

MAY 5, 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 Wednesday, May 5, 2010.

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.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None.

-INFORMAL SESSION-

Commissioner Cogdell was absent when the meeting was called to order and until noted in the minutes.

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

(1) STAFF BRIEFINGS - NONE

(2A) CLOSED SESSION – CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: Melanie S. Sizemore, Clifton G. Settlemyer, Dawn Ballenger and Peter E. Tart on behalf of themselves and all other taxpayers and citizens of Mecklenburg County, Eli Baxter Springs, IV, individually and on behalf of all other Heirs, and the Historic Elizabeth Neighborhood Foundation vs. Mecklenburg County, the City of Charlotte, and the Trustees of Central Piedmont Community College.

Motion was made by Commissioner Bentley, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, 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 5:27 p.m. and came back into Open Session at 5:51 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

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The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 11, 14, 15, 24, and 27.

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

-FORMAL SESSION-

Chairman Roberts called this portion of the meeting to order.

Commissioner Murrey was away from the dais until noted in the minutes.

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

Commissioner Murrey entered the meeting during introductions.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A1) OLDER AMERICANS MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating May 2010 as “Older Americans” month in Mecklenburg County.

The proclamation was read by Commissioner Leake and received by Rodney Adams with the Department of Social Services and Debora Sparks with the Council on Aging.

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

(1A2) FOSTER CARE AWARENESS MONTH

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating May 2010 as “Foster Care Awareness” month in Mecklenburg County.

The proclamation was read by Commissioner Bentley and received by Richard Buchanan with the Department of Social Services and Susie Richards with the Mecklenburg County Foster Care Association.

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

(1A3) LAW ENFORCEMENT WEEK

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating May 9-15, 2010 as Law Enforcement Week in Mecklenburg County.

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The proclamation was read by Commissioner Dunlap and received by law enforcement representatives from the Sheriff's Office, the Town of Huntersville, Alcoholic Beverage Control Board, Charlotte/Mecklenburg Schools, and the Town of Cornelius.

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

(1A4) DRUG COURT MONTH

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating May 2010 as Drug Court Month in Mecklenburg County.

The proclamation was read by Commissioner Clarke and received by Judge Lisa Bell, Judge Theo Nixon, Judge Yvonne Mims-Evans, Drug Court Treatment Program Director Janeanne Tourtellott and Rosalyn James of her staff.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

**(29) RESOLUTION OF SUPPORT FOR VETERANS BOND, STAMP AND COIN
(CHAIRMAN ROBERTS)**

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a resolution supporting an initiative requesting that the U.S. Congress implement a new government bond, stamp and coin program, the proceeds from which shall be used exclusively for those warriors and their families who have borne the brunt of preserving our freedoms and extending those freedoms throughout the world.

RESOLUTION OF MECKLENBURG BOARD COUNTY OF COMMISSIONERS

WHEREAS, the nation is blessed with men and women who voluntarily swear an oath to defend the Constitution of the United States of America against all enemies, foreign and domestic; and

WHEREAS, these men and women make great personal sacrifices in the name of our Constitution, thereby ensuring the perpetuation of our individual liberties; and

WHEREAS, these same men and women voluntarily make great sacrifices to carry democracy and extend freedoms we enjoy to the underprivileged of the world; and

WHEREAS, some of these men and women will incur great personal hardships and catastrophic injury in the performance of their duties; and

WHEREAS, we feel duty to honor, support and provide relief to these warriors, and their families;

NOW, THEREFORE, BE IT RESOLVED, That the Mecklenburg County Board of Commissioners does hereby resolve its total and unequivocal support of an initiative implementing a new government bond, stamp and coin program, the proceeds from which shall be used exclusively for those warriors and their families who have borne the brunt of preserving our freedoms and extending those freedoms throughout the world.

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

Prior to the above vote, Garland Denny addressed this issue. He asked the Board to support this effort. Mr. Denny is a Korean War Veteran, who served on board the U.S.S. Franklin D.

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Roosevelt. He was introduced by Veteran Services Director Robert Weeks.

(2) PUBLIC APPEARANCE

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

Ms. Jerry Mudge addressed the hazards of cell phone use while driving.

A copy of a handout from Ms. Mudge is on file with the Clerk to the Board.

Glen Stephens spoke in support of libraries and how beneficial they are to persons with disabilities.

(3) APPOINTMENTS - NONE

Commissioner Cogdell entered the meeting.

PUBLIC HEARINGS

(4A) STREET ASSESSMENT PROJECT - FARMWOOD NORTH /STONE MOUNTAIN SUBDIVISION

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to continue a public hearing on the Assessment of property owners in the Farmwood North/Stone Mountain Subdivision for funds spent on the improvement to roadways so as to bring them to acceptable standards for maintenance by the North Carolina Department of Transportation (NCDOT).

The following persons appeared to speak in opposition: James O'Brien, Kyle Clark, and Brad Martone.

Mr. O'Brien read nine questions he would like answered with respect to this matter.

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

Mr. Clark said he would like to see a copy of the signed petition with respect to this matter. Mr. Clark said he would like to know who oversaw the construction and who released the bond and when.

Mr. Clark said the subdivision was completed in September 1989 and that he moved in his home in December 1989. Mr. Clark said no construction occurred in the subdivision in 1990. He said it resumed in 1991.

Mr. Clark said issues with the road surfaced in 1995 and that the County was contacted in 1996. Mr. Clark said he felt the County messed up in the inspection process and now residents have to pay for it.

Mr. Clark said it's his understanding that Desmond Cole with Land Use and Environmental Services Agency and County Manager Jones communicated with Mr. Green, who was, at that time, president of the homeowners association, about these issues. Mr. Clark said no one from the homeowners association communicated with the property owners. Mr. Clark said the original estimate to fix all of the roads in the subdivision was over \$400,000, but apparently Mr. Green, Mr. Cole, and Manager Jones made the decision to only repair some of the roads and spend only \$127,000. Mr. Clark said Mr. Green did not have the authority to obligate anyone but himself for those repairs. Mr. Clark said parts of the subdivision have never been fixed. Mr. Clark said he

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wanted to know if the City of Charlotte accepted those streets when they annexed the area.

Mr. Clark addressed Charlotte-Mecklenburg Utility Department (CMUD) taking over the water system from a company called Aqua Water. He asked if CMUD was assessed and/or Aqua Water who still handles the sewer system.

Mr. Clark asked the Board to defer making a decision until all questions have been answered and to make sure that what the County was doing was legal. Mr. Clark said if the County wasn't on legal grounds, then he could assure the Board that this matter was not over.

Mr. Clark said at the very least when the Board votes to assess, that homeowners should be given the 30% discount that per the County's website was available. He said the Board should also charge less than 8% interest.

Mr. Martone said he was appearing for those like himself that moved in the subdivision years after this had occurred. Mr. Martone said he was not aware of the assessment until he received the letter. He said those who lived there at the time the work was completed should have been billed and not current residents.

Comments

County Manager Jones recommended the Board continue the public hearing until the Board's June 1, 2010 meeting. He said this would allow staff time to respond to all of the questions and to meet with residents to address all of their concerns.

Commissioner Dunlap suggested a community meeting be held to address the concerns of the residents rather than trying to address the issue during a Regular meeting.

Dave Canaan, director of Storm Water Management, said he would speak with the residents that appeared tonight and schedule a meeting with the neighborhood to address any concerns.

Commissioner Cooksey asked about the process, specifically as it relates to the timeframe in which this matter was placed before the Board.

Director Canaan addressed the timeline. Director Canaan acknowledged that starting around January 2009, the County "really held all of the cards." Director Canaan said this matter fell to the "back burner" and the County did not get back on the project until December. Thus, it sat within the department for about eleven months without the assessment being started.

Commissioner Cooksey encouraged Director Canaan to look at ways in which things could be done differently to speed up the process.

Commissioner Clarke noted that the assessment process was governed by state law and not by County procedures. Commissioner Clarke suggested, in an effort to improve the process, that the Board consider asking the state to amend the applicable statute, so that the levy would be made shortly after the petition was submitted. Commissioner Clarke said this way it becomes a lien against the property.

Commissioner Clarke said if you have an estimated cost of the construction you could levy based upon that estimate so that people start paying immediately as opposed to waiting until all of the work was completed, the state accepts it and then you impose the levy.

Commissioner Clarke suggested staff review the state law and see if something could be added at some point to the County's legislative agenda regarding recommended changes with respect to this provision.

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Motion was made by Commissioner Cooksey, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to continue a public hearing on the Assessment of property owners in the Farmwood North/Stone Mountain Subdivision for funds spent on the improvement to roadways so as to bring them to acceptable standards for maintenance by the North Carolina Department of Transportation (NCDOT) until the Board's June 1, 2010 meeting at 6:30 p.m.

ADVISORY COMMITTEE REPORTS

(5A) CHILD FATALITY PREVENTION AND PROTECTION TEAM 2009 ANNUAL REPORT

The Board received the Community Child Fatality Team Annual Report as mandated by North Carolina State statute 7B-1406.

Note: The Mecklenburg County Community Child Fatality Prevention and Protection Team (CFPPT) presents this report each year to allow the Board of County Commissioners to learn more about causes of death among all infants and children in the county, and the ways this Team and partner agencies are working to prevent future deaths.

Libby Safrit, chair of the Mecklenburg County Community Child Fatality Prevention and Protection Team presented the report. She was joined at the podium by Sara Lovett, Epidemiologist with the Health Department.

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

Comments

Chairman Roberts on behalf of the Board thanked Ms. Safrit for the report.

Commissioner Cogdell commented on the child mortality rate and asked was any data collected based on economic conditions, household income, and access to health care. Commissioner Cogdell also asked Ms. Safrit to comment on the child death rate difference between minorities and whites.

Ms. Safrit said nationally as a data trend, it's known that there is a disproportionate representation of poverty amongst minorities. Thus, unfortunately, it would make sense that it would show up with respect to this matter.

Ms. Lovett said for the purposes of this report, no data was collected on access to health care, but the department does have information it could share with the Board regarding pre-natal care by race.

Commissioner Cogdell said he would also like to see data based on socio economics, if it's available.

This concluded the discussion. The above is not inclusive of every comment but is a summary.

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.

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Budget/Management Director Hyong Yi gave the update. The update focused on the Law Enforcement Service District.

County Manager Jones said continuing down the path of paying for law enforcement services was inconsistent with the reason the law enforcement service district (LESD) was created.

County Manager Jones said the LESD was created to avoid the tax equity issue. County Manager Jones said at one time the County had its own police department which was paid for through the general taxes of the County but citizens of the City of Charlotte, who had their own police department, were not benefiting from the tax that they were paying. Thus, this process was created.

County Manager Jones said the County must find a way that's different from what's currently being done or use the option that's available, which would be to impose the tax on the citizens in the unincorporated area only.

County Manager Jones said his position again this year would be that based on the direction he received from the Board to limit tax increases that not having a tax increase for the unincorporated residents would be consistent with the recommendation that he would be making to the Board.

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

Comments

Commissioner Dunlap said he concurred that the County can't continue to go down this path. He said this matter should not be taken off the table during budget discussions.

Commissioner Bentley concurred with Commissioner Dunlap that discussion needed to take place regarding this issue. Commissioner Bentley said for her it's a service issue.

Commissioner James said for him it's a service issue and tax fairness issue. He said persons in the suburbs are paying for an urban police department.

Commissioner Murrey said something needed to be done with respect to this issue, and he's inclined to charge the residents for this service. Commissioner Murrey said this seemed more like an enterprise fund or fee instead of a tax. Commissioner Murrey said it's incumbent upon the Board to make sure that the Board doesn't do this again. He said the County should charge "full freight" or find another way to do this.

Commissioner Murrey said he's uncomfortable going two years in a row subsidizing, when it's known that it's inequitable to do so.

Commissioner Clarke suggested the presentation made by Director Yi at a previous board meeting that showed the history of how the County got where it is and what the current situation is, be shown at the budget public hearing on May 27, 2010, prior to receiving public comment.

Commissioner Clarke said this would provide some context for those that plan to speak, so that they'll know what the County was faced with.

It was the consensus of the Board that this be done.

This concluded the discussion. The above is not inclusive of every comment but is a summary.

(6B) CHAIRMAN UPDATE ON CHARLOTTE AREA TRANSIT SYSTEM (CATS)

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Chairman Roberts, the Board's representative on the Metropolitan Transit Commission gave an update regarding CATS FY 2011 Preliminary Transit Operating Budget and FY 2011-15 Preliminary Transit Capital Improvement Plan. An update was also given on CATS Human Services Transportation Program.

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

Comments

Commissioner Dunlap asked had there been any discussion about the possibility of having transit police. Commissioner Dunlap noted that CATS replaced Charlotte-Mecklenburg Police officers with private police, which he thinks is a little different because they don't have the power of arrest. Commissioner Dunlap questioned whether the use of private police provided the level of safety that's needed.

Chairman Roberts said that matter had been discussed. She said most of the incidences on CATS have been when persons have refused to get off for failure to pay. Chairman Roberts said she would follow-up on this and report back.

Commissioner Leake asked how was information being provided to the general public regarding the availability of human services transportation. She also asked about duplication of services.

Director of Social Services Mary Wilson addressed this matter.

Commissioner Bentley asked about the Department of Social Services Elderly General Purpose transportation and the funding of that program, which was addressed by Chairman Roberts and Director Wilson. *It was noted that this was funded mainly through the half-cent sales tax, but there was some County funding.*

Commissioner James asked how much was the per trip fee for Elderly General Purpose transportation. *Director Wilson said customers were usually charged a \$1.50 per trip.*

Commissioner James asked had any consideration been given to increasing that amount.

Director Wilson said consideration was being given to going to a fixed route system where seniors could be encouraged to use the fixed route bus system.

Commissioner James asked for clarification with respect to the Special Transportation System (STS) and the DSS Transportation System. *Director Wilson said STS was an ADA requirement for CATS and that DSS Transportation System was required by Medicaid.*

Commissioner James asked was it correct the Elderly General Purpose transportation program was not mandated and could be cut if necessary.

Commissioner James said he felt the fee should be increased for the Elderly General Purpose transportation program. He asked when was the last time the fee was increased. *Director Wilson said she would check and report back.*

Director Wilson said the intent of the Elderly General Purpose transportation program was to help people "age in place." Thus, if they're "aging in place" it would be less expensive for the county and the state in lieu of persons going into nursing homes or assisted living homes.

Commissioner James said he would like to know the number of rides per person.

Commissioner James said discussion was needed around how many trips per month would a person be allowed.

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Commissioner James said he wanted to know the zip code of origin for riders. *Chairman Roberts said that information was being gathered and that it's her understanding that Matthews uses more services than its taxes provide.*

Commissioner Cogdell asked Director Wilson to comment on the eligibility requirements for the Elderly General Purpose transportation program which she did.

This concluded the discussion. No action was taken or required.

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

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 11, 14, 15, 24, & 27 to be vote upon separately.

(7) APPROVAL OF MINUTES

Approve minutes of Regular meeting held April 20, 2010 and Closed Session held April 20, 2010.

(8) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

Adopt a resolution to submit Three-Year Consolidated and One-Year Annual Action Plan to the U.S. Department of Housing and Urban Development in accordance with CDBG grant requirements.

Note: Mecklenburg County was notified in August 2009 that the County had become eligible for entitlement funding from the U.S. Department of Housing and Urban Development. The BOCC recognized, received and appropriated up to \$750,000 grant amount at the September 15, 2009 meeting. The actual allotment for (FY2011) is \$515,368. Grant funds can be used in low and moderate income areas to fund infrastructure improvements, help rehabilitate housing and promote economic development. The County must complete and submit a Three-Year Consolidated Plan and an Annual Action Plan to qualify for the CDBG funds. The Towns of Cornelius and Matthews are participating in the Entitlement Program with the County.

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

(9) INTERLOCAL AGREEMENT FOR WATER QUALITY PROTECTION

Adopt a resolution authorizing the Execution of Storm Water Services Interlocal Agreements with the Charlotte-Mecklenburg Board of Education and Central Piedmont Community College.

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RESOLUTION AUTHORIZING EXECUTION OF STORM WATER SERVICES INTERLOCAL AGREEMENTS WITH THE CHARLOTTE- MECKLENBURG BOARD OF EDUCATION AND CENTRAL PIEDMONT COMMUNITY COLLEGE

WHEREAS, Mecklenburg County (County) and the Charlotte-Mecklenburg Board of Education (CMBE) and Mecklenburg County and Central Piedmont Community College (CPCC) wish to enter into interlocal agreements for water quality services; and

WHEREAS, CMBE, CPCC and the County have the power pursuant to General Statute 153A-445(a)(1)

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and Article 20 of Chapter 160A of the North Carolina General Statutes to contract with the other for the exercise of any governmental function which they have been granted the power to exercise alone, and to enter into interlocal cooperation agreements to specify the details of these undertakings; and

WHEREAS, CMBE and CPCC have requested that the County conduct the activities necessary to fulfill the National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit requirements for CMBE and CPCC with the understanding that CMBE and CPCC will cooperate with the County in the completion of specific activities at their facilities to ensure permit compliance, including but not limited to proper maintenance and housekeeping as well as pollution prevention measures and other best management practices as specified in the attached agreement; and

WHEREAS, N.C. Gen. Stat. § 160A-461 requires that such agreement "...shall be ratified by resolution of the governing board of each unit spread upon its minutes"; now, therefore, be it

RESOLVED by the Board of Commissioners of Mecklenburg County does hereby approve the Water Quality Services Interlocal Agreements with CMBE and CPCC and authorizes the County Manager to executed such Agreements in substantially the forms attached to this resolution and that this resolution shall be spread upon the minutes.

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

(10) MINT MUSEUM OF ART

Authorize the County Manager to execute an acknowledgement of the City of Charlotte's lease to the Mint Museum of Art for a portion of Eastover Park that the City dedeed to the County as part of the parks consolidation.

(12) DESTRUCTION OF DOCUMENTS (TAX ASSESSOR'S OFFICE)

- 1) Approve updated Records Retention and Disposition Schedule for County Tax Administration and Amendments.
- 2) Approve the disposal/destruction of tax assessment documents in accordance with North Carolina Records Retention and Disposition Schedule (see attached list of records).

Note: The North Carolina Department of Cultural Resources has revised the Records Retention and Disposition Schedule for County Tax Administration. The Board of Commissioners is required to approve and sign off on the new schedule and amendments.

A copy of the Schedule and Amendment is on file with the Clerk to the Board.

(13) AMENDMENT TO EXCHANGE OF LEASEHOLD INTERESTS WITH FIBER MILLS, LLC

Authorize the County Manager to negotiate and execute an "Amended and Restated Agreement Exchanging Leasehold Interests" with Fiber Mills, LLC.

Note: On February 5, 2008, the Mecklenburg County Board of Commissioners adopted a resolution declaring its intent to exchange leasehold interests with Fiber Mills, LLC, developers of the NC Music Factory entertainment complex. The agreement between the County and Fiber Mills entailed Fiber Mills leasing 15,578 square feet of property from the County to build an amphitheatre for use at the NC Music Factory complex, and the County leasing 17,757 square feet of property from Fiber Mills for use as a parking lot in connection with the County's fleet management facility, located at 900 W. 12th Street. Subsequently, the County executed a 10-year agreement exchanging leasehold interests with Fiber Mills.

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Since then, NC Music Factory has experienced growth in its business at the location, and has determined that the 17,757 square feet of property that it leases to the County would better serve the complex if it were used by patrons of the entertainment complex. Fiber Mills has requested amending the agreement it entered into with the County in 2008 by substituting the property it is leasing to the County with Tax Parcels 078-425-02 and 078-425-09, which are adjacent to the fleet management facility. The substitution property totals 0.368 acres (or 16,030 SF) and is bounded by Hamilton Street and Brookshire Blvd.

Fiber Mills has agreed to make improvements to the substitution property prior to the County taking possession of the property, including but not limited to providing a finished compacted surface, secure fencing, and new lighting poles. All other terms and conditions of the original agreement will remain in effect.

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

(16) N.C. COMMUNITY CONSERVATION ASSISTANCE PROGRAM GRANT

1) Approve, recognize, receive and appropriate \$3,184 in reimbursement grant funding for the costs associated with the installation of 29,840 square feet of riparian forest buffer/riparian herbaceous cover along the stream bank of Latta Park (Dilworth).

2) Approve carry forward of the unspent grant funds at June 30, 2010 to the next fiscal year.

(17) SET PUBLIC HEARING – STORM WATER FEE FOR TOWN OF DAVIDSON'S MINOR SYSTEM RATES

Set a public hearing on May 18, 2010 on proposed changes in the Minor System component of the Town of Davidson's Storm Water fee.

(18) SET PUBLIC HEARING – STORM WATER FEE FOR THE CITY OF CHARLOTTE'S MINOR SYSTEM RATES

Set a public hearing on May 18, 2010 on proposed changes in the Minor System component of the City's Storm Water fee.

(19) ALEXANDER NEIGHBORHOOD PARK EXPANSION

Approve purchase of Tax Parcel 081-095-06 (residential lot) on East 15th Street for \$47,000 from Todd A. Bluemke.

Note: Acquisition of the subject property, located on East 15th Street in the Belmont community, is proposed as part of the land assemblage associated with Alexander Neighborhood Park and Little Sugar Creek Greenway.

(20) MCDOWELL NATURE PRESERVE EXPANSION

1) Approve purchase of approximately 12.0 acres of Tax Parcel 199-041-23 off Soldier Road for \$25,000 per acre from Deborah W. Walters and J. Barrett Walters.

2) Approve designating that +/- 12.0 acres of Tax Parcel 199-041-23 as Nature Preserve in accordance with the 2008 Nature Preserve Master Plan Update (component of the *10-Year Park & Recreation Master Plan*).

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Note: The subject property is the eastern portion of a parcel located along the northern boundary of McDowell Nature Preserve. The property to be acquired is undeveloped, forested and includes a small pond. A Duke Energy utility right-of-way encumbers approximately one acre along its eastern boundary. This parcel is immediately adjacent to the 150-acre grassland/prairie restoration site in the nature preserve which is being actively managed for the preservation of numerous rare plant and wildlife species. Acquisition of this property will provide an opportunity to buffer this critical habitat from encroachment and future development.

(21) SUGAR CREEK GREENWAY ACQUISITION

Approve purchase of +/- 3.4 acres of Tax Parcel 143-211-31 on Center Park Drive for \$30,000 per acre from S&R Investments, LLC.

Note: The subject property, located on Center Park Drive in southwest Mecklenburg County, is proposed for acquisition as part of the plans for the future 2.3-mile segment of Sugar Creek Greenway between Billy Graham Parkway and South Tryon Street.

22) AMENDMENT - MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE

Approve an amendment to the Mecklenburg County Solid Waste Fee Ordinance.

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

(23) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS AND BUILDING-DEVELOPMENT ORDINANCE REVISIONS

Amend LUESA Fee Ordinance and Building-Development Ordinance to create a five percent permit fee surcharge on commercial projects only, dedicated to technology development.

Ordinances recorded in full in Minute Book 44-A, Documents # _____ and _____.

(25) CPCC – RESOLUTION REGARDING A GUARANTEED ENERGY SAVINGS CONTRACT

Adopt a resolution acknowledging the execution and delivery by Central Piedmont Community College Board of Trustees of a guaranteed energy savings contract.

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

(26) INTENT TO LEASE – CADILLAC STREET GOLF DRIVING RANGE PROPERTY

Approve a declaration of intent to enter a lease agreement with the Cadillac Golf Ranch, LLC for the development and operation of a golf driving range, golf instruction, retail golf equipment sales, golf club repair and limited food and beverage services facility.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

STAFF REPORTS AND REQUESTS

(28) TEN-YEAR PLAN TO END AND PREVENT HOMELESSNESS

The Board received as information the proposed implementation strategy and timeline for Charlotte-Mecklenburg's Ten-Year Implementation Plan to End and Prevent Homelessness.

The report was presented by General Manager Michelle Lancaster.

Note: On April 17, 2007, the Board of Commissioners received as information the Ten Year Implementation Plan to End and Prevent Homelessness and asked staff to work to take the next steps as outlined in the report. The Plan is mandated by the U.S. Department of Housing and Urban Development (HUD) and is a requirement for receiving federal funds.

The Plan goals are:

- 1) Housing – get homeless families and individuals into appropriate and safe, permanent housing as soon as possible;*
- 2) Outreach and Engagement – Link chronic homeless to housing, treatment and services through intensive outreach and engagement; and*
- 3) Prevention – promote housing stability for those families and individuals most at risk of becoming homeless.*

Mecklenburg County, the City of Charlotte and The Foundation for the Carolinas contracted with the Lee Institute to research the implementation of other Ten-Year Plans. Their research provided findings in the following categories:

- 1) Current Environment*
- 2) Community Perceptions*
- 3) Structures in Comparable Communities*
- 4) Observations from the Review of the Plan*
- 5) Leadership Recommendations*
- 6) Impact of Recommendations on Current Organizations*

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

Comments

Commissioner Dunlap asked for clarification on the City of Charlotte's preference to eliminate the nominations from the Foundation for the Carolinas, which was addressed.

Commissioner Dunlap said the City of Charlotte may want to reconsider that because of the money the Foundation for the Carolinas controls and whose money it is. Also, that the faith based community needed to be a part of this, in light of the number of churches in Mecklenburg County and the thousands of people they represent.

Patrick Mumford, Key Business Executive with the City of Charlotte said the suggestion was not to eliminate the faith-based or donor organizations. He said the idea was to go back to what was in the ten-year plan, which was that appointments come from just the City of Charlotte and the County. Further, their recommendation was to include the Foundation for the Carolinas and faith-based organizations because of their heavy involvement with this issue. Mr. Mumford said they would continue to have that involvement as a result of either the City or County making sure through the appointment process that they're represented.

Commissioner Leake asked was this a joint venture between the County and the City of Charlotte. *General Manager Lancaster said yes and that the County's commitment was around supportive services.*

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Commissioner Leake asked was the County being asked to contribute financially, any additional costs. *General Manager Lancaster said no.*

Commissioner Leake asked how much and who paid for the Lee Institute's cost. *General Manager Lancaster said it was paid by the Foundation for the Carolinas and was approximately \$9,000.*

No action was taken or required.

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

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

(11) BUDGET AMENDMENT – HEALTH (RYAN WHITE GRANT FUNDING)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to:

- 1) Recognize, receive and appropriate the remainder of the Year Four grant funds of \$1,246,530 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.
- 2) Approve the allocation process involving regional participation in accordance with HRSA of the US Department of Health and Human Services guidelines.

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

(14) HIV PREVENTION PROJECT GRANT APPLICATION

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the submission of a HIV/STD Prevention Project application for \$100,000 each year for a three year period from the NC Department of Health and Human Services effective October 1, 2010; and if awarded, recognize, receive and appropriate such funds.

Note: This new funding through the NC Department of Health and Human Services will provide HIV/STD Counseling and Testing services in substance abuse treatment centers in Mecklenburg County. Clients will be linked to a continuity of care including case management and clinical services as needed. There is no county match required.

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

(15) BUDGET AMENDMENT - SHERIFF'S OFFICE (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to:

1. Recognize and appropriate for the Sheriff's Special Revenue Fund, \$76,439 from Inmate Commissary.
2. Recognize and appropriate for Sheriff's Special Revenue Fund, \$660,351 from Concealed Handgun Permit Fees.
3. Recognize and appropriate for Sheriff's Special Revenue Fund, \$58,115 from Vocational

Facility Telephone Revenue.

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

(24) FY2011 PARK AND RECREATION FEES AND CHARGES – REVISIONS AND ADDITIONS

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the schedule of revisions and additions of fees and charges, which has been incorporated into the FY2011 proposed operating budget.

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

A copy of the list of fees and charges is on file with the Clerk to the Board.

(27) REORGANIZATION OF LR CHARLOTTE PARTNERSHIP

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the transfer of general partnership interest in LR Charlotte Partnership from LR Charlotte Operating Company LLC to Horizon Acquisition Corp., a for-profit corporation of the Charlotte Housing Authority.

Note: Little Rock Apartments, Charlotte, NC is a multi-family housing project for which the County provided conduit financing in 2003. The Charlotte Housing Authority has determined that it is in their interests to purchase the general partnership interest of LR Charlotte Operating Company, LLC. This purchase will transfer the general partnership interest to Horizon Acquisition Corp. Horizon Acquisition Corp. is a for-profit corporation of the Charlotte Housing Authority. The bonds issued by the county are secured by a Multifamily Deed of Trust, Assignment of Rents and Security Agreement. In accordance with the Deed of Trust, the County is requested to provide written consent to the transfer. In order to obtain such consent staff reviewed financial information required of a transferee and believe that the requirements are met. This transaction does not obligate the County for these bonds.

Commissioner Leake removed this item from Consent for more public awareness. She also acknowledged that her late husband, Bishop George J. Leake back in 1971-72 via the Little Rock A.M.E. Zion Church built the Little Rock Apartments.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(30) HIV/AIDS COUNCIL (COMMISSIONER LEAKE)

The Board received information regarding the County's HIV/Aids Council.

The information was given by General Manager Michelle Lancaster. The following was noted:

- In November, 2005 the Board of County Commissioners voted unanimously to create an HIV/AIDS Disease Council.
- The Council is still in existence.
- The Council has 24 members.
- Their last report was to the Board's Community Support Services Committee, May 2009.
- They are scheduled to report back again May 18, 2010.
- The Council will provide information on 1) the increase in new HIV infections in Mecklenburg County; 2) current status of supportive services; 3) an overview of their

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accomplishments and goals for 2010; 4) client care; 5) service system gaps; and 6) gains or losses that were seen in 2009.

- They have a strong mission and purpose.

General Manager Lancaster said she would recommend that if the Board wanted to see the Council more often, staff could arrange for them to come before the full Board on a semi-annual basis. Further, that staff would schedule the Council's presentation that will be given to the Board's Community Support Services Committee on May 18, 2010, for presentation to the full Board in June.

Comments

Commissioner Leake said her purpose for raising this issue was to ensure that there was an advisory board of this nature in place. She acknowledged that this was something initiated by the late County Commissioner Valerie C. Woodard.

Commissioner Leake said she would like to receive a list of the membership. Commissioner Leake said she thinks it's important that persons living with HIV/AIDS served on the Council.

Commissioner Leake asked if the Board made appointments to the Council. *General Manager Lancaster reviewed the categories of membership and noted that the way the Council was set up that they make their own appointments internally. General Manager Lancaster said she would also provide a copy of the Council's by-laws.*

Chairman Roberts asked Commissioner Leake if she would like to serve as the Board's representative on the Council. Chairman Roberts is the current representative.

Commissioner Leake said she would be glad to serve.

Chairman Roberts said she would still like to receive updates via e-mail from the Council. She said that at one time she was receiving them but had not received any recently.

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 Murrey, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:20 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman