt for many years, probably since the mid-90's. Director Diorio said when you see the increase in debt service it's really attributable to taking on new debt. Director Diorio said the variable rate debt has a lower interest rate or carries a lower interest rate than most of the County's fixed rate debt. Thus, that's not the "driver" behind the increase in the debt service.*

## COUNTY COMMISSIONERS REPORTS AND REQUESTS

### (25) CHARLOTTE-MECKLENBURG PUBLIC LIBRARY (COMMISSIONER LEAKE)

The Board received information on the Charlotte-Mecklenburg Library regarding its governance structure and salaries of the Library's executive administrators, per the request of Commissioner Leake.

*A copy of that information is on file with the Clerk to the Board.*

Commissioner Leake said it was important for the public to know that it was not the decision of the Mecklenburg Board of County Commissioners to close or propose closing libraries, that it was the decision of the Library Board of Trustees.

Commissioner Leake, as well as Chairman Roberts and other Commissioners, noted the many calls and e-mails received after action taken by the Library Board of Trustees regarding the closing of libraries.

*Note: Members of the Library Board of Trustees were present, along with the Director of the Library system, Charles Brown and members of his staff.*

Commissioner Leake said there were additional questions she wanted answered by the Library Board of Trustees and that those questions would be responded to at the Board's April 20, 2010 meeting, in order to give the Library ample time to respond.

Commissioner Leake said she would like to know how the Library Board of Trustees plan to raise the funds necessary to make up the difference between what they receive in County funding and other funding; in other words if 95% of their funding is received from the County, how do they anticipate raising the other 5% that's needed.

Commissioner Leake said she also wants to know about the leasing and ownership of Library facilities, including the number of facilities, cost of leasing, and terms of the leases.

*Note: Members of the Library Board of Trustees, Director Brown, and Library staff were invited down to the podium.*

Director Brown introduced members of the Library Board of Trustees and library staff that were present.

Commissioner Dunlap asked how was it that the community was led to believe the County Commission made the decision to close libraries. *Director Brown said he did not know. He said it was not intentional and that it could perhaps be related to the fact that so much of the Library's funding (80-95%) comes from the County.*

Library Board Chairman Robin Branstrom said she thinks the community realizes the library is funded about 85% by the County Commission.

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Library Board Chair Branstrom said the Library Board of Trustees developed several scenarios on how to address the cuts and that it was either to close branches or cut services and a lot of staff.

Commissioner Dunlap said he was disappointed because for weeks, he received e-mails and phone calls saying the County Commission closed libraries and that at no time did he hear the Library Board of Trustees publically make a statement saying that wasn't true.

Commissioner Dunlap said what disappointed him even more was that when the Board of County Commissioners had its Strategic Planning Conference, he made a motion to move the library from level 4 to level 3 and that the only support he received for that motion was from Commissioner James. Thus, he was deeply hurt by the fact that the Library Board of Trustees did not correct the information put out in the community about whose responsibility it was to close libraries.

Commissioner Dunlap said he felt the Library Board of Trustees had a responsibility to say, as soon as that information was released saying the County Commission closed libraries, that it was the Library Board of Trustees whose responsibility it was to govern libraries.

Library Board member Darryl Williams, a former County Commissioner, said he thinks the public is generally confused about who's responsible for what. Mr. Williams said none of the Library Board of Trustees led the public to believe that the County Commission made that decision. Mr. Williams said the Library Board of Trustees received calls and e-mails also. Mr. Williams said the Library Board of Trustees, nor Library staff, had any desire or interest in leading the public to believe the County Commission made that decision.

Commissioner Dunlap said he didn't accuse the Library Board of Trustees of leading the community to believe that, but once that information was out in the community, he personally feels the Library Board of Trustees had a responsibility to say to the community, that the Library Board of Trustees made that decision.

Commissioner Dunlap said to date he still has not heard that statement made.

Commissioner Cogdell referenced a news release by the Library that advised the public to call the County Commission and not members of the Library Board of Trustees. Commissioner Cogdell said "we're in this together, we're not saying that it's anybody's fault, but we wish there had been a little more dialogue and communication." Commissioner Cogdell said the news release should have said contact the Library Board of Trustees also.

Library Board of Trustees Chair Branstrom, on behalf of the Library Board of Trustees, said they were perfectly willing to be contacted by the community and welcome community input.

Chair Branstrom said they can't change the numbers, but they've tried to take those numbers and work with the County Commission to minimize the damage to the Library system and continue to serve the community the best that they can with the resources they have.

Chairman Roberts said as the chairman of the County Commission, she was committed to maintaining a viable, stellar, library system and that it may go through some transformation because of what the County is forced to do in an era of declining budgets.

Commissioner Murrey said moving forward, the County and its partners will have to start doing things differently because of budget restraints. Commissioner Murrey suggested to the Library Board of Trustees that they may want to consider using volunteers more.

Commissioner Leake asked was it correct that the County provides funding for 95% of the Library's budget. *The response by library staff was that the County funds 88%.*

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Commissioner Leake thanked the Library Board of Trustees and library staff for their presence.

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

### **CONSENT ITEMS**

**Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 12, 13, 16, 18, 19, and 20 to be voted upon separately:**

**(7) APPROVAL OF MINUTES**

Approve minutes of Regular meeting held March 16, 2010 and Closed Sessions held March 16, 2010, February 16, 2010, November 17, 2009 and November 4, 2009.

**(8) BUDGET AMENDMENT – ENTERPRISE RESERVE FUND**

Approve transfer of \$429,000 from the Fleet Reserve and \$225,000 from Technology Reserve (total of \$654,000) to the General Fund.

*Note: The County Manager directed Departments to identify 5 percent of their operating budgets to assist with the identified budget gap for FY2010. The amounts being transferred are from the undesignated balances in both reserve funds and do no impact projects currently under way in those funds. The amounts transferred to the General Fund will help meet the FY2010 budget gap.*

**(9) REVISIONS TO THE LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE**

Amend the LUESA Fee Ordinance to suspend the Sustainable Design Permit Fee (Green Permit Rebate) Program.

*Note: A second reading will be required on April 20, 2010 since all nine commissioners were not present.*

**(10) SET PUBLIC HEARING – MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE REVISIONS**

1) Approve opening a public review and comment period beginning April 6, 2010 for the proposed revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO), and

2) Schedule a public hearing as a timed item for 6:30 pm on May 18, 2010 to receive public comment and to adopt the proposed revisions to MCAPCO.

**(11) ENERGY SERVICE COMPANY SELECTION**

Approve the selection of Ameresco, an Energy Service Company, for the Jail Central and Jail North performance contracting project.

**(14) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE**



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Adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to Derrick Johnson and William Saddler, owners of One Way Hotdogs.”

*Note: Derrick Johnson and William Saddler, owners of One Way Hotdogs, submitted a proposal to lease one of the retail spaces attached to the Government District Parking Deck at 4<sup>th</sup> and McDowell Streets.*

**Resolution recorded in full in Minute Book 44-A, Document # \_\_\_\_.**

**(15) RELEASE OF REVERSIONARY DEED RESTRICTION**

Approve extinguishing the automatic reversionary deed restriction on approximately 37,151 square feet (0.85 acre) of Tax Parcel 017-411-18 conveyed by Mecklenburg County to the Charlotte-Mecklenburg Hospital Authority.

*Note: In December 1986, Mecklenburg County conveyed Tax Parcel 017-411-18 (+/- 30.62 acres) to the Charlotte-Mecklenburg Hospital Authority subject to a reversionary deed restriction in favor of the County if the property is not “used primarily for the reconstruction, improvement, alteration, repair and operation of health-care facilities or hospital facilities, or a lifecare or residential retirement center.” The property is currently the site of a nursing home. A portion of this property will now be impacted by a road widening project along Old Statesville Road and Verhoeff Drive in Huntersville. As a result, the Hospital Authority is requesting the extinguishment of the reversionary deed restriction.*

**(17) SOLID WASTE CAPITAL RESERVE PROJECT ORDINANCE**

Amend the US 521 Landfill Improvements Capital Reserve project ordinance.

*Note: This action amends the ordinance to allow for closeout of the Elon grading project and authorization for use of the remaining funds for other solid waste capital reserve projects.*

**Ordinance recorded in full in Minute Book 44-A, Document # \_\_\_\_.**

**(21) ENCROACHMENT AGREEMENT FOR REVOLUTION PARK GOLF COURSE**

Approve Encroachment Agreement with City of Charlotte to construct and install golf ball barrier fencing within a Charlotte Mecklenburg Utility (CMU) sewer easement adjacent to the driving range facility.

**Agreement recorded in full in Minute Book 44-A, Document # \_\_\_\_.**

**(22) STEWART CREEK GREENWAY DONATION AND EASEMENT**

A) Accept donation of Tax Parcel 069-041-43 (+/- 3.271 acres) from Charlotte-Mecklenburg Development Corporation.

B) Accept donation of 50’ Access Easement on Tax Parcel 069-041-41 from Charlotte-Mecklenburg Development Corporation.

C) Recognize, receive and appropriate \$35,000 from the Charlotte-Mecklenburg Development Corporation for the construction of greenway trail within the Greenway Business Park.

*Note: Actions A and B): As part of the approval process for the Greenway Business Park*

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*development located between Rozzelle's Ferry Road and West Trade Street in west Charlotte, the Charlotte Mecklenburg Development Corporation (CMDC) has agreed to donate Tax Parcel 069-041-43 along Stewart Creek to the County to add to the greenway program. Additionally, CMDC has agreed to grant the County a 50' easement on parcel 069-041-41 that will allow access from its business park and parking lot to the trail along Stewart Creek.*

*Action C): The CMDC is donating \$35,000 for the construction of a portion of Stewart Creek Greenway through the Greenway Business Park. This section of greenway trail is located in the Smallwood neighborhood and will be just under a half mile in length. It is the first phase of a greenway trail that will eventually tie into the developed section of Stewart Creek Greenway located in Seversville Park.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

**(12) RYAN WHITE PART D GRANT APPLICATION**

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 5-0 with Commissioners Clarke, Dunlap, Leake, Murrey, and Roberts voting yes, to

1) Approve the submission of a grant application for \$670,816 in Ryan White Part D funds covering an eighteen month period from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) under the Ryan White Treatment Modernization Act of 2006; and if awarded, recognize, receive and appropriate such funds.

2) Approve the creation of a new Senior Health Manager position to administer this grant.

3) Approve the allocation process involving regional participation in accordance with HRSA of the US Department of Health and Human Services guidelines.

*Note: Under the Ryan White Modernization Act of 2006, Part D funding is awarded by HRSA to provide clinical care and social support services to HIV infected women, children, infants and youth.*

Commissioner Leake removed this item from Consent for more public awareness. Commissioner Leake also asked why men were excluded as it relates to Ryan White Part D funding. Staff said they would get an answer to Commissioner Leake's question.

**(13) WIC PROGRAM LEASE**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Dunlap, Leake, Murrey, and Roberts voting yes, to authorize the County Manager to execute a lease with Sharon Lakes, Inc. for office space for the Women, Infants, and Children (WIC) program.

*Note: WIC provides food to low-income pregnant, post-partum, and breastfeeding women and children under the age of five.*

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

**(16) SET PUBLIC HEARING – NCDOT COMMUNITY TRANSPORTATION GRANT APPLICATION**

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Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Dunlap, Leake, Murrey, and Roberts voting yes, to schedule a public hearing on April 20, 2010 to receive comments on the Mecklenburg County Department of Social Services' application for the North Carolina Department of Transportation's Community Transportation Grant for Fiscal Year 2010-2011; and authorize the Clerk to the Board to publish Notice of Intent to hold public hearing.

*Note: The hearing will be at 6:30 p.m. at the Board's Regular meeting.*

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

**(18) REGISTER OF DEEDS OFFICE HOURS**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Dunlap, Leake, Murrey, and Roberts voting yes, to adopt a Resolution establishing business hours for the Register of Deeds office.

*Note: 1) Effective May 1, 2010, the Board of County Commissioners sets the office hours for the Office of the Register of Deeds as Monday through Friday 8:00 a.m. – 5:00 p.m. except for the following: (i) County holidays; (ii) inclement weather and other early closings, as determined by the County Manager and; (iii) to close for up to one business day per year (one whole day or two half-days) to conduct staff training and development activities, so long as the Register of Deeds provides 30 days public notice through the Clerk to the Board and by posting the date of closing prominently at the Office of the Register of Deeds.*

*2) Effective May 1, 2010, Marriage Services and Vault Research will be open from 8:00 a.m. until 5:00 p.m. All other direct services to customers, including Document Recording, will be offered from 8:30 a.m. until 4:30 p.m., however transactions in process at 4:30 p.m. may be completed when determined by the Register of Deeds' staff not to be disruptive to daily reconciliation procedures*

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

***Resolution recorded in full in Minute Book 44-A, Document # \_\_\_\_.***

***Commissioner Cogdell returned to the dais.***

**(19) CAROLINA VOLUNTEER FIRE DEPARTMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to authorize the Board chairman to sign the acknowledgement letter submitted by the Carolina Volunteer Fire Department, Inc. The Carolina Fire Department, Inc. and United Financial of North Carolina, Inc. are entering an agreement to finance the acquisition of one Pumper/Rescue Fire Apparatus.

*Note: Carolina Volunteer Fire Department, Inc. and United Financial of North Carolina, Inc. are asking the Board of Commissioners to consider taking this action so the appropriate paperwork may be completed to finalize this loan transaction.*

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

***Letter recorded in full in Minute Book 44-A, Document # \_\_\_\_.***

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**(20) GANG PREVENTION COALITION COMMUNITY IMPACT PROJECT GRANT APPLICATION**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to approve submission of an application to Gang of One in partnership with the Gang Prevention Coalition for a Gang Prevention Coalition Program funding grant; and recognize, receive and appropriate funds up to \$25,000 if grant is awarded.

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

**STAFF REPORTS AND REQUESTS**

**(23) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS**

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to amend LUESA Fee Ordinance to revise fees for:

- Increase base building permit fees by 4.75%
- Alteration/renovation minimum permit fee criteria
- Add fees for ABC inspections
- Revise criteria for small project B/E/M/P multi-trade
- Increase the hourly rate for OnSchedule plan review charges
- Increase Express Review fees
- Increase Fire Marshal permit fees on Hazardous Materials and other Fire Marshal related items.

*Director of Land Use and Environmental Services Agency Cary Saul and Chairman of the Building Development Commission John Morris addressed this matter.*

***Note: A second reading will be required on April 20, 2010 since all nine commissioners were not present.***

Comments prior to the above vote.

Commissioner Dunlap asked how does staff justify requesting a fee increase if the department has already reduced staff to accommodate the current workload. *Director Saul said the current fee structure worked very well when there was a lot of construction and large projects, and revenues far exceeded what the expenses were to keep up those projects. Director Saul said the large projects subsidized the small projects under the current fee system. Director Saul said the problem was that those large projects don't exist anymore, therefore, what the County was left with were projects whose fees don't pay for the cost of the service.*

Director Saul said if fees are not increased then the department's budget would be further reduced and would result in the lost of 15 – 20 additional staff. He said the department would not be able to provide the level of service that the industry wants at that staffing level.

Director Saul said one of the things that encouraged the Building Development Commission to support the increases was because, from an industry perspective and in a down economy, they don't want delays in getting permits and inspections completed.

John Morris, Chair of the Building Development Commission echoed Director Saul's comments regarding service delays and the negative impact that would have on the industry and thus the economy.

Commissioner Clarke asked about the effective date of the increases. *Director Saul said they*

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would become effective upon adoption.

Commissioner Clarke asked about the estimated total value of construction permits issued between July 1, 2010 and June 30, 2011. *Director Saul said in light of the current economy, it's hard to predict and that based on where things currently stand, staff was not budgeting for any increase in construction value for next year. Thus, his guess would be \$1.5 billion in construction value.*

Chairman Roberts asked how long had it been since the permit fees were increased for Hazardous Materials and other Fire Marshal related items. *The response was not since 1992.*

Commissioner Cogdell asked about reduction of staff and service level, which was addressed.

**(24) BUSINESS INVESTMENT PROGRAM GRANT: SIEMENS ENERGY, INC.**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to approve a Business Investment Program grant to Siemens Energy, Inc. for a total estimated amount of up to \$10,892,850 and authorize the County Manager to negotiate and execute a contract.

*Note: This project involves the relocation of Siemens' gas turbine manufacturing and engineering operations, currently located in Hamilton, Ontario, Canada (manufacturing) and Orlando, FL (engineering). The project will include a capital investment of up to \$170 million beginning in 2010. The investment will be in real estate, building improvements and new business personal property. It will create up to 825 new jobs with a projected average salary of approximately \$60,000.*

*The County's grant is equal to 90% of the taxes that will be paid by Siemens over the first five years of the grant term, and 50% of the taxes paid over the next five years. Should the company create 825 new jobs by the end of the fifth year, instead of the 650 jobs necessary for the 90%/50% grant, the amount of the grant will be 90% during the second five year period instead of 50%. The grant will be subject to the County's standard contract provisions, including compliance requirements for the company related to job creation targets and clawback provisions. A fiscal impact analysis was run for this project, and it indicates a present value of net benefits to the County of \$1,407,799 over 10 years. Both the City of Charlotte and the State of North Carolina will provide financial assistance to this project.*

Economic Development Director John Allen presented this matter to the Board.

**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 Cogdell, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:50 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman