

**MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS**

**JANUARY 3, 2007**

**5:00 P.M.**

**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 Wednesday, January 3, 2007.

**ATTENDANCE**

**Present:** Chairman Jennifer Roberts and Commissioners  
Karen Bentley, J. Daniel Bishop, Dumont Clarke  
H. Parks Helms, Norman A. Mitchell, Sr.  
Dan Ramirez and Valerie C. Woodard  
County Manager Harry L. Jones, Sr.  
County Attorney Marvin A. Bethune  
Clerk to the Board Janice S. Paige

**Absent:** Commissioner Bill James

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*Commissioner Woodard was absent when the meeting was called to order and until noted in the minutes.*

**-INFORMAL SESSION-**

*The meeting was called to order by Chairman Roberts, after which the following matters were addressed.*

**(1A) STAFF BRIEFINGS - LEGISLATIVE AGENDA**

Deputy County Attorney Sandra Bisanar reviewed information for the Board's consideration for inclusion in its 2007 Legislative Agenda.

*Note: The N. C. General Assembly will convene on January 24, 2007.*

Attorney Bisanar said the information being presented was for information purposes only. The Board will be asked to take action at its January 9, 2007 Budget/Public Policy meeting.

*Commissioner Woodard entered the meeting during this time.*

It was also noted that a meeting will be held with the Mecklenburg Legislative Delegation on January 19, 2007.

The County's proposed legislative items for 2007 are

**Local Legislation**

1. Amend Session Law 2005-158 to enable Mecklenburg County to sell or lease real estate by private sale.

*Note: Chairman Helms suggested that specific properties be added to this for consideration if general or global authority is not received. Attorney Bisanar said she would work with Director of Real Estate Services Mark Hahn for a list of properties, if the County does not receive this authority.*

2. Amend G.S. 14-247 to allow County-owned vehicles to be used for carpooling by both Mecklenburg County employees and non-County employees to assist in the County's air quality improvement efforts.
3. Adopt special legislation to allow Mecklenburg County to charge lower building permit fees for "green" buildings.

*Note: Commissioner Bentley asked for additional information regarding "green" buildings and Leadership in Energy and Environmental Design (LEED).*

### **General Legislation**

Allow Boards of Health in counties with populations in excess of 600,000 to adopt ordinances regulating smoking in public places.

*Note: County Manager Jones said the population figure of \$600,000 may have to be adjusted upward in order for this to be applicable to Mecklenburg County only. He noted that Wake County's population has increased significantly.*

### **Appropriations**

1. Appropriate funds for new juvenile detention facility in Mecklenburg County.
2. Appropriate sufficient funds for the General Court of Justice, including 25 additional positions for the Clerk of Superior Court in Mecklenburg County.
3. Appropriate funds to provide school nurses at a ratio of one nurse per 750 students.

**Other Legislative Matters of Interest** shared were proposed legislative agendas for the N. C. Association of County Commissioners, the City of Charlotte, Charlotte-Mecklenburg Board of Education, N. C. Tax Assessors/Collectors Association, and the N. C. Citizens Business and Industry Association (NCCBI).

Attorney Bisanar said she has not received any thing from the Administrative Office of the Courts.

*A copy of the proposed legislative agenda information is on file with the Clerk to the Board.*

*No action was taken or required at this time.*

### **(2A)(2B) CLOSED SESSION – A) LAND ACQUISITION, B) CONSULT WITH ATTORNEY**

Prior to going into Closed Session, Attorney Bethune announced the following land acquisition matters to be discussed in Closed Session:

Tax parcel # 075-042-19 located at 2020 Haines Street  
Tax Parcel #075-043-29 located at 2020 Jennings Street  
Tax Parcel #075-042-29 located at 2013 Irma Street.

Motion was made by Commissioner Ramirez, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez,

Roberts, and Woodard voting yes, to go into Closed Session to discuss A) Land Acquisition and B) Consult With Attorney.

*The Board went into Closed Session at 6:00 p.m. and came back into Open Session at 6:10 p.m.*

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

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 7 and 15.

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

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**-FORMAL SESSION-**

*Invocation was given by Chairman Roberts, which was followed by the Pledge of Allegiance to the Flag, and then introductions; after which, the following matters were addressed.*

**CITIZEN PARTICIPATION**

**PROCLAMATIONS AND AWARDS**

**(1A) DR. MARTIN LUTHER KING, JR. DAY**

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a joint proclamation designating January 15, 2007, Dr. Martin Luther King, Jr. Day in Charlotte and Mecklenburg County.

*The proclamation was read by Commissioner Woodard and received by Samuel Belnavis on behalf of the Charlotte-Mecklenburg Community Relations Committee.*

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

**(2) PUBLIC APPEARANCE**

The following persons appeared to speak during public appearance:

William “Chris” Wilson addressed the upcoming Charlotte-Mecklenburg African American Agenda event to be held January 5 and 6, 2007 at the Charlotte Convention Center. Mr. Wilson said this was a landmark initiative for the purpose of setting priorities, promoting collaboration and eliminating disparities. The event will take the form of a Town Hall meeting and is open and free to the public. It’s expected that after the conclusion of the Town Hall meeting, the African American community will produce a prioritized agenda for focusing its resources, forming partnerships, and establishing accountability.

Martin Davis addressed Mecklenburg County murder statistics for 2006.

*Chairman Roberts thanked all speakers for appearing.*

**(3) APPOINTMENTS – NONE**

**(4) PUBLIC HEARINGS – NONE**

**(5) ADVISORY COMMITTEE REPORTS - NONE**

**(6) MANAGER'S REPORT - NONE**

**(2A1) (2A2) (2A3) CLOSED SESSION - LAND ACQUISITION**

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve 1) the purchase of Tax Parcel #075-042-19 (+/- 0.086 acre) located at 2020 Haines Street from B. S. Thompson Trust for \$8,000; 2) the purchase of Tax Parcel #075-043-29 (+/- 0.344 acre) located at 2020 Jennings Street from Regina Hailey Kay for \$12,000; and 3) the purchase of Tax Parcel #075-042-29 (+/- 0.172 acre) located at 2013 Irma Street from the Walter Lee Strong Estate for \$12,500.

*Note: The above lots are part of an assemblage to create a neighborhood park site in the Lincoln Heights area off Beatties Ford Road in Central Park District I.*

**CONSENT ITEMS**

**Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 7 and 15 to be voted upon separately:**

**(8) CRISIS INTERVENTION PROGRAM FUNDING - DSS**

Amend the Department of Social Services' FY07 budget to recognize, receive and appropriate \$289,120 in additional funds from the U.S. Department of Energy for administration of the Crisis Intervention Program (CIP).

*Note: The CIP funds are to aid Mecklenburg County citizens in alleviating emergency heating and cooling needs.*

**(9) WORK FIRST DEMONSTRATION GRANT – DSS**

Recognize, receive and appropriate federal TANF funds in the amount of \$134,513 for the Work First Demonstration Grant.

*Note: These funds will be used to identify and remove barriers associated with mental health issues and mental illness that impact Work First customers' ability to secure and maintain gainful employment.*

**(10) DSS REVENUE ADJUSTMENTS**

Amend the Department of Social Services' FY 07 budget to recognize additional State and local revenues of \$69,158 via the Home and Community Care Block Grant and contributions in the Senior Nutrition Program and appropriate expenses in the same amount.

**(11) OAKLAWN RECREATION CENTER LEASE AGREEMENT**

Approve a resolution of intent for a lease agreement between Mecklenburg County and The

Bethlehem Center, in partnership, for the operation and maintenance of a Day Care Center at Oaklawn Recreation Center for a community day care program.

*Resolution recorded in full in Minute Book 43-A, Document # \_\_\_\_.*

**(12) HOME & COMMUNITY CARE GRANT ADVISORY COMMITTEE**

Appoint the following persons as members to an Advisory Committee for the Home and Community Care Block Grant for Older Adults.

Ms. Evelyn S. Berger  
Senior Tar Heel Legislature

Mr. Charles E. Butler  
Charlotte Center for Aging Services

Phil Cooley  
Charlotte Center for Aging Services

Ms. Judy Dorminey

Ms. Valerie Egzibher  
Executive Director  
Legal Services for the Elderly

Mr. John Eller # (Steering Committee member)  
Director Services for Adults – DSS

Kathryn-Falbo-Woodson, Asst. Dir  
Mental Health Assoc.  
of Central Carolinas, Inc

Mr. Jim Few

Ms. Joyce Freeman  
Loving Touch Adult Day Care

Ms. Maryann Gilmore  
Senior Resources

Ms. Jacqueline Glenn  
Meck. County Health Department

Mrs. Sue Hancharik  
Department of Social Services

Mr. John Highfill # (Steering Committee member)  
Department of Social Services

Ms. Ruth Huey # (Steering Committee member)

Mr. Nate Huggins  
Blessed Assurance Adult Day Care

Ms. Evelyn Newman # (Steering Committee member)

Ms. Jennifer Pagano  
OpenCare

Ms. Trena Palmer # (Steering Committee member)  
Executive Director  
Char-Meck Senior Centers, Inc.

Dr. Rachel Seymour  
Director, Gerontology Program  
UNC-Charlotte

Debora Sparks  
Executive Director of Council of Aging

Mr. Julian Underwood # (Steering Committee member)

Ms. Gayla Woody \* (Ex Officio)  
Centralina Area Agency on Aging

**(13) CAPITAL PROJECT ORDINANCE – SCHOOL FACILITIES**

Adopt the *School Facilities - December 2006* capital project ordinance.

*Ordinance recorded in full in Minute Book 43-A, Document # \_\_\_\_.*

**(14) PROTECTION, DEVELOPMENT, AND IMPROVEMENT OF FOREST LAND**

Adopt “Agreement for the Protection, Development, and Improvement of Forest Land in Mecklenburg County.”

*Note: This is reoccurrence of a one (1) year agreement with a 40 percent County and 60 percent State funding split establishing a County Office of the North Carolina Forestry Service with duties and responsibilities as specified in the agreement.*

*Agreement recorded in full in Minute Book 43-A, Document # \_\_\_\_.*

**(16) MILLER PROPERTY ACQUISITION – WEST BRANCH ROCKY RIVER**

1) Approve purchase of +/- 2.2 acres of Tax Parcel # 003-361-13 at 14915 E. Rocky River Road for \$19,000 from Robert and Charlotte Miller.

2) Approve leasing the +/- 2.2 acres of Tax Parcel # 003-361-13 to the Town of Davidson for future parkland/greenway development.

*Note: The subject property is that portion of the larger 5.81 acre tract of land situated on the north side of the West Branch Rocky River. The acquisition will encompass approximately 0.7-acre of floodplain. The Town of Davidson is pursuing acquisition of this property for greenway purposes. This future greenway corridor will protect water quality, preserve wildlife habitat and provide a pedestrian/bicycle pathway between River Run Neighborhood and Fisher Farm Park. The Town requested the County purchase this land using the Town’s allocation of the open space bond funds. The Town further requested that the County lease this property to the Town for future parkland/greenway development by incorporating it into the existing Master Greenway Lease Agreement.*

**(17) PUCKETT PROPERTY ACQUISITION – WEST BRANCH ROCKY RIVER**

1) Approve purchase of +/- 6.2 acres of Tax Parcel # 003-361-03 at 14331 E. Rocky River Road

for \$82,500 from E.H. Puckett and Randy A. Puckett.

2) Approve leasing the +/- 6.2 acres of Tax Parcel # 003-361-03 to the Town of Davidson for future parkland/greenway development.

*Note: The subject property is that portion of the larger 19.62-acre tract of land situated on the north side of the West Branch Rocky River. The acquisition is adjacent to Fisher Farm Park and will encompass nearly 6.0 acres of floodplain. The Town of Davidson is pursuing acquisition of this property for greenway purposes. This future greenway corridor will protect water quality, preserve wildlife habitat and provide a pedestrian/bicycle pathway between River Run Neighborhood and Fisher Farm Park. The Town requested the County purchase this land using the Town's allocation of the open space bond funds. The Town further requested that the County lease this property to the Town for future parkland/greenway development by incorporating it into the existing Master Greenway Lease Agreement.*

**(18) FUNDING ADJUSTMENT – TECHNOLOGY RESERVE**

Recognize and appropriate \$374,293 in the Technology Reserve Fund from the City of Charlotte for the purchase of voting machines.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**(7) APPROVAL OF MINUTES**

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve minutes of Regular Meeting held December 19, 2006 and Closed Session minutes of December 19, 2006.

*Commissioner Ramirez removed this item from Consent, however, he noted that the concern he had was clarified by Commissioner Bishop. He did not disclose that concern.*

**(15) GREENWAY EASEMENT DONATION – STEWART CREEK**

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to accept donation of a greenway easement (10 feet) on a portion of Tax Parcel #071-036-90 from Lela Court, LLC.

*Note: The subject property is located adjacent to 11.28 acres of property previously donated by Lela Court, LLC for greenway purposes along Stewart Creek. This easement will add an additional 10 feet of land area to a previously donated 10 feet of greenway access donated by Lela Court, LLC for public access to Stewart Creek Greenway.*

*Chairman Roberts removed this item from Consent for more public awareness.*

**STAFF REPORTS AND REQUESTS**

**(19) RESOLUTION AUTHORIZING ISSUANCE OF BONDS**

**RESOLUTION AUTHORIZING ISSUANCE OF BONDS FOR \$102 MILLION, SERIES A**

**FIXED RATE GENERAL OBLIGATION BONDS.**

Commissioner Helms moved adoption of the following resolution, the motion was seconded by Commissioner Mitchell, and the resolution was read by the above title.

WHEREAS, the bond orders hereinafter described have taken effect, and it is desirable to make provision for the issuance of bonds authorized thereby;

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

1. Pursuant to and in accordance with the park and recreation facilities bond order adopted by the Board of Commissioners on September 8, 1999, the Issuer shall issue its bonds in the aggregate principal amount of \$12,500,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from February 1, 2007.

2. Pursuant to and in accordance with the school facilities bond order adopted by the Board of Commissioners on September 6, 2000, the Issuer shall issue its bonds in the aggregate principal amount of \$36,500,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from February 1, 2007.

3. Pursuant to and in accordance with the school facilities bond order adopted by the Board of Commissioners on September 4, 2002, the Issuer shall issue its bonds in the aggregate principal amount of \$29,000,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from February 1, 2007.

4. Pursuant to and in accordance with the park and recreation facilities bond order adopted by the Board of Commissioners on September 8, 2004, the Issuer shall issue its bonds in the aggregate principal amount of \$14,000,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from February 1, 2007.

5. Pursuant to and in accordance with the community college facilities bond order adopted by the Board of Commissioners on September 7, 2005, the Issuer shall issue its bonds in the aggregate principal amount of \$7,000,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from February 1, 2007.

6. Pursuant to and in accordance with the law enforcement facilities bond order adopted by the Board of Commissioners on September 7, 2005, the Issuer shall issue its bonds in the aggregate principal amount of \$3,000,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from February 1, 2007.

7. The bonds to be issued pursuant to the bond orders described in the preceding paragraphs 1 to 6, inclusive, shall be issued as one consolidated bond issue in the principal amount of \$102,000,000 and designated "General Obligation Public Improvement Bonds, Series 2007A" (the "Bonds"). The Board of Commissioners has ascertained and hereby determines that the average period of usefulness declared in the preceding paragraphs 1 to 6, inclusive, is not less than 40 years, computed from the date of the Bonds. The Bonds shall be dated February 1, 2007, and shall bear interest from their date at a rate or rates that shall be determined upon the public sale of the Bonds, and interest shall be payable on August 1, 2007, and semi-annually thereafter on February 1 and August 1. The Bonds shall mature annually on February 1, as follows:



<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2008	\$2,000,000	2018	\$7,635,000
2009	2,000,000	2019	7,635,000
2010	2,000,000	2020	7,635,000
2011	2,000,000	2021	7,635,000
2012	2,000,000	2022	7,635,000
2013	2,000,000	2023	7,635,000
2014	2,000,000	2024	7,635,000
2015	2,000,000	2025	7,640,000
2016	2,000,000	2026	7,640,000
2017	7,635,000	2027	7,640,000

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated on an interest payment date, in which event it shall bear interest from that interest payment date, or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. Debt service will be payable to the owners of Bonds shown on the records of the hereinafter designated Bond Registrar of the Issuer on the record date, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding a debt service payment date.

8. The Bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”) or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the Bonds in the principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the Bonds will be payable at the times stated in the preceding paragraph, and principal of the Bonds will be paid annually on February 1, as set forth in the above maturity schedule, in clearinghouse funds to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of those participants and other nominees of beneficial owners. The Issuer will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book entry system with DTC in a manner consistent with DTC’s rules and procedures. If the Issuer fails to arrange for another qualified securities depository to replace DTC, the Issuer will authenticate and deliver replacement Bonds in the form of fully registered certificates in denominations of \$5,000 or integral multiples thereof.

9. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners of the Issuer, and the official seal or a facsimile of the official seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of that Commission or of a representative designated by that Secretary, and the certificate of authentication of the Bond

Registrar to be endorsed on all Bonds shall be executed as provided below.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature appears on any Bonds shall cease to be that officer before the delivery of those Bonds, that manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of the Bond shall be the proper officers to sign the Bond although at the date of the Bond those persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it has been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

10. The Bonds and the endorsements thereon shall be in substantially the following form:

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to issuer or its agent for registration of transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

NO. R- \_\_\_\_\_ \$ \_\_\_\_\_

United States of America  
State of North Carolina

COUNTY OF MECKLENBURG

GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2007A

INTEREST RATE	MATURITY DATE	DATE OF BOND	CUSIP
		February 1, 2007	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: \_\_\_\_\_ DOLLARS

The County of Mecklenburg (the "County"), a county of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on the date specified above, upon surrender hereof, at the office of the Director of Finance of the County, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202 (the "Bond Registrar"), the principal sum shown above and to pay to the registered owner hereof, by check mailed to the registered owner at its address as it appears on the bond registration books of the County, interest on that principal sum from the date of this bond or from the February 1 or August 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a February 1 or August 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on August 1, 2007, and semi-annually thereafter on February 1 or August 1 of each year, at the rate per annum specified above, until payment of the principal sum. The interest so payable on any interest payment date will be paid to the person in whose name this bond is registered at the close of business on the record date for that interest, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding that interest payment date. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Finance Act of the State of North Carolina, as amended, bond orders adopted by the Board of Commissioners of the County on September 8, 1999, September 6, 2000, September 4, 2002, September 8, 2004 and September 7, 2005 (the "Bond Orders") and a resolution adopted by that Board (the "Resolution") providing for the issuance of this bond. The issuance of this bond and the contracting of the

indebtedness evidenced hereby have been approved by a majority of the qualified voters of the County voting at elections held in the County.

The bonds maturing on and after February 1, 2018, shall be subject to redemption prior to their stated maturities at the option of the County on or after February 1, 2017, in whole or in part at any time at a redemption price equal to 100% of the principal amount of each bond to be redeemed, together with accrued interest thereon to the redemption date. If less than all the bonds are called for redemption, the County shall determine the maturities and the amounts thereof of the bonds to be redeemed. If less than all the bonds of any one maturity are called for redemption, the bonds of such maturity to be redeemed shall be selected by lot; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or an integral multiple thereof and that, in selecting bonds for redemption, the Bond Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by \$5,000. For so long as a book-entry system is used for determining beneficial ownership of the bonds, if less than all of the bonds within a maturity are to be redeemed, The Depository Trust Company ("DTC") shall determine by lot the amount of interest of each Direct Participant in the bonds to be redeemed.

Not more than forty-five (45) days nor less than thirty (30) days before the redemption date of any bonds to be redeemed, whether such redemption be in whole or in part, the County shall cause a notice of redemption to be mailed, postage prepaid, to DTC or its nominee. On the date fixed for redemption, that notice having been given, the bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided for the redemption of those bonds or portions thereof on that date and, if moneys for payment of the redemption price and the accrued interest are held by the Bond Registrar as provided in the Resolution, interest on the bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this bond shall be called for redemption, a new bond or bonds in principal amount equal to the unredeemed portion hereof will be issued to DTC or its nominee upon the surrender hereof.

The notice of redemption may state that the County retains the right to rescind such notice on or prior to the scheduled redemption date, and such notice and redemption shall be of no effect if such notice is rescinded. Any redemption may be rescinded in whole or in part at any time prior to the scheduled redemption date if the County gives notice thereof on or prior to the scheduled redemption date in the manner provided above for redemptions. Any bonds as to which redemption has been rescinded shall remain outstanding.

The bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of DTC or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of participants and other nominees of beneficial owners. The County will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of bonds. The transfer of this bond may be registered only upon those books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, in authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of bonds or any portion thereof and ending at the close of business on the day of such mailing or of any bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the County are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Orders or the Resolution until this bond shall have been endorsed by the authorized representative of the Local Government Commission of North Carolina and authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the County has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and [a facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated February 1, 2007.

\_\_\_\_\_  
Chairman of the Board of Commissioners

(SEAL)

\_\_\_\_\_  
Clerk to the Board of Commissioners

**CERTIFICATE OF LOCAL GOVERNMENT COMMISSION**

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

\_\_\_\_\_  
Secretary,  
Local Government Commission

**CERTIFICATE OF AUTHENTICATION**

This bond is one of the Bonds of the issue designated herein and issued under the provisions of the within-mentioned Bond Orders and Resolution.

COUNTY OF MECKLENBURG  
[INTERIM] DIRECTOR OF FINANCE, as Bond Registrar

By: \_\_\_\_\_  
Authorized Signature

Date of Authentication: February 8, 2007

**ASSIGNMENT**

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within Bond and irrevocably appoints \_\_\_\_\_ attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

\_\_\_\_\_

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

The Bonds maturing on and after February 1, 2018, shall be subject to redemption prior to their stated maturities at the option of the County on or after February 1, 2017, in whole or in part at any time at a redemption price equal to 100% of the principal amount of each Bond to be redeemed, together with accrued interest thereon to the redemption date. If less than all the Bonds are called for redemption, the County shall determine the maturities and the amounts

thereof of the Bonds to be redeemed. If less than all the Bonds of any one maturity are called for redemption, the Bonds of such maturity to be redeemed shall be selected by lot; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or an integral multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar shall treat each Bond as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. For so long as a book-entry system is used for determining beneficial ownership of the Bonds, if less than all of the Bonds within a maturity are to be redeemed, The Depository Trust Company (“DTC”) shall determine by lot the amount of interest of each Direct Participant in the Bonds to be redeemed.

Not more than forty-five (45) days nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether the redemption be in whole or in part, the Issuer shall cause a notice of redemption to be mailed, postage prepaid, to DTC or its nominee. Each notice shall identify the Bonds or portions thereof to be redeemed by reference to their numbers and shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall also state that on or after the redemption date, upon surrender of the Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of the Bond will be issued.

The notice of redemption may state that the Issuer retains the right to rescind such notice on or prior to the scheduled redemption date, and such notice and redemption shall be of no effect if such notice is rescinded. Any redemption may be rescinded in whole or in part at any time prior to the scheduled redemption date if the Issuer gives notice thereof on or prior to the scheduled redemption date in the manner provided above for redemptions. Any Bonds as to which redemption has been rescinded shall remain outstanding.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the principal of the Bonds or portions thereof called for redemption, as well as the interest accruing thereon to the redemption date.

On the date fixed for redemption, notice having been given in the manner and under the conditions provided above, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to the redemption date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held by the Bond Registrar in trust for the registered owners of Bonds or portions thereof called for redemption, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender that Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

11. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

The transfer of any Bond may be registered only on the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for the Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of the Bond so surrendered, of the same maturity, and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to the exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of Bonds under this resolution. The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening

of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of that mailing or of any Bond called for redemption in whole or in part pursuant to this Section.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any Bond and the interest on any Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon that Bond including the interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to commercial standards then applicable and for the timely payment of principal and interest with respect to the Bonds. The Director of Finance or Interim Director of Finance of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively, the "Bond Registrar"), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his or her office, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202, the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

12. The actions of the Interim Director of Finance of the Issuer and others in applying to the Local Government Commission of North Carolina to advertise and sell the Bonds and the action of the Local Government Commission of North Carolina in asking for sealed and electronic bids for the Bonds by publishing notices and printing and distributing the Preliminary Official Statement and the Official Statement relating to the Bonds are hereby ratified and approved. That Preliminary Official Statement is hereby approved, and the Chairman of the Board of Commissioners, the County Manager, the Director of Finance and the Interim Director of Finance of the Issuer are each hereby authorized to approve changes in the Preliminary Official Statement, to approve the Official Statement, and to execute the Official Statement for and on behalf of the Issuer. The Preliminary Official Statement is deemed to be a final official statement within the meaning of Rule 15c2-12 of the Securities and Exchange Commission, except for the omission of certain pricing and other information to be specified in the Official Statement.

13. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners, the Director of Finance and the Interim Director of Finance of the Issuer are hereby authorized and directed to cause the Bonds to be prepared and, when they shall have been duly sold by the Local Government Commission, to execute the Bonds and have the Bonds endorsed and authenticated as provided herein and to deliver the Bonds to the purchaser or purchasers to whom they may be sold by the Local Government Commission.

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

15. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners, the Director of Finance, the Interim Director of Finance and other officers of the Issuer are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any and all financing statements, certificates, documents or other papers and to perform any and all acts they may deem necessary or appropriate in order to carry out the intent of this resolution and the matters herein authorized.

16. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:

(a) by not later than seven months from the end of each fiscal year of the Issuer, to each nationally recognized municipal securities information repository ("NRMSIR") and to the state information depository for the State of North Carolina ("SID"), if any, audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from

time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution.

(b) by not later than seven months from the end of each fiscal year of the Issuer, to each NRMSIR, and to the SID, if any, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under heading “The County - Debt Information and - Tax Information” in the Official Statement relating to the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(c) in a timely manner, to each NRMSIR or to the Municipal Securities Rulemaking Board (“MSRB”), and to the SID, if any, notice of any of the following events with respect to the Bonds, if material:

- (1) principal and interest payment delinquencies;
- (2) non-payment related default;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on any credit enhancements reflecting financial difficulties;
- (5) substitution of any credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- (7) modification to the rights of the beneficial owners of the Bonds;
- (8) bond calls;
- (9) defeasances;
- (10) release, substitution or sale of any property securing repayment of the Bonds;
- (11) rating changes; and

(d) in a timely manner, to each NRMSIR or to the MSRB, and to the SID, if any, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

To the extent permitted by the U.S. Securities and Exchange Commission, the obligation to file any of the above documents with NRMSIRs and SIDs may be discharged by transmitting those documents electronically to [www.DisclosureUSA.org](http://www.DisclosureUSA.org).

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identify, nature, or status of the Issuer;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 (“Rule 15c2-12”) as of the date of the Official Statement relating to the Bonds, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interest of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this bond resolution, as it may be amended from time to time, at the time of the amendment.

Any annual financial information containing modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

The motion was adopted by the following vote:

AYES: Commissioners Karen Bentley, Dan Bishop, Dumont Clarke, H. Parks Helms, Norman A. Mitchell, Sr., Dan Ramirez, Jennifer Roberts, and Valerie C. Woodard.

NAYS: None

***Resolution and Extracts recorded in full in Minute Book 43-A, Document # \_\_\_\_.***

## **COUNTY COMMISSIONERS REPORTS AND REQUESTS**

*Chairman Roberts passed the gavel to Vice-Chairman Helms in order to introduce and discuss her proposed resolution (Item 20) regarding shared natural resources as it relates to the approval of inter basin water transfer requests.*

### **(20) REGIONAL PERSPECTIVE ON SHARED NATURAL RESOURCES**

*Chairman Roberts said her purpose for bringing this resolution forward was to request of the General Assembly that the process for future approvals of inter basin water transfer requests be improved. Chairman Roberts said future processes should be open, inclusive, collaborative, understandable and backed with consistent scientific data.*

*Chairman Roberts said this resolution has no bearing on the pending IBT request for the Catawba River.*

Motion was made by Commissioner Roberts, seconded by Commissioner Ramirez and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a resolution requesting that the state of North Carolina improve its process for managing water resources, through regional collaboration.

***Resolution recorded in full in Minute Book 43-A, Document # \_\_\_\_.***

***Vice-Chairman Helms returned the gavel to Chairman Roberts.***



**(2B) CLOSED SESSION CONSULT WITH ATTORNEY**

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to go into Closed Session to Consult with Attorney.

*Note: Prior to going into Closed Session Attorney Bethune announced that the Consult with Attorney concerned the Adelpia Bankruptcy Proceedings.*

***The Board went into Closed Session at 6:58 p.m. and came back into Open Session at 7:50 p.m.***

***Commissioner Bishop was absent when the Board came back into Open Session.***

**COMMISSION COMMENTS – NONE**

**ADJOURNMENT**

Motion was made by Commissioner Ramirez, seconded by Commissioner Clarke, and carried 7-0, with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:54 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman