

JULY 12, 2011

**MINUTES OF MECKLENBURG BOARD OF COUNTY 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, July 12, 2011.

ATTENDANCE

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

Absent: None

-INFORMAL SESSION-

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

(1) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 15, 17, 18, 21, 22, and 23.

(2A) STAFF BRIEFINGS – NONE

Commissioners Clarke and Cooksey left the meeting and were absent until noted in the minutes.

(3A, B) CLOSED SESSION - LAND ACQUISITION AND CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition and Consult with Attorney matters to be discussed in Closed Session:

- Land parcel 20501309 located at 314 Main Street Pineville, NC
- Mecklenburg County, a political subdivision of the State of North Carolina v. Schenkel & Shultz, Inc., HDR Architecture, Inc., Kallmann McKinnel & Wood Architects, Inc., and Schenkel Shultz/HDR/Kallmann McKinnel & Wood Architects Inc., a Joint Venture, in the General Court of Justice, Superior Court Division, Mecklenburg County, Case Number: 10-CVS-16383.

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: A) Land Acquisition and B) Consult with Attorney.

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The Board went into Closed Session at 5:35 p.m. and came back into Open Session at 5:37 p.m.

Commissioners Clarke and Cooksey were present when the Board came back into Open Session. They entered during Closed Session.

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

-FORMAL SESSION-

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

CITIZEN PARTICIPATION

AWARDS/RECOGNITION

(1A) 2011 NACO ACHIEVEMENT AWARDS

The Board recognized County departments and their respective employees that received 2011 National Association of Counties Achievement Awards. The employees were from Park and Recreation and GIS.

Note: The annual Achievement Award Program was begun by the National Association of Counties in 1970 to recognize innovative programs that modernize county government and increase services to residents. The Achievement Awards are non-competitive. Each application is judged on its own merits and not against other applications received. Awards are given in 21 different categories including children and youth, criminal justice, county administration, environmental protection, information technology, health, and many more. Mecklenburg County received 20 Achievement Awards.

Note: Ten winners were recognized tonight. The others will be recognized at the Board's August 2, 2011 meeting.

A description of each winning program is on file with the Clerk to the Board.

(2) PUBLIC APPEARANCE

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

Autumn Dyson, a youth, and Antoinette Thornton, founder, addressed the work of the Youth Employment & Career Center and invited the community's youth to participate with the Center. Ms. Thornton said the Center was interested in partnering with other non-profits to provide programs and services that are needed in the community for youth.

(3A) APPOINTMENTS

BOARD OF MOTOR VEHICLE REVIEW

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Charles Rogers to the Board of Motor Vehicle

Review for a one-year term expiring July 18, 2012.

He replaces Bruce Hamlett.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Community Relations Committee:

Jaye Alexander	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts
Toria Boldware	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts
Janet Lama	Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts
Edward Mattison	None
Shay Merritt	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts
Damon Miller	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, and Pendergraph
Omar Saxton	None
Bill Schreiner	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Pendergraph
Douglas Wilson	Commissioners James, Leake, and Roberts

Voting Ceased

Shari Wright-Harley

Chairman Roberts announced the appointments of Jaye Alexander, Toria Boldware, Janet Lama, Shay Merritt, and Damon Miller to the Charlotte-Mecklenburg Community Relations Committee for three-year terms expiring July 2, 2014 and Bill Schreiner to fill an unexpired term expiring September 30, 2011 and a three-year term effective November 1, 2011 expiring September 30, 2014.

They replace Nathaniel Anderson, Jr., Lori Fletcher, Andrea Huff, Patrick Rivenbark, Katherine Satchwill and Amad Shakur.

JUVENILE CRIME PREVENTION COUNCIL

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

Tabitha Barwell	Commissioner Leake
Stephanie Carter-Tyson	Commissioners Cogdell, James, and Roberts
Sara Holland	Commissioners Bentley, Clarke, Cooksey, Dunlap, and Pendergraph

Chairman Roberts announced the appointment of Sara Holland to the Juvenile Crime Prevention Council as a General Public representative for a two-year expiring June 30, 2013.

She replaces Jeff Hood.

(3B) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Patricia Fletcher to the Adult Care Home Advisory Committee for a three-year term expiring July 31, 2014.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Ellen Blaine and Shawn Greenwood to the Adult Care Home Advisory Committee for a one-year term expiring July 31, 2012.

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Jonathan Wood to the Building Development Commission as the American Society of Landscape Architects representative for a three-year term expiring July 31, 2014.

Motion was made by Commissioner Cooksey, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Robert Belisle to the Building Development Commission as the Professional Engineers of N. C. representative for a three-year term expiring July 31, 2014.

He replaces David Shultz.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to 1) exercise the exception provision of the Appointment Policy – Membership Terms, Section 4-A, which states Except in extraordinary circumstances or where otherwise restricted by legislative authority creating or authorizing the creation of a board, it shall be the policy of the Board that terms of membership shall be staggered and that members serve not more than two full consecutive terms. In light of the fact that the Home Builders Association recommended Elliot Mann be reappointed and since there are no eligible applicants for this slot, this qualifies as an extraordinary circumstance. 2) To reappoint Elliot Mann to the Building Development Commission as the Home Builders Association of Charlotte representative for a three-year term expiring July 31, 2014.

Commissioner James nominated all General Public applicants for appointment consideration to the Building Development Commission: Robert Clark, Timothy West, and Aaron Whitecotton.

Note: An appointment will occur on August 2, 2011.

CMUD ADVISORY COMMITTEE

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Frank McMahan to the CMUD Advisory Committee as the Civil Engineer representative for a three-year term expiring June 30, 2014.

He replaces Erica Van Tassel.

GROUNDWATER ADVISORY COMMITTEE

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Michael Armour to the Groundwater Advisory Committee as the Environmental Consultant representative and Stephen Taylor as the Well Contractor representative for three-year terms expiring July 31, 2014.

They replace William Miller and Thomas Witner.

PUBLIC ARTS COMMISSION

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Manoj Kesavan to the Public Arts Commission as the Education representative for a three-year term expiring June 30, 2014.

He replaces Dawn Blobaum.

WOMEN'S ADVISORY BOARD

Commissioner Cooksey nominated all applicants for appointment consideration to the Women's Advisory Board: Robyn Codrington, Jaime Daniell, Vickie Evans, Faith Fickling, Sandra Johnson, and Heather McCullough.

Note: An appointment will occur on August 2, 2011.

(3C) BOARD OF MOTOR VEHICLE REVIEW

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Charles Roberts as Chairman of the Board of Motor Vehicle Review as recommended by Tax Assessor Garret Alexander for the duration of his term on the Board of Motor Vehicle Review.

(3D) TOWN OF HUNTERSVILLE PLANNING BOARD

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Art Van Wingerden to the Town of Huntersville Planning Board as an Extraterritorial Jurisdiction (ETJ) representative as recommended by the Town of Huntersville Board of Commissioners for a three-year term from July 1, 2011 to June 30, 2014.

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

PUBLIC HEARINGS

(4A) ABANDONMENT OF RIGHT-OF-WAY FOR FORMER FAYETTE ROAD

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to open a public hearing to hear comments from citizens on the abandonment of right-of-way for former Fayette Road located along a section of the current Denbur Drive (SR 2950).

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to close the public hearing on the abandonment of right-of-way for former Fayette Road and approve the Order to abandon the right-of-way for former Fayette Road located along a section of the current Denbur Drive (SR 2950).

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

Commissioner Pendergraph returned to the dais.

ADVISORY COMMITTEE REPORTS

(5A) DOMESTIC VIOLENCE FATALITY REVIEW INTERIM REPORT

The Board received a presentation from the Domestic Violence Fatality Review Team. Helen Lipman with Community Support Services and Jane Harper, Chair of the Domestic Violence Fatality Review Team gave the report.

Note: Session Law 2009 -52, which authorized Mecklenburg County to establish a Domestic Violence (DV) Fatality Prevention and Protection Review Team, modeled after the North Carolina Child Fatality Prevention Team, requires an interim report to the Board of County Commissioners.

The following was covered:

- Common Factors in Cases Reviewed
- Potential Avenues for Intervention
- Law Enforcement, Courts and Community Safety
- Recommendations for Agencies
 - Law Enforcement: Police
 - Law Enforcement: Magistrate's Office
 - The Courts
 - Social Services
 - Health Care Providers
 - Domestic Violence and other Health and Human Services Agencies
- Recommendations for the Public, Family, Friends, and Co-Workers
- Team Accomplishments in First Year

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

Commissioner Clarke returned to the dais.

Chairman Roberts thanked the presenters for the report.

STAFF REPORTS AND REQUESTS

(7A) LEGISLATIVE REVIEW

The Board received a report on the 2011 General Assembly. Assistant to the County Manager Brian Francis gave the report. Each of the items below were addressed.

2011 Long Session: Adjournment Report

Legislative Agenda Items

Policy Items

1) Expand the Board of Equalization and Review - S 55 was ratified as SL 2011-1 on February 24, 2011.

2) Allow Mecklenburg County to enter into leases of greater than 10 years for energy efficiency equipment - H 266 was ratified on June 16, 2011 as SL 2011-150.

3) Provide Mecklenburg County greater flexibility in the funding and administering of law enforcement service districts - H 280 was chaptered as SL 2011-100 on May 31, 2011.

4) Amend the general statutes to allow electronic drawings to be held as permanent records -

S 148, the Technical Corrections bill, includes this agenda item in Section 13. It was chaptered as SL 2011-326 on June 27, 2011.

5) Allow Mecklenburg County to provide website notification as an alternative to compulsory advertising purchases for the purpose of public notice - We worked closely with the NC Association of County Commissioners and NC League of Municipalities on this agenda item. As a coalition, we attempted various different versions of statewide legislation and then made an effort to come to a compromise on local bills but were unsuccessful.

6) Clarify SL 2010-158 to insure that secondary PSAPs are eligible for 911 funds - We continue to work with Speaker Tillis' office and the NC League of Municipalities on this issue, and intend to pursue legislation in the short session.

Appropriations Items

1) Extend the special provision from the 2009 and 2010 budgets providing County DSS the ability to use up to 5% of Child Care Development Fund Block Grant funds for administration H 200 (the budget) authorizes 4% for administration and the Governor's budget provided for 3%. According to legislative staff, 4% is the highest amount that can be authorized in this budget without additional direct appropriation to the County.

Pending additional action

1) Seek legislation necessary to implement the recommendations of the Library Task Force. - The Task Force did not produce recommendations that required legislation.

2) If a vehicle registration fee is passed, designate that revenue be used to fund air quality

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programs. – No legislation was approved this session to authorize a vehicle registration fee.

3) Provide flexibility to the Register of Deeds to reject documents suspected of being fraudulent. – We provided language for the legislation containing all of the interim studies, but that bill, the Studies Act, was not approved by the end of session. We will work with the NC Association of Registers of Deeds during the interim to develop a solution to this issue and then pursue legislation during the short session.

Support Items

1) Support the request of the Charlotte Mecklenburg Board of Education for local flexibility regarding staff spending and the school calendar.

H 546, a local act to give CMS the flexibility to implement alternative salary plans, was approved by the House this session but was not addressed by the Senate. It remains in Senate Rules and is eligible for action during the short session.

Additional Critical Issues

S 578 – Sen. Fletcher Hartsell (R-Cabarrus) – An Act to Facilitate the Transfer of Beds from a State Psychiatric Hospital to a Community Facility Within Certain LMEs – SL 2011-275.

This is the legislation sought by Carolinas Healthcare to circumvent the County's role in the CON process relative to the new psychiatric hospital in Huntersville. Despite a vigorous opposition effort, especially during the last two weeks of session, the legislative leadership made the decision to allow the bill to proceed.

Bills of Direct Impact to Mecklenburg County

H 129 - Rep. Marilyn Avila (R-Wake) - Level Playing Field (anti-municipal broadband) – SL 2011-84.

This bill severely limits new local government entrants in the broadband internet business and contains a defined service area for existing systems, including MI-Connection.

H 508 – Rep. Beverly Earle (D-Mecklenburg) - An Act to Modify Certain Mecklenburg County Local Taxes – SL 2011-160.

This bill requires Cornelius, Davidson and Huntersville to give 51% of the portion of prepared food and beverage taxes received from the City of Charlotte to the Lake Norman Convention and Visitors Bureau.

S 131 – Sen. Dan Clodfelter (D-Mecklenburg) - An Act to Authorize Expanded Methods of Collecting Fines, Fees, Costs, and Restitution from Offenders not Sentenced to Supervised Probation or Active Time and to Permit the County in Which the Collection Assistance Fee is Collected to Retain the Fee, Providing the Fee is Collected by a Collections Program Funded by the County Government – SL 2011-323.

S 600 - Sen. Dan Clodfelter (D-Mecklenburg) - An Act to Authorize a City with a Population of More Than Five Hundred Thousand People Which Holds a National Convention to Contract with Out-Of-State Law Enforcement Agencies to Provide Law Enforcement and Security for the National Convention – SL 2011-316.

MANAGER'S REPORT

(6A) CAPITAL PROJECT ORDINANCES FOR FY 2012 CAPITAL IMPROVEMENT PROJECTS (CIP)

Finance Director Dena Diorio presented capital project ordinances for FY 2012 capital improvement projects (CIP).

The persons below spoke in support of moving forward with the building of Stumptown Elementary School, to relieve the overcrowding at Torrence Creek Elementary School in Huntersville. The speakers said they supported the recommendation proposed by Commissioner Bentley and Chairman Roberts at a recent community meeting, wherein the Board would be asked to approve a capital project ordinance for Stumptown Elementary in April 2012 rather than in June 2012 in order to meet Charlotte-Mecklenburg Schools (CMS) construction schedule for Stumptown Elementary. It was noted that per information received from CMS, they would be ready to begin construction for Stumptown in April of 2012 with an expected delivery date of August 2013. The speakers expressed opposition to the results of the County's capital project ranking process, which they said resulted in Stumptown Elementary being ranked lower than it originally was according to a CMS list.

The speakers were: Carrie Keste, Shannon Vecchiarello, David Kobuszewski, Lisa Schwany, and Carrie Burton.

Comments

Commissioner Bentley said she was committed to doing everything she could to make sure Stumptown Elementary was ready to open in the fall of 2013.

Commissioner Bentley asked County Attorney Bethune was it possible for the Board to approve a capital project ordinance for Stumptown Elementary, prior to the FY 12 budget season, in anticipation of funding, so that CMS could start the work for construction. *The response was yes.*

Commissioner Bentley asked how early could the matter be brought before the Board for action. *The response was there's no restriction with respect to the timing.*

Commissioner Bentley asked Finance Director Diorio to comment on her dialogue with CMS regarding the time they'll need in order to get Stumptown Elementary open.

Director Diorio said per CMS, in order to meet the August 2013 delivery date for Stumptown Elementary, they would need to start construction in May of 2012. She said it's about a 15 month construction timeframe.

Director Diorio said even if the project was moved up the list today, CMS still would not be able to start the project until May 2012.

Commissioner Bentley asked Director Diorio to comment on how this would be presented to the Board for consideration, in light of it being moved up over other Round Two projects, would it be presented as a single project or would the ordinance(s) cover all Round Two projects. *Director Diorio said what staff would want to do, would be to submit all of the capital project ordinances at the same time as the County Manager would present his recommended budget.*

Director Diorio said since the Stumptown Elementary project has some time constraints on it, her recommendation would be to move one capital project ordinance forward for Stumptown Elementary in order to get the project started within the timeframe that's needed in order to

meet the August 2013 delivery date.

Director Diorio said all Round Two projects would move forward, but there were specific time constraints associated with the Stumptown Elementary project.

Commissioner Bentley asked was it correct that moving forward with Stumptown Elementary was a timing issue and not in any way “leap frogging” other projects. *Director Diorio said that was correct.*

Chairman Roberts asked were there any other projects in Round Two that would require that kind of time constraint. *Director Diorio said no one else had communicated any time constraints to her.*

Chairman Roberts said with respect to the capital ranking process, the County gave the criteria to its partners and they filled out the information on safety, economic impact, federal/state mandates, etc. *Director Diorio said that was correct.*

Director Diorio said the process was started in January 2010. She said it was a year long project that staff worked to revamp the entire capital budget and planning process. Director Diorio said all of the County’s partners were at the table with the County for that entire time. Thus, the partners knew what the County was planning and were a part of the discussion and came to the meetings.

Director Diorio said there really shouldn’t be any surprise about where things ended up.

Chairman Roberts asked was it correct the County gave CMS the list and asked them to rank how they would prioritize based on the criteria. *Director Diorio said CMS filled out the forms and projects were ranked based on the information CMS provided to the County.*

Chairman Roberts said it’s been misconstrued that the County was changing CMS’ priorities. Chairman Roberts said the County let CMS calculate based on criteria that should be important to everyone. Chairman Roberts said CMS did their own evaluation and that they assigned the values to their projects.

Commissioner Dunlap asked was it correct to assume that the priority ranking of projects under the process this year would be the same next year. *County Manager Jones said yes.*

Commissioner Bentley asked wasn’t it a three-year plan. *Director Diorio said yes.*

Director Diorio said there was not a plan to re-rank the projects. Director Diorio explained how the process was conducted and worked.

Director Diorio said staff would go through the list of projects based on the rankings that currently exist.

Commissioner Dunlap asked was it correct that if any new projects came up, they would either go to the bottom of the list or wait for a new three-year cycle. *Director Diorio said staff doesn’t anticipate any new projects coming up because what’s been said is that the County would work towards getting through the \$770 million of authorized and unissued debt that the County has out there.*

Director Diorio said if a project came up, it’s going to be a project that’s completely unanticipated and absolutely urgent. She said aside from that, there would be no request of departments or partners to submit any new projects for consideration.

Commissioner Dunlap asked was there any consideration to change the ranking process.

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Director Diorio said only if the Board directs staff to do so. Director Diorio said staff's position was to see the process through, since this was the first year it's been done this way. Staff wants to see how it works and if there's an opportunity to change it, it'll be changed at a later date.

Director Diorio said she would not recommend changing the existing list.

Director Diorio said if the Board wanted to change the process, her recommendation would be that it be done with respect to those projects that have yet to be ranked and that would start after July 1, 2013. Those projects would then be put at the bottom of the list and done accordingly.

Commissioner Dunlap said he raised the question to make sure there aren't any more surprises. Commissioner Dunlap said he wanted it to be a fair process and that from this point on the Board should follow the list as outlined by staff when it was presented.

Director Diorio reminded the Board that First Ward Park ranked very high, but it couldn't be executed within the first year, so it was moved down. Director Diorio said when staff comes back next year and First Ward Park was still not ready to be done, it would be moved down again. Further, that staff would not anticipate moving anything above anything else.

Commissioner Leake addressed the history of Torrence Creek and overcrowding and common concerns in the district overall. She also addressed the closing of schools by CMS.

Commissioner Cooksey asked what circumstances would cause the Board to move something into the list that may not have been their originally.

Director Diorio said she could not imagine a situation where something would be moved into the list, unless there was a contractual commitment out there that she's not aware of.

Director Diorio said staff included every project that it was aware of on the list.

Commissioner Cooksey asked if that meant the capital project list was "fixed" for the next three years. *Director Diorio said yes, that would be her recommendation to the Board.*

Commissioner Cooksey asked was there any "lessons learned" from going through the process. *Director Diorio said she would encourage the County's partners that worked with staff to make sure that they're communicating back out to their boards.*

Director Diorio said what happened in this instance was that in some cases, partners' staff did not communicate out to their board, what process the County was going through. She said when it was "all said and done", the expectation was that the County was going to give people a blank capital project ordinance and that they were going to be able to use that to build whatever they wanted.

Director Diorio said it wasn't until the County said "sorry," we're not doing it that way anymore that people got concerned.

Director Diorio said she felt strongly that the County worked in conjunction with all of its partners throughout the process. She said it's "fairly telling that there's really only one entity who say they didn't understand." Director Diorio said everyone else seemed to have known the direction the County was headed.

Director Diorio said she would encourage everyone to make sure they're reporting back to the people they work for to make sure that they're communicating what the County was doing, so that everyone understands. Director Diorio said had they done that, she thinks the County would have heard back about issues around priorities and maybe there would have been an

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opportunity to incorporate that, but County staff never received the feedback. Thus, staff did not know that was going to be an issue for people.

Director Diorio said it wasn't that staff didn't want to include Stumptown, but that no one told them it was important.

Commissioner Cooksey asked was it staff expectation that some time next spring, staff would anticipate coming back to the Board and asking for the adoption of a capital project ordinance that would include Stumptown Elementary. *Director Diorio said staff would bring that capital project ordinance first, so that it would meet the timeframe. The others would be brought to the Board when the County Manager presented his recommended budget and have them approved when the budget was adopted.*

Commissioner Cooksey asked would adopting the Stumptown Elementary capital project ordinance in March or April of 2012 have any impact on the County's debt ceiling that's been set up for FY2012. *Director Diorio said it wouldn't because the debt for the project would not be issued until the next fiscal year but that the County has enough cash on hand so that if, CMS did start and have invoices to pay, they could be paid.*

Commissioner Cogdell requested another copy of the Round Two list of projects.

Commissioner Cogdell said he wanted the process to be very open and transparent. He said everyone needed to know what the Round Two projects were. He asked staff to make sure everyone was being treated fairly in the process.

Commissioner James said it was important that the County be fair in the process. He said the County has a limited amount of funds and for the first time the County was determining that it was going to be fair with everyone and have a list.

Commissioner James said his hope was that the County would have one list and one time when it did the capital project amendment for the second phase. Commissioner James said he was a little concerned if only one school was done and not the others, because he's "afraid" it'll relieve CMS of their responsibility, "once again to actually make sure they're okay with it."

Commissioner James said Stumptown Elementary probably needed to be started a head of time, so that amendment would be done next spring. Commissioner James said there may be other schools, however, that were on the list.

Commissioner James said he wanted to make sure that the process followed was the same for everyone.

Commissioner Cooksey with respect to the Park and Recreation capital project ordinance said he had a concern about the disconnect between moving forward with the Romare Bearden Park and what he suspected the Board was going to do with respect to the baseball stadium.

Commissioner Cooksey said he's concerned about what happens to the land that's slated for the baseball stadium if the Knights aren't able to follow through with their stated desire to build a baseball stadium uptown.

Commissioner Cooksey said he was a huge supporter of building a new park in Third Ward, but felt there should be a master plan for a park that encompasses both the current Romare Bearden Park and the land that's underneath the baseball stadium. Commissioner Cooksey said he was concerned that if the Board moves forward with the project, and if the "rug" gets pulled out from under the County with respect to the baseball stadium, then the County would have two disconnected parks or a park with a vacant piece of land next to it. Commissioner Cooksey said he had not seen a contingency plan if the Knights don't build the stadium.

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

Note: The actions below will provide budgetary authority for the projects identified in the fiscal year 2012 CIP and the funding sources as presented at June 21, 2011 Board of Commissioners meeting.

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt the *FY2012 Authorization School Facilities Approved November 6, 2007 Referendum* capital project ordinance.

Note: For the following projects:

- *McClintock Middle Replacement*
- *Fire Alarms @ 13 Schools*
- *Alexander Graham Middle Renovations*
- *Pineville Elementary Replacement*
- *Newell Elementary Renovations*
- *Bain Elementary Replacement*
- *South Mecklenburg High (demolition)*

including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, in order to provide additional school facilities in said County to maintain the nine months' school term as required by Section 2 of Article IX of the North Carolina Constitution, \$69,020,000 is hereby appropriated.

Motion was made by Commissioner James, seconded by Commissioner Dunlap and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes and Commissioner Cooksey voting no, to adopt the *FY2012 Authorization Park & Recreation Approved November 2, 2004 Referendum* capital project ordinance.

Note: For the following projects:

- Romare Bearden Park*
- *Clarks Creek and I-485 Crossing Greenway*
 - *Memorial Stadium Repairs*
 - *Four Mile Creek Greenway*
 - *Matthews SportsPlex*
 - *Four Mile Creek Greenway*
 - *Land Acquisitions*

including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, \$32,400,000 is hereby appropriated.

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt the *FY2012 Authorization Community College Approved November 8, 2005 Referendum* capital project ordinance.

Note: For the following projects:

- *Taylor Hall Renovation*
- *Harper Campus Renovation*

including the acquisition and construction of new facilities, the improvement and expansion of existing

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facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, \$16,000,000 is hereby appropriated.

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt the *FY2012 Authorization Community College Approved November 6, 2007 Referendum* capital project ordinance.

Note: For the following projects:

Section I. That for the purpose of providing funds, together with any other available funds Van Every Building Replacement including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, \$25,000,000 is hereby appropriated.

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt the *FY2012 Authorization Government Facilities* capital project ordinance.

Note: For the following projects:

Section I. That for the purpose of providing funds, together with any other available funds, for constructing and renovating government facilities including those projects described below, and including the acquisition and installation of necessary machinery and equipment and the acquisition of land or rights-in-land required therefor, \$14,000,000 is hereby appropriated.

*Johnson C. Smith University Track Resurfacing
Arrest Processing Renovation
District Attorney Expansion*

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

(6B) CARONLINAS HEALTHCARE SYSTEM (CHS) AUTHORITY INTERLOCAL AGREEMENT

County Manager Jones presented a request to the Board to authorize the County Manager to provide written notice of termination of the existing Interlocal Agreement to the Charlotte Mecklenburg Hospital Authority, which would end the agreement by June 30, 2013.

County Manager Jones said this would not preclude an earlier termination of the Agreement for breach or earlier by negotiated mutual consent. He said the termination would dissolve all components of the current agreement, including the deficit funding of CMC-Randolph and all obligations with respect to public health, effective June 30, 2013.

Note: Ending the existing Interlocal Agreement means that effective July 1, 2013 the County would reconstitute the operations of the Health Department and operate it just like the 99 other counties in North Carolina, and like the County did for close to 100 years before the first contract with the Hospital Authority in 1995, and would no longer fund the deficit of the CMC-Randolph psychiatric hospital. In addition, with termination of the Interlocal Agreement, the County must determine its future role, if any, in subsidizing comprehensive hospital based psychiatric services.

Comments

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Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph, to authorize the County Manager to provide written notice of termination of the existing Interlocal Agreement to the Charlotte Mecklenburg Hospital Authority, which would end the agreement by June 30, 2013.

Substitute Motion was made by Commissioner Clarke, seconded by Commissioner Cooksey, to direct the County Attorney to contact the General Counsel for the Charlotte Hospital Authority and propose that the Charlotte Hospital Authority and the County engage the services of a professional mediator and attempt to resolve the disputes over the contract; to see if a mutually acceptable agreement could be reached on modified terms and conditions of the contract. In addition, that the County be authorized to pay up to one half of the expenses of the mediator.

Commissioner Clarke said he felt this was a better alternative, however, it would not preclude the County from subsequently terminating the contract within the timeframe that the County Manager recommended it be terminated.

Commissioner Clarke said through the process of mediation the County may be able to restructure the agreement in a way that was satisfactory to both parties and in the long term best interest of the citizens of Mecklenburg County.

Commissioner Clarke said he was motivated in large part by the Board's role in providing public health services in the community. Commissioner Clarke said he felt the arrangement in place was very beneficial to the County and its citizens; and he'd like to find a way to preserve that.

Commissioner Cooksey addressed the history of the agreement, noting that it was entered into in 1995. Commissioner Cooksey said at the time it was entered into, it served a purpose to address problems that the County Commission and the predecessor to Carolinas HealthCare System (CHS) sought to address at that time. Commissioner Cooksey said a lot of things had happened and a lot of changes had occurred in the community since that time and that the needs of both parties were marketably different.

Commissioner Cooksey used the analogy of "Humpty Dumpty" and said where the County was now, was that the pieces were going to have to be picked up and put back together again, in order to provide the services that were previously performed under this CHS contract; such as public health and providing in-patient care for people with behavioral issues.

Commissioner Cooksey said he wasn't sure what the best "fix" for it was but he's not prepared to say at this time that CHS wasn't a part of that solution.

Commissioner Cooksey it would be worthwhile to engage the County Manager to speak to CHS over a period of 60-90 days to see whether or not the County could develop a new agreement, a new relationship with CHS that "makes sense for our current economic times and current situation."

Commissioner Cooksey said he would recommend the existing contract be torn up and that the County start all over. Commissioner Cooksey said it's been 16 years since the agreement was entered into and that it's time to take a "fresh look" at it.

Commissioner Cooksey offered a friendly amendment to Commissioner Clarke's motion, which was to give the County Manager a period of 90 days to conduct the mediation and if he's not successful in revamping the agreement with CHS within that time, then bring the motion back for the Board to terminate the contract.

Commissioner Clarke accepted Commissioner Cooksey's friendly amendment to his substitute motion.

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County Attorney Bethune asked for clarification of the substitute motion because it originally asked that staff mediate the disputes, which sounded like what staff needed to do was try and figure out if there's a breach or not; can we get rid of the breach because that's the dispute.

County Attorney Bethune said in addition there's the larger policy issue of what's the nature of the Board's desire relative to continuing the funding of indigent psychiatric services, which was a type of policy dispute and not a dispute within the context of the contract. Also, what's the future of the best way to provide public health service, which was sort of tangential to the dispute right now within the contract.

County Attorney Bethune said Commissioner Cooksey didn't really talk about mediation for purposes of resolving disputes, as much as it was having a mediator to help the parties try to negotiate a different contract going forward.

County Attorney Bethune said these were two different approaches to the situation, per what Commissioner Clarke said and what Commissioner Cooksey said.

County Attorney Bethune said he needed clarity on what the goal was for mediation.

Commissioner Cooksey said his thought was that there were disputes between the County and CHS; and that there's a likelihood those disputes would somehow manifest themselves in actual litigation between the parties. Thus, it's in both parties interest to avoid that by reaching some type of mutual settlement.

Commissioner Cooksey said he guess in his amendment he "jumped over" the part about talking about the disputes and went straight to the settlement, in terms of what he thought it should look like. Commissioner Cooksey said he understood you have to go through the first part to get to the second part.

Commissioner Clarke said he didn't sense any difference between what he and Commissioner Cooksey were saying.

Commissioner Clarke said the purpose would be to resolve disputes and see if the parties could reach an agreement on amended terms and conditions of the agreement.

Commissioner Clarke said you can go into mediation to try and resolve disputes about an existing agreement and that part of the process of resolving them could be to come back with essentially a new agreement that would be recommended to the Board.

Commissioner Clarke said it was quite clear that the Board had said that agreement should not include any appropriation to any hospital for indigent in-patient care.

Commissioner Clarke said if the Board disagreed with what the staff of the two parties said was mutually acceptable, then the Board could reject it, as could their board.

Chairman Roberts asked Commissioner Clarke was his focus on the existing contract and information sharing and some of the other things that have come to light, or was he also talking about a letter the County Manager sent and a letter that CHS sent, each giving a different perspective on how to terminate parts of the agreement going forward; and was he trying to align those.

Commissioner Clarke explained the purpose of a mediation.

Commissioner Leake said she was concerned about taxpayer dollars and noted the amount of CHS' unrestricted reserves.

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Commissioner Leake said she was interested in the number of County residents being served by CHS and the percentage of those individuals that were not county residents.

Commissioner Leake said she wasn't sure if there could be any reconciliation in light of what had already transpired.

Commissioner Leake said she was also concerned about who worked for the County versus who worked for the hospital side of the Health Department and the mobility of people on which side when it came to promotions.

Commissioner Leake said in light of the fact that CHS officials left a meeting that was held with the Chairman and Vice-Chairman before it was over and their failure to attend today's Special Meeting, she's not sure if they're "really" interested in sitting down to talk with the County to negotiate in any way.

Commissioner Leake asked Chairman Roberts was it correct that her husband worked in the law firm with CHS' lawyer and whether that was a conflict for the Chairman.

Chairman Roberts said her husband did work in the same firm and that she made that public to the Charlotte Observer and all Board members.

Chairman Roberts said her husband worked at McGuire Woods, as well as Larry Dagenhart, who was not the attorney for the hospital but for the board of the hospital. Chairman Roberts said she was not even aware that he was until about a month ago.

Chairman Roberts said no information flow would occur between her husband and Mr. Dagenhart. Chairman Roberts said she previously cleared it with the County Attorney that this would not be a conflict.

Commissioner Pendergraph said it didn't matter how much money CHS had or the County. He said the "bottom line" was the County has a contract with CHS and CHS has failed to meet a part of the contract by failing to answer "reasonable" questions that have been posed to them over many years.

Commissioner Pendergraph said per the Board's earlier Special meeting, he asked the County Manager if the County had the answers to the questions, the "reasonable" questions, such as "What are you doing with the money the County is giving you every year?"

Commissioner Pendergraph said the County doesn't know what they're doing with the money. He said the County just writes them a "big check" every year.

Commissioner Pendergraph said he understood the substitute motion with respect to mediation, but that the refusal to answer "reasonable" questions without any "reasonable" explanation for that, other than, they just don't respond, he's not sure what mediating was going to do.

Commissioner Pendergraph said the "ball" has been in their court since day one, to respond to the questions that have been asked about the money the County gives to them and how it is spent. Commissioner Pendergraph said CHS refused and failed to respond and now the County was left with the County Manager, who's responsibility it is to handle contracts for all County operations; and the way he sees it, is that when you have failed to meet your end of the contract, then it's the County Manager's job to "call your hand on it."

Commissioner Pendergraph said he would not support the substitute motion.

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Commissioner Dunlap said it would be good if mediation could occur, but he'd like to do it a little differently and the only way to do it would be to support the County Manager's recommendation.

Commissioner Dunlap said he'd like to vote to end the contract and then see if staff could mediate and negotiate after that point. Commissioner Dunlap said because at that point CHS would have a reason to negotiate if they were "really" interested.

Commissioner Dunlap said he concurred with Commissioner Pendergraph's comments with respect to the County receiving answers to "reasonable" questions.

Commissioner Dunlap said the County was "holding every agency that does business with the County accountable, but we want to hold out one and say it's okay let's negotiate."

Commissioner Dunlap said that was unfair to everyone else.

Commissioner Dunlap said for him this was an issue of fairness.

Commissioner Dunlap said he'd love to see the County work something out with CHS, but not at the risk of allowing them to continue to have unanswered questions that have been raised over an extended period of time.

Commissioner Cogdell amended his motion as follows: to authorize the County Manager to provide written notice of termination of the existing Interlocal Agreement to the Charlotte Mecklenburg Hospital Authority, which would end the agreement by June 30, 2013. Secondly, to direct the County Manager to send written notice to the Charlotte Mecklenburg Hospital Authority of the County's willingness to mediate this issue and our willingness to pay 50% of the professional mediation fees for a third party mediator, if they were willing to sit down at the table and mediate with the County or enter into some type of mediation with the County.

County Attorney Bethune asked was it correct that mediation could deal with 1) the question of what the County says is a breach now, because there's still 22 months left on the contract; 2) a potential earlier termination than 2013; 3) a potential amendment; and/or a lot of different things that the parties decide would be the best thing going forward.

It was the consensus of the Board that County Attorney Bethune's assumptions were correct.

Commissioner Pendergraph questioned the need for the amendment. Commissioner Pendergraph said he was sure that the representative from CHS that was present at the meeting would inform, CHS that the County was willing to mediate. Secondly, he questioned why would the County want to incur any cost for a mediator when CHS knows what the County wants already.

Commissioner Cogdell said "sometimes we can operate off of frustration or emotion and we may end up paying a whole lot more." He said there may be certain parts of the agreement that were salvageable. He said there may be certain parts that continue to make sense, that continue to serve a legitimate public interest and fiscally makes sense. He said there may be parts of the agreement that don't make any sense to the County and the County walks away from the mediation with certain components of this contract being either self-performed in-house or performed by other health care providers.

Commissioner Cogdell said it's possible that an agreement may not be reached, but it's worth having an objective third party being involved in the discussions. He said to date discussions have mainly been between the County Manager, Mr. Tarwater, and their respective staff.

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Commissioner Cogdell said the County was not waiving its rights. He said the County was still sending the notice of termination.

Commissioner Pendergraph after hearing Commissioner Cogdell's explanation, seconded the amendment.

Commissioner Clarke in light of the amended original motion, withdrew his substitute motion. Commissioner Cooksey, the seconder, concurred.

County Manager Jones asked for clarification on what the Board's expectation of him would be. He said he would assume that even in mediation, the County would continue to assert that a breach exists, while the County was simultaneously mediating to the extent to which the County believed it exists.

County Manager Jones said he raised that question because there's another question regarding what the Board's expectations of the County Manager around continual contract management.

County Manager Jones said he didn't want to manage a contract and to find "tomorrow or the next day," that another breach existed and then to be accused in this process of not negotiating in good faith.

County Manager Jones said if it's the Board's expectation that he continue managing the contract with CHS, then he's going to continue to do that.

Commissioner Cogdell asked the County Manager what would he have done otherwise, if the Board approved the action he recommended without any direction regarding mediation, what would he have done.

County Manager Jones said the termination date would be effective July 1, 2013 and he would continue to manage the contract.

Commissioner Cogdell said the intent of the motion would not change that.

Commissioner Dunlap said the questions raised still need to be answered and that's a part of the management responsibility that the Board expects the County Manager to exhibit.

It was the consensus of the Board that Commissioners Cogdell and Dunlap were correct.

Commissioner Clarke said it should be kept in mind that the County can't force the Charlotte Mecklenburg Hospital Authority to agree to mediation. He said if the Hospital Authority doesn't agree with what the Board has directed staff to do, then the County Manager's recommendation stands.

Commissioner Bentley said for purposes of full disclosure, she wanted to make it known that she worked for a competing healthcare system, Novant Presbyterian.

Commissioner Bentley said per her consultation with the County Attorney, she doesn't have to excuse herself from voting on this matter legally, however, personally she felt she should. Thus, Commissioner Bentley asked to be excused from voting on this matter, to avoid any conflicts of interest.

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to excuse Commissioner Bentley from voting on the matter concerning the Interlocal Agreement with the Charlotte Mecklenburg Hospital Authority.

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

Commissioner James asked for clarification with respect to Commissioners not being a part of the mediation. *Chairman Roberts said the Board would not be involved.*

Commissioner James said there's the issue of the breach or breaches, which was the lack of information; also the fact that the County was terminating the agreement because the County wanted to get out of the psychiatric hospital business and because the County was going to be managing it and there's going to be conflict under the new law.

Commissioner James said the County had already eliminated the original indigent care. Thus, the reason to terminate the contract was largely based on the conflict and the fact that the County was going to phase out the Hospital Authority in some form or fashion. Commissioner James said that only left one piece, the health department.

Commissioner James said in light of that, the only "real" reason to go to mediation would be to determine whether or not the County wants to resolve some sort of agreement with CHS regarding the health department.

Commissioner James said he didn't know why the County would go to mediation regarding the psychiatric hospital since it's been concluded, per information received from staff that there's a conflict because the County was going to have to assume those responsibilities.

Commissioner James said the County needed to be "crystal" clear regarding its position.

Commissioner James said the Board needs to conclude that it expects the breaches to be resolved; the psychiatric hospital would be closed because of the conflict with the Medicaid provision; but that the County was willing to talk about this regarding how to continue the health department.

Commissioner James said he didn't know how to put these matters into a motion but that not putting them in the motion leaves the impression that "we're cancelling the agreement but maybe we will have a good discussion with them about the psychiatric hospital.

Commissioner James said if the County was going to do the mediation that it had to be on the terms that the County Manager outlined.

Commissioner James asked if the things he mentioned needed to be in the motion.

Chairman Roberts said she felt that it was clear with respect to the Board's desires along those lines.

Chairman Roberts said the County Manager needed to have flexibility.

Chairman Roberts said there was concern in the community about continuity of care and about patients and their continued access to care, the treatment, availability and affordability.

Chairman Roberts said that's something the County was committed to having the least disruption as possible going forward.

Chairman Roberts said whatever the end contract looks like, whomever the County's partners continue to be going forward, the County wants the least disruption possible. The County wants to continue to support treatment options for all the residents of Mecklenburg County.

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Chairman Roberts said that goes for public health and the clinics the County operates, school nurses, and all of the things the County does in public health, infectious diseases, etc. Chairman Roberts said this goes for behavior health as well.

Chairman Roberts said the County would continue to work in substance abuse, developmental disabilities, and mental health. She said these were all parts of that area.

Chairman Roberts said the County Manager had talked about a process for bringing the community in going forward with the establishment of a blue ribbon task force.

The vote was then taken on the amended motion as follows:

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to authorize the County Manager to provide written notice of termination of the existing Interlocal Agreement to the Charlotte Mecklenburg Hospital Authority, which would end the agreement by June 30, 2013. Secondly, to direct the County Manager to send written notice to the Charlotte Mecklenburg Hospital Authority of the County's willingness to mediate this issue and our willingness to pay 50% of the professional mediation fees for a third party mediator if they are willing to sit down at the table and mediate with the County or enter into some type of mediation with the County.

Commissioner Bentley returned to the dais.

(6C) REVIEW OF REVALUATION PROCESS

County Manager Jones referenced the Board's deferral of taking action on a review of the County's revaluation process by the State Department of Revenue until there's been an opportunity to confer with the tax assessor regarding the timing of this request and that the matter be brought back to the Board the first meeting in September, 2011.

County Manager Jones said contact was made with the State Department of Revenue and staff was informed that conducting a detailed assessment would take more resources than the state had available. Also, that Mr. Baker of the State Department of Revenue questioned whether it would be appropriate for his staff to conduct such an assessment because of their responsibility to work with the Property Tax Commission on appeals from Mecklenburg County that reach that point in the appeals process.

County Manager Jones said Mr. Baker did offer to come and speak to the Board regarding Mecklenburg County's revaluation sales ratio data and would provide the Board an objective, quantifiable analysis to compare Mecklenburg County's revaluation with other North Carolina counties that conducted revaluations this year, as well as, with the best practice standards.

County Manager Jones said as stated in a recent Board Bulletin, he was willing to write a letter to Mr. Baker on behalf of the Board inviting him to attend the September 7, 2011 Board meeting.

County Manager Jones said if there was no objection from the Board, he would move forward with sending a letter to Mr. Baker.

There was no objection from the Board.

Other

Prior to moving on in the agenda, Commissioner Leake asked about appointments to the Charlotte Mecklenburg Hospital Authority by the Chairman.

County Attorney Bethune explained how the process worked, which he said was outlined by State law.

Commissioner Leake asked that in the future, the Chairman notify the Board of those appointments.

(3A) CLOSED SESSION LAND ACQUISITION PROPERTY ACQUISITION – HISTORIC LANDMARKS COMMISSION

Motion was by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to approve the Historic Landmarks Commission purchase of the building and land parcel 20501309 located at 314 Main Street Pineville, NC for \$400,000 for historic preservation and resale, and recognize and appropriate up to \$415,000 for the purchase.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) BASEBALL STADIUM GRANT AGREEMENT AND LEASE AMENDMENTS (KNIGHTS BASEBALL, LLC)

Motion was by Commissioner Cogdell, seconded by Commissioner Bentley and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes and Commissioners Cooksey and James voting no, to adopt a resolution authorizing the Clerk to the Board to publish a notice of intent to amend the Development and Economic Grant Agreement and Lease between Mecklenburg County and Knights Baseball, LLC with respect to the development, operation and maintenance of a baseball stadium on County land located in Third Ward.

Prior to the above vote, Commissioner Cooksey said he felt this was a “bad deal” for the County. Commissioner Cooksey said because the Knights have failed to meet their “end of the bargain,” which was to substantially complete the stadium by September 2011, that the County had a chance to “fundamentally” reopen the “deal.”

Commissioner Cooksey said he felt the County was not doing anything to make the deal better for the County.

Commissioner Cooksey said his concerns about the deal were as follows: 1) the County has been asking the Knights for about 18 months for a detailed financial plan and financial information about their ability to finance the stadium and to make the project work and that it has not been forthcoming.

Commissioner Cooksey said in some ways he could understand that because the Knights don't have anyone willing to tell them that they'll finance the deal, thus they don't have anything to share with the County.

Commissioner Cooksey said the agreement the County has “struck” with the Knights sort of compounds that problem by not specifying what it is they're suppose to bring back to the County when they do present their financing package.

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Commissioner Cooksey said because it's not very specific, he feels the County will get "stonewalled" at that time and the County will end up getting into a "contest" with the Knights over whether or not they've supplied us with sufficient information to convince the County that they have financing for the project.

2) He's concerned that there's really no requirement for the Knights to do anything after they build the initial stadium.

Commissioner Cooksey said this was a fifty year deal and that after about seven or eight years the stadium will not look like a "shiny new thing" and will start to show some "wear and tear." Commissioner Cooksey said he didn't feel the County had any kind of leverage to get the Knights to put any more money into the stadium to keep it up to date. Commissioner Cooksey said he would not want an "eye sore" right in the middle of downtown.

3) The Knights are tying up a "critical" piece of property in downtown for fifty years. Further, that the County is only requiring the Knights to pay the County a \$1 per year. Commissioner Cooksey said given the lack of financial information from Knights, the County isn't sure if the Knights can pay the \$1 per year, but he assumes they can.

Commissioner Cooksey said the question was whether or not the County wants to commit this key piece of property downtown for fifty years for that price.

4) This is the wrong use for this property.

Commissioner Cooksey said this was a project that's only going to be used 80- 100 nights a year by the baseball team, that for the most part it'll sit empty.

Commissioner Cooksey said he would rather see this parcel used as a park where citizens could enjoy it 365 days a year, a "signature" park.

Commissioner Cooksey said he didn't think the baseball stadium would spur the economic development that's been stated.

Commissioner Cooksey said he sees this park being paid for by the money that's been appropriated for the Romare Bearden Park, some of the money the County was committing to go to the Knights as part of the development grant, through private contributions, and selling naming rights to some of the signature pieces of the park.

Resolution recorded in full in Minute Book ____ Document # ____.

CONSENT ITEMS

Motion was made by Commissioner Pendergraph, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held June 21, 2011, Special Meeting held March 9, 2011 and Closed Sessions held June 7, 2011 and June 1, 2011.

(10) TAX REFUNDS

Approve refunds in the amount of \$20,252.18 to be made by the Finance Department as

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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.

(11) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of \$13,670 for Real Estate Services, \$93,222 for Park and Recreation and \$1,142 for Information and Services Technology.

Note: All reimbursements are for stolen and damaged items.

(12) BUILDING-DEVELOPMENT ORDINANCE AND LAND USE AND ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS – SECOND READING

Amend the Building-Development Ordinance to align with current State Codes and Statutes; and amend the LUESA Fee Ordinance to align with process revisions on temporary utilities.

Ordinances recorded in full in Minute Book Document # _____ and _____.

(13) CONSERVATION DECLARATIONS ON COUNTY PROPERTY

Authorize the County Manager to execute Conservation Declarations on the following County-owned parcels for mitigation credit for the Torrence Creek Stream Restoration Project:

01747550, 01747131, 01747131, 01747177, 01747171, 01510104, 01510515, 01510499, 01510498, 01532132, 01510484, 01529301, 01530299, 01510499, 01535245, 01535199, 01509104, 01538197, 01715808.

(14) HUD SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT

Approve Resolution in support of the Sustainable Communities Regional Planning Grant, which includes:

A) Agreement to participate in the Sustainable Communities Regional Planning Grant Consortium, and

B) Agreement to allow staff time that supports mutual County and Grant activities to be counted as leveraged match.

Resolution recorded in full in Minute Book _____, Document # _____.

(16) BUDGET AMENDMENT – LUESA (REVENUE INCREASE) FEMA SEVERE REPETITIVE LOSS GRANT APPROVAL

1. Recognize, receive, and appropriate \$218,027 in Hazard Mitigation Funds from the NC Department of Crime Control and Public Safety, Division of Emergency Management.

2. Recognize, receive, and appropriate \$24,225 in matching funds from property owner Robert Agnelli.

3. Authorize the County Manager to execute a contract with the NC Department of Crime

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Control and Public Safety, Division of Emergency Management for a Severe Repetitive Loss Grant.

4. Authorize the County Manager to sign an agreement with the property owner with respect to the work to be performed on the property.

5. Authorize the carry forward of unspent grant and matching funds to subsequent years until completion of the project.

(19) AQUATIC CENTER HVAC REPLACEMENT – CONSTRUCTION CONTRACT

Award a Contract to Superior Mechanical Systems, Inc. in the amount of \$2,243,500 for the construction of the Heating, Ventilation, and Air Conditioning (HVAC) replacement at the Mecklenburg County Aquatic Center.

(20) MASTER SERVICE AGREEMENT CONTRACT

Authorize the County Manager to negotiate and execute a Master Service Agreement contract with Imaging Solutions and Services, Inc. (ISSI), to provide Enterprise Document Management System products and services for a period of five years with the option for two additional one-year extensions.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(15) BUDGET AMENDMENT – SHERIFF’S OFFICE (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to 1) recognize and appropriate \$102,000 from inmate commissary for the Sheriff’s Special Revenue Fund. 2) Recognize and appropriate \$65,810 from vocational facility telephone revenue for Sheriff’s Special Revenue Fund.

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

(17) BUDGET AMENDMENT – DSS (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to amend the Department of Social Services FY 2012 Budget to recognize, receive and appropriate \$100,000 for the Parent Partner Program.

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

(18) BUDGET AMENDMENT – DSS (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph

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and Roberts voting yes, to amend the Department of Social Services (DSS) FY12 budget to recognize, receive and appropriate Family Violence Prevention Act Funds in the amount of \$20,000.

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

(21) ELECTRONIC FILES MANAGEMENT – CHILD SUPPORT ENFORCEMENT

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to authorize the County Manager to negotiate and execute a contract with Imaging Solutions and Services, Inc. under the Master Service Agreement to provide Enterprise Document Management System products and services for Child Support Enforcement.

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

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

(22) COMMUNITY TRANSFORMATION GRANT APPLICATION – HEALTH DEPARTMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Pendergraph and Roberts voting yes and Commissioner Leake voting no, to

- 1) Approve the submission of a grant application for \$1.65 million per year for five years to the Centers for Disease Control (CDC).
- 2) If awarded, recognize, receive and appropriate funds.

Note: In partnership with community stakeholders, the Health Department will address five strategic directions selected from the CDC recommendations: Tobacco Free Living; Active Living and Healthy Eating; Use of High Impact Quality Clinical Prevention Services to address high blood pressure; Social and Emotional Wellness; and Healthy and Safe Physical Environment. At least 50% of the funds will be distributed to agencies outside of the Health Department as required by the CDC. No County match is required.

Commissioner Leake removed this item from Consent for more information. Commissioner Leake said she wanted to know who wrote the grant. She said she had other questions that she wanted Health Director Mabry to answer, such as, who the stakeholders were; what was the process for selecting the stakeholders; what County departments were involved in this.

County Manager Jones asked Commissioner Leake to provide him with her questions and he would work to get them answered.

Commissioner Dunlap returned to the dais.

(23) SELECTION OF NACO ALTERNATE VOTING DELEGATE

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to select Nyki Hardy as the County's Alternate voting delegate for the 2011 National Association of Counties (NACo) Annual Conference to be held July 15-19, 2011 in Portland, Oregon.

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Commissioner Leake removed this item from Consent to state that she did plan to attend the conference the entire time. It was explained that an alternative was needed for voting delegate credential purposes.

ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:54 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman