

DECEMBER 20, 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, December 20, 2011.

ATTENDANCE

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

Absent: None

-INFORMAL SESSION-

Commissioners Bentley and Clarke were absent when the meeting was called to order and until noted in the minutes.

The meeting was called to order by Chairman Cogdell, 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, 12, 13, and 18.

(2) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, Attorney Bethune announced there would not be a need to go into Closed Session to Consult with the Attorney, only for the purpose of Business Location and Expansion.

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 7-0 with Commissioners Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purpose: Business Location and Expansion.

The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 5:56 p.m.

Commissioner Clarke was present when the Board came back into Open Session. He entered the

meeting during Closed Session.

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

-FORMAL SESSION-

Invocation was given by Commissioner Pendergraph, 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) INDUCTION INTO THE ORDER OF THE HORNET—SISTER MARY JEROME SPRADLEY

Motion was made by Commissioner Clarke, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to induct Sister Mary Jerome Spradley into the Order of the Hornet in recognition of her service to Mecklenburg County.

It was noted that Sister Mary Jerome Spradley has continuously served the residents of Charlotte/Mecklenburg County for the past fifty (50) years. She is currently Chairperson of the Sisters of Mercy of N. C. Foundation Board and past President of Mercy Health Services, Inc., formerly known as Mercy Hospital, Inc. She served in this capacity for twenty-one (21) years.

Note: The Order of the Hornet was founded in the spirit of the early Mecklenburg patriots who signed the Mecklenburg Declaration of Independence on May 20, 1775, and proclaimed the County's Freedom from Britain more than a year before the U.S. Declaration of Independence was signed. Those early patriots valiantly fought for their independence during the Revolution and gave Lord Cornwallis such difficulties during his occupation of Charlotte that he termed the town a "hornet's nest" of rebellion. The Board can pay no higher tribute to those who have given so generously of their time and talents to improve the quality of life for our citizens.

(1B) AMERICAN HEART ASSOCIATION FIT FRIENDLY AWARD

The Board acknowledged Mecklenburg County's recognition as a Fit Friendly Organization by the American Heart Association.

Wanda Caldwell, Senior Human Resources Manager, along with Maggie Givens from the American Heart Association addressed this recognition and how it came about.

*Note: In early 2011, Mecklenburg County applied to the American Heart Association to be recognized as a "Fit Friendly" organization. The application identified the following components of the County's **myTotalHealth Wellness Program** for employees:*

- *No Smoking Policy.*
- *Free tobacco cessation classes.*
- *Promotion of a walking challenge, including pedometers, information on walking distributed through e-mails, MeckWeb and myTotalHealth website, with prize incentives.*
- *Artwork in the stairwells that encourages employees to take the stairs rather than riding the elevator, with County Manager Jones leading by example by taking the stairs.*
- *Mecklenburg County's 11 fitness centers with classes where employees may participate at a discounted price.*

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- *Mecklenburg County's 8 miles of mapped and marked trails where employees and residents can enjoy walking in a secure environment.*
- *Nutrition information (The VitaMin newsletter) provided from CIGNA and placed on Mecklenburg County's employee website (MeckWeb).*
- *Numerous Healthy Cooking classes offered.*
- *Some County departments provide employees with "Healthy Snack Baskets" to promote healthy options.*
- *Mecklenburg County's internal Wellness Program, myTotalHealth, supported by a Mecklenburg County employee and a team of Wellness Ambassadors from different departments and divisions.*
- *Biometric screenings were offered on site as part of the "Know Your Numbers" campaign to educate and help employees with awareness.*

*In recognition of these activities of the **myTotalHealth Wellness Program**, the American Heart Association conferred to Mecklenburg County its Gold Award as a Fit Friendly Organization.*

(2) PUBLIC APPEARANCE

No one appeared to speak during the Public Appearance portion of the meeting.

Commissioner Bentley entered the meeting.

(3A) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

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 nominate and appoint Camelia Bittle and Irene Carande to the Adult Care Home Advisory Committee for one-year terms expiring December 30, 2012.

They replace Charlene Barr and Clarice Locke.

CRIMINAL JUSTICE CITIZEN'S ADVISORY COMMITTEE

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 nominate and appoint Beverly Moss to the Criminal Justice Citizen's Advisory Committee as the District 4 representative to fill an unexpired term expiring May 31, 2012.

Note: She replaces Renee Barfield.

PERSONNEL COMMISSION

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Chris Byron and Jane Childrey to the Personnel Commission for three-year terms expiring January 31, 2015.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT

(6A) PUBLIC LIBRARY UPDATE

The Board received an update on key initiatives of the Charlotte-Mecklenburg Public Library from Public Library CEO Vic Phillips. The following was noted:

- Task Force recommendations continue to be implemented.
- The County Manager has been attending the meetings of the Library Board of Trustees.
- Consolidation of functions with the County has already yielded results, examples were given in the areas of Real Estate Services, Information Technology, Security, and Human Resources.
- Collaboration has begun with Hands on Charlotte for the volunteer program partnership.
- A committee has been formed to take a look at what's going on at the Main Library.

The Main Library Committee Members are as follows:

Jim Palermo, Chair -Executive in residence at Johnson & Wales University in Charlotte and former executive vice president at Bank of America

Wanda Towler, Vice Chair - Retired County and community college executive

Carol Hull - Vice president, process design consultant for Bank of America and Future of the Library Task Force member

Izzy Sanchez - Co-founder and managing partner of Lean Sigma Professionals, a Lean Six Sigma consulting firm

John Saclarides - Senior vice president in the Wells Fargo Real Estate Division and former member of the Spirit Square Task Force in 2007-2008

Stoney Sellers - President and CEO, Technology Project Management, Inc.

Tim Jarman - Senior consultant with ViTEX, Inc. and long-time Bank of America executive

Comments

Commissioner Cooksey asked Mr. Phillips to comment on the mission of the Main Library Committee and timeline for reporting back. *Mr. Phillips said the committee would be following up on questions raised by the Library Task Force regarding whether the Main Library was still needed at its current location and whether the all of the support functions currently at the Main Library still needed. They will also address the question of whether there's a better use of that building.*

Mr. Phillips said the committee started meeting in November and will hopefully report back before April.

Chairman Cogdell thanked Mr. Phillips for the update.

(6B) AUDIT REVIEW COMMITTEE UPDATE

County Manager Jones called upon Commissioner Clarke to give a report on behalf of the Audit Review Committee.

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Commissioner Clarke said each Commissioner should have received a copy of the County's Comprehensive Annual Financial Report for the year ending June 30, 2011 and a copy of the Audit report on the County's financial statements by the audit firm of Cherry Beckhart and Holland dated November 7, 2011.

Commissioner Clarke said the County received a "clean" audit report. He said the audit firm reported to the Audit Review Committee at its meeting today, but because a quorum was not present, the Audit Review Committee could not vote to recommend to the full Board the acceptance of the external audit report on the County's financial statements.

Commissioner Clarke said those present at the Committee meeting had no concerns with the external auditor's report.

Commissioner Roberts asked if the Board would be receiving a report on the current operations of the County's Internal Audit department.

County Manager Jones said the Internal Audit Director gave a report at today's Audit Review Committee meeting, but if it was the desire of the Board to have a presentation made to the entire Board, he would arrange for that to occur.

Commissioner Roberts said she would like to request that be done.

Commissioner Clarke said the Auditors stated in their remarks to the Audit Review Committee that in any organization the size of Mecklenburg County, things will go wrong sometimes, that you'll have problems. Further, that what they're impressed with about Mecklenburg County is that when problems are identified, the County gets right on it to take care of it.

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to accept the audit report of the auditing firm Cherry Beckhart & Holland on the County's audited financial statements.

(6C) PRESENTATION OF 15-YEAR PIN

Chairman Cogdell presented Commissioner James with his 15-year service pin. Commissioner James has served on the Board of County Commissioners since December 1996.

STAFF REPORTS AND REQUESTS

(7A) BUSINESS INVESTMENT PROGRAM GRANT AND ECONOMIC DEVELOPMENT GRANT: CHIQUITA BRANDS INTERNATIONAL, INC.

Motion was made by Commissioner Dunlap, seconded by Commissioner Roberts and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes and Commissioners James and Pendergraph voting no, to adopt a Resolution approving a Business Investment Program Grant and an Economic Development Grant to Chiquita Brands International, Inc. for a total estimated amount of up to \$1,411,000 and authorize the County Manager to negotiate and execute a contract.

Prior to the above vote, the following persons spoke in opposition to the adoption of the Resolution:

Ed Toney said for local government to pay publically traded corporations to relocate sends a "sad" message to business in general. Mr. Toney said if Charlotte, Mecklenburg County and

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the State of N. C. “can’t stand on their own acclades to entice business without subsidies, then local government needs to reexamine how they conduct business.” Mr. Toney also addressed Chiquita’s bankruptcy issues in 2002 and support of terrorist organizations which he said had been documented. Mr. Toney said he was not opposed to business just the way that business was being done.

Dennis Peterson said he was opposed to taxpayer dollars being given to Chiquita.

Jay Privette said he was opposed to taxpayer dollars being given to Chiquita. He also commented on Chiquita’s support of terrorist organizations.

Comments

Commissioner James asked about relocation expenses for Chiquita and whether the agreement before the Board was the same as the one previously shared with the Board. *John Allen, Economic Development Director said the proposal was identical to the one presented to the Board in Closed Session on September 20, 2011.*

Director Allen said the economic development grant portion of the incentive was being offered to assist Chiquita in offsetting their overall relocation cost, which may or may not include moving expenses.

Commissioner Cooksey said it was his understanding that Chiquita entered into a compliance agreement with the federal government in mid-2000 to address its issues in South America, including moving all activities from Columbia.

Commissioner Cooksey asked Director Allen to comment on what Chiquita had done to avoid the types of problems they encountered in the past.

Director Allen said Chiquita thought the payments they made were being used to protect their workers. He said Chiquita voluntarily self reported themselves to the U. S. Department of Justice, paid the fine and instituted various changes in corporate controls and governance to ensure these types of instances don’t happen again. He said Chiquita removed themselves out of Columbia as a place of business.

Commissioner Cooksey said per the economic benefit analysis, the benefit of Chiquita bringing jobs to the County was almost \$3 million.

Commissioner Pendergraph asked for clarification regarding Chiquita’s request for relocation assistance which was addressed.

Commissioner Bentley said it was her understanding that the current Board members of Chiquita were not involved in any legal matters. *Director Allen said that was his understanding as well.*

Commissioner Roberts said the current CEO of Chiquita was actively engaged with the leadership of the community and answered a lot of tough questions. Commissioner Roberts said the current CEO was not the CEO when the exchange of money took place related to illegal activity in Central America.

Commissioner Dunlap said the Board reviewed this request very carefully before making its decision to move forward.

Chairman Cogdell concurred also that the Board had done its due diligence with respect to this request.

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

(7B) FUNDING OF FIRE PROTECTION SERVICES IN MECKLENBURG COUNTY

Jim Bartl, Director of Code Enforcement, Cary Saul, Director of LUESA, and Mark Auten, Fire Marshall addressed establishing five Fire Protection Service Districts within the unincorporated areas of Mecklenburg County.

Comments

Commissioner Bentley noted the concerns of the Town of Cornelius. She said the Town would be looking at a \$100,000 deficit with this new structure. She asked was it possible to phase the implementation in, specifically for the Town of Cornelius, over a period of three years; wherein, the County would pull the workman's comp portion out one year, then the radio portion of the balance and then the \$87,500 for the grant the third year.

Director Saul said he would not recommend doing that just for the Town of Cornelius. He said if the Board decides not to include workers compensation and radio services in the tax rates, then it should be taken out for all of the VFD's the County funds and keep it in the County tax rate and only set the tax rate based on the other volunteer fire services.

Director Saul said that would be a reduction of about \$60,000 in the Town of Cornelius and \$40,000 of funding that would be direct County funding for radios and workers compensation. Further, that the total for all of the VFD's for radios and workers compensation was about \$600,000.

Director Saul said the Fire Protection Service Districts take approximately \$2.5 million out of County tax funding and puts it in a separate tax. He said if you took those numbers out then it would take about \$2.5 million out and leave \$600,000 in.

Commissioner Roberts asked for clarification of the tax rate. *It was explained that it would be very similar to the current police services district tax and only levied in the unincorporated areas of the County.*

Commissioner Roberts said at one point there was discussion of having police and fire together. She asked what was the status of that.

Director Saul said the legislation passed that would allow the County to do that. He said Assistant to the County Manager Brian Francis was working on that but that it's on a different track.

Commissioner James said included in any agreement should be that the towns that don't have fire departments should at some point establish a municipal fire department.

Commissioner James said he was concerned that the Town of Pineville has an ETJ but that ETJ isn't involved in any of this. *Director Saul explained how the area in the Town of Pineville would be handled. He said that service area would be handled by Carolina Volunteer Fire Department.*

Director Saul said if the proposed request is approved then the County would contract with each of the Towns, with the following exceptions, that in Mint Hill the County would contract individually with the Mint Hill Volunteer Fire Department and the Idlewild Volunteer Fire Department. In Pineville, the ETJ is being rolled into the Charlotte ETJ because the Pineville Volunteer Fire Department chose not to participate, therefore, the County would contract with Carolina Volunteer Fire Department who also serves a portion of the City of Charlotte's ETJ.

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Commissioner James said his concern was that this system could go on for a long time. Commissioner James said it would be different if you set up this tax to handle this problem and as annexations occurred and the County is built out and the tax goes away because of municipal fire service.

Commissioner James said he felt town fire departments were necessary in order to keep cost under control.

Commissioner James said he was concerned about the way the proposal was structured by not requiring the towns to be the supervising authority. Secondly, he thinks there needs to be a requirement that there actually be municipal fire departments as a town department. He said there needs to be a specific date for towns to incorporate their ETJ and have a municipal fire department and take over these services and thus the tax goes away.

Commissioner Dunlap addressed the purpose of the proposal which he said was to ensure that residents in the unincorporated area of the County were adequately served and that the volunteer fire departments providing fire service were adequately funded.

Commissioner Cooksey asked about the governance of the fire service districts and who would decide what level of service was needed, and who would be accountable with respect to the quality of service being provided.

Fire Marshall Auten said fire service in Mecklenburg County was basically dictated by state rules.

Commissioner Cooksey asked who would a resident go to in order to voice a concern. *Fire Marshall Auten said the resident would go to the Town Board that created the level of service by the funding they've provided to the fire department in that district.*

County Attorney Bethune said in the ETJ if a neighborhood wanted a higher level of service they would probably go to the voluntary fire department in that area, who would in turn come before the County Commission to request additional funding in order to provide a higher level of service.

Director Saul said the County has a Fire Commission and all budget requests from the VFD's and the towns go through the Fire Commission prior to being submitted to the Board for consideration.

Commissioner Cooksey asked staff to give consideration going forward about the governance of the fire service districts and how the County could set up a process to incorporate public comment and participation on how the service is provided.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Dunlap and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to approve the concept of establishing five Fire Protection Service Districts within the unincorporated areas of Mecklenburg County, with funding to begin in the FY13 budget, and direct staff to start the implementation process.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) PRESENTATION—CRISIS ASSISTANCE MINISTRIES (COMMISSIONER PENDERGRAPH)

The Board received a presentation from Carol Hardison, Executive Director of Crisis Assistance Ministries, regarding the programs and services provided by the agency.

Note: Crisis Assistance Ministries partners with many of the agencies in Mecklenburg County that provide long-term assistance and advocacy for people in financial crisis, helping them move toward self-sufficiency. It is the vision of Crisis Assistance Ministries to inspire our community to justice and generosity as we provide help, hope and understanding to people struggling with limited financial resources.

Chairman Cogdell thanked Ms. Hardison for updating the Board.

(8B) UPDATE ON DISTRICT 2 COMMUNITY MEETINGS (COMMISSIONER LEAKE)

The Board received an update from Commissioner Leake regarding the feedback provided by constituents at two district meetings held recently in District 2.

Note: Commissioner Leake recently held two district meetings with constituents of District 2. The first was held on November 10 at First Baptist Church –West. The second was held at Steele Creek AME Zion Church on December 1. At each of these meetings, County Staff updated residents on the Vision 20/20 plan and heard concerns from residents about possible health violations with Street Food Vendors along Beatties Ford Road. Commissioner Leake would like to update the Board regarding the feedback that was given by constituents, and would like to discuss how staff handled the concerns that were raised.

Commissioner Leake also addressed 1) a recent visit to Child Support Enforcement, 2) a support of AIDS program that was to be discussed at a meeting today, however, the meeting was cancelled, 3) a recent program at the Johnson YMCA for seniors, 4) a recent program at Saint Paul Baptist Church for teenage girls; 5) a Small Businesses meeting held recently at the Government Center, 6) a recent visit to Greenville Center, 7) a recent visit to homeless sites with a representative from the Salvation Army, and 8) a domestic violence play at Reeder Memorial written by Vickie E. Evans.

CONSENT ITEMS

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley 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

1) Approve minutes of Regular meeting held December 6, 2011, Special Meeting held May 19, 2011 and Closed Session held December 6, 2011.

2) Receive as information that the Clerk to the Board, when preparing the minutes of the December 6, 2011 Regular meeting, noticed typos on two Action Item forms and made those corrections when preparing the minutes. They were 1) a misspelled name in item 3a, appointment to Huntersville Board of Adjustment (Probst instead of Propst) and 2) Closed Session minutes of November 1, 2011 and not 2001.

(11) TAX REFUNDS

Approve refunds in the amount of \$10,738.19 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.

(14) ADOPTION OF HEALTHY VENDING POLICY RESOLUTION

Adopt Mecklenburg County Healthy Vending Policy Resolution in support of the Healthy Vending Policy and associated Healthy Vending Criteria and Implementation Plan.

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

(15) CAPITAL RESERVE REQUEST—AQUATIC FACILITIES

Authorize and appropriate expenditure of \$20,000 from the Consolidated Aquatic Capital Reserve Fund to perform engineering and concrete test and replace supports and bolts at all water features at Ray's Splash Planet.

(16) CAPITAL RESERVE REQUEST—OUTDOOR RECREATION

Authorize and appropriate expenditure not to exceed \$9,200 from the Outdoor Recreation Capital Reserve Account for the purchase of kayak equipment and one Segway.

(17) CAPITAL RESERVE REQUEST—LATTA EQUESTRIAN CENTER

Authorize and appropriate expenditure of \$8,500 from the Latta Equestrian Center Capital Reserve Fund to replace entry gates at the grazing/turnout area.

(19) INTERLOCAL AGREEMENT AMENDMENT—CABARRUS ENTITIES RADIO SERVICE

Approve an amendment to the Interlocal Agreement with Cabarrus Entities for Public Safety Radio System Interoperability and Infrastructure Services.

Agreement recorded in full in Minute Book _____ Document # _____.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(18) SOLE SOURCE APPROVAL—REPLACEMENT OF 223 GLOCK SERVICE WEAPONS

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Pendergraph voting yes, to approve the purchase of 223 Glock Generation 4 service weapons without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(e)(6); and approve a contract with Lawmen's Safety Supply for the purchase of 223 Glock weapons in the amount of \$40,026.83, after trade-in of 223 Glock 22 weapons.

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

Commissioner Roberts returned to the dais.

(10) NORTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY

PREVENTION (DJJDP)—MECKLENBURG COUNTY JCPC FUNDING

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 recognize, receive and appropriate an additional allocation of FY12 DJJDP funds in the amount of \$113,577 as recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

Commissioner Leake removed this item from Consent for more public awareness and to inquire about the culinary program at Greenville Center. County Manager Jones informed Commissioner Leake that this item is not associated with the Culinary program that's to be housed at Greenville Center. County Manager Jones said previous questions raised by Commissioner Leake regarding Greenville Center was addressed in a recent Board Bulletin and that he would provide that to her again. County Manager Jones said he believes the culinary program is to be in place Spring of 2012.

(12) BUDGET AMENDMENTS—AREA MENTAL HEALTH (REVENUE DECREASE)

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:

A) Reduce federal funding of \$15,209 from the North Carolina Division of MH/DD/SAS in the Jail Diversion and Trauma Recovery Program.

B) Reduce Medicaid Community Alternative Program (CAP) Waiver Supplies State funding in the amount of \$110,000.

C) Recognize, receive and appropriate federal funds from the North Carolina Division of MH/DD/SAS in the amount of \$100,000 for the purpose of the Center for Prevention Resources (CPR) for the Western Region.

D) Reduce funding of \$190,000 (of which \$26,050 is federal and \$163,950 is state) from the North Carolina Division of MH/DD/SAS for Deaf and Hard of Hearing funding.

E) Recognize, receive and appropriate state funds from the North Carolina Division of MH/DD/SAS in the amount of \$67,533 for the purpose of Traumatic Brain Injury (TBI) funding.

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

(13) BUDGET AMENDMENT—HEALTH DEPARTMENT (REVENUE DECREASE)

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 reduce Health Department revenue in the amount \$55,595 to reflect actual state, and federal allocations.

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

(8C) BOCC COMMITTEES AND ASSIGNMENTS (CHAIRMAN COGDELL)

Chairman Cogdell shared and provided to the Board the 2011-12 Board Committee membership appointments and schedule.

BOCC COMMITTEE ASSIGNMENTS 2011 - 2012

Criminal Justice Committee

Meeting Schedule: 1st Tuesday of the month – 3:00-5:00pm

This committee is responsible for making recommendations regarding the efficiency and effectiveness of the criminal justice system in Mecklenburg County.

Chairman: Jim Pendergraph

Members: Karen Bentley, Harold Cogdell, George Dunlap

Staff Support: Michelle Lancaster

Health & Community Support Committee

Meeting Schedule: 3rd Tuesday of the month – 3:00-5:00pm

This committee is responsible for making recommendations to improve the health and well being of Mecklenburg County residents with emphasis on children, seniors and families.

Chairman: Jennifer Roberts

Members: Karen Bentley, Harold Cogdell, Vilma Leake

Staff Support: Michelle Lancaster

Effective & Efficient Government Committee

Meeting Schedule: 3rd Tuesday of the month – 3:00-5:00pm

This committee is responsible for making recommendations that support Mecklenburg County providing services in a highly effective, efficient and inclusive manner, and be accountable for results.

Chairman: Neil Cooksey

Members: Dumont Clarke, George Dunlap, Jim Pendergraph

Staff Support: John McGillicuddy

Economic Development Committee

Meeting Schedule: 2nd Tuesday of the month – 1:30-3:00 pm

This committee is responsible for making recommendations that contribute to business and job growth in Mecklenburg County.

Chairman: George Dunlap

Members: Jim Pendergraph, Jennifer Roberts, Karen Bentley

Staff Support: Bobbie Shields

Natural Resources Committee

Meeting Schedule: 1st Tuesday of the month – 3:00-5:00pm

This committee is responsible for making recommendations that support Mecklenburg County having a vibrant and diverse economy, while protecting its normal resources and enhancing the quality of life.

Chairman: Jennifer Roberts

Members: Neil Cooksey, Vilma Leake, Dumont Clarke

Staff Support: Bobbie Shields

The Ad Hoc Committees are:

1. Education Liaison Committee

This committee is responsible for recommending processes and practices that foster positive communication and working relationships between elected and appointed officials of Mecklenburg County, Charlotte-Mecklenburg Schools and Central Piedmont Community College.

Chairman: Karen Bentley

County Members: Neil Cooksey, Jennifer Roberts, Vilma Leake
Staff Support: Leslie Johnson

2. Compensation Committee

This committee will review the compensation of the County Manager

Chairman Dumont Clarke

Members: Neil Cooksey, Bill James, George Dunlap
Staff Support: Michelle Lancaster

Comments

Commissioner Leake addressed attendance by Commissioners at Board committee meetings. Commissioner Leake said many commissioners fail to attend committee meetings and that often attendance is based on who's chair of the committee.

Commissioner Dunlap informed Chairman Cogdell that he would participate as a committee member but would not serve as chair of any of the committees. Commissioner Dunlap said Chairman Cogdell was informed of this previously.

Note: Commissioner Dunlap was appointed chairman of the Board's Economic Development Committee.

Commissioner Roberts informed Chairman Cogdell that she would participate as a committee member but would not serve as chair of any of the committees. Commissioner Roberts said Chairman Cogdell was informed of this previously.

Note: Commissioner Roberts was appointed chairman of the Board's Natural Resources Committee and Health & Community Support Committee.

Commissioner Roberts also addressed committee attendance. She questioned whether the Education Liaison Committee should become a standing committee when current standing committees aren't meeting for whatever reason.

Commissioner Roberts suggested all of the Board committees become Ad Hoc Committees and meet whenever there's a specific issue to be dealt with.

Commissioner Roberts asked what happens if persons appointed as chairman of a committee decline to serve as chairman.

County Attorney Bethune said the assignments have been made and that it's up to the appointed chairman to call a meeting. He said if the committee chairman doesn't schedule any meetings, no meetings will be held.

Commissioner Bentley said she was appointed and has served for about a year on the Board's Community Health & Safety Committee chaired by Commissioner Leake. Commissioner Bentley said she stopped attending because Commissioner Leake held a committee meeting that was designed to address a constituent issue that should have been handled in a different manner.

Commissioner Bentley said if it's a good use of her time and staff time then she'll be in attendance. Commissioner Bentley said she would not attend a committee meeting that is used to address constituent issues within a specific district that should be handled in a different manner.

Commissioner Bentley said her attendance on other Board committees she was assigned to has been good.

Motion was made by Commissioner Roberts, seconded by Commissioner Leak, to make all Board committees ad hoc.

Commissioner Dunlap suggested taking a look at which of the Board's committees would function better as an Ad Hoc Committee, rather than making them all ad hoc.

Commissioner Dunlap said there were occasions when committees didn't meet because there was not a pressing matter to be discussed and/or staff had not had an opportunity to pull all of the information together.

Commissioner Dunlap suggested delaying this until there'd been ample time to study the committee process.

Commissioner Clarke suggested deferring this matter until the first Regular meeting in January 2012. He said the committees should remain as they are, but rather than having a regular meeting time and schedule, that there only be called meetings for specific purposes and with a specific agenda.

Substitute motion was made by Commissioner Clarke, seconded by Commissioner Cooksey, to defer making a decision regarding the structure of Board committees, i.e. their name, purpose, governance structure, until the first Regular meeting in January.

Commissioner Pendergraph offered a friendly amendment to the Substitute motion, which was accepted by the makers of the substitute motion, to defer discussion of Board committees until the Board's annual Strategic Planning Conference, which would give the Board ample time to discuss the matter in detail.

The vote was then taken on the substitute motion as amended and as noted below.

Substitute motion was made by Commissioner Clarke, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to defer making a decision regarding the structure of Board committees, i.e. their name, purpose, governance structure, until the Board's annual Strategic Planning Conference.

Note: The date of the Strategic Planning Conference has not yet been determined.

Chairman Cogdell said his goal was to get the Board communicating and back focused on the business of County government and determining how the Board can "better" work together.

Note: In light of the above motion, no consideration was given to a change in the Board Committee structure to make the Education Liaison Committee a Standing Committee instead of an Ad-Hoc committee.

(8D) FACT FINDING PROBE (CHAIRMAN COGDELL)

Chairman Cogdell asked to be excused from participating in the discussion of and voting on Item 8D Fact Finding Probe, which he placed on the agenda and involves him.

Note: The action item request was as follows:

Direct the County Manager and County Attorney to develop and implement a plan for conducting a

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fact finding probe by an external entity or individual to determine the following: (1) the facts and circumstances leading to the engagement of Harold Cogdell, Jr. as the legal counsel for the C.W. Williams Community Health Center, Inc.; (2) determine the facts and circumstances surrounding the time in which any other Commissioner(s) became aware of this attorney-client relationship; and (3) what, if any, action was taken by any other Commissioner(s) to notify the full Board and/or public about his or her beliefs regarding the formation of the attorney-client relationship prior to December 6, 2011.

The Background/Justification was noted as follows: On Tuesday, December 6, 2011, the Board of Commissioners voted for Chairman of the Board for the 2011-2012 year. This is annual vote required by North Carolina State law to be taken at the first December meeting of the Board of County Commissioners of each year. During the debate on this topic prior to the vote for chairman, Commissioner George Dunlap in talking about Commissioner Harold Cogdell being engaged by C.W. Williams Community Health Center in August 2011 to provide legal services stated that "I'm not saying there was a quid pro quo, but it doesn't look good." Although, not an allegation, this implication suggested that the circumstances that gave rise to the formation of the attorney-client relationship between C.W. Williams Community Health Center, Inc. and Harold Cogdell, Jr. may have been in some manner unethical, unlawful or both. This implication has impugned the reputation of both C.W. Williams Community Health Center, Inc. and Harold Cogdell, Jr. Furthermore, it has planted the seed that unethical and/or even unlawful conduct may have been engaged in by a public official. Moreover, this implication evidences that another Commissioner(s) on this Board were aware of the existence to this attorney-client relationship, believed the attorney-client relationship may have developed in some improper fashion and failed in their duty to the public to bring this issue to the attention of the public, the full Board or the County Attorney prior to December 6, 2011.

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to excuse Chairman Cogdell from participating in the discussion of and voting on Item 8D Fact Finding Probe, which he placed on the agenda, to avoid a conflict of interest.

Chairman Cogdell left the dais and was absent for the remainder of the meeting.

Vice-Chairman Pendergraph chaired the remainder of the meeting.

Motion was made by Commissioner James, seconded by Commissioner Bentley to direct the County Manager and County Attorney to develop and implement a plan for conducting a fact finding probe by an external entity or individual to determine the following: (1) the facts and circumstances leading to the engagement of Harold Cogdell, Jr. as the legal counsel for the C.W. Williams Community Health Center, Inc.; (2) determine the facts and circumstances surrounding the time in which any other Commissioner(s) became aware of this attorney-client relationship; and (3) what, if any, action was taken by any other Commissioner(s) to notify the full Board and/or public about his or her beliefs regarding the formation of the attorney-client relationship prior to December 6, 2011.

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

1. Direct the County Manager and County Attorney jointly to develop and implement a plan for an independent and objective person with appropriate professional experience (the "Investigator") to do the following: (A) investigate and assess the facts and circumstances regarding the establishment of an ongoing attorney-client relationship between Commissioner Harold Cogdell, Jr. and C.W. Williams Community Health Center, Inc. ("CWW"), based on the discussions between representatives of CWW and Harold Cogdell, Jr. that began "several weeks

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after the county budget vote was finalized”, and (B) deliver, no later than the Board’s first meeting in February, a written report to the Board in which the Investigator shall tell the Board, based on the results of his or her investigation, what the Investigator knows and what the Investigator thinks about those facts and circumstances, including whether the Investigator believes Harold Cogdell, Jr. violated the Code of Ethics for Mecklenburg County Officials or any applicable statutes or other rules of conduct. The Investigator should consult with the County Attorney at any time during the investigation or during preparation of the report to the Board to the extent the Investigator believes is necessary or appropriate.

2. In accordance with Section 8(a) of the Code of Ethics for Mecklenburg County Officials, Direct the County Attorney to (A) investigate and assess whether George Dunlap or any other Commissioner violated the County’s Code of Ethics by not notifying the full Board and/or the public about the information he or she had learned about CWW’s engagement of Harold Cogdell, Jr. to render legal services to CWW on an ongoing basis (the “Information”) until the Board’s meeting on December 6, 2011, and (B) to report, no later than the Board’s first meeting in February, the findings of his investigation to the Board of County Commissioners telling the Board what he knows and what he thinks about Commissioner Dunlap’s or any other Commissioner’s conduct regarding the Information, including whether he believes George Dunlap or any other Commissioner with knowledge of the Information violated the Code of Ethics for Mecklenburg County Officials or any applicable statutes or other rules of conduct.

3. Appropriate up to \$15,000 from unrestricted contingency to pay fees and expenses associated with both of the investigations outlined in items 1 & 2.

Comments prior to the above vote:

Commissioner Dunlap noted for disclosure purposes that after receiving his agenda packet for the meeting, he sent the County Attorney some questions and one of those questions was whether or not it was an ethical violation on the part of any Board member who does not disclose information that they know.

Commissioner Dunlap said there was nothing in the Board’s Code of Ethics placing responsibility on a Board member to be responsible for another person’s actions.

Commissioner James questioned whether Commissioner Dunlap should excuse himself from participating and voting on a portion of the motion, specifically, part 2 of the motion.

Commissioner James said he was not aware of Chairman Cogdell’s affiliation with CWW until it was mentioned by Commissioner Dunlap at the December 6, 2011 meeting.

Commissioner James asked Attorney Bethune if Chairman Cogdell asked him about his work with CWW before he accepted the job to serve as their legal counsel.

County Attorney Bethune said he would respond globally. He said normally Board members when talking with him, do not want him to talk to other Commissioners about what they’ve discussed.

County Attorney Bethune said he was not saying that about this instance, but the general understanding Board members have with him, when they contact him, is that the conversation is between them.

County Attorney Bethune said if that’s not what the Board wants the relationship to be, then to help him define what the relationship should be when contacting him with questions. He said that would help him determine whether the Board wants him to answer a particular question.

Commissioner Roberts said if the Board was trying to re-establish “faith and trust and how we act, would it not be better for Commissioner Cogdell, while the investigation is on-going, to end his

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relationship, if temporarily, with CWW while it's being investigated.”

County Attorney Bethune said that was a matter that Chairman Cogdell would have to determine under the code of ethics he operates under as an attorney.

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to waive the attorney/client privilege between the Board and County Attorney Bethune, with respect to the factual issues that are related to the investigation as described in Bullets #1 and #2 of the previous substitute motion.

ADJOURNMENT

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, 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 10:16 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., Chairman