

NOVEMBER 15, 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, November 15, 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

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**-INFORMAL SESSION-**

***Commissioner Clarke 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) REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 10, 11, 14, 16, and 17.

**(2A) STAFF BRIEFINGS - MEETING CHAMBER DAIS EVACUATION PLAN – ITEM WAS REMOVED FROM THE AGENDA**

**(3A, B, C) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION, B) CONSULT WITH ATTORNEY, C) LAND ACQUISITION**

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matters to be discussed in Closed Session: Arjan Jagtiani vs. Mecklenburg County 11CVS 2278 and Tax Parcels #221-491-01 and #221-032-33.

Motion was made by Commissioner James, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion, B) Consult with Attorney, and C) Land Acquisition.

***The Board went into Closed Session at 5:10 p.m. and came back into Open Session at 5:37 p.m.***

*Commissioner Clarke entered the meeting.*

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

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**-FORMAL SESSION-**

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

**CITIZEN PARTICIPATION**

**(1) AWARDS/RECOGNITION – NONE**

**(2) PUBLIC APPEARANCE**

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

Beverly Irby, Executive Director of C. W. Williams Community Health Center addressed the Center's 30<sup>th</sup> Anniversary. She also gave an update on services and programs provided by the Center. She was joined at the podium by Sue Goodman and Robert Willis, members of her staff, and Mrs. C. W. Williams, the widower of the Founder, C. W. Williams.

**(3A) NOMINATIONS/APPOINTMENTS**

**ADULT CARE HOME ADVISORY COMMITTEE**

Motion was made by Commissioner Pendergraph, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Charlene Barr to the Adult Care Home Advisory Committee for a one-year term expiring November 30, 2012.

*Note: She is replacing Delia Holder.*

**LIBRARY BOARD OF TRUSTEES**

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 reappoint Joan Martin and Robert Sink to the Library Board of Trustees for four-year terms expiring December 31, 2015.

**NURSING HOME COMMUNITY ADVISORY COMMITTEE**

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 reappoint Ulrich Bertsch and Jenita Hooks to the Nursing Home Community Advisory Committee for three-year terms expiring December 31, 2014.

**PLANNING COMMISSION**

Commissioner Cogdell nominated all applicants for appointment consideration to the Planning Commission. They were: Ron Frazier, Danmon Gregory, Wendy Jamison, Deborah Ryan, and Joe Simpkins.

*Note: An appointment will occur on December 6, 2011.*

**(4) PUBLIC HEARINGS – NONE**

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

**(6) MANAGER’S REPORT– NONE**

**STAFF REPORTS AND REQUESTS**

**(7A) PARK LEASE WITH THE TOWN OF PINEVILLE**

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 authorize the County Manager to negotiate and execute an amended and restated *Lakeview Park Lease Agreement* between the County and the Town of Pineville on Tax Parcel #221-491-01 to include Tax Parcel #221-032-33 consistent with business points outlined in Background/Justification of the Action Item (Noted Below); and to authorize the expenditure of up to an additional \$50,000 for the acquisition of Tax Parcel #221-032-33 from funds allocated for park land acquisition. This acquisition was first approved August 2, 2011 at a County cost of \$150,000.

Background/Justification: Talks with the Town have resulted in the following proposed major business terms for the amended and restated *Lakeview Park Lease Agreement*:

<b>Parcels:</b>	221-491-01 and 221-032-33
<b>Lease Term</b>	Fifty (50) years
<b>Option Periods</b>	Lease shall renew automatically for additional terms of five (5) years
<b>Termination Clause</b>	The County or Town may terminate the Lease at the end of the initial fifty (50) year period or at the end of any renewal period by giving one hundred eighty (180) days prior notice
<b>Right of First Refusal</b>	Should the County decided to sell parcel #221-032-33 (the “Netherby Property”) at any time, the Town shall be given the opportunity to match the offer.
<b>Purchase by Town</b>	Should the County ever sell the Netherby Property to the Town, the Town shall be credited \$160,000.00 towards the purchase price in recognition of its \$160,000 contribution towards the 2011 purchase of the property by the County.
<b>Purchase by Third Party</b>	Should the County ever sell the Netherby Property to a third

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party, the Town shall be credited \$160,000 of its original contribution of the purchase price.

**(8A) COUNTY COMMISSIONERS REPORTS AND REQUESTS – NONE**

Note: Chairman Roberts took a point of personal privilege to inform the public that at the request of Commissioner Pendergraph, she would be appointing a committee that would address issues surrounding the dropout rate, the safety of children, the education of children, and how County services can be wrapped around those educational needs to help reduce the dropout rate and to be more effective in serving the youth of the community.

Commissioner Pendergraph said the purpose would be to start discussion of these issues with representatives from the Board about family and home life and how that ties in with the school system, the dropout rate and the crime rate.

**CONSENT ITEMS**

**Motion was made by Commissioner Pendergraph, seconded by Commissioner James 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 November 1, 2011 and Closed Sessions held November 1, 2011, September 20, 2011, and September 7, 2011.

**(12) TAX REFUNDS**

Approve refunds in the amount of \$7,369.55 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

***A list of the refund recipients is on file with the Clerk to the Board.***

**(13) INSURANCE REIMBURSEMENTS**

Recognize, receive and appropriate funds in the amount of \$14,218 for Real Estate Services and \$7,197 for Park and Recreation.

*Note: All reimbursements are for stolen and damaged items.*

**(15) DESTRUCTION OF DOCUMENTS – LUESA**

Approve the disposal of LUESA (Code Enforcement Department) records and plans in accordance with North Carolina records retention policies.

*Note: These records comprise:*

- *Daily Revenue: 2888 (3/1/07 – 10/31/11)*
- *Daily Reports: 889 (5/1/09 – 10/01/11)*

**(18) CAPITAL RESERVE REQUEST – PARK & RECREATION (JETTON PARK ENTRANCE)**

Authorize and appropriate expenditure of \$160,000 from the "Jetton Park Entrance" Capital Reserve account to repair/resurface asphalt trails, upgrade playground, correct drainage issues, replace floor in Waterfront Hall and stabilize 500 feet of shoreline.

**(19) HEAVY EQUIPMENT PURCHASE – LUESA**

Authorize the County Manager to negotiate and execute unit price contracts for the purchase of one (1) LGP Track Type Tractor, (1) Waste Handler Type tractor, (1) 80,000 lb. Landfill Compactor, (1) 30-Ton Articulated Truck, and (1) Hydraulic Excavator in the 20,000 KG Class for a total amount of \$1,680,169 to the following lowest responsible bidders:

Carolina Cat

LGP Track Type Tractor,	\$345,828 per unit
Waste Handler Type Tractor,	\$332,599 per unit
80,000 lb Landfill Compactor	\$566,288 per unit
Hydraulic Excavator, 20,000 KG Class	\$144,740 per unit

ASC Construction Equipment USA

30 Ton articulated Truck	\$290,714 per unit
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**(20) HAZARD MITIGATION "QUICK BUY" PROGRAM – FLOODPLAIN ACQUISITIONS**

1. Accept the "Offer of Sale of Land" from Harold J. Jordan of 1023 Andrill Terrace (Parcel ID: 07509306) for \$3,235.
2. Accept the "Offer of Sale of Land" from Charles M. and Billie E. Gilreath of 2753 Coronet Way (Parcel ID: 07113116) for \$43,980.
3. Accept the "Offer of Sale of Land" from Victor Athanas and May Kin Kung of 816 Norwood Drive (Parcel ID: 07113118) for \$25,400.
4. Accept the "Offer of Sale of Land" from Wildwood Investments LLC of 4109 Whitehurst Road (Parcel ID: 14521209) for \$41,984.
5. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

**(10) PROCLAMATION – PANCREATIC CANCER AWARENESS MONTH**

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 adopt a proclamation designating November, 2011 as "Pancreatic Cancer Awareness Month."

Commissioner Cooksey removed this item from Consent for more public awareness. He also acknowledged his own battle with this disease and how he's blessed to be a survivor. He thanked Board members and the community for the support and prayers extended to him since being diagnosed 18 months ago.

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

**(11) PROCLAMATION – HOMELESS AWARENESS MONTH**

Motion was made by Commissioner Dunlap, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a joint proclamation designating November, 2011, as “Homeless Awareness Month.”

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

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

**(14) RECORDS RETENTION AND DISPOSITION SCHEDULE – HEALTH DEPARTMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve an amendment to the September 7, 2007 version of the Records Retention and Disposition Schedule for Local Health Departments and authorize disposal of records consistent with the schedule.

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

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

**(16) GRANT APPLICATION – SISTERS OF MERCY – COMMUNITY ALTERNATIVES PROGRAM (CAP/DA)**

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the submission of a continuation grant application for \$63,222 to fund a contract social worker for the CAP/DA Program for one additional year from the Sisters of Mercy Foundation effective January 1, 2012; and if awarded, recognize, receive and appropriate such funds.

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

**(17) BUDGET AMENDMENT – DSS (REVENUE INCREASE) – CRISIS INTERVENTION PAYMENTS**

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to amend the Department of Social Services (DSS) FY12 Budget to recognize, receive and appropriate \$3,074,380 additional Federal revenue for the Crisis Intervention Payments (CIP).

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

**ADJOURNMENT**

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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, that there being no further business to come before the Board that the meeting be adjourned at 6:35 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman