

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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, February 21, 2012.

ATTENDANCE

Present: Chairman Harold Cogdell, Jr. and Commissioners Karen Bentley, Dumont Clarke, 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: Commissioner Jennifer Roberts

-INFORMAL SESSION-

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 12, 15, 16, 18, 22, and 28.

(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 the following Consult with Attorney matter to be discussed in Closed Session: Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, and Pendergraph voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion and B) Consult with Attorney.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:50 p.m.

Commissioner Dunlap was present when the Board came back in Open Session. He entered the meeting during Closed Session.

Commissioner Cooksey entered the meeting.

Commissioner Dunlap asked the Board to consider moving Item 30-PROCLAMATION-GO RED FOR WOMEN MONTH 2012 from Consent to Awards/Recognition for more public awareness.

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to move Item 30-PROCLAMATION-GO RED FOR WOMEN MONTH 2012 from Consent to Awards/Recognition.

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

-FORMAL SESSION-

Invocation was given by Commissioner Clarke, 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

(30) PROCLAMATION—GO RED FOR WOMEN MONTH 2012

Motion was made Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to adopt a Proclamation proclaiming February, 2012 as Go Red for Women Month in support of the Health Department project *Village Heart BEAT*.

Dr. Ophelia Garmon-Brown and Pastor Jonathan Edwards, First Mount Zion Missionary Baptist Church addressed and received the proclamation.

*Note: The Mecklenburg County Health Department will join forces with community stakeholders to implement **Village Heart BEAT** to address the number one killer, heart disease, and to help improve the health of African-American and Latino Women residents. The **Village Heart BEAT** will be building awareness of women's heart disease risk and empowering them to reduce their risk and prevent heart disease.*

A copy of the proclamation 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:

Colin Pinkney, Executive Director Urban Restoration, Joe Coleman, and Tyneisha Johnson, student, addressed the importance of fathers and father figures in the lives of daughters. They announced an upcoming Fatherhood Initiative in June called the Amazing Love Event. The goal of the event is to host 500 father-father figure/daughter couples annually for an evening of “elegance, dancing, affirmation and encouragement.”

A copy of a handout from Mr. Pinkney is on file with the Clerk to the Board.

Blanche Penn addressed the accomplishments being made at Rocky River High School. Ms. Penn said Rocky River High School seniors had received \$1.2 million in scholarships.

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Ron Virmani, M.D. addressed his dismissal from Presbyterian Hospital here in Charlotte/Mecklenburg County. Dr. Virmani said he felt he was discriminated against.

A copy of a handout from Dr. Virmani is on file with the Clerk to the Board.

Flay Hoover spoke in opposition of his son, Devin Flay Hoover, being in the custody of the Mecklenburg County Department of Social Services. Mr. Hoover said he felt his rights as a father were being “stump” on.

Kathy Stratton spoke in opposition of her son, Spencer Stratton, being in the custody of the Mecklenburg County Department of Social Services. Ms. Stratton said her son was being given drugs against his will. Ms. Stratton said she was issuing the Board a notice, “before the legal,” to stop giving her son drugs. Ms. Stratton said her son should be with his family and not in a group home.

CONSENT ITEMS

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

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held February 7, 2012.

(10) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of \$14,715 for Park and Recreation Department, \$6,715 for Real Estate Services and \$6,399 for Sheriff’s Office.

Note: All reimbursements are for stolen and damaged items.

(11) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT

Receive Area Mental Health’s November 2011 Monthly Financial Report.

Note: In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the Board of County Commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the Board of County Commissioners ad hoc reports as requested by the Board of County Commissioners.

**MECKLENBURG COUNTY AREA MENTAL HEALTH
Statement of Revenues and Expenses
FY 2012, For the period ending November 2011**

	Budget	Actual	% Received
Revenue Source			
Medicaid & CAP	\$ 8,966,442	\$ 2,153,727	24.02%
State and Federal	33,397,621	3,760,922	11.26%
Third Party/Other	74,318	3,964	5.33%
County	39,803,728	10,894,933	27.37%
Total Revenues	\$ 82,242,109	\$ 16,813,546	20.44%
	Budget	Actual	% Spent
Service Continuum			
Children's Developmental Services	\$ 7,501,036	\$ 2,468,401	32.91%
Child & Adolescent Services	13,136,062	2,945,777	22.43%
Adult Mental Health	7,510,056	1,379,731	18.37%
Adult Substance Abuse	14,049,395	4,682,033	33.33%
Local Management Entity	7,774,099	2,387,656	30.71%
BHC Randolph	22,157,265	0	0.00%
Developmental Disabilities	10,114,196	2,949,948	29.17%
Total Expenditures	\$ 82,242,109	\$ 16,813,546	20.44%
Net (Revenues - Expenditures)	0	0	0%

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred

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

(13) TAX REFUNDS

Approve refunds in the amount of \$1,500,741.35 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) OZONE NONATTAINMENT BOUNDARY RECOMMENDATION

ITEM WAS MOVED TO ADVISORY COMMITTEE REPORTS AS ITEM (5B)

(17) GREENWAY DONATION—BACK CREEK

Accept donation of a portion of Tax Parcels #105-0012-33, 105-013-88, and 105-015-69 (+/- 3.156 acres) from M/I Homes, LLC on Back Creek.

Note: The property was being donated by M/I Homes of Charlotte, LLC as part of the subdivision approval for The Farms at Back Creek development. The property is within the floodplain and will add to greenway assemblage along Back Creek Greenway.

(19) SHELTER PLUS CARE GRANT RENEWAL

Recognize, receive and appropriate federal funds from the U.S. Department of Housing and Urban Development for the renewal of the following Shelter Plus Care Grants:

SPC Renewal B-11 - \$284,352

SPC Renewal A-11 - \$1,360,392

SPC New Samaritan Housing Initiative Renewal-11 - \$119,784

Note: These Shelter Plus Care Grants are renewals of the current grants from the U.S. Department of Housing and Urban Development. The goal of the programs is to provide rental subsidies and supportive services, such as mental health treatment and case management, for consumers who are homeless and disabled.

**(20) BUDGET AMENDMENT—COMMUNITY SUPPORT SERVICES (REVENUE DECREASE)
PROJECT SAFE NEIGHBORHOODS**

Reduce the budget of the Project Safe Neighborhoods grant by \$21,213 due to federal reductions administered through the NC Governor's Crime Commission.

(21) DONATION—PROJECT SAFE NEIGHBORHOODS

Recognize, receive and appropriate a donation in the amount of \$1,000 from the Freemore West Group for promotion and advertising for Project Safe Neighborhoods.

Note: Project Safe Neighborhoods is a grant-funded program that receives grant funds for media outreach and community engagement to educate the public about gun violence and the reduction of gun violence in the community.

(23) CRUSHED STONE CONTRACT WITH MARTIN MARIETTA MATERIALS

Approve a unit price contract to Martin Marietta Materials for providing crushed stone for an estimated annual amount of \$148,119.17 for a term of one (1) year with the option to renew for an additional four (4) one-year terms with possible price adjustments at the time of renewal.

(24) CAPITAL RESERVE REQUEST—PARK AND RECREATION—AQUATIC FACILITIES

Authorize and appropriate expenditures from the Consolidated Aquatic Capital Reserve Funds as follows:

1. \$26,625 - pool accessible lifts and stairs to be used at all aquatic facilities
2. \$14,820 – repairs on pool features at Ray's Splash Planet (RSP)
3. \$7,200 – replacement of four large umbrella canopies at Mecklenburg County Aquatic Center (MCAC) and RSP
4. \$10,000 – repairs and replacement of security cameras and equipment at the MCAC and RSP
5. \$9,000 – Wi-Fi repairs and upgrades at MCAC and RSP
6. \$7,870 – two diving boards at MCAC

(25) CAPITAL RESERVE REQUEST—PARK AND RECREATION—COPPERHEAD ISLAND FEASIBILITY STUDY

Authorize and appropriate expenditure of \$10,000 from the “Copperhead Island Boat Launch Fee” Capital Reserve account to conduct a feasibility study of the access road to Copperhead Island and prepare initial drawings for the Copperhead Island Cabin Construction project.

(26) YMCA OF GREATER CHARLOTTE / MCPRD PARTNERSHIP

1) Approve Resolution Declaring Intent to Enter into Lease with the YMCA of Greater Charlotte for a joint use indoor facility at Park Road Park.

2) Authorize the County Manger to seek permission from the Charlotte City Council for the County to enter into the Lease.

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

(27) BALLFIELD LIGHTING FINANCING

1. Approve the purchase and installation of lighting for six synthetic turf fields.

2. Appropriate \$250,000 from Park and Recreation Synthetic Turf Field Capital Reserves.

3. Authorize Director of Finance and County Manager to arrange financing for the balance, \$650,000, and adopt *RESOLUTION APPROVING FINANCING TERMS*.

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

(29) PROCLAMATION—GREAT AMERICAN CLEAN UP FOR KEEP MECKLENBURG BEAUTIFUL

Adopt a Proclamation designating March 1 through May 31 in Mecklenburg County as the “Great American Clean Up.”

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(3A) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to reappoint Anna Maria Medvid to the Adult Care Home Advisory Committee for a three-year term expiring February 28, 2015.

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to nominate and appoint Lori Lynch and Lesley Selby to the Adult Care Home Advisory Committee for one-year terms expiring February 28, 2013.

Note: They replace Julie Elliott and Patricia Fletcher.

BICYCLE COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to reappoint Jane Wasilewski to the Bicycle Committee for a three-year term expiring March 31, 2015.

DOMESTIC VIOLENCE ADVISORY BOARD

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to reappoint Elizabeth Thornton Trosch to the Domestic Violence Advisory Board to complete her unexpired term expiring April 30, 2012.

Note: Ms. Trosch failed to meet the attendance requirement for calendar year 2011.

Commissioner Cooksey nominated all applicants for appointment consideration to the Domestic Violence Advisory Board: Nicole Ivory, Vanessa Lane, and Beverle' Thomas.

Note: An appointment will occur on March 6, 2012.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to reappoint Gregory Hardin, Mike Hill, Bill Hodges and Wendy Jamison to the Information Services & Technology Committee for three-year terms expiring February 28, 2015.

Motion was made by Commissioner Cooksey, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to nominate and appoint John Carson to the Information Services & Technology Committee to fill an unexpired term expiring February 28, 2013.

Note: He replaces Jeff Beebe.

Commissioner Dunlap made an observation as it related to persons failing to meet the attendance requirement. He suggested the Board refer the attendance policy for boards and commissions to the Board's Efficient and Effective Government Committee for review to see if changes need to be made.

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

LAKE WYLIE MARINE COMMISSION

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley to reappoint Howard Virkler to the Lake Wylie Marine Commission to complete his unexpired term expiring September 30, 2014.

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Note: Mr. Virkler failed to meet the attendance requirement for calendar year 2011.

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

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and failed 4-3 with Commissioners Clarke, Cogdell, Leake, and Pendergraph voting no and Commissioners Cooksey, Dunlap, and James voting yes, to defer for 30 days consideration of appointments to the Lake Wylie Marine Commission, in order to seek additional applicants.

The vote was then taken on the original motion by Commissioner Pendergraph, seconded by Commissioner Bentley and failed 5-2 with Commissioners Clarke, Cogdell, James, Leake, and Pendergraph voting yes and Commissioners Cooksey, and Dunlap voting no, to reappoint Howard Virkler to the Lake Wylie Marine Commission to complete his unexpired term expiring September 30, 2014.

Note: It's takes a unanimous vote of all those present at the dais to reappoint someone.

Commissioner Cooksey then nominated Howard Virkler for appointment consideration to the Lake Wylie Marine Commission.

An appointment will occur on March 6, 2012.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to reappoint Betty Leake to the Nursing Home Community Advisory Committee for a three-year term expiring January 31, 2015.

PUBLIC ARTS COMMISSION

Motion was made by Commissioner Leake, but died for lack of a second to reappoint Katrina Streiner to the Public Arts Commission to continue to fill her unexpired term expiring June 30, 2012.

Note: Ms. Streiner failed to meet the attendance requirement for calendar year 2011.

The following persons were nominated for appointment consideration to the Public Arts Commission:

Katrina Streiner	by Commissioner James
Patricia Fletcher	by Commissioner Dunlap, pending that she qualifies to represent the business sector

An appointment will occur on March 6, 2012.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Pendergraph, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to reappoint William Smith to the Waste Management Advisory Board for a three-year term expiring February 28, 2015.

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Motion was made by Commissioner Pendergraph, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to nominate and appoint Lynne Warholic to the Waste Management Advisory Board to fill an unexpired term expiring August 31, 2014.

Note: She replaces Angela Haigler.

WOMEN'S ADVISORY BOARD

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to reappoint Beverly Hunt to the Women's Advisory Board to complete her unexpired term expiring November 30, 2012.

Commissioner Pendergraph nominated all applicants for appointment consideration to the Women's Advisory Board: Li Mia Bowen, Robyn Codrington, Twanna Daniels, Vickie Evans, Taylor Holloman-Pressley, Karen Okhoya, and Amanda Prothero.

Note: An appointment will occur on March 6, 2012.

PUBLIC HEARINGS

(4A) NC DOT COMMUNITY TRANSPORTATION GRANT APPLICATION—DSS

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to open the public hearing on the Mecklenburg County Department of Social Services submitting an application for the North Carolina Department of Transportation's Community Transportation Grant for Fiscal Year 2012-2013, which was due January 27, 2012.

Chairman Cogdell read the following statement:

Voluntary Title VI Public Involvement

Title VI of the Civil Right's Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency's federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

*The North Carolina Department of Transportation wishes to clarify that this information gathering process **is completely voluntary** and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.*

The completed forms will be held on file at the North Carolina Department of Transportation. For Further information regarding this process please contact Sharon Lipscomb, the Title VI Manager at telephone number 919.508.1808 or email at slipscomb@ncdot.gov.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Clarke and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to close the public hearing on the Mecklenburg County Department of Social Services submitting an application for the North Carolina Department of Transportation's Community

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Transportation Grant for Fiscal Year 2012-2013, which was due January 27, 2012; and approve the Mecklenburg County Department of Social Services submittal of an application for the North Carolina Department of Transportation's Community Transportation Grant for Fiscal Year 2012-2013, which was due January 27, 2012; and recognize, receive and appropriate grant funds when awarded.

Motion was made by Commissioner James, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to adopt a Community Transportation Program Resolution Section 5311 FY 2013 Resolution authorizing the Mecklenburg County Department of Social Services submittal of an application for the North Carolina Department of Transportation's Community Transportation Grant for Fiscal Year 2012-2013.

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

ADVISORY COMMITTEE REPORTS

(5A) WOMEN'S ADVISORY BOARD 2011 ANNUAL REPORT

The Board received the Women's Advisory Board 2011 Annual Report.

Pamela Hemphill, Chair of the Women's Advisory Board (WAB) presented the report. She was accompanied at the podium by other members of the Advisory Board.

Note: The 2011 Annual Report identified key issues and recommendations affecting the status of women in Mecklenburg County.

The following was covered:

- 2011 Accomplishments of the WAB
- Economic Status of Women
- Domestic Violence
- Elder Care
- Child Care
- Women's Health Issues
- Gender Representation on Boards/Commissions
- Sex Trafficking of Women and Girls
- Annual Women's Equality Day
- Recommendations

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

Comments

Commissioner Leake asked the WAB to prioritize their 36 recommendations and to report back to the Board with the top five, that perhaps the Board could address.

Commissioner Leake said two of her biggest concerns were Domestic Violence and Sex Trafficking of Women and Girls.

Chairman Cogdell noted the Economic Status of Women portion of the report. He asked the WAB what were some of the key underlining factors with respect to the wage difference. *Ms. Hemphill said continued support of the Displaced Homemakers Program could assist in this area. Ms. Hemphill said a discussion of salary as it relates to race and gender needed to take place.*

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WAB member Yvonne McJeters said there was no study or any numbers available regarding the pay differences of men and women veterans. She said if the number of female veterans was known, then it could be determined how many needed to be served, not only as it related to economics but other issues women face as well.

Ms. Hemphill said women also needed to have equal representation on appointed committees that impact economic growth.

Chairman Cogdell encouraged the WAB to communicate the need for more women participation on committees that impact economic growth with private sector entities as well, including the Charlotte Chamber of Commerce.

Commissioner Leake said she would like to know how many women serve on County boards that receive compensation.

Commissioner Leake said she would also like to know if there was a difference in pay for male and female City of Charlotte and Mecklenburg County employees, doing the same type of work.

Chairman Cogdell thanked the WAB for its report.

(5B) OZONE NONATTAINMENT BOUNDARY RECOMMENDATION

The Board received a recommendation from the Mecklenburg County Air Quality Commission regarding ozone nonattainment boundaries.

Keith Long, Vice-Chair of the Air Quality Commission and Don Willard, Air Quality Division Director of LUESA presented this matter to the Board.

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, that in accordance with the recommendation from the County's Air Quality Commission, staff is authorized to:

- 1) Submit comments to U. S. Environmental Protection Agency (EPA) supporting and endorsing USEPA's recommended ozone nonattainment boundary for the "Metrolina" region.
- 2) To request that NC and SC provide data for Iredell and Lancaster counties, respectively, regarding their contribution to non-attaining ozone levels.
- 3) To ask the EPA in the County's comments, why the northern part of Lancaster County was not included in the "Metrolina" region and to say that the Board has requested staff to do an analysis of this area.

Prior to the above vote, the comments below were made.

Comments

Commissioner Cooksey asked was the current standard of 0.08 parts per million, the standard that the current attainment zone was meeting. *Director Willard said the County does meet the current ozone standard of 0.08 parts per million. Director Willard said the new EPA standard was 0.075.*

Commissioner Cooksey asked when the new standard would go into effect. *Director Willard said the new attainment zones would be designated by June 30, 2012 and the County would have three years from that point to meet the new standard.*

Commissioner Cooksey asked about the differences in the standards and the impact on the health of the community under one standard versus another, which was addressed.

Commissioner Cooksey said the fact that the EPA doesn't run this through a cost benefit analysis or look at the cost of lowering the standard was a "flaw" in the way the entire system was set up.

Commissioner Dunlap asked for clarification regarding why certain parts of the community outside of Mecklenburg County were not considered a part of this region, which was addressed.

Commissioner Dunlap asked about the four monitors that do not meet the requirements, which was addressed. *It was noted that it had to do with wind patterns.*

Commissioner Clarke asked why wasn't the northern part of Lancaster County not included in the recommended attainment area, which was addressed. Commissioner Clarke said he felt it made sense to include it. *Dir. Willard said staff and the Air Quality Commission concurred.*

Chairman Cogdell asked about the broadening of the attainment area, which was addressed.

Chairman Cogdell asked was it possible for the Board to request that the northern part of Lancaster County be included. *Dir. Willard said the reason staff and the Air Quality Commission did not make that recommendation was because of a lack of data, but if that was the Board's desire it could make that request.*

Commissioner James said what concerned him was that at some point, if the County hadn't met the standard, the federal government was going to come in and require the County to do certain things that would result in restricting residents from doing certain things.

MANAGER'S REPORT

(6A) LEGISTAR AGENDA MANAGEMENT

The Board received a report and demonstration from General Manager John McGillicuddy regarding the Legistar software to be used for the Board's agenda management.

(6B) STRATEGIC PLANNING CONFERENCE

County Manager Jones reminded the Board of its Strategic Planning Conference scheduled for February 23 and February 24, 2012 at the Foundation For The Carolinas, located at 220 North Tryon Street, Charlotte, N.C.

STAFF REPORTS AND REQUESTS

(7A) SET PUBLIC HEARING—FIRE PROTECTION SERVICE DISTRICTS

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 6-1 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, and Pendergraph voting yes and Commissioner James voting no, to adopt a resolution to limit the tax rate in the proposed Fire Protection Service Districts within the unincorporated areas of Mecklenburg County and to set the public hearing date of April 3, 2012 in accordance with NCGS 153A-309.2.

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MECKLENBURG COUNTY BOARD OF COMMISSIONERS
RESOLUTION
APPROVING A TAX RATE LIMIT
FOR PROPOSED
FIRE PROTECTION SERVICE DISTRICTS
IN
UNINCORPORATED MECKLENBURG COUNTY
AND CALLING A PUBLIC HEARING ON CREATING
FIRE PROTECTION SERVICE DISTRICTS

Whereas, N.C.G.S. 153A-301(a)(2) authorizes the board of commissioners of any county to establish fire protection service districts in unincorporated portions of the county; and

Whereas, N.C.G.S. 153A-309.2 authorizes the board of commissioners to limit the levy of property taxes in a fire protection service district to a rate not to exceed fifteen cents (15¢) on each one hundred dollars (\$100.00) of property subject to taxation if the board of commissioners adopts a resolution setting such a limit within 90 days prior to the public hearing required before creating such a fire protection district, but prior to the first publication of notice of the public hearing; and

Whereas, although the Mecklenburg County Board of Commissioners has not voted on creating fire protection service districts, it has decided that if it does create such fire protection service districts, that the fire protection service districts being considered should have the fifteen cents (15¢) property tax levy limitation; now, therefore be it

RESOLVED, that the Mecklenburg County Board of Commissioners adopts this Resolution to limit the levy of property taxes at a rate not greater than fifteen cents (15¢) on each (\$100.00) of property subject to taxation in the proposed fire protection service districts if the Board votes to create such fire protection service districts; and be it further

RESOLVED, that a public hearing is set for 6:30 pm on April 3, 2012 in the Meeting Chamber at the Charlotte-Mecklenburg Government Center, 600 East 4th Street, Charlotte, NC, on the proposed establishment of fire protection service districts as shown on the map attached to this Resolution, and that the Clerk to the Board is directed to publish notice of this public hearing as required by N.C.G.S. 153A-309.2(b).

Director of Land Use & Environmental Services Agency Cary Saul, Director of Code Enforcement Jim Bartl, and Fire Marshal Mark Auten presented this matter to the Board.

Comments prior to the above vote:

Commissioner Pendergraph asked that the public, especially those in the unincorporated areas, be made aware of the public hearing, not only via the newspaper, but through some other means as well.

Commissioner Dunlap said those in the unincorporated areas of the County should be informed of what the cost for fire services would be if provided by the City of Charlotte vs. being provided via the fire service districts.

Commissioner James concurred with Commissioner Pendergraph that those in the unincorporated areas of the County should be informed by some means other than through the newspaper.

Commissioner James said the limit that the County was proposing to set up should be more reasonable. Commissioner James said he felt the establishment of the fire protection services districts was "setting up a bureaucracy that would be ultimately hard to unwind."

Commissioner James said this may end up being a disincentive for annexation of the unincorporated areas. Commissioner James said there needed to be another way to address this issue other than through a tax.

County Manager Jones said staff would come up with a communication strategy to inform those in the unincorporated areas of the County.

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Chairman Cogdell asked that staff place on the map what the proposed amount would be for each of the districts.

Commissioner Cooksey asked about size of Fire Protection Service District 5: Charlotte (+Pineville) and the value of property in that district, which was addressed.

Commissioner Cooksey asked had the towns been consulted regarding this and was there any strong objection. *Director Saul said all of the Towns had been contacted and that the Town of Cornelius expressed opposition because it results in a loss of revenue for Cornelius.*

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

Commissioner Bentley returned to the meeting.

**(7B) ORDINANCE PROHIBITING CAMPING AND UNAUTHORIZED USE OF COUNTY PROPERTY
(SECOND READING)**

Motion was made by Commissioner James, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to adopt new Mecklenburg County Ordinance Prohibiting Camping and Unauthorized Use of County Property and Facilities.

Prior to the above motion the following persons spoke in opposition:

Ms. Scottie Wingfield expressed concern for the impact of the ordinance on the homeless community and selective enforcement.

Mr. Nathan Morrison said he was homeless and concerned about the possibility of being arrested if he fell asleep on County property. Mr. Morrison said he did not want to be arrested. Mr. Morrison said "a person that lays down a blanket is not necessarily camping."

Mr. Ayende Alcalá asked the Board not to approve the ordinance without thinking about its impact on the community.

Mr. Domenic Battiotella questioned the necessity of the ordinance. He said there was no evidence of camping taking place on County property.

Commission comments prior to the above motion:

Commissioner Dunlap asked staff to respond to his question from the previous meeting regarding whether or not there were homeless persons sleeping on County property.

General Manager Bobbie Shields said there was no evidence of homeless persons sleeping on County property.

Commissioner Dunlap said the response to Mr. Battiotella's question of why this ordinance was being put in place, was because Mecklenburg County was being proactive.

Commissioner Dunlap said there should not be any selective enforcement of the ordinance against any individual, group or organization.

Commissioner James said the presence of Occupy Charlotte on Old City Hall property was evidence in his mind as to why, this type of ordinance was needed.

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

Commissioner Cooksey left the dais and was away until noted in the Minutes.

(12) AREA MENTAL HEALTH FIRST QUARTER FY 2012 REPORT

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Pendergraph voting yes, to receive the Second Quarter FY 2012 Area Mental Health Report.

Note: In accordance with General Statute 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the board of county commissioners.

FINANCIAL MANAGEMENT

	<u>Budget</u>	<u>Actual</u>	<u>% Received</u>
Revenue Source			
Medicaid & CAP	8,966,442	2,587,832	28.86%
State and Federal	33,397,621	8,979,108	26.89%
Third Party/Other	74,318	11,931	16.05%
County	39,803,728	10,209,086	25.65%
Total Revenues	82,242,109	21,787,957	26.49%

	<u>Budget</u>	<u>Actual</u>	<u>% Spent</u>
Service Continuum			
Children's Developmental Services	7,501,036	3,174,235	42.32%
Child & Adolescent Services	13,136,062	3,898,012	29.67%
Adult Mental Health	7,510,056	1,895,304	25.24%
Adult Substance Abuse	14,049,395	5,975,332	42.53%
Local Management Entity	7,774,099	3,024,778	38.91%
BHC Randolph	22,157,265	0	0.00%
Developmental Disabilities	10,114,196	3,820,296	37.77%
Total Expenditures	82,242,109	21,787,957	26.49%
Net (Revenues - Expenditures)	0	0	0%

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

(15) HAZARD MITIGATION "QUICK BUY" PROGRAM—FLOODPLAIN ACQUISITIONS

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Pendergraph voting yes, to:

- 1) Accept the "Offer of Sale of Land" from Judy Su of 1027 Andrill Terrace (Parcel ID: 07509307) for \$1.00.
- 2) Accept the "Offer of Sale of Land" from Judy Su of 1033 Andrill Terrace (Parcel ID: 07509308) for \$1.00.
- 3) Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for

training exercises.

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

Commissioner Cooksey returned to the dais.

(16) NORTH CAROLINA DIVISION OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (DJJDP)—MECKLENBURG COUNTY JCPC

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to recognize, receive and appropriate \$2,000 in State grant funds to host a local forum, *Improving Outcomes for Our Youth*, for community partners working with undisciplined or low-risk juvenile offenders.

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

(18) LEASE FOR AMAY JAMES RECREATION CENTER

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to authorize the County Manager to negotiate and execute a lease for the Amay James Recreation Center with Charlotte-Mecklenburg Schools.

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

(22) BUDGET AMENDMENT—DSS (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to amend the Department of Social Services (DSS) FY12 Budget to recognize, receive and appropriate:

- 1) Child Care Subsidy Title IV-E federal revenue increase of \$115,577 received from the North Carolina Division of Child Development.
- 2) Low Income Energy Assistance Program (LIEAP), additional federal revenue of \$438,056 allocation received from North Carolina Division of Social Services (NCDSS).
- 3) Low Income Energy Assistance & Crisis Intervention Payments Administration (LIEAP/CIP), additional allocation of \$206,801 in federal revenue received from the North Carolina Division of Social Services (NCDSS).

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

(28) ABC CEO SALARY

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 6-2 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, and Pendergraph voting yes and Commissioners Cogdell and James voting no, to approve the salary increase recommended by the Alcoholic Beverage Control (ABC) Board for ABC Chief Executive Paul Stroup.

Note: As part of SL 2010-122, Modernization of the State ABC System, the General Assembly

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added legislation requiring the "appointing authority" to approve the salary for the local ABC system chief executive, if that salary is greater than the salary for the clerk of court in that county. While executives hired prior to October 1, 2010 are exempted from this requirement, the Mecklenburg ABC Board wanted to follow its provisions. The ABC Board approved a 2% salary increase for all employees for calendar year 2012 and is requesting the BOCC approve a 2% increase for Mr. Stroup as well.

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

Chairman Cogdell said he voted no because the Board's approval was not necessary, in that Mr. Stroup was hired prior to the change in the law.

(8) COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:47 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., Chairman