

FEBRUARY 7, 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 at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, February 7, 2012.

ATTENDANCE

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

Absent: None

-INFORMAL SESSION-

The meeting was called to order by Chairman Cogdell, after which the matters below were addressed.

(1) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 11, 12, 17, 20, and 22.

(2) STAFF BRIEFINGS - NONE

(3A) CLOSED SESSION – CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: Olin Godwin v. Mecklenburg County.

Motion was made by Commissioner Pendergraph, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

The Board went into Closed Session at 5:11 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.

-FORMAL SESSION-

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

CITIZEN PARTICIPATION

(1) AWARDS/RECOGNITION—NONE

(2) PUBLIC APPEARANCE

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

Betty Marlin gave an update on Primary Health-Care of Charlotte and the services provided to the unserved, underserved and uninsured.

A copy of handouts from Ms. Marlin is on file with the Clerk to the Board.

(3) APPOINTMENTS—NONE

(4) PUBLIC HEARINGS—NONE

ADVISORY COMMITTEE REPORTS

(5A) MOUNTAIN ISLAND LAKE MARINE COMMISSION

The Board received as information the Annual Report of the Mountain Island Lake Marine Commission. The report was presented by Cathy Roche, Chairman of the Mountain Island Lake Marine Commission and Skip Hudspeth, Vice-Chairman.

The following was covered:

2011 Accomplishments

Stakeholder Process

Stakeholder Consensus of Top Priorities

- Protect Water Quality
- Promote Public Safety
- Preserve The Environment

Proposed Boating Regulations Are Not the Solution

Stakeholder Recommendations

- ▶ Form Technical Advisory Committee
- ▶ Improve Communications
- ▶ Become “Voice Of The Lake”
- ▶ Determine Milmc Authority
- ▶ Explore New Funding Sources
- ▶ Science-Based Lake Management Plan
- ▶ Expand Public Education
- ▶ Preserve Multi-Use Nature Of Lake
- ▶ Protect Public Access
- ▶ Explore New Funding Sources
- ▶ Science-Based Lake Management Plan
- ▶ Expand Public Education
- ▶ Preserve Multi-Use Nature Of Lake

2012 Priorities

Areas of Concern

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

Chairman Cogdell thanked the presenters for the report.

Comments

Commissioner Bentley thanked Ms. Roche for her leadership and the work of the other members of the Marine Commission.

Commissioner Bentley asked about the potential development of the Bechtler property and the charter school. She asked had there been any consideration regarding dialogue with the developers and the Gaston County Commissioners around regulations similar to what's in Mecklenburg County to address some of the runoff issues and some of the other concerns of the Marine Commission.

Ms. Roche said the Marine Commission asked the developers to come and present their plans to the Marine Commission. Ms. Roche said there was another area of concern when the Marine Commission presented to the Gaston County Commission and since that time she met with the developer, who provided her with information that was then shared with the Marine Commission. The Marine Commission reviewed that information and was satisfied.

Ms. Roche said it would be nice if the developer would sit down and work with the Marine Commission on the watershed issue.

Ms. Roche said per a recent neighborhood meeting she attended, residents have a strong concern regarding traffic in the area, however, that's not a Marine Commission matter.

Commissioner Dunlap thanked Ms. Roche for her leadership, also.

Commissioner Roberts expressed thanks also to the Marine Commission. Commissioner Roberts asked for clarity regarding the challenge to no-wake zone authority. *Ms. Roche said the Marine Commission tried to get the no-wake zones they've established in the Administrative Code but the Wildlife Commission denied the request.*

Mr. Hudspeth said the Marine Commission was looking into this to determine what was the problem.

Commissioner Roberts said if legislation was needed, or if there's a loophole in the current legislation that could resolve this issue, that the Marine Commission inform the Board, so that it could be a part of the Board's Legislative Agenda.

This concluded the discussion.

MANAGER'S REPORT

(6A) FACT FINDING PROBE REPORTS

The Board received a report from US ISS, Agency, LLC. and from the County Attorney on its fact finding probe regarding the establishment of an ongoing attorney-client relationship between Commissioner Harold Cogdell, Jr. and C.W. Williams Community Health Center, Inc. ("CWW"), based on the discussions between representatives of CWW and Harold Cogdell, Jr. that began "several weeks after the county budget vote was finalized."

Prior to receiving the report, Chairman Cogdell asked to be excused from participating in the discussion, since he was the subject of the investigation.

Motion was made by Commissioner James, seconded by Commissioner Roberts and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes and Commissioner Cooksey voting no, to excuse Chairman Cogdell from participating in the discussion of the Fact Finding Probe Reports, since he was the subject of the investigation.

Chairman Cogdell turned the gavel over to Vice-Chairman Pendergraph and was away from the dais until noted in the minutes.

Vice-Chairman Pendergraph chaired the meeting until noted in the minutes.

County Manager Jones presented the report findings, which stated there had been no evidence of a *quid pro quo* in the attorney-client relationship established between Commissioner Cogdell and C.W. Williams Community Health Center, Inc. or violation of the County's Code of Ethics on the part of Commissioner Cogdell. Also, that according to the report from the County Attorney, none of the Commissioners with knowledge of the relationship between Chairman Cogdell and C.W. Williams Community Health Center prior to the Board's December 6, 2011 meeting had violated the County's Code of Ethics.

Summary of Findings from US ISS, Agency, LLC

"Based on the facts established in this investigation, it is our opinion there is no evidence of a *quid pro quo* in the attorney-client relationship established between Commissioner Cogdell and C.W. Williams Community Health Center, Inc. In addition, it is our opinion that Mr. Cogdell did not violate the *Code of Ethics for Mecklenburg County Officials or NCGS 14-234-Public officers or employees benefiting from public contracts; exceptions*. Also, it is our opinion there is no evidence that any matter or issue pertaining to the C.W. Williams Community Health Center, Inc. came before the Board of County Commissioners since the budget workshop other than amending the County Manager's original budget proposal June 2, 2011."

Summary of Findings from the County Attorney

"In my opinion, none of the County Commissioners with knowledge of the C. W. Williams engagement of Harold Cogdell, Jr. to render legal services to C.W. Williams on an ongoing basis prior to the Board's meeting on December 6, 2011 violated the Code of Ethics for Mecklenburg County Officials or any applicable statutes or other rules of conduct with respect to what they did, or failed to do, with respect to such Information."

Commissioner Leake asked what was Chairman Cogdell's salary, per his work for C.W. Williams.

Dave Stevens with US ISS, Agency, LLC, said the contract called for a pay rate of \$250.00 an hour with a monthly ten hour minimum.

Commissioner Cooksey asked County Attorney Bethune had he known the name of the agency Chairman Cogdell was referring to in a conversation between the two of them, would his advice been the same, which was to excuse himself from matters concerning C.W. Williams. *County Attorney Bethune said yes.*

Commissioner Cooksey asked County Manager Jones a similar question. *County Manager Jones said he, too, would advise Chairman Cogdell to excuse himself from matters concerning C.W. Williams.*

Commissioner Clarke asked County Attorney Bethune if Chairman Cogdell's employment had been with a for profit entity receiving money from the County, would it have violated the County's Code of Ethics Policy. *Attorney Bethune said he would review the policy and report back. He said he would be reviewing to see if it was an ethical violation for an attorney on the Board to represent an agency that might have some business dealings with the County. He said*

FEBRUARY 7, 2012

the simple fact of representation was what he was talking about and not participating in matters that come before the Board, which he said was a different issue; about which there might be both County ethical issues, as well as, Bar ethical issues.

Note: At its December 20, 2011 meeting, the Board directed the County Manager and County Attorney jointly to develop and implement a plan for an independent and objective person with appropriate professional experience (the "Investigator") to do the following: (A) investigate and assess the facts and circumstances regarding the establishment of an ongoing attorney-client relationship between Commissioner Harold Cogdell, Jr. and C.W. Williams Community Health Center, Inc. ("CWW"), based on the discussions between representatives of CWW and Harold Cogdell, Jr. that began "several weeks after the county budget vote was finalized", and (B) deliver, no later than the Board's first meeting in February, a written report to the Board in which the Investigator shall tell the Board, based on the results of his or her investigation, what the Investigator knows and what the Investigator thinks about those facts and circumstances, including whether the Investigator believes Harold Cogdell, Jr. violated the Code of Ethics for Mecklenburg County Officials or any applicable statutes or other rules of conduct. The Investigator should consult with the County Attorney at any time during the investigation or during preparation of the report to the Board to the extent the Investigator believes is necessary or appropriate.

Consistent with this direction, the County Manager contracted with U.S. ISS, Agency to serve as the Investigator. U.S. ISS Agency has completed its fact finding probe and is providing the Board a written report for the February 7, 2012 meeting.

Also at its December 20, 2011 meeting, in accordance with Section 8(a) of the Code of Ethics for Mecklenburg County Officials, the Board directed the County Attorney to (A) investigate and assess whether George Dunlap or any other Commissioner violated the County's Code of Ethics by not notifying the full Board and/or the public about the information he or she had learned about CWW's engagement of Harold Cogdell, Jr. to render legal services to CWW on an ongoing basis (the "Information") until the Board's meeting on December 6, 2011, and (B) to report, no later than the Board's first meeting in February, the findings of his investigation to the Board of County Commissioners telling the Board what he knows and what he thinks about Commissioner Dunlap's or any other Commissioner's conduct regarding the Information, including whether he believes George Dunlap or any other Commissioner with knowledge of the Information violated the Code of Ethics for Mecklenburg County Officials or any applicable statutes or other rules of conduct.

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

This concluded the discussion. No action was taken or required.

Chairman Cogdell returned to the dais and resumed chairing the meeting.

(6B) REID PARK COLLABORATIVE INITIATIVE UPDATE

The Board received an update on the Reid Park Collaborative Initiative. General Manager Michelle Lancaster introduced the matter. The following persons participated in the presentation: Mary Sturge, Principal at Reid Park, Mary Wilson, Social Services Director, Kimm Campbell, Mecklenburg County System of Care Coordinator, and Brett Loftis, Executive Director Council for Children's Rights.

Note: The Reid Park Collaborative Initiative is the partnership of Mecklenburg County, Charlotte-Mecklenburg Schools, Council for Children's Rights and several other human services agencies, working together to provide the students and families of Reid Park Academy greater access to wrap-around support services. These services will be offered on-campus and are

FEBRUARY 7, 2012

focused around four key areas - human/social services, health/mental health services, family involvement and early childhood education.

The report addressed the following:

- Identifying Needs as a Community
- The Pre-K-8 School Model
- Community Partners
- The Vision
- Reid Park School & Community Demographics, Social & Physical Characteristics, Economics, Student and Family Needs
- Collaborative Structure
- System of Care Philosophy
- Framework for Support
- Eligibility Criteria
- Expected Outcomes
- Progress to Date
- Evaluation Development
- Timeline & Next Steps

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

Comments

Chairman Cogdell thanked the presenters for their presentation and work in this effort.

Commissioner Leake asked the presenters to consider Johnson C. Smith University as a potential partner in this process because of its involvement in the total community.

Commissioner Leake asked that the presenters take a look at the agencies they're involving in this process and that some of them "look like the people in the community." Commissioner Leake said it helps the community to see "their own participating in what they're trying to do."

Commissioner Leake thanked the presenters for their work.

Commissioner Roberts asked whether this effort, once established and launched, would be a model for collaboratives like this at other Charlotte-Mecklenburg Schools. *Mr. Loftis said that's the hope.*

Commissioner Roberts asked about the use of the Amay James Recreation Center. *General Manager Lancaster said there would be an item on the Board's next agenda regarding this.*

This concluded the discussion.

(6C) REVALUATION STATUS REPORT

The Board received an update on revaluation and the ongoing appeals process. Tax Assessor Garrett Alexander gave the update.

The following was noted:

- Revaluation is controlled strictly by law.
- The Assessor and the Board of Equalization and Review must adhere to all of the requirements set forth by the N.C. Legislature.

- Real Property Tax base
 - Total Number of Parcels
 - Initial Assessed Value
 - Current Assessed Value
- Appeals
 - Informal Open and Closed
 - Board of Equalization Open and Closed
- Revaluation Statutory Timeline
- 2011 Revaluation Communication Timeline

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

Tax Assessor Alexander noted that his current staffing level was less than what it was during the last revaluation because of budget cuts.

Comments

Commissioner Bentley asked County Attorney Bethune what authority the Board had as it relates to the revaluation process. *County Attorney Bethune said at this point in time, the Board had no statutory authority. County Attorney Bethune explained how the process worked and noted the Board's authority to set the schedule values and to appoint the Board of Equalization and Review. County Attorney Bethune said once the Board completed those two requirements, which put the process in place, the Board no longer had a role in the process, which was governed by state rules.*

Commissioner Bentley asked if the Board had the authority to "halt" the process. *The response was no.*

Commissioner Bentley said per her constituents, the revaluation process was very complex and confusing.

Commissioner Bentley said the state law governing revaluation was lengthy (150 pages) and outdated, having been established in 1971. Commissioner Bentley said N.C. was a different state at that time.

Commissioner Bentley said she spoke with Representative Thom Tillis regarding available options to perhaps make changes to the legislation. She said Representative Tillis said other counties had expressed this same concern.

Commissioner Bentley said Representative Tillis plans to put a working group together, which she will serve on, to review the Machinery Act to see how it can be improved.

Commissioner Bentley said one thing the County could do going forward was to make improvements in the area of communication with respect to revaluation. Commissioner Bentley said there were a lot of residents who don't know to go to the County's website for information or to call 311. Commissioner Bentley said direct mailings to those in the appeals process may be a better communication route.

Commissioner Bentley asked was there a need to strengthen or increase the tax assessor's staff to accommodate the workload as a result of revaluation. Commissioner Bentley said if that was the case, then the Board should have been informed of that, so that action could have been taken with respect to that need.

Commissioner Bentley also addressed the Board of Equalization and Review hearings, noting that five minutes didn't appear to be enough time for a resident to state their case, especially when they've put in hours to prepare and expended funds.

FEBRUARY 7, 2012

Commissioner Bentley said she also received feedback from residents regarding what they viewed as “unprofessional” behavior by some members of the Board of Equalization and Review. Commissioner Bentley said if that’s true, then that’s a poor reflection on the Board of Commissioners and the County.

Tax Assessor Alexander said his department went through some tough budget cuts over the last several years and lost some very experienced staff as a result of reductions in force.

Tax Assessor Alexander addressed the appeal hearing time. He said there’s an extensive process wrapped around that to ensure that all of the information about the appeal has been presented and in a manner that the Board of Equalization and Review can take action on it “quickly.” He said the Board of Equalization and Review does a “fabulous” job in five minutes addressing most of the concerns of the majority of the appeals. He said that’s not to say that some don’t require more than that and they get more time than that.

Tax Assessor Alexander said if you’re hearing 75 hearings per day, time limits have to be set. He said it was a very time consuming task.

Tax Assessor Alexander said he was not aware of any unprofessionalism on the part of Board of Equalization and Review members.

Commissioner Bentley said she thinks some of it had to do with starting on time and people’s expectations of what was to occur.

Commissioner Bentley said she felt that to receive a letter from the Mayor of Cornelius expressing concerns on behalf of residents in the area and asking that the process be put on halt, expresses the “frustration” of residents, not only in Cornelius, but the northern part of the County in general.

Commissioner Pendergraph said there were a lot of residents that felt their property was not valued appropriately. He specifically addressed lake properties in Cornelius that appear to have the same lake view and lot size but were valued differently. He asked was it possible for staff to go back and review those 1800 properties to see if they’re valued properly.

Tax Assessor Alexander said it would be extremely difficult to do that and that those properties were looked at very closely by staff and by the Board of Equalization and Review.

Tax Assessor Alexander said the market in the Cornelius area dictates value. He said the differences in value were for various reasons that may not necessarily be clear. He explained the various factors taken into consideration in determining value.

Commissioner Pendergraph asked about the market value used to assess the properties and was there enough recent information around January 1, 2011 to give an accurate picture of value at that date or were dates back in 2005 taken into consideration.

Tax Assessor Alexander said staff began examining sales for this revaluation in June 2009. He said they used the period of June 2009 to December 2010 with the most emphasis being placed on the last two quarters of 2010 to set value.

Tax Assessor Alexander said the County received about 11% of the total property appraised for appeal, which meant 89% of it was accepted by the property owner and not appealed.

Tax Assessor Alexander said that’s an indication for “the most part” that property owners were satisfied with the assessment.

FEBRUARY 7, 2012

Tax Assessor Alexander said he could understand that in areas where values have increased substantially that it can be very concerning and that staff tried to address that.

Commissioner Pendergraph asked would having adequate staff to conduct the revaluation have made a difference with the outcome. *Tax Assessor Garrett said yes, but that didn't mean it wouldn't have been a lengthy process. He said this was a very "abnormal" economic time. He said having adequate staff would have allowed the department to respond faster.*

Commissioner Pendergraph asked how many people the department was short of for this process. *The response was about 12 employees from where the department was in 2003.*

Commissioner Pendergraph asked about GIS information on the website which was addressed. *Tax Assessor Alexander said property owners can also contact the Tax Assessor's Office directly for information.*

Commissioner Cooksey said he'd received questions from a lot of his constituents wanting to know how to go about conducting a successful appeal. He said per his review of the Tax Assessor's Office website, there's no information about what to expect at the appeal hearing.

Commissioner Cooksey said persons need to be informed of how much time they'll have to present their case, the type of information the Board of Equalization and Review was going to use, what's the kind of "favorite and unfavorite" information, what happens when you present an appraisal after January 1, 2011.

Commissioner Cooksey encouraged Tax Assessor Alexander to consider providing that type of information going forward on the website. Commissioner Cooksey said taxpayers should also be given some type of time estimate regarding when their case would be heard and that it should be included in information that's sent to them regarding their appeal.

Commissioner Cooksey said communication was very important in this type of situation.

Tax Assessor Alexander addressed the type of communication efforts conducted by staff and the Board of Equalization and Review.

Tax Assessor Alexander thanked the Board for its feedback. He said staff would continue to work on ways to enhance the communication process.

Commissioner Cooksey said another concern that's been expressed was the issue of fairness amongst districts. He said in some districts foreclosure sales were considered and in some it was not.

Tax Assessor Alexander explained that in some instances it was necessary to look at extreme levels of foreclosure and determine how much effect that was having on the market sales.

Tax Assessor Alexander said foreclosure was a tough area and that this was an area that may need to be discussed with the state legislature regarding how to go about dealing with foreclosure in these types of economic times.

Commissioners Cooksey and James requested a copy of the white paper that was prepared for the Tax Assessor's Office regarding the impact of foreclosure sales in the County.

Commissioner Dunlap asked Tax Assessor Alexander if he noticed whether or not there was a group of appraisers or an appraiser that did a significant number of appraisals in a particular area. Commissioner Dunlap said if there was, then he felt they had to have known that those appraisals were not valid, yet they continued to do them.

FEBRUARY 7, 2012

Tax Assessor Alexander said the only thing he could say was that they did receive a lot of appraisals that did not reflect the market value of January 1st in accordance with property tax law.

Commissioner Dunlap asked about the Board of Equalization and Review membership and the impact on the Board with the lost of members as a result of the Board's attendance policy. He asked Tax Assessor Alexander if he had any suggestions with respect to the Board of Equalization and Review, for example, did the attendance policy need to be changed.

Tax Assessor Alexander said he would provide the Board with recommendations with respect to the percentage of attendance requirement and the compensation level.

Commissioner Clarke asked was the appeal percentage received the average. *Tax Assessor Alexander said in an appreciating economy the national average ran around 10%.*

Commissioner Clarke asked would it make sense to value one-quarter of the properties in the County each year, so that every four years, everyone got revalued. *Tax Assessor Alexander said state law states when it's to be done, but aside from that, it probably would not make sense to do this.*

Tax Assessor Alexander said if it were done as proposed by Commissioner Clarke, there would not be any point in time where there would be across the board equalization of property value, which was the purpose of revaluation.

Commissioner Clarke asked Tax Assessor Alexander to still give some thought to this.

Tax Assessor Alexander said this was something that would be discussed at the Board's upcoming Strategic Planning Conference.

Commissioner James expressed concern with respect to foreclosures not being taken into consideration in all areas of the County based on a percentage. Commissioner James said that was unfair.

Tax Assessor Alexander explained how foreclosure was taken into consideration and why.

Commissioner Roberts asked was it correct that taxpayers who go before the Board of Equalization and Review and don't receive a reduction could appeal to the state. *The response was yes.*

Commissioner Roberts asked was it possible for a taxpayer whose request was denied through the informal process, but they did not appeal to the Board of Equalization and Review, that they still have the option of going before the Board of Equalization and Review next year; or do they have to wait until the next revaluation. *The response was that they can appeal this year if they like. Tax Assessor Alexander said there were persons that appeal every year.*

Commissioner Bentley asked for those that appeal multiple times was it correct, however, the appraisal they must use must be as of January 1, 2011. *The response was yes.*

Commissioner Bentley asked how soon could the County do another evaluation. *The response was that it's all tied to resources and that this would be discussed at the Board's upcoming Strategic Planning Conference.*

Chairman Cogdell asked what percentage of residents received an assessed value based on a determination that there was a certain level of extreme distress. *Tax Assessor Alexander said he would provide that information at a later date.*

STAFF REPORTS AND REQUESTS

(7A) BUSINESS INVESTMENT PROGRAM GRANT: MARBACH AMERICA, INC.

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-4 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes and Commissioners Bentley, Cooksey, James, and Pendergraph voting no, to adopt a resolution approving a Business Investment Program grant to Marbach America, Inc. for an estimated amount of up to \$52,930 and authorize the County Manager to negotiate and execute a contract.

Director of Economic Development John Allen presented this matter to the Board, prior to the above vote.

Note: This project entails the opening of a manufacturing operation by Marbach America, Inc. in Charlotte. The company is a world leader in the manufacturing of steel rule dies used in the packing industry.

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

(7B) CAPITAL PROJECT ORDINANCE

Motion was made by Commissioner Bentley, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt the *FY2013 Authorization School Facilities Approved November 6, 2007 Referendum* capital project ordinance for the purpose of providing funds, together with any other available funds, for the following projects:

- Stumptown Elementary School

including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, in order to provide additional school facilities in said County to maintain the nine months' school term as required by Section 2 of Article IX of the North Carolina Constitution, \$15,300,000 is hereby appropriated.

Section II. That it is estimated that the following revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from sale of bonds, Pay-As-You-Go/Other County Funds: \$15,300,000

Finance Director Dena Diorio presented this matter to the Board prior to the above vote.

Shannon Vecchiarello spoke in support of the Ordinance prior to the vote. She also addressed needs at Torrence Creek Elementary.

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

(7C) REPORT ON COYOTE POPULATION

The Board received a report from Park & Recreation Department staff regarding the coyote population in Mecklenburg County.

Chris Matthews with Park and Recreation addressed this matter with the Board. The report addressed the following:

- An Overview of What was Occurring
- Why Was This Important
- The County's Role
- Other Entities Roles
- Current Efforts
- Future Plans

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

Comments

Commissioner Dunlap said efforts needed to be made to make sure the public was aware of these types of issues and others in some way other than the internet. Commissioner Dunlap said there were many residents who don't have access to the internet.

Commissioner Clarke asked what would be the response to the question of why can't you kill the coyote. *Mr. Matthews said the answer to that question was complex. He said staff first needed to make sure it had a good understanding of what the coyote population looked like. Secondly, that coyote persist throughout the entire state, which meant if Mecklenburg County did an eradication effort, they would continue to move back in. He said there's a lot of biology and population dynamics associated with that.*

Mr. Matthews said staff was following the best practices for wildlife management.

Commissioner Clarke asked if the coyote had any natural predator or would they increase exponentially in number. *Mr. Matthews said historically the wolf would have been their natural predator, but the wolf was done away with on the east coast long time ago. He said there was no natural predator other than humans and the occasional car accident.*

Mr. Matthews said coyote activity could occur any time during the day, but it's mostly at night because coyote don't like being around people.

Commissioner Pendergraph asked was there a season for coyote or was it open season in areas where it's legal to shoot them. *Mr. Matthews said in Mecklenburg County there was a trapping season. He said if issues occur after the trapping season, a wildlife damage control agent could be hired at any point in the year to take care of a specific situation. He said this would be for small incidents that were occurring, nothing large scale.*

Commissioner Cooksey said residents in the Cameron Woods neighborhood were afraid. He said they were concerned about their pets and small children.

Commissioner Cooksey asked was there other resources available other than hiring a wildlife damage control agent. *Mr. Matthews said County staff did not have the training or resources to handle this issue, so staff leaves it up to the private sector. He said the Wildlife Resources Commission doesn't have the staff to engage in large scale trapping. He would advise homeowners to contact a Wildlife Damage Control Agent.*

FEBRUARY 7, 2012

Mr. Matthews said there's a list of Wildlife Damage Control Agents on the Wildlife Resources Commission webpage, which there's a link to off of the Park and Recreation website.

Commissioner James asked was there a way of tracking them. He said in some places the coyote is tagged so that their location can be monitored. *Mr. Matthews said there was a proposal in place that would allow that to happen. He said staff was currently investigating possible sources of funding to help make this happen. He said staff was looking at using GPS collars.*

Commissioner James asked was the population count in Mecklenburg County known. *The response was no.*

This concluded the discussion.

(7D) ORDINANCE PROHIBITING CAMPING AND UNAUTHORIZED USE OF COUNTY PROPERTY AND FACILITIES

County Attorney Bethune addressed a proposed Mecklenburg County Ordinance Prohibiting Camping and Unauthorized Use of County Property and Facilities. County Attorney Bethune said for years the County has had an ordinance prohibiting camping in parks, except in designated areas. He said recently staff realized the County's ordinance only addressed camping in parks and not County property in general. The proposed ordinance would fill that gap.

Comments

Ms. Scottie Wingfield spoke in opposition to the proposed ordinance. Ms. Wingfield said she was concerned about the language in the proposed ordinance and its definition of camping. Ms. Wingfield said she was concerned about the impact of this ordinance on the homeless population. Ms. Wingfield said she was concerned that Board members would get the "DNC fever" (Democratic National Convention).

Ms. Wingfield said it was her understanding that groups seeking to use County parks during the time of the DNC were told all of the parks were reserved by the DNC. She asked would residents be able to enjoy the parks during the DNC.

Ms. Wingfield said it appeared the proposed ordinance would criminalize napping in parks during the day. Ms. Wingfield said she was concerned that the proposed ordinance would be selectively enforced.

County Attorney Bethune said the proposed ordinance was not effective in County parks. He said it addressed County property other than parks. Attorney Bethune said the County's Park Ordinance governs what goes on in parks.

County Attorney Bethune said it was not true that all of the County parks have been reserved by the DNC. He said what staff has done was to stop taking reservations for County parks during the DNC.

Commissioner Dunlap expressed concern for the homeless and asked how the proposed ordinance would impact the homeless.

County Attorney Bethune said per staff's analysis of County property, excluding parks, these were not areas where the homeless sleep, to staff's knowledge.

FEBRUARY 7, 2012

Commissioner Dunlap asked about the Hal Marshall property and whether a sleeping ordinance was enforced in that area. *County Attorney Bethune said there was no sleeping ordinance applicable to that area. He said there's nothing in place to prevent persons from camping in that area.*

Commissioner Dunlap asked under the proposed ordinance would persons be prohibited from putting up a tent or having a sleeping bag on the Hal Marshall property. *The response was yes.*

County Attorney Bethune said what law enforcement would do under those circumstances would vary.

Commissioner Dunlap said he was trying to determine whether or not rules that don't exist today were being put in place just because it's anticipated that a large group of people may be coming to Charlotte/Mecklenburg that may or may not be homeless during the DNC and that these rules would be relaxed once the DNC concluded.

County Attorney Bethune said it was not the intent of staff that these rules would go away after the DNC or only be in effect during the DNC. He said it was staff's belief that camping should only occur in those areas that have been designated for such.

Commissioner Dunlap asked what precipitated the need for the proposed ordinance.

County Attorney Bethune said staff realized this was needed as a result of the camping that occurred on Old City Hall property by Occupy Charlotte. He said staff reviewed current policy and realized that camping was only addressed as related to park property.

Commissioner Dunlap said currently there were vacant properties that the homeless sleep on without any fear of being arrested but under the proposed ordinance they would be in jeopardy of being arrested.

Commissioner Dunlap asked staff to investigate what implications might occur for the homeless as a result of the proposed ordinance.

Commissioner Dunlap asked staff to contact representatives from the homeless community to find out whether or not the proposed ordinance would "unduly" effect the homeless population.

Commissioner Roberts asked if the language that's in the Parks ordinance similar to what's in the proposed ordinance. *County Attorney Bethune said it simply prohibits camping and may be lacking some detail.*

County Attorney Bethune said if the proposed ordinance was approved by the Board, then staff would compare it to the existing Parks ordinance to see if the Parks ordinance language needed to be more specific.

Commissioner Roberts said she would also be concerned about unintended consequences for the homeless.

Commissioner Cooksey asked was there any County property to staff's knowledge that's periodically or historically used for demonstrations or public events, such as a political event or public information event.

General Manager Bobbie Shields said he couldn't recall any County property that would have been used for camping or demonstrations.

FEBRUARY 7, 2012

Commissioner Cooksey asked would those types of events be allowed in parks and was there a process that persons have to go through. *General Manager Shields said there was a process for using public parks, as well as, City of Charlotte restrictions with regards to permits for parades, demonstrations, etc.*

Commissioner Cooksey asked that the Board be provided with the list of County properties that the proposed ordinance would apply to, at least those within the I-277 area.

Commissioner Cooksey said there was a difference between someone setting up a shelter during the day versus at night with the intention of spending the night on the property, which he said may be one way of fine tuning the proposed ordinance.

Commissioner Cooksey suggested this matter be deferred until the Board's next meeting because of questions raised.

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap, to defer further consideration of this matter until the Board's next Regular meeting.

Substitute motion was made by Commissioner James, seconded by Commissioner Clarke, to adopt a new Mecklenburg County Ordinance Prohibiting Camping and Unauthorized Use of County Property and Facilities.

General Manager Shields said an option could be that if staff discovered there were homeless sleeping on County property applicable to the proposed ordinance, that perhaps those individuals could be connected with appropriate service providers that could be of assistance to them.

Commissioner Dunlap asked staff to provide the Board with information on possible alternatives for the homeless, if it's determined they were sleeping on County property subject to the proposed ordinance.

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

Substitute motion was made by Commissioner James, seconded by Commissioner Clarke and carried 6-3 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, and Pendergraph voting yes and Commissioners Dunlap, Leake, and Roberts voting no, to adopt a new Mecklenburg County Ordinance Prohibiting Camping and Unauthorized Use of County Property and Facilities.

Note: A second reading will be required, since the vote was not unanimous. This matter will roll over to the Board's next Regular meeting.

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

CONSENT ITEMS

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

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held January 18, 2012 and Closed Session held January 18, 2012.

(10) TAX REFUNDS

1. Approve refunds in the amount of \$2,039,123.25 plus interest of \$20,921.20 for a total of \$2,060,044.45 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

2. Approve refunds in the amount of \$784,454.50 with accrued interest of \$277.26 for a total of \$784,731.76 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

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

(13) CLEAN AIR ACT, SECTION 103, SPECIAL PURPOSE FEDERAL GRANT

1. Approve the submission of the County's FY12 CAA Section 103, Special Purpose federal grant application.

2. Upon award of grant, recognize, receive and appropriate the CAA Section 103 grant award.

(14) HAZARD MITIGATION PROGRAM—FLOODPLAIN ACQUISITION

1. Accept the "Offer of Sale of Land" from Jeffery H. Honeycutt, owner of property at 2964 Dunlavin Way (Tax Parcel 093-131-25) for \$140,000.

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

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

1. Accept the "Offer of Sale of Land" from Ben A. Carter of 1738 Shannonhouse Drive (Parcel ID: 09908427) for \$97,001.

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

(16) CANOE/KAYAK LAUNCH GRANT—PARK AND RECREATION

1) Approve submission of application for a \$25,000 NC Recreational Trails Program grant for a new canoe/kayak launch at Latta Plantation Nature Preserve.

2) Recognize, receive and appropriate funds if grant is awarded.

3) Agree to fund at least a 25% grant match and complete the project within 2 years if awarded, per grant requirements.

(18) DESTRUCTION OF DOCUMENTS—DEPARTMENT OF SOCIAL SERVICES

Approve the destruction of records by the Department of Social Services.

Note: In accordance with regulations set forth by the NC Department of Health and Human

FEBRUARY 7, 2012

Services and NC Department of Cultural Resources, the Department of Social Services is required to store all confidential client and employee files and records for established periods of time, during which time all records shall remain accessible to staff and auditors. Once the specific time period for each type of file has elapsed, these files are deactivated and must be destroyed as confidential waste in accordance with the instructions and schedule established by the State. At this time, all records currently scheduled for destruction have been identified and are scheduled to be removed or destroyed on or before February 11, 2012. Reference the State Records Retention and Disposition Schedule, revised August 2006 by the NC Department of Cultural Resources, Division of Archives and History and approved by this Board at its April 15, 2003 meeting.

(19) DESTRUCTION OF DOCUMENTS—LUESA

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

Note: These records comprise:

60 Housing Code and Junk Vehicle Closed Case Files (2005)

(21) RIGHT-OF-WAY CONVEYANCE TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

1) Approve the conveyance of a permanent storm drainage easement (+/- 0.046 acres) and right-of-way (+/- 0.018 acres) on a portion of Tax Parcel #193-151-31 to the North Carolina Department of Transportation to facilitate a bridge replacement project on Sam Newell Road.

2) Recognize \$1,100 from the North Carolina Department of Transportation as compensation for right-of-way and a permanent storm drainage easement and appropriate that amount to the County's Pay-As-You-Go fund for capital projects.

(23) TAX ADMINISTRATION RECORDS RETENTION SCHEDULES

Adopt a Resolution approving the Tax Administration Records Retention and Disposition Schedule.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(11) PROCLAMATION—TEEN DATING VIOLENCE AWARENESS MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a proclamation designating February, 2012, as "Teen Dating Violence Awareness and Prevention Month."

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

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

(12) BUDGET AMENDMENT—SHERIFF’S OFFICE (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recognize and appropriate for Sheriff’s Special Revenue Fund \$340,669 from Concealed Handgun Permit Fees.

Commissioner Leake removed this item from Consent for more public awareness. She also requested information regarding the number of vehicles purchased by the Sheriff’s Office in 2011.

Commissioner Cooksey left the meeting and was absent for the remainder of the meeting.

(17) WALMART GRANT—PARK AND RECREATION

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate \$1,000 from a Walmart Local Community Contribution grant for the Great Urban Escape Program offered by McDowell Nature Center.

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

(20) GREENWAY DONATION—PAW CREEK

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve receiving a donation of a portion of Tax Parcel #113-031-06 (+/- 13.72 acres) from LBP Berryhill, LLC on Paw Creek.

Commissioners Leake and Roberts removed this item from Consent for more public awareness.

(22) CONSTRUCTION CONTRACT—ROMARE BEARDEN PARK

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to award a construction contract to JD Goodrum Co., Inc. in the amount of \$7,885,000 for the construction of Romare Bearden Park.

Commissioners Leake and Roberts removed this item from Consent for more public awareness.

Note: The project site is located in uptown Charlotte bordered by MLK Blvd., 3rd, Mint, and Church Streets. Park construction includes open space, lawns, plazas, gardens, retaining walls, interactive and decorative fountains, public art, site furnishings, lighting, landscaping and other amenities.

ADJOURNMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:11 p.m.

FEBRUARY 7, 2012

Janice S. Paige, Clerk

Harold Cogdell, Jr., Chairman