

**AUGUST 2, 2011**

**MINUTES OF MECKLENBURG BOARD OF COUNTY COMMISSIONERS  
NORTH CAROLINA  
MECKLENBURG COUNTY**

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, August 2, 2011.

**ATTENDANCE**

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

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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 Roberts, after which the matters below were addressed.***

**(1) REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 10, 11, 13, 14, 15, 24, 26, and 27.

**(2) STAFF BRIEFINGS - NONE**

**(3A, B, C) CLOSED SESSION – A) TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A) (1), B) LAND ACQUISITION AND C) CONSULT WITH ATTORNEY**

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

- Abersham Property – Tax Parcels: 003-331-03 through 003-331-48, 003-331-50 through 000-331-66, 003-041-07, 003-333X-01,003-041-03; and PID #4664-44-7309 (in Iredell County)
- Netherby Subdivision Property - Tax Parcels 221-032-33, 221-491-01, 221-032-33
- Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: A) To Prevent Disclosure of

**AUGUST 2, 2011**

Information That Is Confidential Pursuant To G.S. 105-259. (G.S. 143-318.11(a) (1), B) Land Acquisition and C) Consult with Attorney.

***The Board went into Closed Session at 5:13 p.m. and came back into Open Session at 6:05 p.m.***

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

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

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***Commissioner Clarke was absent when this portion of the meeting was called to order and until noted in the minutes.***

**-FORMAL SESSION-**

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

**CITIZEN PARTICIPATION**

**AWARDS/RECOGNITION**

**(1A) 2011 NACO ACHIEVEMENT AWARDS**

The Board recognized County departments and their respective employees that received 2011 National Association of Counties Achievement Awards. The employees were from Information Services and Technology, Social Services, Community Support Services and LUESA.

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

*Note: Others were recognized at the Board's July 12, 2011 meeting.*

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

***Commissioner Clarke entered the meeting.***

**(26) PROCLAMATION – WOMEN'S EQUALITY DAY – 2011**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a proclamation designating August 26, 2011 as Women's Equality Day in Mecklenburg County.

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

**(2) PUBLIC APPEARANCE**

**AUGUST 2, 2011**

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

J. R. Collins addressed revaluation and the impact on property he owns.

**(3A) APPOINTMENTS**

**BUILDING DEVELOPMENT COMMISSION**

The vote was taken on the following nominees for appointment to the Building Development Commission:

Robert Clark	Commissioner James
Timothy West	Commissioners Bentley, Cogdell, Dunlap, Leake, Pendergraph and Roberts

*Voting Ceased*

Aaron Whitecotton

Chairman Roberts announced the appointment of Timothy West to the Building Development Commission as a General Public representative for a three-year term expiring July 31, 2014.

*He replaces Buford Lovett.*

**WOMEN'S ADVISORY BOARD**

The vote was taken on the following nominees for appointment to the Women's Advisory Board:

**Round One**

Robyn Codrington	Chairman Roberts
Jaime Daniell	Commissioners Bentley and James
Vickie Evans	Commissioners Clarke and Roberts
Faith Fickling	Commissioners Bentley, Cogdell, Dunlap, and James
Sandra Johnson	Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts
Heather McCullough	Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts

**Round Two**

Robyn Codrington	Chairman Roberts
Jaime Daniell	Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Pendergraph, and Roberts
Vickie Evans	Commissioners Bentley and Pendergraph
Faith Fickling	Commissioners Clarke, Cogdell, Dunlap, James, Leake, and Roberts

Chairman Roberts announced the appointment of Sandra Johnson and Heather McCullough to the Women's Advisory Board to fill unexpired terms expiring April 30, 2012, Jaime Daniell to fill an unexpired term expiring November 30, 2012 and Faith Fickling to fill an unexpired term expiring June 30, 2013.

*They replace Brenda Adams, Laura Everett, Sally McMillen and Marjorie Tate.*

**(3B) NOMINATIONS/APPOINTMENTS**

**ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

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

**AIR QUALITY COMMISSION**

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Peter McGrath to the Air Quality Commission as the Attorney representative for a three-year term expiring August 31, 2014.

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Emily Anderson as the Environmental representative, Karim Kheireddine as the Scientist representative and Terry Lansdell as the Transportation representative to the Air Quality Commission for three year terms expiring August 31, 2014.

*They replace Mary Barker, Todd Glasier and Gordon Miller.*

**ALCOHOLIC BEVERAGE CONTROL BOARD**

The following persons were nominated for appointment consideration to the Alcoholic Beverage Control Board:

Colvin Edwards	by Commissioner Pendergraph
James Ross	by Commissioner Leake
John Rumball	by Commissioner Pendergraph
Lloyd Scher	by Commissioner Pendergraph
Elton Shoemaker	by Commissioner Pendergraph
Cornelius Smith	by Commissioner Pendergraph
Jennifer Stanton	by Commissioner Pendergraph

*Note: An appointment will occur following an interview of the above nominees by an ad hoc committee of the Board appointed by the Chairman. Per Board policy, persons seeking appointment to the Alcoholic Beverage Control Board must undergo an interview process.*

**LIBRARY BOARD OF TRUSTEES**

The following person was nominated by Commissioner James for appointment consideration to the Library Board of Trustees: Gloria Kelley.

*Note: An appointment will occur following an interview of the above nominee by an ad hoc committee of the Board appointed by the Chairman. Per Board policy, persons seeking appointment to the Library Board of Trustees must undergo an interview process.*

**PERSONNEL COMMISSION**

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Sherryl Baker to the Personnel Commission for a three-year term expiring August 30, 2014.

**WASTE MANAGEMENT ADVISORY BOARD**

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Angela Haigler to the Waste Management Advisory Board for a three-year term expiring August 31, 2014.

The following persons were nominated for appointment consideration to the Waste Management Advisory Board by Commissioner Bentley: Joe Howarth, Carlos Johnson, Shawn Rogers, and William Smith.

*Note: An appointment will occur on September 7, 2011.*

**PUBLIC HEARINGS**

**(4A) ENERGY SAVINGS CONTRACT – INSTALLMENT FINANCING**

The Chairman announced that this was the hour, day and place fixed for a public hearing held pursuant to Sections 160A-20(g) of the North Carolina General Statutes, as amended, for the purpose of considering whether the Board of Commissioners for the County (the “Board”) should approve an installment financing contract under which the County would obtain financing pursuant to Section 160A-20 of the North Carolina General Statutes, as amended, in an amount not to exceed \$7,000,000 for the purpose of acquiring and installing energy savings equipment in the County’s jail facilities (Jail Central and Jail North) and under which the County would secure the repayment by it of moneys advanced pursuant to such contract by granting a lien on all or a portion of the property subject to the contract.

The Chairman announced that the notice of the public hearing was published in The Charlotte Observer at least 10 days before the date of the hearing.

Motion was made by Commissioner Harold Cogdell, seconded by Commissioner Karen Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to open the public hearing.

It was requested that the Clerk to the Board inquire to determine whether there were any persons who wished to speak at the public hearing. The names, addresses and testimony of the persons who were present and who offered comments on the proposed installment financing contract or who responded in writing to the notice of public hearing, are as follows:

No one appeared to speak.

After the Board had heard all persons who had requested to be heard, Commissioner Bill James moved that the public hearing be closed. The motion was seconded by Commissioner Jim Pendergraph and was unanimously adopted with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes.

**AUGUST 2, 2011**

*Note: Matt Stiene with Real Estate Services addressed this matter.*

Commissioner Leake asked about the number of jobs associated with this matter, particularly local hires. Mr. Stiene said he would get that information and report back.

***Extracts of the proceedings recorded in full in Minute Book \_\_\_\_\_, Document # \_\_\_\_\_.***

## **ADVISORY COMMITTEE REPORTS**

### **(5A) COMMUNITY CHILD FATALITY PREVENTION AND PROTECTION TEAM 2010 ANNUAL REPORT**

The Board received the Community Child Fatality Team Annual Report as mandated by North Carolina State statute 7B-1406.

Candace Wilson, Community Chairperson and Brett Loftis, executive director Council for Children's Rights gave the report.

*Note: The Mecklenburg County Community Child Fatality Prevention and Protection Team (CFPPT) is mandated to present this report each year to inform the Board of County Commissioners about causes of death among all infants and children in the county, and ways the team and partner agencies are working to prevent future deaths.*

The following was covered:

- Child Fatality Prevention and Protection Team composition and mission
- Child Mortality Rate
- Demographics of Child Deaths, 2009
- Age Breakdown of Child Deaths, 2009
- Mecklenburg's Infant Mortality Rate
- Causes of Infant Deaths 2009
- Improving Birth Outcomes
- Dangers of Unsafe Sleep Practices
- Total Death Children Ages 1-17
- Trends in Child Deaths, Ages 1-17 Mecklenburg County
- Reducing Injury Related Child Deaths

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

#### Comments

Commissioner Pendergraph addressed Reducing Injury Related Child Deaths. He encouraged the Team to add to its Upcoming Advocacy list, texting and cell phone use while driving. Commissioner Pendergraph said a lot of accidents occur as a result of these activities.

Commissioner Leake said she was concerned about the number of African American children that have died based on the statistic in the report. Commissioner Leake said she would have liked to have known the gender breakdown.

Commissioner Leake said she was concerned about teen pregnancy and early births.

Commissioner Leake asked was bullying a part of this process under suicide. *Mr. Loftis said bullying was discussed on the local and state level, but because suicide numbers were such a small subset, it was hard to get good trend data.*

**AUGUST 2, 2011**

Commissioner Leake said the public needed to be aware of this information. Commissioner Leake asked would this be a crisis situation for the community. *Mr. Loftis said there needed to be a greater sense of urgency when it comes to preventing infant mortality and child abuse deaths and preventing some of the things that could easily be prevented through appropriate pre-natal care, and parenting support and others.*

Commissioner Leake said she would classify this issue as a crisis for the community and something that we need to get a handle on.

Commissioner Cogdell said he, too, felt this was an issue that the community needed to aware of and educated on.

Commissioner James said he agreed it was crisis and that it has been for quite some time.

Commissioner James said he felt part of the problem was a “lack of parenting skills,” but he wasn’t sure how to solve that.

Chairman Roberts said the issue was being addressed and that improvements had been made in the communication and knowledge that’s getting out to parents.

Chairman Roberts thanked the presenters for the report.

**MANAGER’S REPORT - NONE**

**STAFF REPORTS AND REQUESTS**

**(7A) BOND CONVERSION RESOLUTION**

*RESOLUTION AMENDING THE JANUARY 7, 2003 RESOLUTION PROVIDING FOR THE ISSUANCE OF \$40,000,000 VARIABLE RATE GENERAL OBLIGATION BONDS, SERIES 2003B.* Resolution provides for conversion of 2003B general obligation bonds interest rate mode.

\* \* \* \* \*

Commissioner Bill James introduced the following resolution, a copy of which had been provided to each Commissioner, which was read by title:

RESOLUTION AMENDING THE JANUARY 7, 2003 RESOLUTION PROVIDING FOR THE ISSUANCE OF \$40,000,000 VARIABLE RATE GENERAL OBLIGATION BONDS, SERIES 2003B

Upon motion of Commissioner Bill James, seconded by Commissioner George Dunlap, the following resolution was passed by the following vote:

Ayes: Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr., George Dunlap, Bill James, Vilma Leake, Jim Pendergraph and Jennifer Roberts.

Noes: None.

AUGUST 2, 2011

\* \* \* \* \*

BE IT RESOLVED by the Board of Commissioners (the "Board") of the County of Mecklenburg, North Carolina (the "Issuer"):

WHEREAS, on February 18, 2003, the Issuer issued its \$40,000,000 Variable Rate General Obligation Bonds, Series 2003B (the "Bonds") pursuant to a bond order adopted by the Board on September 6, 2000 (the "Bond Order") and a resolution passed by the Board on January 7, 2003 (the "Original Resolution");

WHEREAS, the Bonds were originally issued in the Weekly Interest Rate Period pursuant to the terms of Exhibit 1 to the Original Resolution (the "Original Exhibit"), and the payment of the purchase price of Bonds tendered during the Weekly Interest Rate Period is currently supported by a Standby Bond Purchase Agreement dated as of February 1, 2003 (the "Liquidity Facility");

WHEREAS, the Liquidity Facility will expire on September 1, 2011 and, pursuant to the Original Exhibit 1, all of the outstanding Bonds will be subject to mandatory tender for purchase on August 26, 2011;

WHEREAS, on August 26, 2011 (the "Effective Date"), Branch Banking and Trust Company (the "Bank Holder") will purchase all the outstanding Bonds pursuant to the provisions set forth in Amended and Restated Exhibit 1 ("Exhibit 1") attached hereto;

WHEREAS, upon the consent of the Bank Holder, as the registered owner of all the Bonds outstanding, (i) Exhibit 1 shall become effective and (ii) the Bonds shall be in the form and subject to the terms and provisions described in Exhibit 1;

1. On the Effective Date, the Bonds shall be converted to a Bank-Bought Interest Rate and shall be substantially in the form and in accordance with the terms set forth in Exhibit 1 attached hereto and incorporated herein by reference, together with such changes not inconsistent with the general tenor hereof and thereof as the County Manager and the County Director of Finance, with the advice of counsel, may deem appropriate, their execution of closing certificates in connection with the conversion of the Bonds to evidence conclusively the authorization and approval thereof by the Board.

2. On the Effective Date, the Original Resolution shall be amended to reflect the provisions of this resolution, and the Original Exhibit 1 shall be amended and restated by Exhibit 1 attached hereto.

3. The Board hereby requests the North Carolina Local Government Commission to approve the conversion of the Interest Rate Period for the Bonds and the terms and provisions of Exhibit 1.

4. Each of the officers of the Board, the County Manager and the County Director of Finance and employees are authorized and directed to execute and deliver any certificates or other documents they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by this resolution and the other documents described above, such execution and delivery to be conclusive evidence of the approval and authorization thereof by the Board.

5. The Issuer covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended, to the extent required to preserve the exclusion from gross income of interest on the Bonds for federal income tax purposes.

6. This resolution shall take effect upon its passage.

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

*Note: Finance Director Dena Diorio presented this matter to the Board.*



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

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

**(8A) SELECTION OF NCACC VOTING DELEGATE**

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Chairman Roberts as the Board's voting delegate for the North Carolina Association of County Commissioners (NCACC) 2011 Annual Conference to be held August 18-21, 2011 in Cabarrus County, North Carolina.

*Commissioner Cogdell returned to the dais.*

**(8B) BASEBALL STADIUM ECONOMIC DEVELOPMENT AND GRANT AGREEMENT AND LEASE AMENDMENTS (KNIGHTS BASEBALL, LLC)**

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to adopt a resolution authorizing the County Manager to execute amendments to the Development and Economic Grant Agreement and the Lease between Mecklenburg County and Knights Baseball, LLC with respect to the development, operation and maintenance of a baseball stadium on County land located in Third Ward.

Prior to the above vote, Jerry Reese spoke in opposition to the adoption of the resolution. Mr. Reese informed the Board that he would be challenging in the courts the Board's action with respect to the execution of amendments to the Development and Economic Grant Agreement and the Lease between Mecklenburg County and Knights Baseball, LLC with respect to the development, operation and maintenance of a baseball stadium on County land located in Third Ward.

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

**(8C) REDISTRICTING**

Chairman Roberts announced the conclusion of the redistricting process and new commission districts. She also recognized and thanked County staff and members of the Board's Redistricting Committee for its work.

Chairman Roberts noted the following:

- In January of this year the Board discussed redistricting and set some parameters for the establishment of new districts to make sure the districts were fair and balanced and that it would be an open and transparent process.
- Subsequently, a nine-member citizen's redistricting committee was formed with each Commissioner having one appointment to the committee.
- The committee had a series of meetings over the last six months and by a vote of 7-1 were prepared to present four possible options to the Board for consideration and for comment by the public.
- The N. C. General Assembly, however, acted before the committee could present its options to the Board and to the public.

**AUGUST 2, 2011**

- The action taken by the N.C. General Assembly was the adoption of new county commission districts for Mecklenburg County, per districts that were drawn by the General Assembly.
- The N.C. General Assembly has the final word, thus, the districts approved for Mecklenburg County are final.
- The final map is not that much different.

#### Comments

N. C. State Representative Kelly Alexander complimented the Board for having designed a redistricting process that was “fair, balanced, open and provided for maximum citizen input. “

Representative Alexander said he hoped the Board could join him in “condemning the underhanded way in which politics as usual was played.”

Representative Alexander said “in the process that has imposed districts on the County, the comedy within the Delegation in which generally speaking, things are put in front of everybody, discussed and a consensus is reached, and the Delegation regardless of party is able to support, was not followed.”

Representative Alexander said the process that was used has been compared to “Houdini’ styled magic, voodoo creations in the middle of the night.” He said it was not the way Mecklenburg County has traditionally done business. He said this isn’t how business should be done moving forward.

Representative Alexander said he was also present to warn the Board that there was another stealth piece of legislation that in the guise of local legislation, would impose voter ID on the County. He urged the Board to oppose that and by resolution let every member of the Mecklenburg Delegation and every member of the General Assembly know that Mecklenburg County does not desire that kind of local legislation.

Representative Alexander said he thought it was important that “where we can, we maintain control of what we can control as close to the citizens as possible.” “This is local government for almost a million citizens. What happen with redistricting subverted that process and that’s not good and it’s something that we aught to stand opposed to.”

Representative Alexander said what was about to happen also will subvert a process and the only way that it can be stopped is “if you stand up early and stand up often and tell the General Assembly what your position is.” He said otherwise your position is likely to be misrepresented back in Raleigh.

He thanked the Board for its work.

Chairman Roberts thanked Representative Alexander for appearing. Chairman Roberts said this may be a topic at the N.C. Association of County Commissioners upcoming annual conference, since there were other counties that had legislation come down that was circumventing a local process.

Commissioner James said he appreciated the work of staff and the committee. He said he didn’t think their work was in vain because the map that was adopted was based upon the three acceptable maps, except for the one outlier, the one that’s referred to as Stetson.

Commissioner James said he agreed that it would have been better to have handled it locally but he believed also that having been through this process in the 90’s, this was not the first time this had happened. He addressed what occurred back in the 90’s.

**AUGUST 2, 2011**

Commissioner James said there were reasons why the map was done by the General Assembly. Commissioner James said he believed the Stetson map was designed to “damage” republicans. He said it made District 1 more democratic and for some reason they wanted to move Districts 5 & 6 all around and create a “little kind of snake” and “disenfranchise” most of Commissioner Cooksey’s constituents by placing some of them in District 6.

Commissioner James said in light of what occurred in the past, the General Assembly took what he thought was a “cautious” approach to ensure that Stetson “never became reality.” He said the best way to do that was for the General Assembly to take the three acceptable maps that the democrats and republicans agreed on, “blend them, create one and adopt it.”

Commissioner James said he agreed with what the General Assembly did, even though he wished it could have been done locally. Commissioner James said the only way that would have happened, however, would have been for the democrats on the Redistricting Committee to have abandoned Stetson and that they were not willing to do that.

Commissioner James said with respect to the voter ID issue mentioned by Representative Alexander, that he was in favor of it.

Commissioner Leake asked who approached the General Assembly regarding this matter.

Commissioner James said the republicans on the Redistricting Committee.

Commissioner Leake said her concern was that direction was given to the committee and it was not followed.

Commissioner Cogdell said he, too, didn’t like the way this matter was handled. He said it was not transparent, nor was it an open process. Commissioner Cogdell said he didn’t know if the district maps were better or worse than what the committee would have brought forward.

Commissioner Cogdell said he didn’t think the republican members of the Redistricting Committee “necessarily did anything other than what the democratic members of the committee would have done had the situation been reversed.”

Commissioner Cogdell said what frustrated him was 1) he’s very disappointed that someone would think that they knew how he would vote based on his party affiliation without giving him the opportunity to listen to the presentation, ask questions, get input, and make his own mind up. Commissioner Cogdell said he would have been “objective and fair.” 2) He thinks it’s reflective of what has been seen over the last several weeks in Washington, DC.

Chairman Roberts concluded the discussion by saying what happened, was law, and the County would follow it. She said the County would be fine with those districts. She said she was just looking to the future by placing this matter on the agenda with respect to wanting to ensure citizens that serve on boards and staff that assist, that their input continues to be valued.

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

#### **CONSENT ITEMS**

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

**(9) APPROVAL OF MINUTES**

**AUGUST 2, 2011**

Approve minutes of Regular meeting held July 12, 2011 and Special Meeting held January 28, 2011.

**(12) TAX REFUNDS**

Approve refunds in the amount of \$5,950.97 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.*

**(16) RALEIGH-MECKLENBURG INTERLOCAL COOPERATION AGREEMENT TO DEVELOP PERMITTING SOFTWARE**

(1) Adopt Resolution Authorizing The Addition Of Appendix Four To The Raleigh-Mecklenburg Interlocal Cooperation Agreement To Develop Permitting Software And Authorizing The Manager To Negotiate And Execute The Transfer Of The Software Developer's Contract To The County And Amendment Thereof.

(2) Recognize, receive and appropriate \$123,520 from City of Raleigh for payments to software developer.

*Note: Appendix Four covers the following:*

1. *City suspension of work assigned under the interlocal agreement*
2. *Transfer of City-Sages Networks software development contract to the County*
3. *Intellectual property rights and licensing fees*
4. *County completion of the project*

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

**(17) GREENWAY DONATION – FLAT BRANCH CREEK**

Accept donation of a portion of Tax Parcel #229-401-98 (+/- 5.0 acres) from DG Retail Ventures, LLC on Flat Branch Creek.

*Note: A portion of Tax Parcel 229-401-98 is donated by DG Retail Ventures, LLC based on the approved rezoning plan for the Blakeney Southeast Quadrant commercial development. This parcel will add to greenway assemblage along Flat Branch Creek Greenway.*

**(18) LUESA CODE ENFORCEMENT FUNDING AND STAFFING**

1) Recognize and appropriate \$319,250 in additional permit revenue.

2) Approve five additional Inspector level III positions to address the increase in inspection service demand.

**(19) I-485 AT CLARK'S CREEK BRIDGE INTERLOCAL AGREEMENT**

Approve a resolution to authorize the County Manager to enter into an Interlocal Agreement with the City of Charlotte (COC) to jointly fund accommodations for bicycle and pedestrian facilities at the intersection of I-485 and Clark's Creek.

AUGUST 2, 2011

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS  
RESOLUTION  
AUTHORIZING EXECUTION OF AN AMENDMENT PERTAINING TO THE  
FUNDING OF BRIDGES ON THE INTERSTATE 485 TO ACCOMMODATE  
THE FUTURE CLARK'S CREEK GREENWAY  
AGREEMENT BETWEEN  
THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY**

**WHEREAS**, N.C. General Statute § 160A-461, "Interlocal cooperation authorized," authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

**WHEREAS**, Mecklenburg County wishes to enter into an Interlocal Agreement with the City of Charlotte, by which the City of Charlotte has agreed to work with the North Carolina Department of Transportation in order to upgrade and jointly fund a proposed box culvert under I-485 to a full bridge, pursuant to the attached Interlocal Agreement; now, therefore, be it

**RESOLVED** that the Board of Commissioners of Mecklenburg County does hereby approve the attached Interlocal Agreement between the City of Charlotte and Mecklenburg County. The County Manager of Mecklenburg County is hereby authorized and directed to execute the attached Interlocal Agreement, and any amendments thereto, and this resolution shall be spread upon the minutes.

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

**(20) TAX COLLECTOR'S ANNUAL SETTLEMENT FOR FISCAL YEAR 2011**

Receive and accept the Tax Collector's Settlement.

*Note: The Tax Collector's Settlement is submitted to the Board of County Commissioners in accordance with North Carolina General Statute 105-373(3). The Settlement is to be entered into the records of the Board of County Commissioners as directed by statute.*

AUGUST 2, 2011



MECKLENBURG COUNTY
Office of the Tax Collector

To: Board of County Commissioners
Harry L. Jones, Sr., County Manager
Bea Bierin, Finance Director
From: Neal L. Dixon, Tax Collector
Date: July 11, 2011

Subject: Tax Collector's Settlement for Fiscal Year 2011

Pursuant to the provisions of N.C.G.S. 105-373, this memorandum is the Tax Collector's report of settlement to the Mecklenburg County Board of Commissioners for fiscal year 2010-2011 (Tax year 2011).

Total FY 2011 Tax charged to the Tax Collector for Collection: \$865,143,449.86

Table with 5 columns: Tax Charged, Net Levy, Collected, Uncollected, Pct. Collected. Row 1: Real Estate & Personal Property Tax.

Table with 5 columns: Tax Charged, Net Levy, Collected, Uncollected, Pct. Collected. Row 1: Registered Motor Vehicle Tax.

Table with 5 columns: Tax Charged, Net Levy, Collected, Uncollected, Pct. Collected. Row 1: Combined Total.

The totals above reflect the uncollected taxes for all tax bills. Of this total, the Tax Collector was barred by the U.S. Bankruptcy Court from collecting 78% real estate, personal property and registered motor vehicle tax bills totaling \$817,033.02.

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Tax Collector's Settlement for Fiscal Year 2011
Page 2

Reference is hereby made to reports in the Office of the Tax Collector that list the persons owning real property and personal property whose taxes for the preceding fiscal year remain unpaid and the principal amount owed by each person.

Prior Year Collections

During FY 2011, the Tax Collector pursued collection of delinquent prior year taxes.

Table with 5 columns: Tax Year, Net Levy, Collected in FY2011, Uncollected, Pct. Collected. Rows include Real Estate and Personal Property Tax and Registered Motor Vehicle Tax for years 2004-2009.

Tax Collector Comments

Please contact me at Neal.Dixon@MecklenburgCountyNC.gov or 704-336-3322 if you have any questions or comments regarding this settlement report.

North Carolina General Statute 105-373(7) requires that this settlement be submitted to the governing board. The settlement shall be entered into the minutes of the governing body.

Neal Dixon, Tax Collector, July 11, 2011

Sworn to and subscribed before me this 11th day of July, 2011

Wanda Demingo, Notary Public

My Commission expires September 2, 2014



CC: Julie Morgan, Deputy Director, Office of the Tax Collector
Kimberly Moore, Deputy Director, Office of the Tax Collector
Keith Carter, Deputy Director, Office of the Tax Collector

Settlement recorded in full in Minute Book \_\_\_\_\_, Document # \_\_\_\_\_.

(21) ORDER OF COLLECTION – 2011 AD VALOREM TAXES

Authorize the Tax Collector to collect 2011 ad valorem taxes.

ORDER OF COLLECTION
NORTH CAROLINA, MECKLENBURG

TO THE TAX COLLECTOR OF MECKLENBURG COUNTY

GENERAL STATUTE 105-321(b)

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records, filed in the office of the Tax Assessor and the tax receipts herewith

**AUGUST 2, 2011**

**delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be first lien upon all real property of the respective taxpayers in Mecklenburg and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.**

**Order recorded in full in Minute Book \_\_\_\_\_, Document # \_\_\_\_\_**

**(22) ABANDONMENT OF RIGHT-OF-WAY FOR FORMER FAYETTE ROAD**

Approve a revised Order to abandon the right-of-way for former Fayette Road located along a section of the current Denbur Drive (SR 2950).

*Note: Centex Homes requested the abandonment of the 0.201 acre right-of-way for former Fayette Road located near the intersection of Denbur Drive (SR 2950) and Albemarle Road (NC 24/27).*

*On July 12, 2011, the Board adopted an Order of abandonment. The Order referenced the desire by AT&T to have an easement recorded for its utilities in the road. County staff recently learned that AT&T does not have an easement that needs to be recorded.*

*The amended Order needs to be adopted to remove references to the recording of such an easement.*

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

**(23) LAND CONVEYANCE TO CITY OF CHARLOTTE**

Approve conveyance of a portion of Tax Parcel 029-101-02 (15,039 SF) to the City of Charlotte to facilitate the Salome Church Road at Mallard Creek Road intersection improvements.

**(25) JOINT COLLABORATIVE CAPITAL MASTER PLANNING RESOLUTION**

Adopt a resolution in support of joint capital master planning with consideration of the recommendations provided by IBM.

*Note: Operating under a grant from IBM to Mecklenburg County, a team of five IBM executives worked full-time between November 1 – 19, 2010 to analyze the issue of integrating capital master planning in Mecklenburg County and recommend a course of action. The JCMP process IBM proposed would analyze potential capital project investments within the framework of how these investments improve the quality of life in neighborhoods, and prioritize those projects based on the quantified ability of each project to increase property values in those neighborhoods. The first step recommended by the IBM Team was establishing formal support for joint capital master planning among the various stakeholders, largely the towns within the County. Mutual adoption of a resolution on this matter would establish that formal support and begin the process of considering the IBM team's recommendations, which include the expansion of the City of Charlotte's Quality of Life Study county-wide.*

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

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

\_\_\_\_\_

*Commissioner Dunlap returned to the dais.*

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

**(10) GRANT APPLICATION - EMPLOYMENT AND TRAINING RESOURCE CENTER -  
COMMUNITY SUPPORT SERVICES DEPARTMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the submission of a grant application for funding in the amount of \$20,000 from the Wells Fargo Corporate Giving program and if awarded, recognize, receive, and appropriate such funds.

*Note: The requested funding will allow Mecklenburg County Community Support Services Department Women's Commission Division New Beginnings Employment Program to provide more intensive employment and training services for approximately 300 individuals. The grant will fund group and individual sessions of career exploration, skills assessment, customer service training, resume writing, job interviewing skills, and introduction to Microsoft Office. Instruction will be provided by contracted instructors.*

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

**(11) GRANT APPLICATION – PROJECT SAFE NEIGHBORHOODS COMMUNITY SUPPORT  
SERVICES DEPARTMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve submission of a \$20,000 grant application for the Continuation of Project SAFE Neighborhoods – Community Outreach & Media Engagement Project to the Governor's Crime Commission, serving as fiscal agent for the U.S. Department of Justice and upon award of grant, recognize, receive, and appropriate the grant award.

*Note: The Project SAFE Neighborhoods (PSN) grant managed by Community Support Services Department (CSS) provides funding for media outreach and community engagement to educate the public about gun violence and to reduce gun violence in the community. This project will increase the awareness of problems associated with gun violence and other issues that stem from illegal gun crime activity. This project will enhance the current offering of services by Mecklenburg County related to public awareness and community outreach in defined PSN areas.*

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

**(13) BUDGET ADJUSTMENT – AREA MENTAL HEALTH (REVENUE INCREASE)**

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

1) Recognize, receive and appropriate federal funds from the U.S. Department of Housing and Urban Development in the amount of \$361,127 for the renewal of ACCESS Project Grant.

2) Recognize, receive and appropriate federal funds from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$ 251,280 for Shelter Plus Care Grant.



Note:

1. *This grant is a renewal of the current grant from the U.S. Department of Housing and Urban Development. The goal of the program is to provide supportive services, such as mental health treatment and case management, for consumers who are homeless and disabled.*
2. *U.S. Department of Housing and Urban Development has awarded Area Mental Health a new grant to provide rental subsidies and supportive services, such as mental health treatment and case management, for consumers who are homeless and disabled. This grant will supplement 6 units of tenant-based rental assistance.*

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

**(14) BUDGET AMENDMENT – DSS (REVENUE INCREASE) YOUTH AND FAMILY SERVICES**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to appropriate from Fund Balance \$66,000 in adoption promotion funds received in June 2011 for Fiscal Year 2012.

*Note: The North Carolina Division of Social Services has provided additional funding (\$66,000) in the Adoption Promotion Fund to Mecklenburg County Youth and Family Services Division of DSS. No local match is required as a condition for receipt of these funds. The purpose of the Fund is to enhance and expand adoption services, to secure permanent homes for hard-to-place children, and to promote public/private partnerships. Allowable uses for the funds include adoption services, adoption recruitment, adoption assistance case management, child-specific recruitment, assessment and training of adoptive parents and post-adoption case management. The funds cannot be used to supplement the salaries of current County employees.*

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

**(15) BUDGET AMENDMENT – LUESA (REVENUE INCREASE) VILLAGE OF ST. ANDREWS SUBDIVISION**

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

- 1) Recognize, receive, and appropriate \$200,000 from Bank of America, if it requests the County to complete the subdivision improvements for the Village of St. Andrews in the Town of Matthews with Bank of America funds.
- 2) Recognize, receive and appropriate up to \$43,483.20 that is currently being held by the County for subdivision improvements and County-incurred expenses related to the project.

Commissioner Leake removed this item from Consent for clarity purposes. County Attorney Bethune clarified what this matter was about.

**(24) CORRECTION TO TERM OF APPOINTMENT – COMMUNITY RELATIONS COMMITTEE**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve a correction in the term of appointment for Bill Schreiner to the Charlotte-Mecklenburg Community Relations Committee to reflect a three-year term effective October 1,

2011 instead of November 1, 2011.

Commissioner Leake removed this item from Consent for clarity purposes. Clerk to the Board Janice S. Paige clarified what this matter was about.

**(27) PROCLAMATION – CHILD SUPPORT AWARENESS MONTH**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to adopt a proclamation designating August 2011 as Child Support Awareness Month in Mecklenburg County.

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

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

**(3) CLOSED SESSION – LAND ACQUISITION**

Motion was made by Commissioner Pendergraph, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to go into Closed Session to discuss the following Land Acquisition matters:

- Abersham Property – Tax Parcels: 003-331-03 through 003-331-48, 003-331-50 through 000-331-66, 003-041-07, 003-333X-01,003-041-03; and PID #4664-44-7309 (in Iredell County)
- Netherby Subdivision Property - Tax Parcels 221-032-33, 221-491-01, 221-032-33

***The Board went into Closed Session at 8:25 p.m. and came back into Open Session at 8:50 p.m.***

**(3B1) CLOSED SESSION – LAND ACQUISITION**

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to authorize the County Manager to negotiate and execute necessary documents for the purchase of the following tax parcels in the Town of Davidson's Extra-Territorial Jurisdiction from the Trust for Public Land for \$3,733,500:

- 003-331-03 through 003-331-48,
- 003-331-50 through 000-331-66,
- 003-041-07, 003-333X-01,003-041-03; and
- PID #4664-44-7309 (in Iredell County).

*Note: The subject property is the site of the former Abersham development and consists of +/- 243 acres (final acreage to be determined by survey) in the northeasterly portion of the Town of Davidson's Extra-Territorial Jurisdiction, and is bordered by the West Branch Rocky River, Iredell County, and Shearer/Grey Roads. Acquisition of this property will add to three other large public land holdings in the area (Fisher Farm Park, 200 acres, owned by the Town; Allison Park, 37 acres, owned by the County and leased to the Town; and the Shearer Road property, 70 acres, owned by the County). The County's 2008 Parks Master Plan has as one of its goals the expansion of existing park sites to create larger contiguous acreage in combination with protection of tree cover, wildlife corridors and streams. This acquisition accomplishes that goal. The Park and Recreation Department and the Town envision the site containing passive and active recreation opportunities once developed.*

**(3B2) CLOSED SESSION – LAND ACQUISITION**

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

- To negotiate and execute necessary documents for the purchase of the major portion of Tax Parcel #221-032-33 (+/- 50 acres) in the Town of Pineville from Southern Community Bank and Trust for a total of \$350,000 (of which the County's portion is \$150,000). The Town of Pineville and Catawba Lands Conservancy (CLC) will contribute the balance and will deliver those funds to the closing attorney at the closing.
- Amend the *Lakeview Park Lease Agreement* between the County and the Town of Pineville on Tax Parcel #221-491-01 to include Tax Parcel #221-032-33, or execute a new lease for the property
- To negotiate and execute a conservation easement with CLC on Tax Parcel #221-032-33.

*Note: The subject property is site of the former Netherby subdivision and consists of +/- 52 acres (final acreage to be determined by survey) off Lakeview Drive in the Town of Pineville. Acquisition of this property will add to four other large public land holdings in the area, including Jack Hughes Park, Lake Park and other Town owned park land. The County's 2008 Parks Master Plan has as one of its goals the expansion of existing park sites to create larger contiguous acreage in combination with protection of tree cover, wildlife corridors and streams. This acquisition accomplishes that goal. The Park and Recreation Department and the Town envision the site containing passive and active recreation opportunities once developed, including a portion of Little Sugar Creek Greenway trail.*

**ADJOURNMENT**

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:53 P.M.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman