

NOVEMBER 20, 2012

**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, Charlotte, N.C. 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 20, 2012.

**ATTENDANCE**

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

**Absent:** None

*Note: Commissioner Neil Cooksey passed away on October 10, 2012.*

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**-INFORMAL SESSION-**

***Commissioner Dunlap was 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.***

**AWARDS/RECOGNITION**

**(12-0701) APPOINTMENT OF DISTRICT 5 COUNTY COMMISSIONER**

Chairman Cogdell read into the record, a letter he received from the Republican Party, today, November 20, 2012 that stated:

*“Pursuant to Article 10 of the Mecklenburg County Republican Party Plan of Organization, a special meeting of the executive committee was duly called and convened on Thursday, November 15 for the sole purpose of making a recommendation to fill the vacancy created by the death of Commissioner Neil Cooksey. The members of the executive committee from the county commission District 5 voted unanimously by acclamation to recommend Matthew Ridenhour to fill the District 5 vacancy on the Board of County Commissioners. Neil Cooksey served this community well and will be deeply missed. Sincerely, Gideon Moore, Mecklenburg County Republican Party Chairman.”*

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph and Roberts voting yes, to appoint Matthew Ridenhour to the Mecklenburg Board of County Commissioners to complete the unexpired term of former Commissioner Neil Cooksey, District 5 representative.

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*Note: Commissioner Neil Cooksey passed away on October 10, 2012, leaving vacant the District 5 seat on the Mecklenburg Board of County Commissioners. Mr. Matthew Ridenhour was elected as the District 5 representative to the Mecklenburg Board of County Commissioners in the general election held November 6, 2012 for a two-year term effective December 3, 2012. To ensure that District 5 continues to be represented in the interim, it was being recommended that Mr. Ridenhour be appointed to complete former Commissioner Neil Cooksey's term. G.S. 153A-27.1 gives the Board of County Commissioners the authority to appoint someone to fill the unexpired term of Commissioner Neil Cooksey.*

Chairman Cogdell then called on Clerk to the Board Janice S. Paige to administer the Oaths of Office to Commissioner Matthew Ridenhour.

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

**REMOVAL OF ITEMS FROM CONSENT**

No items were identified at this time for removal from consent.

**STAFF BRIEFINGS - NONE**

**(12-0676, 12-0680, 12-0693) CLOSED SESSION – CONSULT WITH ATTORNEY, PERSONNEL MATTER AND LAND ACQUISITION**

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: Tax Parcel #129-101-70 located at 2701 E. Independence Boulevard.

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to go into Closed Session for the following purposes: Consult with Attorney, Personnel Matter and Land Acquisition.

***The Board went into Closed Session at 5:21 p.m. and came back into Open Session at 6:05 p.m.***

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

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**-FORMAL SESSION-**

*Chairman Cogdell called this portion of the meeting to order, which was followed by invocation by Commissioner Clarke, the Pledge of Allegiance to the Flag, and introductions; after which, the matters below were addressed.*

**AWARDS/RECOGNITION**

**(12-0701) APPOINTMENT OF DISTRICT 5 COUNTY COMMISSIONER**

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Chairman Cogdell then called on District Court Judge Rickye McKoy-Mitchell to administer the Oaths of Office to Commissioner Matthew Ridenhour.

Chairman Cogdell acknowledged the Board’s action taken earlier in the meeting, as noted above, to appoint Matthew Ridenhour to the Mecklenburg Board of County Commissioners to complete the unexpired term of former Commissioner Neil Cooksey, District 5 representative. Chairman Cogdell said the vote was unanimous, and that Commissioner Matthew Ridenhour took the Oaths of Office at that time as well.

**(12-0677) PUBLIC APPEARANCE**

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

Dr. Ron Virmani M.D. addressed his dismissal from Presbyterian Hospital here in Charlotte/Mecklenburg County. Dr. Virmani said he was discriminated against and that the peer review process at Presbyterian Hospital was bias. Dr. Virmani asked the Board to look into his dismissal and to assist him in getting resolution to his current status. He shared a petition and asked Board members to sign it as well, to help him “obtain fairness and justice from Presbyterian Hospital.

***A copy of handouts from Dr. Virmani is on file with the Clerk to the Board.***

**(12-0671) NOMINATIONS/APPOINTMENTS**

**ADULT CARE HOME ADVISORY COMMITTEE**

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to reappoint Charlene Barr, Camelia Bittle and Irene Carande to the Adult Care Home Advisory Committee for three-year terms expiring November 30, 2015.

**AIR QUALITY COMMISSION**

Motion was made by Commissioner Roberts seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to nominate and appoint Fern Paterson to the Air Quality Commission as a General Public representative to fill an unexpired term expiring August 31, 2013.

*She replaces William Nash.*

**CITIZEN'S TRANSIT ADVISORY GROUP**

Motion was made by Commissioner Bentley, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to nominate and appoint Matt Covington to the Citizen's Transit Advisory Group to fill an unexpired term expiring June 30, 2013.

*He replaces Rhonda Odom.*

**INDUSTRIAL FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY**

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to nominate and appoint Rob Kidwell to the Industrial Facilities & Pollution Control Financing Authority for a six-year term expiring October 31, 2018.

*He replaces Michael McNamara.*

**JUVENILE CRIME PREVENTION COUNCIL**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to nominate and appoint Darrell Gregory to the Juvenile Crime Prevention Council as the Non-Profit representative to fill an unexpired term expiring November 30, 2012 and to fill a three-year term expiring November 30, 2015.

*He replaces Franklin Freeman.*

**NURSING HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to nominate and appoint Sharon Morton to the Nursing Home Community Advisory Committee for a one-year term expiring November 30, 2013.

*She replaces Josephine Baker.*

**WASTE MANAGEMENT ADVISORY BOARD**

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to reappoint Connie Harris to the Waste Management Advisory Board for a three-year term expiring September 30, 2015.

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

**Consent Items**

**Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to approve the following item(s):**

**(12-0653) CAPITAL RESERVE EXPENDITURE REQUEST - ST. MARY'S CHAPEL**

Authorize and appropriate the expenditure of \$12,000 from the St. Mary's Chapel Capital Reserve Fund to install irrigation along the King's Drive and 4<sup>th</sup> Street area of the chapel grounds.

**(12-0654) FIRST AMENDMENT TO THE AGREEMENT OF SALE FOR COUNTY PROPERTY TO FIBER MILLS, LLC**

Adopt a resolution entitled, "Mecklenburg County Board of Commissioners Resolution Authorizing the First Amendment to the Agreement to Sell Property to Fiber Mills, LLC."

*Resolution recorded in full in Minute Book \_\_\_\_\_ Document # \_\_\_\_\_.*

**(12-0657) ROMARE BEARDEN PARK - PROPERTY DEED RESTRICTIONS**

Authorize the County Manager to execute all documents necessary for the placement of a Deed Restriction related to the removal of underground storage tanks on Tax Parcel #073-022-05 (a portion of Romare Bearden Park) as required by the State of North Carolina.

**(12-0661) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITIONS**

1. Accept the "Offer of Sale of Real Estate" from Ashey Louise Webb Henry, Elizabeth C. Webb, and Allison Linley Webb, owners of property at 3211 Cullman Avenue (Tax Parcel 08303125) for \$130,000.

2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

**(12-0662) MOORESVILLE TO CHARLOTTE TRAIL CROSS JURISDICTION/MUMPO PL PLANNING GRANT**

1. Approve Mecklenburg County as a recipient for a NCDOT PL Planning Grant, and recognize and receive the \$35,000 Grant.

2. Approve the Memorandum of Agreement between the participating jurisdictions and create a Capital Reserve Fund to receive matching funds the MUMPO PL Grant and matching funds in the minimum amount of \$1,200 to be received from each jurisdiction participating in the planning effort.

3. Authorize the County Manager to negotiate and execute the agreement listed above.

*Memorandum of Agreement recorded in full in Minute Book \_\_\_\_\_ Document # \_\_\_\_\_.*

**(12-0663) TAX REFUNDS**

Approve refunds in the amount of \$1,496,893.03 and interest as statutorily required to be paid 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.*

**(12-0665) MCALPINE CREEK GREENWAY WEIR REPLACEMENT/BRIDGE DESIGN AND PAVING**

Approve McKim and Creed as the design firm for the McAlpine Creek Greenway Weir Replacement/Bridge Design and Greenway Paving without going through the RFQ process because its familiarity with the project will provide greater efficiency and effectiveness, as authorized by NCGS 143-64.32.

**(12-0668) CAPITAL RESERVE EXPENDITURE REQUEST - AQUATIC FACILITIES**

Authorize and appropriate the expenditure of \$30,000 from the Consolidated Aquatic Capital Reserve to install new lockers in the men's and women's locker rooms and paint the walls at Marion Diehl Recreation Center Pool. Authorize and appropriate the expenditure of \$3,500 to replace tables at Ray's Splash Planet and \$1,000 to replace benches at the Marion Diehl Pool.

**(12-0675) MINUTES**

Approve minutes of Regular meeting held November 7, 2012; Budget/Public Policy Meetings held October 9, 2012, February 14, 2012, May 10, 2011, April 12, 2011; Special Meetings held May 29, 2012, May 24, 2011, April 26, 2011, March 21, 2011 and January 26 & 27, 2011; and Closed Session held November 7, 2012.

**(12-0686) SECOND AMENDMENT TO AGREEMENT OF SALE FOR COUNTY PROPERTY**

Adopt a resolution authorizing the County Manager to negotiate and execute a Second Amendment to the Agreement of Sale for three (3) parcels of land (+/- 11.33 acres) to be subdivided from Tax Parcels 125-071-20 and 125-071-25 and to be sold to Spectrum Investment Services, Inc.

*Resolution recorded in full in Minute Book \_\_\_\_\_ Document # \_\_\_\_\_.*

**(12-0688) ARCHITECT SELECTION**

Authorize the County Manager to negotiate and execute a contract with Moseley Architects, for engineering design, contract documents and construction administration services as required for upgrades and /or replacement of the detention security systems at the Mecklenburg County Jail facilities, and if negotiations with this firm are unsuccessful, approve negotiations with the second-ranked firm.

*Note: The second-ranked firm was Buford Goff & Associates.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**(12-0682) NAMING OF COUNTY FACILITY**

Motion was made by Commissioner Bentley, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Cogdell, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to open the public hearing on Mecklenburg County's proposal to name the Health

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Department building located at 249 Billingsley Road, as the "Commissioner Neil C. Cooksey, Sr. Health Center."

No one appeared to speak.

Motion was made by Commissioner Bentley, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to close the public hearing and approve naming the Health Department building located at 249 Billingsley Road, as the "Commissioner Neil C. Cooksey, Sr. Health Center."

*Note: At its November 7, 2012 meeting, the Board received an application submitted by Commissioner Bentley to name the Health Department southeast building in honor of the late Commissioner Neil C. Cooksey, Sr. Pursuant to the County's facility naming policy, the Board set a public hearing for consideration and approval of the facility naming proposal.*

**Commissioner Clarke returned to the dais.**

Allyson Cooksey, wife of Commissioner Cooksey, son Charlie and daughter Anna were present. Mrs. Cooksey expressed sincere thanks to the Board for bestowing this honor upon her husband. Daughter Abbey Gail was away at college.

*Note: The Board also recognized Commissioner Cooksey's service to the community by presenting the family with the plaque he would have received upon leaving office, in recognition of Commissioner Cooksey's service on the Board for the 2010-2012 Term of Office.*

**(12-0693) CLOSED SESSION – LAND ACQUISITION**

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to adopt a resolution authorizing the County Manager to negotiate and execute all documents necessary for the joint acquisition of Tax Parcel #129-101-70 (+/- 5.12 acres) which operates as the Charlotte Inn Hotel on Independence Blvd. with the City of Charlotte, and to transfer the County's 50% undivided interest in the property to the City of Charlotte.

**Resolution recorded in full in Minute Book \_\_\_\_\_, Document # \_\_\_\_\_.**

**PUBLIC HEARINGS - 6:30 PM**

**(12-0613) STREET LIGHTING FINAL ASSESSMENT**

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all property owners in the Capps Hollow, Cardinal Woods, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions; and to open a public hearing on Street Lighting Preliminary Assessment Rolls for Mecklenburg County's participation in the Street Lighting Assessment project for the Capps Hollow, Cardinal Woods, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions.

No one appeared to speak.

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Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to close the public hearing on Street Lighting Preliminary Assessment Rolls for Mecklenburg County's participation in the Street Lighting Assessment project for the Capps Hollow, Cardinal Woods, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions and adopt Final Assessment Resolutions for Capps Hollow, Cardinal Woods, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions.

*Resolutions recorded in full in Minute Book \_\_\_\_\_ Documents # \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_.*

**ADVISORY COMMITTEE REPORTS - NONE**

**STAFF REPORTS & REQUESTS**

**(12-0556) AMENDMENTS - FIRST WARD PROJECT LAND EXCHANGE AND DEVELOPMENT AGREEMENTS**

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to adopt Resolution Approving Amendments to Economic Development Grant and Reimbursement Agreement, and Related Agreements, with Levine Properties and its Affiliates for First Ward Development.

General Manager Bobbie Shields addressed this matter.

*Resolution recorded in full in Minute Book \_\_\_\_\_ Document # \_\_\_\_\_.*

**COUNTY COMMISSIONERS REPORTS & REQUEST**

**(12-0683) AUDIT REVIEW COMMITTEE REPORT**

The Board received a verbal report from Commissioner Clarke on behalf of the Audit Review Committee. The following was noted:

- There's an annual audit of the County's financial statements done by an outside firm.
- The firm currently being used is Cherry, Bekaert & Holland.
- The results of the County's financial audit were very positive.
- The County received a clean audit opinion for the fiscal year that ended June 30.
- There were recommendations made to management by Cherry, Bekaert & Holland that management responded to.
- The committee was pleased to know that management accepted those recommendations and plans to implement them.
- A number of the recommendations had to do with information technology matters.
- A Single audit was also done of various programs.
- The results of the Single audit said there were deficiencies in some instances. For example, with respect to eligibility to participate in some programs, but in most, if not all instances, the County was able to produce the documentation to show that the person was indeed eligible.
- In general, the Single audit report was one the committee found acceptable.
- The committee received a report from the County's Internal Audit Department, as well.



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- The committee received a report from a group formed to do contract compliance work in the new Human Services Finance Division. This was an effort to make sure agencies were complying with the terms and provisions of the contracts the County had with them and to make sure the County was doing what it needed to do to comply with the contracts as well.
- The committee also reviewed a matter that came to its attention through an anonymous report to Commissioner James. The matter was whether there might have potentially been some fraud, abuse, or waste in connection with a transportation program for people living in the two percent of Mecklenburg County that's still considered rural or non-urban. The committee satisfied itself, after a thorough internal review by staff, that there had not been any fraud, abuse, or waste. There were some committee members that did have some questions regarding the transportation program, which was funded through a grant from the state Department of Transportation.
- The committee regularly receives reports regarding the County's employee report line, which was an anonymous way for employees to report suspected fraud, abuse, or waste. Per the latest report, there were only two such instances, both of which proved not to be fraud, abuse, or waste, per Internal Audit's investigation.
- It was noted the employee report line was a part of the County's compliance effort.
- Also, there's a Chief Compliance Officer, which was something the late Commissioner Neil Cooksey was an initiator of.

*Note: Commissioners Bentley, Dunlap, and James are the other members of the Board's Audit Review Committee.*

**(12-0664) PARK IMPROVEMENTS DEVELOPMENT AND REIMBURSEMENT AGREEMENT, DOUBLE OAKS REDEVELOPMENT**

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to adopt Resolution approving the Park Improvements Development and Reimbursement Agreement with the Charlotte-Mecklenburg Housing Partnership to support the redevelopment of the former Double Oaks Apartment site.

General Manager Bobbie Shields presented this matter.

***Resolution recorded in full in Minute Book \_\_\_\_\_ Document # \_\_\_\_\_.***

**MANAGER'S REPORT**

**(12-0621) 2011 REVALUATION REVIEW**

The Board received Pearson's Appraisal Service's written report on its 2011 Revaluation Review and the County Manager's recommendations.

Cary Saul, Director of LUESA introduced Emmett Curl with Pearson's Appraisal Service, who was present to respond to any questions.

***A copy of the report and the County Manager's recommendations is on file with the Clerk to the Board.***

The following persons appeared to speak:

Barb Scott commented on the County Manager's recommendations in response to the Pearson's Report. Ms. Scott said she wanted to know the plan for remedying the 2011

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Revaluation errors. She also questioned County staff's involvement in "cleaning up" what they "messed" up. Ms. Scott said it was not okay that 1) property taxes were assessed based on wrong assessment values, 2) these overpayments are ignored in the interest of "looking to the future", and 3) that the very "ineffective" managers who created "this mess" be given the task of cleaning it up.

Bob Bruton commented on the County Manager's recommendations in response to the Pearson's Report. Mr. Bruton spoke in opposition to staff's involvement and the Board of Equalization in "cleaning up the "mess," he said they created. Mr. Bruton said everyone involved should be relieved of their duties. Mr. Bruton said Pearson's should be brought in to provide guidance on how appraisals should be done and to train new staff. Mr. Bruton also stated that if the County received a "clean" financial audit, then the reserves should be there for taxpayers to get a refund.

Ron Kelly said the Board needed to find a way to be creative and fix the problem. He suggested the following:

- Go back and declare a retraction of the 2011 Assessed Values and revert to the 2003 Assessed Values. Then use the 2011 County budget and set the tax rate to make the revenues collected neutral for the County.
- Refund overpayments. Leave undervalued properties alone... fix at next Reval. If amount to be refunded is a budget problem, do it over the next 2 years with credits.
- Give anyone that finds this action unacceptable the right to a full Appeal process.
- This would require one-time legislation from the State.

***A copy of Mr. Bruton's recommendations and other comments is on file with the Clerk to the Board.***

Rita Wilson said she did not appeal the revaluation of her home, because she trusted county government, but no longer has any trust in county government. Ms. Wilson said that trust "dissipated" when 1) three of the commissioners wanted to silence members of the community when they wanted to make objections and voice their complaints about the revaluation back in March, 2) when the chairman of the Board of Equalization and Review (BER) came before the Board and instead of making suggestions or a presentation that had to do with the community's complaints, he applauded the work of the County Assessor when appeals were still being heard. Ms. Wilson said the BER chairman was the head of an impartial body, supposedly the adjudicator of disputes between the taxpayer and County, and 3) the County Manager's statement that a review of the 2011 Revaluation was not appropriate.

Ms. Wilson said "how could it not be appropriate" to assure that the people of this county were being taxed in an "equitable and fair manner."

John A. Scott addressed past comments made by Tax Assessor Garrett Alexander, County Manager Jones, and David Baker from the State Department of Revenue regarding the 2011 Revaluation, that it had been done correctly. Mr. Scott said "the revaluation of 2011 has failed to get a vote of confidence from the citizens of Mecklenburg County. Mr. Scott said the Mecklenburg County median assessed-to-market ratio as of January 1, 2012 was 100.15, which meant the median property sold in the county during 2011 was assessed for more than its sales price."

***A copy of Mr. Scott's comments is on file with the Clerk to the Board.***

Robert Stone asked the Board to consider either a general redo or a limited neighborhood redo of the 2011 property revaluation, but to exempt entities from the new review that already gone through any of the appeals processes, informal or before the BER associated with the 2011 revaluation and received and accepted a reduction in value. Mr. Stone said he went through the appeals process and reached an acceptable agreement regarding his property. Mr.

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Stone said it would be “grossly” unfair to subject him and others that had already gone through the process to do it again. He said a lot of time and money was spent going through the process.

***A copy of Mr. Stone’s comments is on file with the Clerk to the Board.***

***Commissioner Dunlap entered the meeting.***

Kathy Davis expressed concern that there was not a recommendation from the County Manager regarding correcting errors made in the 2011 Revaluation, such that there would be a retroactive adjustment of values as of January 1, 2011 and that proper retribution and refunds would be made for any over assessments. Ms. Davis said this was unacceptable to thousands of property owners who were over assessed for 2011 and now 2012, that paid taxes based on a “greatly flawed” revaluation and not on actual property values. Ms. Davis said citizens would not have any confidence in the County if it allowed any parties that had a “hand” in the 2011 Revaluation to be a part of “fixing” the issues, either retroactive or going forward. Ms. Davis said the BER also failed the citizens of the County by not performing their duties to ensure the Assessor’s Office had fairly and equitably valued properties. Ms. Davis said the chairman of the BER stated the Assessor’s Office had done an “excellent” job and that an audit would be a “waste” of taxpayer money. Ms. Davis said the current BER should be excused and a new BER appointed as soon as possible. Ms. Davis said the BER was to have been “the checks and balances, but instead stepped aside and turned the other way and let the inequities continue.” Ms. Davis said the situation needed to be corrected on a retroactive and going forward basis by independent parties that had no part of the 2011 Revaluation.

Cornelius Town Mayor and State Senator-Elect Jeff Tarte and Mayor Pro-tem Lynette Rinker and Town Commissioner Chuck Travis appeared before the Board.

Mayor Pro-tem Rinker read into the record a resolution passed by the Cornelius Town Board of Commissioners on November 19, 2012.

***Whereas, Mecklenburg County conducted a countywide property tax revaluation to be effective January 1, 2011; and***

***Whereas, General Statute 105-283 states all property, real and personal shall as far as practical be appraised or valued at its true value in money; and***

***Whereas, the revaluation that was completed has been flawed with problems from minor infractions to a failure to follow commonly accepted standards and practices, resulting in citizens being denied fair and equitable treatment and due process under the law, as well as, not being taxed at the true value of their property; and***

***Whereas, the Town of Cornelius Board of Commissioners formerly requested the County hire an outside independent auditor to evaluate and audit the tax assessor’s office performance of the 2011 Revaluation; and***

***Whereas, on July 3, 2012, Mecklenburg County hired Pearson’s Appraisal Services, Inc. to perform an independent review of the 2011 Revaluation; and***

***Whereas, Pearson’s Appraisal Services has completed their review and have found errors, inequities and inconsistencies, as well as, customer service and procedural inadequacies, now, therefore,***

***Be it Resolved, by the Board of Commissioners of the Town of Cornelius, that they hereby formerly support and request that the Board of County Commissioners hire new, qualified staff or engage an independent consultant to independently evaluate and correct all findings and recommendations in the Pearson’s Report, reconstitute the membership of the Board of Equalization and Review and to fully protect Mecklenburg County citizens property rights by seeking statutory authority to redo the 2011 Revaluation and conduct a new revaluation on receiving that authority.***

*Adopted this 19<sup>th</sup> day of November 2012*

Mayor Pro-tem Rinker said this was the third time over the last ten months that the Cornelius Town Board of Commissioners had appeared before the Board to address this issue. Mayor Pro-tem Rinker said it was time for this issue to be “fixed.”

Mayor Tarte said he felt the Board had the responsibility and the authority to 1) address the issue of fixing the 2011 Revaluation and 2) deciding how to avoid a reoccurrence of what occurred with the 2011 Revaluation.

Mayor Tarte said with respect to what the Board felt it lacked from a legislative level, that he as a N.C. Senator-Elect, along with Representative Bill Brawley, would assist the County in any way it could to address this matter from a legislative perspective.

Town Commissioner Travis encouraged the Board to fix the 2011 Revaluation problem.

This concluded public speakers on this matter.

Chairman Cogdell noted that the tax assessor position was an appointed position by the board of county commissioners and the person holding the position could only be removed or reappointed by the board of county commissioners.

Chairman Cogdell went on to announce that Mecklenburg County Assessor, Garrett Alexander submitted his resignation and that the Board voted unanimously to accept his resignation.

County Manager Jones, prior to presenting his recommendations in response to Pearson’s Report, acknowledged for the record, the comment he made at the Board’s recent Public Policy meeting on this issue. The comment made then and now, was that he was “wrong” back in May when he made the recommendation that the County not undertake an audit of the 2011 Revaluation.

County Manager Jones said he was “wrong,” because he’d learned some things about quality control and customer service that would not have come through a normal appeals process that he “espoused” as the way the County should go.

County Manager Jones said the Pearson’s Report was very valuable to him as a manager.

County Manager Jones proceeded with sharing his recommendations.

## **County Manager’s Recommendations**

### **Goals:**

1. Identify and address inequities in neighborhoods
2. Develop a detailed work plan for next revaluation
3. Build a strong culture of customer service within the Assessor’s Office

### **Immediate Board Actions:**

1. Approve amending the Pearson’s Appraisal Service contract to identify all the neighborhoods where there are major issues of inequity. Estimated cost: \$180,000. Estimated time to complete: 90 days
2. Direct the County Manager to issue a Request for Proposal (RFP) to solicit bids to rework all the neighborhoods identified by Pearson’s Appraisal Service where there are major issues of inequity. Although the final scope of work will be contingent on completion of #1 above, staff can begin

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developing the RFP immediately. Estimated cost range: \$1.5 million to \$2.5 million. Estimated time to complete: 12 months from award of contract, including the appeal process.

3. Direct the Assessor to address the minor issues, consistent with the Pearson's Appraisal Service findings and recommendations
4. Direct the County Manager and Assessor to develop a detailed work plan for the next revaluation that would include:
  - a. Updating property record cards
  - b. A strategy to assess value in complex areas, particularly pre—1980 heterogeneous neighborhoods (e.g., field visits, contracting with appraisers experienced with type of neighborhood)
  - c. Project management of areas with a high volume of appeals
  - d. Quality control strategies
  - e. Construction cost and commercial market studies
  - f. Commercial appraisal approach (e.g., emphasis on income approach)
  - g. Informal appeal objectives and standards (e.g., face-to-face meetings with property owners, one appraiser working all appeals in a neighborhood, deadlines for notices and managing informal appeals)
  - h. Procedures for Board of Equalization and Review, including role of Assessor and staff
  - i. Projected organization and staffing model, other resources and associated cost to implement the work plan and maintain ongoing operations of the Assessor's Office.

Note: The detailed work plan will be presented to the Board for any revision and/or concurrence. Prior to presentation to the Board, the detailed work plan will be reviewed by Pearson's Appraisal Service for consistency with recommendations. The plan also will be disseminated to the public for input/feedback. Pearson's review of the plan will be included in the contract amendment referenced in #1 above. The detailed work plan is estimated to be developed by June, 2013.

5. Direct the Board of Equalization and Review (BER) to implement changes to its process for scheduling hearings that are more convenient to both appellants and Board members.

Note: In addition to the other BER-related recommended changes to be addressed as part of the detailed work plan per 4h above, staff will develop recommended changes in the recruitment and appointment process for Board selection of BER members to expand the pool of qualified candidates to serve on the BER.

### **Legislative Considerations:**

Staff believes that all of the Pearson recommendations can be implemented under existing state law. If, in the implementation of these recommendations, statutory barriers are identified, proposed legislative changes will be presented to the Board. Additionally, consideration should be given to seeking legislative changes that offer additional clarity. This could include legislation that specifies how much time property owners have to file an appeal, as well as clarification of current language on deadlines associated with the BER adjournment date. County staff also recommends working with the NCACC and/or NC Assessor's Association to support consistency in the wording used in revaluation notices.

### **Management Actions:**

The County Manager will develop a customer service enhancement action plan that will be initiated by contracting with an outside firm to conduct a customer service assessment of the Assessor's Office. Based on the assessment findings and recommendations, an action plan will be developed to reform and transform the Assessor's Office whereby customer service and satisfaction is and will remain a top priority.

It is estimated that it will take 120 days for the County Manager to contract with the outside firm and develop the action plan.

Comments

Commissioner Bentley stated in her comments that the 2011 Revaluation was not “transparent, efficient, nor deserving of the public’s trust” and that per the Pearson’s Report, nor was it “equitable.”

Commissioner Bentley said there were five areas of concern from the Pearson’s Report that needed to be noted for the record: 1) Customer Service, 2) Work Ethic and Professional Expertise (It was noted that it had been 17 years since countywide property data was reviewed in the field.) 3) Project Management, 4) Technology and Staffing, and 5) the Board of Equalization and Review.

Commissioner Bentley said she hoped the Board would do “the right thing” to make citizens whole and “most importantly, to restore trust and confidence in this Board and in this county government.”

Commissioner James referenced the resolution that authorized the Pearson’s study of the 2011 Revaluation and the portion that stated there would be no change to the 2011 values. Commissioner James said that statement should be removed from any new resolution that’s approved. Commissioner James said it should be stated that the 2011 Revaluation was “screwed up” and it’s the Board’s job to “fix it.”

Commissioner James said people “deserved” tax refunds. Commissioner James said there were a lot more taxpayers impacted that weren’t addressed in the study.

Commissioner James said it would be good to see if the County could legally go back to 2003 as suggested by one of the speakers.

Commissioner James said persons involved in an error of this magnitude should be “held accountable,” and not be involved in “fixing the problem.”

Commissioner James said the Board needed to take responsibility for getting this matter fixed.

Commissioner James said the Board should indicate in any resolution going forward, a reversal of the statement that the 2011 Revaluation would stand; that the Board would fix the 2011 Revaluation and give refunds; and going forward the “buck” would stop with the Board and that persons hired by the Board would report directly back to the Board, in addition to anyone else in the County that would be handling this matter.

Commissioner Roberts said the Board needed to determine legally whether or not it could give refunds.

Commissioner Roberts said the following also would need to be considered:

- The timeframe -Based on the information provided and the timeframe for looking at neighborhoods and adjusting values, you’d be looking at three years of tax payments, which “begs the question” of do you refund current owners or former owners; because many properties would have changed hands during that timeframe?
- Do you look at entire neighborhoods?
- Do you refund those that appealed and received a decrease, if a value came back higher than that decrease?
- What about properties that didn’t exist in 2011?

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- How would you adjust for new construction and/or additions?
- What about properties that were undervalued, would they be billed for three years?

County Attorney Bethune said currently there was no legislation that would allow the Board to give refunds. County Attorney Bethune said the question for the Board would be whether it wanted to seek such legislation.

County Attorney Bethune said if legislation was sought, there needed to be discussion with the City of Charlotte and the Towns, because they would be impacted as well.

Commissioner Roberts said the process was definitely flawed.

Commissioner Roberts mentioned the software issue that was noted in the report and suggested going forward the County make sure it was using or obtained the best software available.

Commissioner Roberts also suggested going forward that the appraisal report card be accessible to the public on-line.

Commissioner Roberts said several Commissioners had suggested changes and/or additions to the County Manager's recommendations.

Commissioner Pendergraph said he supported a redo of the 2011 Revaluation, but legislative authority would be needed to do so and that getting such legislation approved would probably be very difficult.

Commissioner Pendergraph suggested the County hire someone to immediately deal with those neighborhoods that had major and minor issues and get them "fixed." He said if the County was "fortunate enough" to get the needed legislation to allow the County to do a complete redo of the 2011 Revaluation, then the County would be "one step ahead of the game."

Commissioner Pendergraph asked whether those with major and minor issues that would have been addressed, prior to getting the legislation, have to be a part of the complete redo as well.

County Attorney Bethune said what the Board was trying to do was to assign accurate values to these properties as of 2011, as though it had been done right. County Attorney Bethune said that's what's talked about in the County Manager's report. He said the question becomes, once you get those values correct and equitable, what do you do with that? Do you use those values only for taxes going forward, which is currently what's allowed by law, or do you go back and try to do something relative to the taxes that have already been billed and paid for the preceding years during the time when the values were not accurate and equitable? County Attorney Bethune said this involved two different pieces.

County Attorney Bethune said you have to do the former to get the values right before you could do the latter. He said you can't determine what needed to be refunded until you get the values accurate.

County Attorney Bethune said the Pearson's Report talked about getting the values accurate, which could be done under existing law, but it only effects taxes going forward.

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Commissioner Pendergraph asked was it correct that if the County did the areas with major issues and minor issues over and it was determined that these properties were over taxed, that under the current law the County can't give them a refund.

County Attorney Bethune said that was correct. He said, however, those that appealed their value, either informally or with the BER, or the Property Tax Commission and got their values adjusted, they would get refunds.

County Attorney Bethune said if the legislation wasn't done right, then it could result in making a "bad situation worse." County Attorney Bethune said it would need to be done "thoughtfully, carefully, with a lot of input from a lot of people, looking at lots of different issues, to make sure it's been dealt with comprehensively." He said it was a complicated issue.

County Attorney Bethune said the legislation, if obtained, would be statewide. He said you do not get local legislation with respect to property tax issues. Thus, it would effect other counties in the state.

Commissioner Dunlap acknowledged that there were inequities with respect to the 2011 Revaluation.

Commissioner Dunlap emphasized County Attorney Bethune's comment that this matter had to be dealt with "carefully and thoughtfully."

Commissioner Dunlap said there were several recommendations being presented with respect to handling this matter, the County Manager's, Chairman Cogdell's, Commissioner Bentley's, and Commissioner Clarke's.

Commissioner Dunlap suggested the Board delay taking action, until it had ample time to review the various recommendations and to schedule a special meeting to further discuss the matter and at that time take action.

County Attorney Bethune said if the Board's desire was to defer taking action on this matter at tonight's meeting, then the Board could at the conclusion of tonight's meeting, recess the meeting until a date, time, and place certain.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake, but was later withdrawn, to meet Tuesday, November 27, 2012 for the purpose of considering which recommendation the Board would take action on with respect to the 2011 Revaluation.

After further discussion, a poll was taken with respect to meeting Tuesday, November 27, 2012 at 5:00 p.m. and a majority of the Board indicated that they would be willing to meet.

Commissioner Clarke said he agreed with Commissioner James' comment that there needed to be an on-going Board oversight role with respect to the activities that would be undertaken to correct errors in the 2011 Revaluation.

Commissioner Clarke suggested Chairman Cogdell's recommendation plan be the Board's starting point on Tuesday, November 27, since it incorporated the recommendations of both he and Commissioner Bentley; and that Board members work from that with respect to any additional changes they felt needed to be included.

Commissioner Clarke said he'd like to see another paragraph added that would give the Board's Audit Review Committee the authority and the obligation to oversee the entire process that the Board was considering undertaking to correct errors in the 2011 Revaluation.



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Commissioner Clarke asked Commissioner James for his thoughts around having the Board's Audit Review Committee involved.

Commissioner James said his concern was that he did not think those who caused the problem should be involved in fixing it.

Commissioner James said he was confused as to why correction letters could be sent and adjustments made for property owners in the Cornelius lake area, but not to other property owners, whom the Board now knows values were incorrect.

Commissioner James said he was okay with the Board's Audit Review Committee being involved, but he did not "want to let this process off the hook" by saying a committee was going to do it, but in reality "it's still the Manager; it's still the people at the Assessor's Office; it's still all those other people who should not be responsible for it."

Commissioner James said he would rather have Pearson's do it and report directly back to the Board. Commissioner James said that way if there was a problem, Pearson's could inform the Board of it directly.

County Attorney Bethune said staff would provide the Board with information clarifying what was done in the Cornelius lake area referenced by Commissioner James and the current situation.

Commissioner Clarke noted that the Board's Audit Review Committee consisted of four of the Board's returning commissioners.

Commissioner Leake said she was concerned for all areas of the county, those with major and minor issues.

Commissioner Leake requested information by Tuesday, November 27 on the amount paid to Pearson's Appraisal Services, staff cost, and how much it would cost to continue this process.

Commissioner Ridenhour said per his assessment, the community had "more faith" in Pearson's Appraisal Service, then it did in the County government. He said this was a problem that must be addressed going forward.

Commissioner Ridenhour said the 2011 Revaluation needed to be corrected. He said all neighborhoods needed to be looked at, not just the ones in Pearson's Report.

Commissioner Ridenhour expressed concern for the current BER and felt a new BER was needed going forward.

Chairman Cogdell read his proposed recommendation plan into the record, which is noted below.

**MECKLENBURG COUNTYBOARD OF COMMISSIONERS**  
**ACTION IN RESPONSE TO FINDINGS AND RECOMMENDATIONS**  
**ARISING OUT OF THE 2011 REVALUATION REVIEW**

**Goals:**

1. Identify and address major issues of inequity in all neighborhoods in the County wherever they may exist.
2. Develop a detailed work plan and accelerated timetable for next revaluation.

3. Build a strong culture of customer service within the Assessor's Office.
4. Restore trust and confidence in the capacity of the Assessor's Office to undertake fair and accurate countywide revaluations and in the Board of Equalization and Review to fairly and justly review citizen appeals.

**Immediate Board Actions:**

1. Approve amending the Pearson's Appraisal Service contract to engage Pearson's services to identify all other neighborhoods where there are or may be major issues of inequity. Estimated cost: \$180,000. Estimated time to complete: 90 days

2. Direct the County Manager to assign day to day operational oversight of the Assessor's Office to a General Manager that shall report monthly, day to day operations to the Audit Review Committee of the Board of County Commission. Direct the County Manager to task the General Manager with performing a departmental structure evaluation of the Assessor's office and bring forth recommended changes that mirror best practices of like-sized counties. Direct the County Manager to begin a national search for a replacement of the Mecklenburg County tax assessor to be appointed by the Board on or before July 1, 2013.

3. Direct the County Manager to issue a Request for Proposal (RFP) to solicit bids from Pearson's and other qualified consulting firms to rework all of the neighborhoods Pearson's Appraisal Service has or will identify in which there are major issues of inequity. Although defining the final scope of work will be contingent upon Pearson completing the engagement described in paragraph #1 above, the Manager and his staff can begin developing the RFP immediately. The current estimated cost of the rework of all neighborhoods in which major inequities exist ranges from \$1.5 million to \$2.5 million. The estimated time to complete the rework is 10 months from date of award of contract, including the appeal process.

4. Direct the assigned General Manager to develop and oversee a process to address the minor issues Pearson has identified or will during the extended period of Pearson's service to the County in a manner that is consistent with Pearson's recommendations. The process developed by the General Manager for addressing minor issues shall be brought to the Board's Audit Review Committee within 60 days for final review and approval prior to implementation. Pearson's Appraisal Service shall be asked to provide feedback to the Board on the effectiveness of the minor issue corrective measures recommended by the General Manager prior to Audit Review Committee and full Board consideration and/or of approval.

5. Direct the County Manager, in consultation with Pearson's Appraisal Service, to develop a detailed work plan for the next revaluation that would include:

- a. Updating property record cards;
- b. Developing a strategy to insure that the County does a first rate, highly customized job of assessing property values in complex areas, particularly pre—1980 heterogeneous neighborhoods;
- c. Using project management of areas with a high volume of appeals;
- d. Developing strategies for quality control of all activities in Assessor's Office;
- e. Engaging appraisers and consultants to conduct construction cost and commercial market studies;
- f. Evaluating the feasibility of greater use of the income approach to assessing commercial properties;
- g. Establishing informal appeal objectives and standards (e.g., face-to-face meetings with property owners, one appraiser working all appeals in a neighborhood, deadlines for notices and managing informal appeals, mandatory explanation to property owners for denial of adjustment);

h. Revising operating procedures for the Board of Equalization and Review, including the roles of Assessor and his staff in interacting with the BER members. Review, develop and implement, where necessary, rules of ethics for BER members and Assessor's Office staff during any periods where the BER is in session; and

i. Developing a projected organization and staffing model, which outlines other resources and associated costs to implement the work plan and maintain ongoing operations of the Assessor's Office.

Note: The detailed work plan, which will include a timetable for each part of the work plan and will be presented to the Board for any revision and/or concurrence. Prior to presentation to the Board, the detailed work plan will be reviewed by Pearson's Appraisal Service for consistency with that firm's recommendations. The plan also will be disseminated to the public for input/feedback. Pearson's review of the plan will be included in the contract amendment referenced in paragraph #1 above. The detailed work plan is estimated to be developed by June, 2013. The work plan should include for each of 5(a)-5(i) an estimated cost/benefit analysis with an estimate of the overall incremental cost of implementing the work plan.

6. Direct the Board of Equalization and Review (BER) to implement changes to its process for scheduling hearings that are more convenient to both appellants and Board members. The newly elected Chairman of the Board (BOCC) shall appoint a subcommittee to review current BER policies and practices and recommend to the full Board (BOCC) appropriate and necessary changes that would bring the BER practices and operating procedures more in alignment with the Goals outlined in paragraphs 1-4 above. This sub-committee of the Board (BOCC) shall work in consultation with Pearson's Appraisal Service and county staff per the direction of paragraph 5(h) to develop an appeals hearings process that is customer focused and time efficient, while maintaining the integrity of the process and compliance with the Machinery Act.

Actions addressing the 2011 property revaluation:

7. Direct staff to develop a process for recruiting potential BER members, to expand the pool of qualified candidates to serve on the BER.

### **Legislative Action**

Staff believes that all of Pearson's recommendations can be implemented under existing state law, however, where county staff discovers for whatever reason, that it is necessary to amend state law to implement any of Pearson's recommendations, county staff shall promptly present proposed legislative changes to present to the Board for consideration.

Additionally, staff will consider requesting changes to statutory language that would clarify such matters as how much time property owners have to file an appeal and the deadlines associated with the BER adjournment date.

County staff is directed to continuing working with the North Carolina Association of County Commissioners and the NC Assessor's Association to support consistency in the wording used in the revaluation notices.

### **Management Actions (Not requiring Immediate Board Approval):**

The County Manager is directed to develop a customer service improvement plan for the Assessor's Office. The first step shall be to contract with an outside firm to conduct an independent customer service assessment of the Assessor's Office and make findings and recommendations for improvement. The goal of the improvement plan will be to reform and transform the Assessor's Office and make customer service and satisfaction a top priority.

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It is estimated that it will take 120 days for the County Manager to contract with the outside firm and develop the action plan. The Manager is directed to prepare for the Board's review and approval an estimate of the cost to taxpayers of both developing and implementing the improvement plan, including the cost of any additional part-time or full-time employees.

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Chairman Cogdell said what he read, in many respects, incorporated the suggestions brought forth by Commissioners Bentley and Clarke based on the framework that was initially presented by the County Manager. Chairman Cogdell said it was not ideal for anyone, but it was what the Board could do within the guidelines or limitations of state law. He said this was a "good faith effort" to remedy the issues that were identified. Chairman Cogdell said this was an on-going process and that a future board would have to identify specific legislative agenda issues that need to be brought forward to the Mecklenburg Legislative Delegation and that hopefully changes would be made to address the concerns brought forward by Commissioners James, Bentley, Pendergraph, and others.

Commissioner James referenced the RFP process and asked since Pearson's found "flaws" all over the county, would all neighborhoods be looked at. *Chairman Cogdell said yes, every neighborhood in the county.*

Chairman Cogdell asked Tom Durham, chairman of the Board's Citizens Revaluation Advisory Committee to comment on the Board's discussion.

Mr. Durham asked Emmett Curl with Pearson's to comment on the estimated cost for Pearson's to identify all other neighborhoods where there were or may be major issues of inequity.

Mr. Curl said Pearson's estimate of \$180,000 and estimated completion time of within 90 days was referring to using a methodology to go through and try to identify the remaining major and minor neighborhoods of the remaining 1,100 that they have not been through. Mr. Curl said they could go through all 1,100 but it would take possibly more time and effort than what's in the estimate provided to the Board. Mr. Curl said they would use a methodology that would still funnel down and not go through all 1,100. He said they may not go through neighborhoods that were built in the 2000's. He said they could go through, just to ensure that everyone was looked at, but it would be more cost and time to do so.

Mr. Curl said he would get back to the County with an estimate of what the additional cost and time would be.

Mr. Durham suggested the Board appoint a new Citizen's Revaluation Advisory Committee (CRAC) and that the term of the committee be for one year. He said it should also be a one year term for the Board of Equalization and Review and that no one serve more than four years. Mr. Durham said that would be good for checks and balances purposes.

Mr. Durham said there had been a lot of comments about the Assessor's staff and that he attended numerous BER hearings and was dismayed by some of the comments made by staff. Mr. Durham said there were a lot of people, however, in the Assessor's Office and all of them should not be "penalized" for the acts of a few. He said staff in the Assessor's Office worked hard.

Mr. Durham said he was confident that Pearson's Appraisal Service, and particularly Mr. Curl, could work with staff in the Assessor's Office and get them where they needed to be.

Mr. Durham said a redo of the 2011 Revaluation would be expensive and time consuming.

Mr. Durham said Pearson's Appraisal Service had put together a "fine game plan" and that the Board had added to that plan "very well." Mr. Durham said the Citizen's Revaluation Advisory

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Committee was very supportive of both. He suggested the Board move forward immediately and also seek at the same time, the legislative authority that's needed.

Mr. Durham suggested the Board let Pearson's Appraisal Service do the 44 major and the 45 minor that they said staff could do. He said the Board should allow Pearson's Appraisal Service to keep a "firm hand on the helm" at the Assessor's Office as the Board goes through this process.

Mr. Durham thanked the Board for allowing him and other members of the Citizen's Revaluation Review Committee to serve.

Commissioner Dunlap said there needed to be concern for all neighborhoods and not just those identified by Pearson's Appraisal Service.

Commissioner Dunlap reiterated that the Board needed time to review the various recommendations.

It was the consensus of the Board to meet at 3:00 p.m. on Tuesday, November 27, 2012 to continue this discussion.

## **MANAGER'S REPORT**

### **UPDATE ON MECKLINK**

MeckLink Director Phil Endress gave an update regarding MeckLink's progress in implementing the Medicaid Waiver and converting to a Managed Care Organization (MCO).

***Commissioner James left the meeting and was away until noted in the minutes.***

The following was noted:

- The Mercer report was received regarding the County's 120 day Readiness Review and staff has since developed a Plan of Corrective Action and a Plan of Development, which was submitted to the state.
- There's a 60 day Readiness visit scheduled for November 29, 2012.
- The new go-live date is tentatively scheduled for February 1, 2013.
- With respect to the project plan submitted, staff was 77% of the way through completion of that plan.
- 190 full time staff on board
- 32 vacancies will be filled between now and February 1, 2013.
- 20 positions are being held off, until it's actually known what the need was for those positions.
- Overall the department is at 88% of its staffing component.
- Test scenarios were being ran with the information technology system.
- 139 contracts have been fully executed.
- The credentialing process was being finalized.
- Approximately 300 licensed independent practitioners have been identified in Mecklenburg County that the County would be contracting with, pending the results of the credentialing process.
- Staff has met with state representatives in Raleigh, twice. It's felt that the last meeting held went well, but there were still concerns expressed regarding the County's readiness, as well as, of others in the state.
- Things were on target for a February 1, 2013 go live date.

***Commissioner James returned to the dais.***

Comments

Commissioner Clarke asked about dialogue with the state regarding this matter. *Director Endress said the dialogue had been "minimal." He said the state continues to express concern that the County was not committed to this process and won't be ready to go live.*

Director Endress said he wasn't sure what the state was basing that on. He said the state had not been back for a visit to see what had been accomplished. He said staff provides the state with bi-weekly updates regarding the County's Project Plan. He said no communication had been received to date regarding those updates or the Corrective Plan of Action that was submitted.

Commissioner Clarke suggested Director Endress be mindful of the change that would be occurring on the state executive level, which could or could not impact this matter.

Director Endress said it was his understanding that a decision would be made either by the current secretary or current director of Medicaid on or before New Year's Eve, regarding Mecklenburg County's going live February 1, 2013.

Director Endress said it was his understanding that once that decision was made, it probably would not be reexamined by the new administration in a timely manner.

Commissioner Clarke asked was the decision to be made regarding whether the County would go live February 1, 2013.

Director Endress said the decision would be whether the County would go live February 1, 2013 or merge with some other LME/MCO in the state.

County Manager Jones asked whether it was felt that per the field visit by Mercer on November 29, 2012 that staff would get an indication with respect to the County's readiness. *Director Endress said he was "cautiously" optimistic that staff would.*

Commissioner Bentley asked what was staff doing to address the concerns expressed by the state to convince them that the County would be ready on February 1, 2013. *Director Endress said monthly and bi-weekly reports were being sent to the state.*

Commissioner Bentley asked who was it exactly, DHHS or state legislators, that think the County would not be ready February 1, 2013. *Director Endress said there were questions at both levels based on the Mercer 120 day Report. Director Endress said the Mercer report basically said the County would not be ready.*

Director Endress said staff had been very busy. He said all of the go live policies and procedures had been approved with respect to what the reporting mechanisms would be, who would be reporting, and what those reports would contain for daily operations.

Director Endress said staff was confident that when Mercer returned on November 29, 2012, they would see an organization that would be ready to go live February 1, 2013.

Commissioner Bentley said she wanted to make sure there was not a disconnect between what elected officials in Raleigh believed about the County's readiness and the leadership of DHHS.

Commissioner Bentley said suggested to Director Endress that it was important to engage legislators, to assure them that the County would be ready in February.

This concluded the discussion on this matter.

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Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to defer taking up the following items until the November 27, 2012 meeting.

**(12-0672) BOARD OF COMMISSIONERS PLAQUE AND CERTIFICATE PRESENTATION**

**(12-0673) PRESENTATION OF GAVELS**

*Note: Gavels are presented to members of the Board who served as Board Chairman during the 2010-2012 term of the Board of County Commissioners, to recognize their service to the Board, Mecklenburg County government and the community in the role of Chairman.*

**(12-0674) UNVEILING OF CHAIRMAN PORTRAITS**

**(12-0678) REMARKS BY OUTGOING COMMISSIONERS**

**COUNTY COMMISSIONERS REPORTS & REQUEST**

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

**(12-0656) CAPITAL RESERVE EXPENDITURE REQUEST – OUTDOOR RECREATION**

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 8-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to authorize and appropriate expenditure not to exceed \$6,800 from the Outdoor Recreation Capital Reserve for the repair and purchase of outdoor recreation equipment.

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

**(12-0659) MECKLENBURG TRANSPORTATION ADVISORY BOARD (TAB)**

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

- 1) Amend the Transportation Advisory Board Bylaws and Extend the Terms of the Current Members as recommended.
- 2) Appoint Evelyn F. Newman as Chair of the Mecklenburg County Transportation Advisory Board.

*Note: The Mecklenburg County Transportation Advisory Board (TAB) assists Department of Social Services Mecklenburg Transit System (MTS) in establishing short- and long-range goals. The purpose of the TAB is to provide citizen input and evaluation of transportation issues. The TAB serves as a mechanism for community outreach and support, supports initiatives, and proposes services enhancements for increased ridership and cost-effective programs for human services. The amendment to the Bylaws will allow current TAB members to continue with initiatives and remain in compliance with North Carolina Department of Transportation (NCDOT) contractual and grant requirements.*

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*Below are the current members being reappointed, per the Board's motion.*

**FY13 TAB Membership**

**(Per Category Required by Community Transportation Grant)**

I. Public Human Service Agency (Senior Services, DSS, Vocational Rehabilitation, Head Start, Shelter Workshop, Health Department, Veterans Admin, Smart Start, Mental Health, Housing Authority, HS Transit Users: 3-5)

Darryl Crenshaw, Mecklenburg County Veterans Services, (*Ex-Officio non-voting member*)- Appointed FY11 - Reappointment with three year term to expire FY16

Christopher White, LifeSpan Employment/Enrichment Services - Appointed FY09 - Expires FY12 Reappointment with one year term to expire FY14

Myra Green, Director, Char-Meck Senior Center @ Shamrock - Appointed FY09 - Expires FY12 Reappointment with one year term to expire FY14

Mike Taylor, Mecklenburg County DSS, (*Ex-Officio non-voting member*) - Appointed FY11 - Reappointment with three year term to expire FY16

**II. Transportation Providers (Private transportation providers, Intercity bus providers, Ambulance Service, Regional Authority, Urban System, Faith based services, Volunteers: 1-2)**

Laura Lynn Ceasar, CMG Express -Appointed FY09 - Expires FY12 - Reappointment with one year term to expire FY14

**III. Public and Business Sectors (Chamber of Commerce, Major employers, DBE Businesses, Hospital/Dialysis Ctr. staff, Non-profit organizations, Employment Transit Users, General Public Transit Users, Public Citizens: 4-5)**

Evelyn Newman, Individual Community Activist - Appointed FY09 - Expires FY12 - Reappointment with two year term to expire FY15

Sandra Peake, American Red Cross - Appointed FY09 -Expires FY12 - Reappointment with three year term to expire FY16

Betty Mills, PALS Adult Day Care - Appointed FY09 - Expires FY12 - Reappointment with two year term to expire FY15

**IV. Government and Governmental Affiliates (MPO, RPO, Economic Development, Employment Security Commission, Job Link and/or Career Centers, Elected Officials, County Government staff, Community College: 3-5)**

Bob Cook, Metropolitan Planning - Appointed FY09 - Expires FY12 - Reappointment with two year term to expire FY15

Angela Schlottman, Centralina Council of Governments - Area Agency on Aging - Appointed FY09 - Expires FY12 - Reappointment with two year term to expire FY15

Nate Huggins, Matthews Town Representative - Appointed FY09 - Expires FY12 - Reappointment with one year term to expire FY14

***A copy of the By-laws is on file with the Clerk to the Board.***

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



**(12-0660) CAPITAL RESERVE EXPENDITURE REQUEST - PARK & RECREATION**

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 8-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to authorize and appropriate expenditure not to exceed \$5,000 from the Park & Recreation McDowell Capital Reserve to purchase one electric utility vehicle for use by maintenance staff at the McDowell campground.

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

**(12-0666) GRANT APPLICATION - STATE AID FOR MOSQUITO CONTROL  
(ENVIRONMENTAL HEALTH)**

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 8-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to approve submitting a \$5,000 grant application to State Aid for Mosquito Control. If awarded, recognize, receive and appropriate awarded funds for the grant period.

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

***Commissioner Bentley returned to the dais.***

**(12-0667) SENIOR CENTER REPORT**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to:

1. Receive a report on a feasibility study regarding the potential consolidation of senior centers.
2. Appropriate from restricted contingency \$65,000 to the Levine Senior Center in Matthews, NC.

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

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

**(12-0669) BUDGET AMENDMENT & NEW POSITIONS - REGISTER OF DEEDS (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to amend the Register of Deeds budget by recognizing, receiving and appropriating additional fee revenue in the amount of \$107,000, and approve creation of three additional positions.

*Note: The cost for these additional resources is \$82,000 for staffing through the remainder of FY13, and \$25,000 for temporary labor for a total of \$107,000. Additional revenue that is generated by the increase transactions will be used to pay for the additional cost.*

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

**(12-0685) LITTLE ROCK APARTMENTS EASEMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, approve conveyance by Horizon Acquisition Corp., a subsidiary of the Charlotte Housing Authority, owner of the Little Rock Apartments, of a seven-foot permanent easement for the purpose of installing and maintaining geogrid fabric fencing.

*Note: Little Rock Apartments, Charlotte, NC is a multi-family housing project for which the County provided conduit financing in 2003. The bonds issued by the County are secured by a Multifamily Deed of Trust, Assignment of Rents and Security Agreement. The County has no obligation to make any payments on these bonds. The Charlotte Housing Authority has determined that it is in its interests to facilitate the construction of the adjacent Boulevard Senior Apartments (HOPE VI site) in accordance with its approved site plan for Little Rock, by providing a seven-foot permanent easement to allow the adjacent property owner to install and maintain geogrid fabric fencing related to a retaining wall. In accordance with the Deed of Trust, the easement cannot be granted without County consent.*

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

**(12-0658) GREENWAY DONATIONS - MCALPINE AND BARTON CREEKS**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to accept donation of the following Tax Parcels:

- (1) #213-101-68 (+/- 0.61 acres) from Bolouri Properties, Inc. on McAlpine Creek
- (2) #047-291-61 (+/- 2.551 acres) from Walden Station Properties, LLC on Barton Creek

*Note: Tax Parcel #213-101-68 is being donated by Bolouri Properties, Inc. as part of the subdivision approval for the Sardis Gardens Adult Day Care development. The property is within the floodplain and will add to greenway assemblage along McAlpine Creek Greenway. Tax Parcel #047-291-61 is being donated by Walden Station Properties, LLC as part of the approval process for Walden Station Apartments Phase II. The property will add to greenway assemblage along Barton Creek.*

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

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**(12-0681) DISTRICT 2 UPDATE**

The Board received an update on issues and events in District 2 from Commissioner Leake. The following was noted:

- A newsletter sponsored by University Park area
- The death of a 17 year old male, Lamar Furr
- Thanks expressed to the pastor of First Baptist Church West for a program initiative to help prevent youth from getting into gangs, sessions are held on Saturdays.
- Thanks to the Webber family for the new Hyde Park Estates entrance signage built in memory of a community leader

**NOVEMBER 20, 2012**

- Recent dinner held at East Stonewall AME Zion church by the West End community, Beatties Ford Road area
- Recognition of Dr. Drummond's retirement from a major church here in the community.

**(12-0680) CLOSED SESSION – PERSONNEL MATTER**

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to go into Closed Session to discuss Personnel Matter.

*The Board went into Closed Session at 9:54 p.m. and came back into Open Session at 12:07.*

*Commissioner Clarke was not present when the Board came back into Open Session and was absent for the remainder of the meeting.*

**MEETING RECESSED**

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, that the meeting be recessed until 3:00 p.m. Tuesday, November 27, 2012.

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Janice S. Paige, Clerk