

JUNE 16, 2009

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, June 16, 2009.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.
Neil Cooksey, George Dunlap, Bill James
Vilma Leake and Daniel Murrey
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 Roberts, after which the matters below were addressed.

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

(1) STAFF BRIEFINGS - NONE

(2A, 2B) CLOSED SESSION – CONSULT WITH ATTORNEY & PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune said it would not be necessary for the Board to go into Closed Session to Consult with Attorney, only Personnel Matter.

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

Motion was made by Commissioner Clarke, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to go into Closed Session for the following purpose: Personnel Matter.

The Board went into Closed Session at 5:31 p.m. and came back into Open Session at 5:51 p.m.

Commissioners Cogdell and Murrey were present when the Board came back into Open Session.

Commissioner Dunlap was absent when the Board came back into Open Session and until noted in the minutes.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 19, 20, 21, 25, and 26.

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

-FORMAL SESSION-

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

Commissioner Dunlap returned to the meeting.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) SICKLE CELL AWARENESS DAY

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating June 19, 2009 as "Sickle Cell Awareness Day" in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Murrey and received by Pat Lambright, Executive Director, Sickle Cell Regional Network.

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

(2) PUBLIC APPEARANCE

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

Dave Cable with the Catawba Lands Conservancy presented a plaque to the Board in appreciation of the Board's support of the Conservancy.

MANAGER'S REPORT

(6A) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS – (LAND DEVELOPMENT & ZONING SERVICES)

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to amend the LUESA Fee Ordinance to reflect a new fee for Land Development; and amend the LUESA Fee Ordinance to reflect changes to zoning fees.

Note: The new land development fee will provide expedited plan review services. This is an optional fee to customers, with revenue from the fees used to offset the costs incurred by the County for an outside engineering firm to review the plans.

Note: In previous years, land development fee revenue supported zoning services. This has not been a major problem until the recent downturn in land development activity that reduced

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voting yes, to nominate and appoint Bernice Cutler to the Building Development Commission as the Charlotte Apartment Association representative for a three-year term expiring July 11, 2012.

She is replacing Charles Watts.

JURY COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Gail Gibson to the Jury Commission for a two-year term expiring June 30, 2011.

JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Akenna Blackmon, Jeff Hood and Emily Marroquin to the Juvenile Crime Prevention Council for a two-year term expiring June 30, 2011.

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

Commissioner Cooksey returned to the dais.

Commissioner Clarke nominated all applicants for appointment consideration to the Juvenile Crime Prevention Council: Melvin Bowie, D'Etta Culp, Christian Friend, Edward Jernigan, Susan McCarter, Simona Mitchell-Kelly, Pamela Morris, Susan Surles, and Marc Thompkins

Note: Appointments will occur on July 7, 2009.

PUBLIC BROADCASTING AUTHORITY

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to reappoint Liz Downing, Timothy Flanagan and William Fuller to the Public Broadcasting Authority for a three-year term expiring June 30, 2012. Secondly, to nominate and appoint Tom Bickford to fill an unexpired term expiring June 30, 2010.

He is replacing Kimberly Henderson.

REGION F AGING ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to reappoint Clarissy Knox to the Region F Aging Advisory Committee for a two-year term expiring June 30, 2011 and to nominate and appoint Michelle Lucas-Webb as the alternate representative for a one-year term expiring June 30, 2010.

She is replacing Kimberly Gossage.

PUBLIC HEARINGS

(4A) REFUNDING BONDS

REPORT FROM CLERK

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The Clerk to the Board of Commissioners reported to the Board of Commissioners that the bond order entitled "BOND ORDER AUTHORIZING THE ISSUANCE OF \$295,000,000

REFUNDING BONDS OF THE COUNTY OF MECKLENBURG" which had been introduced on June 2, 2009, had been published in a qualified newspaper on or before June 10, 2009, with notice that the Board would hold a public hearing thereon on June 16, 2009. The Clerk also reported that the County's Director of Finance had filed in the Clerk's office a statement of debt complying with the provisions of The Local Government Bond Act and that such statement showed the net indebtedness of the County to be 3.11% of the assessed valuation of property in the County subject to taxation.

* * *

PUBLIC HEARING ON BOND ORDER

Commissioner Harold Cogdell, Jr. moved that the Board proceed to hold a public hearing on the bond order. The motion was seconded by Commissioner Karen Bentley and was unanimously adopted.

At 7:15 P.M., the Chairman of the Board announced that the Board would hear anyone who wished to be heard on the questions of the validity of the bond order and the advisability of issuing the bonds.

After the Board had heard all persons who requested to be heard, Commissioner George Dunlap moved that the public hearing be closed. The motion was seconded by Commissioner Karen Bentley and was unanimously adopted, 8-0.

Note: Commissioner James was not present at the time this matter came before the Board.

* * *

ADOPTION OF BOND ORDER

Commissioner Dumont Clarke moved that the Board adopt without change and direct the Clerk to publish as prescribed by The Local Government Bond Act the bond order entitled "BOND ORDER AUTHORIZING THE ISSUANCE OF \$295,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG" introduced at the meeting of the Board of Commissioners held on June 2, 2009. The motion was seconded by Commissioner Harold Cogdell, Jr. and was adopted by the following vote:

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, Leake, Murrey, and Roberts

Nays: None.

Note: Commissioner James was not present at the time this matter came before the Board.

Resolutions and Extracts recorded in full in Minute Book 44-A, Document # _____, _____.

* * *

RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Commissioner George Dunlap moved adoption of the following resolution, the motion was seconded by Commissioner Dumont Clarke, and the resolution was read by the above title.

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WHEREAS, the bond order hereinafter described has 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 refunding bond order adopted by the Board of Commissioners on June 16, 2009, the Issuer shall issue its bonds in the maximum aggregate principal amount of \$170,000,000.

2. The bonds to be issued pursuant to the bond order described in the preceding paragraph shall be designated "General Obligation Refunding Bonds, Series 2009C" (the "Bonds"). The Bonds shall be dated their date of issuance, and shall bear interest from their date at a rate or rates that shall be determined upon the private sale of the Bonds, and interest shall be payable on March 1, 2010, and semi-annually thereafter on March 1 and September 1. The Bonds shall mature annually on March 1, as determined upon their sale.

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.

The Bonds shall be deemed to refund each of the issues of bonds being refunded within the respective periods of usefulness of the capital projects financed by each of the issues of bonds being refunded.

3. 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 and principal of the Bonds will be payable 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.

4. 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.

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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.

5. 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 REFUNDING BOND, SERIES 2009C

INTEREST RATE	MATURITY DATE	DATE OF BOND	CUSIP
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September 3, 2009

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 March 1 or September 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a March 1 or September 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on March 1, 2010, and semi-annually thereafter on March 1 or September 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

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Statutes of North Carolina, and pursuant to The Local Government Finance Act of the State of North Carolina, as amended, a bond order adopted by the Board of Commissioners of the County on June 16, 2009 (the "Bond Order") and a resolution adopted by that Board (the "Resolution") to provide funds, together with any other funds that may be provided, to refund all or a portion of the County's outstanding Variable Rate General Obligation Bonds, Series 1996C, Variable Rate General Obligation Bonds, Series 1998C, and Variable Rate General Obligation Bonds, Series 2000E.

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.

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 Order 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 its date of issuance.

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 Order and Resolution.

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COUNTY OF MECKLENBURG
DIRECTOR OF FINANCE, as Bond Registrar

By: _____
Authorized Signature

Date of Authentication: _____, 2009

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.

6. 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.

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 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

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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, depositories 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 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 office as Director of Finance, 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.

7. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and the 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.

8. 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.

9. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners, the 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.

10. The Issuer hereby authorizes the officers of the Issuer designated therein to execute and deliver a Bond Purchase Agreement and an Official Statement in such form as may be approved by them, their execution thereof constituting conclusive evidence of such approval. The Preliminary Official Statement and the Official Statement are hereby authorized for use in connection with the sale of the Bonds. The Director of Finance is hereby authorized to determine and approve the principal amount of the Bonds, the annual maturity amounts, interest rates and sale prices of the Bonds, and any other details necessary in connection with the sale of the Bonds.

11. 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 the Municipal Securities Rulemaking Board ("MSRB"), 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 the MSRB, (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 Appendix A to the Official Statement relating to the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined

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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 the MSRB, 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 the MSRB, 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.

The County shall provide the documents referred to above to the MSRB in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The County may discharge its undertaking described above by transmitting the documents referred to above to any entity and by any method authorized by the U.S. Securities and Exchange Commission.

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;

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(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 Bentley, Cogdell, Cooksey, Clarke, Dunlap, Leake, Murrey, and Roberts

Nays: None.

Note: Commissioner James was not present at the time this matter came before the Board.

* * *

Commissioner Jennifer Roberts introduced the following resolution, a copy of which had been provided to each Commissioner, and the title of which appeared in the agenda for the meeting:

**RESOLUTION PROVIDING FOR THE ISSUANCE OF
VARIABLE RATE GENERAL
OBLIGATION REFUNDING BONDS, SERIES 2009D**

Upon motion of Commissioner Dumont Clarke, seconded by Commissioner Vilma Leake, the following resolution was read by title and passed by the following vote:

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, Leake, Murrey, and Roberts

Nays: None.

Note: Commissioner James was not present at the time this matter came before the Board.

* * * * *

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

WHEREAS, the Issuer has considered and evaluated both fixed and variable rate debt alternatives;

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WHEREAS, the Issuer has considered and recognized that the current interest rates on fixed rate debt instruments are low and has determined that the estimated interest rate at which fixed rate debt could be issued is 5% (including the cost of termination payments due with respect to swaps relating to the refunded bonds);

WHEREAS, the Issuer has considered and recognized that variable interest rate debt instruments subject the Issuer to the risk of higher interest rates in the future, that the rate may be higher than the fixed rates that are currently available to the Issuer, and that in addition to the variable interest cost, the Issuer must pay the fees of the Remarketing Agent, which fees will increase the cost of the variable rate debt; and

WHEREAS, the Issuer believes that for this issue variable rate debt financing is preferable because (a) the initial interest rate is substantially below the fixed rate indicated above, (b) a variable rate provides the possibility of substantial cost savings over the life of the issue, (c) the interest rate can be fixed at any time, and (d) this variable rate issue refunds a variable rate issue.

1. Pursuant to and in accordance with the refunding bond order adopted by the Board on June 16, 2009, the Issuer shall issue its bonds in the maximum aggregate principal amount of \$125,000,000. Such bonds shall be deemed to refund each of the issues of bonds being refunded within the respective periods of usefulness of the capital projects financed by each of the issues of bonds being refunded.

2. The bonds to be issued pursuant to the preceding paragraph shall be designated "County of Mecklenburg, North Carolina Variable Rate General Obligation Refunding Bonds, Series 2009D" (hereinafter referred to as the "Bonds"). The Bonds shall be issued pursuant to the terms of G.S. 159-79. The issuer hereby requests that The North Carolina Local Government Commission specifically determine pursuant to G.S. 159-79(a)(1) that a Credit Facility is not required. To that

end, the Issuer hereby finds that (i) the issuance of the Bonds is necessary or expedient, (ii) the principal amount of the Bonds is adequate and not excessive for the proposed purpose thereof, (iii) the County's debt management procedures and policies are good and are managed in strict compliance with law, (iv) no increase in taxes is expected as a result of issuance of such bonds and (v) the Bonds can be marketed at reasonable rates of interest.

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3. The Bonds shall be issued substantially in the form and in accordance with the terms set forth in **Appendix A** attached hereto and incorporated herein by reference, together with such changes not inconsistent with the general tenor hereof and thereof as the County Manager and the County Director of Finance, with the advice of counsel, may deem appropriate, their execution of closing certificates in connection with the issuance of the Bonds to evidence conclusively the authorization and approval thereof by the Board.

4. The Board hereby requests the North Carolina Local Government Commission to sell the Bonds with variable interest rate at private sale and without advertisement and designates the County Manager and the County Director of Finance as the persons who must approve the price or prices at which the Bonds are sold by the North Carolina Local Government Commission. The purchase price of the Bonds shall be 100% of the par amount of the Bonds, and the maximum initial interest rate shall be 12% per annum.

5. The forms, terms, provisions and distribution and use by Citigroup Global Markets Inc. (the "Underwriter") of the Bond Purchase Agreement among the Issuer, the Local Government Commission and the Underwriter, the Remarketing Agreement between the Issuer and the Underwriter, and the Official Statement with respect to the Bonds are hereby approved in all respects, and each of the officers of the Board, the County Manager and the County Director of Finance are hereby authorized and directed to execute and deliver those documents in substantially the forms presented to this meeting, together with such changes not inconsistent with the general tenor hereof and thereof as they, with the advice of counsel, may deem necessary and appropriate, such execution and delivery to evidence conclusively the authorization and approval thereof by the Board. Each of those officers and employees are also authorized and directed to execute and deliver any certificates or other documents they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by this resolution and the other documents described above, such execution and delivery to be conclusive evidence of the approval and authorization thereof by the Board.

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

7. This resolution shall take effect upon its passage.

APPENDIX A

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

Resolution and Extracts recorded in full in Minute Book 44-A, Document # _____.

(4B) LIMITED OBLIGATION BONDS

PUBLIC HEARING

The Chairman announced that this was the hour, day and place fixed for a public hearing held pursuant to Sections 160A-20(g) of the North Carolina General Statutes, as amended, for the purpose of considering whether the Board of Commissioners for the County (the "Board") should approve an installment financing contract under which (a) the County would obtain financing pursuant to Section 160A-20 of the North Carolina General Statutes, as amended, in an amount not to exceed \$275,000,000, for the purpose of refunding all or a portion of (i) the Variable Rate Certificates of Participation (2000 Mecklenburg County-School Project) (the "2000 Certificates"), (ii) the Variable Rate Certificates of Participation (2001 Mecklenburg County) (the "2001 Certificates"), (iii) the Variable Rate Certificates of Participation (2004 Mecklenburg County) (the "2004 Certificates"), (iv) the Variable Rate Certificates of Participation (2005 Mecklenburg County) (the "2005 Certificates"), and (v) the Variable Rate Certificates of Participation (2007A Mecklenburg County) (the "2007A Certificates" and together with the 2000 Certificates, the 2001 Certificates, the 2004 Certificates, and the 2005 Certificates, the "Refunded Certificates") and (b) the County would secure the repayment by it of moneys advanced pursuant to such documents by granting a lien on a portion of the property originally financed with proceeds of the Refunded Certificates.

The Chairman announced that the notice of the public hearing was published in The Charlotte Observer on June 5, 2009.

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

After the Board had heard all persons who had requested to be heard, Commissioner Karen Bentley moved that the public hearing be closed. The motion was seconded by Commissioner Harold Cogdell, Jr. and was unanimously adopted.

Note: Commissioners James and Leake were not present at the time this matter came before the Board.

* * *

Commissioner Karen Bentley introduced the following Resolution which was read by title, and moved it be adopted:

RESOLUTION AUTHORIZING AND APPROVING AN INSTALLMENT FINANCING

WHEREAS, financing pursuant to Section 160A-20 of the North Carolina General Statutes must be approved by the Local Government Commission of North Carolina and will only be approved if the findings of Section 159-151(b) of the North Carolina General Statutes are met;

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WHEREAS, the Board of Commissioners of the County duly conducted a public hearing today regarding an installment financing contract to finance the refunding all or a portion of (a) the Variable Rate Certificates of Participation (2000 Mecklenburg County-School Project), (b) the Variable Rate Certificates of Participation (2001 Mecklenburg County), (c) the Variable Rate Certificates of Participation (2004 Mecklenburg County), (d) the Variable Rate Certificates of Participation (2005 Mecklenburg County), and (e) the Variable Rate Certificates of Participation (2007A Mecklenburg County);

WHEREAS, there have been available at this meeting drafts of the forms of the following:

- (1) Installment Financing Agreement to be dated as of September 1, 2009 (the "Contract") between the County and Mecklenburg County Public Facilities Corporation (the "Corporation");
- (2) Deed of Trust to be dated as of September 1, 2009 (the "Deed of Trust") from the County to a trustee for the benefit of the Corporation;
- (3) Trust Agreement to be dated as of September 1, 2009 (the "Trust Agreement") between the Corporation and a trustee (the "Trustee");
- (4) A Preliminary Official Statement (the "Preliminary Official Statement") relating to Refunding Limited Obligation Bonds evidencing proportionate undivided interests in revenues to be received by the Corporation under the Contract (the "Bonds"); and
- (5) Bond Purchase Agreement (the "Purchase Contract") between Citigroup Global Markets Inc. (the "Underwriters") and the Corporation, including the Letter of Representations attached thereto (the "Letter of Representations").

WHEREAS, the Board of Commissioners of the County wants to approve the Contract and the sale of the Bonds and to authorize other actions in connection therewith; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County as follows:

1. The Board hereby finds and determines in connection with the proposed installment financing contract that (a) such proposed installment financing contract is necessary or expedient to the County, (b) such proposed installment financing contract, under current circumstances, is preferable to a general obligation bond issue of the County for the same purpose, (c) the sums estimated to fall due under such proposed installment financing contract are adequate and not excessive for their proposed purpose, (d) the County's debt management procedures and policies are good and its debt will continue to be managed in strict compliance with the law, (e) any increase in taxes necessary to meet the sums estimated to fall due under such proposed installment financing contract will not be excessive and (f) the County is not in default regarding any of its debt service obligations.
2. The Board hereby requests the Local Government Commission of North Carolina to approve such proposed installment financing contract under Article 8 of Chapter 159 of the General Statutes of North Carolina.
3. The County Manager, the Director of Finance and any Deputy Director of Finance are hereby designated as representatives of the County to file an application for approval of such proposed installment financing contract with the Local Government Commission of North Carolina and are authorized to take such other action as may be advisable in connection with the negotiation of such proposed installment financing contract and the development of the related financing; and all actions

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heretofore taken by the employees of the County relating to such matters are hereby approved, ratified and confirmed.

4. Each of the Contract, the Deed of Trust, and the Letter of Representation, in the form submitted to this meeting, is hereby approved, and the Chairman of the Board, the County Manager, the Director of Finance, any Deputy Director of Finance, and the Clerk to the Board are each hereby authorized and directed to execute and deliver each of those documents, on behalf of the County, with such changes, insertions or omissions as each may approve, the execution thereof by any of them to constitute conclusive evidence of such approval.
5. Each of the Trust Agreement and the Purchase Contract, in the form submitted to this meeting, is hereby approved in substantially such form, with such changes, insertions or omissions as appropriate.
6. Each of the Preliminary Official Statement and the final Official Statement, in the form of the Preliminary Official Statement submitted to this meeting, is hereby approved, in substantially such form, with such changes, insertions and omissions as appropriate, and the use thereof in connection with the public offering and sale of the Bonds is hereby authorized.
7. The Chairman of the Board, the County Manager, the Director of Finance, or any Deputy Director of Finance, the Clerk to the Board and the County Attorney are each hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this Resolution and to effect the installment financing pursuant to the Contract. Without limiting the generality of the foregoing, the Director of Finance or any Deputy Director of Finance is authorized to approve all details of the financing, including without limitation, the amount advanced under the Contract (which shall not exceed \$275,000,000), the annual principal payments under the Contract, the interest rates for any fixed rate Bonds, the terms of the Contract, and the discount below the principal amount of the Bonds at which the Bonds are sold to the Underwriters or the fee paid to the Underwriters. Execution of the Contract by the Chairman of the Board, the County Manager, the Director of Finance or any Deputy Director of Finance, shall conclusively evidence approval of all such details of the financing.
8. All actions of the County effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transaction contemplated by the documents referred to above.
9. This Resolution shall become effective immediately upon its adoption.

Commissioner Harold Cogdell, Jr. seconded the motion and the motion was adopted by the following vote:

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, Murrey, and

Roberts

Nays: None.

Note: Commissioners James and Leake were not present at the time this matter came before the Board.

* * *

Resolution and Extract recorded in full in Minute Book 44-A, Document # _____.

Commissioner Leake returned to the dais.

STAFF REPORTS AND REQUESTS

(28) SIZING OF GENERAL OBLIGATION BOND SALE

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the size of the August 2009 bond sale totaling \$100 million.

Note: This includes \$90 million for CMS, the balance of \$14 million from the 2002 referendum and \$76 million from the 2007 referendum; and \$10 million for Land (from the 2007 referendum). This issuance is estimated to provide sufficient cash to fund projects underway, along with anticipated funding from Pay-As-You-Go, until fiscal year 2011.

(29) GENERAL OBLIGATION BOND SALE RESOLUTION

RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Commissioner Dumont Clarke moved adoption of the following resolution, the motion was seconded by Commissioner Karen Bentley, 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 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 \$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 September 3, 2009.
2. Pursuant to and in accordance with the school facilities bond order adopted by the Board of Commissioners on September 5, 2007, the Issuer shall issue its bonds in the aggregate principal amount of \$76,000,000. 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 September 3, 2009.
3. Pursuant to and in accordance with the land bond order adopted by the Board of Commissioners on September 5, 2007, the Issuer shall issue its bonds in the aggregate principal amount of \$10,000,000. 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 September 3, 2009.
4. The bonds to be issued pursuant to the bond orders described in the preceding paragraphs 1 to 3, inclusive, shall be issued as one consolidated bond issue in the principal amount of \$100,000,000 and designated "General Obligation Public Improvement Bonds, Series 2009B" (the "Bonds"). The Board of Commissioners has ascertained and hereby determines that the average period of usefulness declared in the preceding paragraphs 1 to 3, inclusive, is not less than 40 years computed from the date of the Bonds. The Bonds shall be dated September 3, 2009, 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 March 1, 2010, and semi-annually thereafter on March 1 and September 1. The Bonds shall mature annually on March 1, as follows:

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<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2011	\$ 5,000,000	2021	\$ 5,000,000
2012	5,000,000	2022	5,000,000
2013	5,000,000	2023	5,000,000
2014	5,000,000	2024	5,000,000
2015	5,000,000	2025	5,000,000
2016	5,000,000	2026	5,000,000
2017	5,000,000	2027	5,000,000
2018	5,000,000	2028	5,000,000
2019	5,000,000	2029	5,000,000
2020	5,000,000	2030	5,000,000

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.

5. 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 March 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.

6. 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

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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.

7. 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 2009B

INTEREST RATE	MATURITY DATE	DATE OF BOND	CUSIP
		September 3, 2009	

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, 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 March 1 or September 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a March 1 or September 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on March 1, 2010, and semi-annually thereafter on March 1 or September 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

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amended, bond orders adopted by the Board of Commissioners of the County on September 4, 2002 and September 5, 2007 (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 March 1, 2020, shall be subject to redemption prior to their stated maturities at the option of the County on or after March 1, 2019, 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

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facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated September 3, 2009.

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
DIRECTOR OF FINANCE, as Bond Registrar

By: _____
Authorized Signature

Date of Authentication: September 3, 2009

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.

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The Bonds maturing on and after March 1, 2020 shall be subject to redemption prior to their stated maturities at the option of the County on or after March 1, 2019, 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.

8. 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

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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 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 office as Director of Finance, 600 East Fourth Street, 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.

9. The actions of the 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 and the 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.
10. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and the 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

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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.

11. 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.
12. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners, the 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.
13. 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 the Municipal Securities Rulemaking Board ("MSRB"), 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 the MSRB, (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 the MSRB, notice of any of the following events with respect to the Bonds, if material:
 - i. principal and interest payment delinquencies;
 - ii. non-payment related default;
 - iii. unscheduled draws on debt service reserves reflecting financial difficulties;
 - iv. unscheduled draws on any credit enhancements reflecting financial difficulties;
 - v. substitution of any credit or liquidity providers, or their failure to perform;
 - vi. adverse tax opinions or events affecting the tax-exempt status of the Bonds;
 - vii. modification to the rights of the beneficial owners of the Bonds;
 - viii. bond calls;
 - ix. defeasances;
 - x. release, substitution or sale of any property securing repayment of the Bonds;
 - xi. rating changes; and

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- d. in a timely manner, to the MSRB, 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.

The County shall provide the documents referred to above to the MSRB in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The County may discharge its undertaking described above by transmitting the documents referred to above to any entity and by any method authorized by the U.S. Securities and Exchange Commission.

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:

(d) 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;

(e) 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

(f) 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 Bentley, Cogdell, Cooksey, Clarke, Dunlap, Leake, Murrey, and Roberts

Nays: None.

Note: Commissioner James was not present at the time this matter came before the Board.

Resolution and Extracts recorded in full in Minute Book 44-A, Document # _____.

ADVISORY COMMITTEE REPORTS

(5A) MODERNIZATION OF THE ABC SYSTEM-HOUSE BILL 768 AND SENATE BILL 839

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell, to adopt a resolution opposing HB 768 and SB 839 as requested by the Mecklenburg County ABC Board.

Calvin McDougal, Chief Executive Officer of the Mecklenburg County Alcoholic Beverage Control Board addressed this issue.

Note: HB 768 and SB 839, Modernization of the ABC System, makes significant changes to the state's ABC system, as recommended by the Joint Legislative Program Evaluation Oversight Committee. These changes include allowing only one local ABC board in each county, requiring consolidation of certain assets and operations, allowing the North Carolina ABC Commission to merge local boards into one county board if consolidation has not taken place by July 1, 2011, and allowing the North Carolina ABC Commission to merge local ABC boards into regional ABC boards if the change would "best serve the needs of citizens, increase profitability and enhance revenues to affected local government." The bill is opposed by the North Carolina Association of County Commissioners and the North Carolina League of Municipalities.

Comments

Commissioner Murrey asked for clarification with respect to opposition of the bills. *The response was there are portions of the bills that they are supportive of, but the total bill contains language that would be objectionable to the local appointing authority and to the operation of local boards.*

Commissioner Murrey asked was the "biggest" issue the possibility that there could be consolidation or the idea that there has to be profitability. *The response was the term profitability has yet to be defined by the language of the legislation. At this point, it's not known what the standards would be, or that the state would create, to determine whether a local board is performing up to a "said standard."*

Mr. McDougal said it's felt profitability as a business concern should be paramount, but not at the risk of policies or practices that put the community at risk.

Commissioner Murrey asked for clarification on policies or practices that would put the community at risk, which was addressed.

Commissioner Murrey said it sounds like if you over sold a product that may not be conducive to good health or good social conduct that might be a negative influence on the community, but it might make you a lot of money.

Mr. McDougal acknowledged that Commissioner Murrey's statement was correct.

Commissioner Clarke said he can see where having multiple ABC boards within a county could be a problem and it would make sense to have a regional board. He acknowledged that this would not be the case in Mecklenburg County because of its size, but for smaller counties in the state it may be better.

Commissioner Clarke asked Mr. McDougal was the "real" concern about the agency stores. He also asked would this change how things are operated in Mecklenburg County. *The response was the language of the law has potential of effecting Mecklenburg County to the extent that it would any other community around the state. Further, that the merger situation is not as great of a concern for the ABC Board from a county aspect, but the legislation does propose that ABC Boards be considered for a regional merger and that would and could have a direct impact on Mecklenburg County's Local ABC Board.*

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Commissioner Clarke said he still feels it would make sense for this to occur in some parts of the state.

Commissioner Clarke said he was reluctant to go on record opposing something that, in his opinion, is a system that calls out for some real changes. He stated also that a lot of the changes recommended, in his opinion, are good ones.

Commissioner Clarke asked for clarification on the agency stores, which was addressed.

Mr. McDougal said the concern of the N.C. League of Municipalities and the N.C. Association of ABC Boards is that many of these things are already permitted, particularly the merger, which is permitted by law for communities to come together to decide if they want to merge.

Mr. McDougal said the new nuance is the introduction of the agency stores, which he said goes back to Commissioner Murrey's observation that does put into play the profit motivation for having some of these private entrepreneurs to sell spirits on behalf of the community, and that "sometimes historically at the risk of what is in the best interest of the general public."

Commissioner Cooksey asked for clarification with respect to opposition of the bill and was the intent to oppose portions of the bill or the entire bill. *Mr. McDougal said the intent was to oppose the bill in its entirety because of the language of the current bill. He said there are many components of the bill that's supported but the bill in total, as written, contains language that's detrimental to local control.*

Commissioner Cooksey suggested the motion be amended to indicate that the Board is opposed to the portions of these bills that permit the state to merge local ABC Boards.

Chairman Roberts noted that the language in the proposed resolution indicates what Commissioner Cooksey suggested, as well as, address the concern for agency stores.

Mr. McDougal said the concern is that these bills seek to usurp some of the authority that is reserved for appointing authorities at this point in time and to transfer that authority to a state agency.

After further discussion, the vote was taken on the motion as follows:

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 6-2 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes and Commissioners Clarke, and Murrey voting no, to adopt a resolution opposing HB 768 and SB 839 as requested by the Mecklenburg County ABC Board.

**MECKLENBURGBOARD OF COUNTY COMMISSIONERS RESOLUTION
SUPPORTING LOCAL CONTROL OF LOCAL
ABC BOARDS AND OPPOSING FORCED MERGERS OF LOCAL ABCBOARDS**

WHEREAS, the citizens of Mecklenburg County voted to permit the sale of spirituous liquor through the establishment of the Mecklenburg County ABC Board, which is a part of North Carolina's state control system;

WHEREAS, SB 839/HB 768 Modernization of the ABC System would require all ABC boards in a county to merge, allow the state ABC Commission to merge countywide boards into regional boards, require the ABC Commission to develop performance standards, allow the ABC Commission to close or merge ABC boards, close ABC stores with low profitability, contract directly with agency stores for the sale of spirits where ABC stores are authorized but not in operation, and require an ABC board to contract with an agency store;

WHEREAS, it is a local decision to establish and operate an ABC store, and any decision to merge an ABC Board should be made by the local government based on local circumstances, and not by the state.

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WHEREAS, a local government balances control, profits and availability of spirits in operating ABC stores;

WHEREAS, the decision by a local government to operate with a low profit margin does not reduce the amount of liquor excise tax received by the state, so the state does not have a financial interest in the profitability of ABC stores;

WHEREAS, an “agency store” is a private retail seller, and the citizens of Mecklenburg County, when voting to permit the operation of ABC stores, did not vote to allow liquor to be sold in such private off premise retail establishments;

WHEREAS, sales of liquor may not be well regulated in agency stores, thereby potentially creating law enforcement and other problems, Mecklenburg County desires to retain North Carolina’s control system over the sales of spirits and to continue to make spirits available to its citizens only through its ABC store(s);

NOW THEREFORE, BE IT RESOLVED by the Mecklenburg Board of County Commissioners that the establishment and operation of the Mecklenburg County ABC store(s) through the control system should be a local decision and that the Mecklenburg Board of County Commissioners, opposes any state mandate to merge ABC Boards, mandate the merger or closing of ABC stores and opposes the establishment of agency stores.

Resolution recorded in full in Minute Book 44-A, Document # _____.

CONSENT ITEMS

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following item(s):

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held June 2, 2009, Special Budget Workshop Meeting held June 3, 2009 and Special Meeting (Budget Public Hearing) held May 28, 2009, and Special Budget/Public Policy Meeting held April 28, 2009.

(8) TAX REFUNDS

Approve refunds in the amount of \$997.22 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.

(9) METROLINA RECYCLING CENTER LEASE AGREEMENT

Adopt a resolution titled, “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to U.S. Greenfiber, LLC.”

Resolution recorded in full in Minute Book 44-A, Document # _____.

(10) CLEAN AIR ACT SECTION 105 GRANT REVENUE

Recognize, receive, and appropriate \$54,454 in additional Clean Air Act Section 105 Grant revenue.

(11) MECKLENBURG COUNTY AND TOWN OF DAVIDSON’S STORM WATER INTERLOCAL AGREEMENT

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Adopt the resolution authorizing execution of the amended and restated Storm Water Management Program Interlocal Agreement between Mecklenburg County and the Town of Davidson.

**RESOLUTION AUTHORIZING EXECUTION OF THE
AMENDED AND RESTATED STORM WATER MANAGEMENT PROGRAM INTERLOCAL
AGREEMENT BETWEEN MECKLENBURG COUNTY AND TOWN OF DAVIDSON**

WHEREAS, on May 17, 1993, the Mecklenburg County Board of Commissioners adopted the “Mecklenburg County – Storm Water Management Plan” which sets forth guiding principles and a financial plan for the operation of the comprehensive storm water management program in Mecklenburg County, which Plan requires use of a rate structure based on impervious area and a base rate charge for fixed and administrative costs sufficient to cover such costs; and

WHEREAS, N.C. Gen. Stat. § 160A-461, “Interlocal Cooperation Authorized,” authorizes units of local governments to enter into agreement with each other in order to execute an undertaking such as the operation of a storm water management program by one unit of local government on behalf of another unit of local government; and

WHEREAS, Mecklenburg County and the Town of Davidson (the “Town”) have negotiated and wish to amend and restate the Storm Water Management Plan Interlocal Agreement to manage a storm water management program that deals with the operation and maintenance of the storm water drainage system within the Town; and

WHEREAS, N.C. Gen. Stat. § 160A-461 requires that such agreement “...shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore, be it

RESOLVED by the Board of Commissioners of Mecklenburg County that the Chairman of the Board of Commissioners is hereby authorized and directed to execute the Amended and Restated Storm Water Management Plan Interlocal Agreement between the County of Mecklenburg and the Town of Davidson in substantially the form attached to this resolution and that this resolution shall be spread upon the minutes.

Resolution and Agreement recorded in full in Minute Book 44-A, Document # _____.

**(12) MECKLENBURG COUNTY AND THE CITY OF CHARLOTTE’S STORM
WATER INTERLOCAL AGREEMENT**

Adopt the resolution authorizing execution of the amended and restated Storm Water Management Program Interlocal Agreement between Mecklenburg County and the City of Charlotte.

MECKLENBURG COUNTY

**RESOLUTION AUTHORIZING EXECUTION OF THE
AMENDED AND RESTATED STORM WATER MANAGEMENT PROGRAM INTERLOCAL
AGREEMENT BETWEEN MECKLENBURG COUNTY AND THE CITY OF CHARLOTTE**

WHEREAS, on May 17, 1993, the Mecklenburg County Board of Commissioners adopted the “Mecklenburg County – Storm Water Management Plan” which sets forth guiding principles and a financial plan for the operation of the comprehensive storm water management program in Mecklenburg County, which Plan requires use of a rate structure based on impervious area and a base rate charge for fixed and administrative costs sufficient to cover such costs; and

WHEREAS, N.C. Gen. Stat. § 160A-461, “Interlocal Cooperation Authorized,” authorizes units of local governments to enter into agreement with each other in order to execute an undertaking such as the operation of a storm water management program by one unit of local government on behalf of another unit of local government; and

WHEREAS, Mecklenburg County and the City of Charlotte (the “City”) have negotiated and wish to amend and restate the Storm Water Management Plan Interlocal Agreement to manage a storm water management program that deals with the operation and maintenance of the storm water drainage system within the City limits of City; and

WHEREAS, N.C. Gen. Stat. § 160A-461 requires that such agreement “...shall be ratified by resolution of the governing board of each unit spread upon its minutes”; **now, therefore, be it**

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RESOLVED by the Board of Commissioners of Mecklenburg County that the Chairman of the Board of Commissioners is hereby authorized and directed to execute the Amended and Restated Storm Water Management Plan Interlocal Agreement between the County of Mecklenburg and the City in substantially the form attached to this resolution and that this resolution shall be spread upon the minutes.

Resolution and Agreement recorded in full in Minute Book 44-A, Document # _____.

(13) SET PUBLIC HEARING - ABANDONMENT & CLOSING OF ROADWAYS NEAR CHARLOTTE-DOUGLAS AIRPORT

Adopt a resolution of the intent to abandon and close 12 roadways and sections of roadways in the vicinity of the Charlotte-Mecklenburg International Airport and set a public hearing at 6:30 p.m. on August 4, 2009.

Resolution recorded in full in Minute Book 44-A, Document # _____.

(14) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1) Accept the "Offer of Sale of Land" from Philip L. Shaw owner of 3717 Country Club Drive (PID: 9312519) for \$220,000.

2) Recognize, receive, and appropriate \$220,000 for the purchase and \$15,000 for closing and demolition costs for the 3717 Country Club Drive Property from Charlotte- Mecklenburg Utilities.

3) Authorize the carry forward of unspent funds to subsequent years until completion of project.

4) Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

(15) FLOODPLAIN BUYOUT FUNDING REIMBURSEMENT – CHARLOTTE-MECKLENBURG UTILITIES

Recognize, receive, and appropriate \$160,000 from Charlotte-Mecklenburg Utilities as a reimbursement for property purchased under the 2008 Quick Buy program; and authorize the carry forward of unspent funds to subsequent years until completion of project.

(16) CARRY FORWARD OF PROPERTY ASSESSMENT FUNDS

Authorize the carry forward of \$67,400 to FY10 to complete workstation changes in Property Assessment that improve business processes.

(17) CARRY FORWARD DEPARTMENT OF SOCIAL SERVICES (DSS) FUNDS

Approve the carry forward to FY2010 of the unspent federal System of Care grant funds in the amount of \$80,125.

(18) REVOLUTION AND RENAISSANCE PARK GOLF COURSES MANAGEMENT AGREEMENT

1) Approve the transfer of \$474,750 from the operating budget that was appropriated to reimburse American Golf for the value of undepreciated capital improvements to the Golf Course Capital Reserve Account.

2) Authorize the County Manager to approve the payout of these funds as provided in the management agreement upon the proper execution of a contract settlement agreement.

(22) REPORT OF SETTLEMENT OF LAWSUIT

Receive as information that Mark Gay v. Mecklenburg County Department of Social Services, et al. (08-CVS-2406) has been settled.

Note: On March 17, 2009, the BOCC approved in Closed Session the settlement of a lawsuit filed by Mark Gay against Mecklenburg County Department of Social Services, Thao Paris and Jody Cunningham by paying the total sum of \$85,000. The settlement has been finalized and the lawsuit, Mecklenburg County Superior Court file No. 08-CVS-2406, has been dismissed. N.C.G.S. 143-318.11(a)(3) requires that settlements approved in closed session be reported to the Board and entered into its minutes after the settlement is concluded.

(23) ABC PROFIT DISTRIBUTION

Recognize, receive and appropriate \$1,068,750 additional ABC profit distribution as approved by the ABC Board.

Note: On March 23, 2009, the ABC Board announced additional profit distribution to Mecklenburg County of \$1,068,750. This budgetary action allows the County to distribute 2% of the amount allocated to the Towns. The remainder of this distribution, \$940,500 will revert to fund balance. This additional revenue has already been accounted for in our FY09 fund balance projections and was used to mitigate the impact of the County's current year deficit.

(24) CAPITAL PROJECT ORDINANCES

- 1) Amend the *Pay-As-You-Go* capital project ordinance.
- 2) Amend the *Land Bond- 2007* capital project ordinance.
- 3) Amend the *School Facilities Approved in November 6, 2007 Referendum* capital project ordinance.
- 4) Amend the *Library Facilities- 2006* capital project ordinance
- 5) Amend the *Government Facilities -2008* capital project ordinance.
- 6) Amend the *Central Piedmont Community College Facilities -2004* capital project ordinance.
- 7) Amend the *Central Piedmont Community College Facilities -2007* capital project ordinance.
- 8) Amend the *School Administrative Office Facilities-2007* capital project ordinance.
- 9) Amend the *Central Piedmont Community College Facilities Approved in November 8, 2005 Referendum* capital project ordinance.

Ordinances recorded in full in Minute Book 44-A, Documents # _____, _____, _____, _____, _____, _____, _____.

(27) TOBACCO USE PREVENTION GRANT

Recognize, receive and appropriate \$450,000 from the Health and Wellness Trust Fund Commission over a three years beginning July, 2009 for the Community and Schools Phase IV Tobacco Use Prevention and Cessation Initiative.

(35) LAND & WATER CONSERVATION FUND GRANT

Recognize, receive and appropriate a \$150,000 reimbursement grant for the construction of Four Mile Creek Greenway, Elm Lane West to Johnston Road.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(19) DEPARTMENT OF SOCIAL SERVICES (DSS) BUDGET AMENDMENT

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey, and Roberts voting yes, to recognize, receive and appropriate \$11,478 of contributions received for senior events and special donations in the Senior Citizen Nutrition Program.

Note: The County's Senior Citizen Nutrition Program received a total of \$11,478 in contributions and donations for the following: \$9,690 for a bus trip to Maggie Valley; \$1,341 for Celebrate Living, a senior citizen event to be held at Grady Cole Center; \$207 for a fishing trip in McDowell Park; and a \$240 donation from Florida State University internship program.

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

(20) CARRY FORWARD DEPARTMENT OF SOCIAL SERVICES (DSS) FUNDS

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey, and Roberts voting yes, to approve the carry forward to FY2010 funds in the amount of \$575,000 to

implement an electronic forms module for intake of public assistance applications; and approve the carry forward to FY2010 of DSS funds in the amount of \$218,225 to complete scheduled renovations of existing County-owned and leased DSS buildings.

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

Commissioner Dunlap returned to the dais.

(21) REAPPOINTMENTS – MECKLENBURG COUNTY TAX ASSESSOR AND TAX COLLECTOR

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, that in accordance with G.S. 105-294(a), to reappoint C. Garrett Alexander to the office of Mecklenburg County Tax Assessor and in accordance with G.S. 105-349(a), and reappoint Neal L. Dixon to the office of Mecklenburg County Tax Collector each for a four-year term effective upon administration of the oath of office; and direct the Clerk to the Board to administer the oaths of office and file it in the Clerk's permanent records.

Commissioner Cooksey removed this item from Consent to inquire about these and other positions that are appointed by the Board. County Manager Jones addressed questions.

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

Commissioner Murrey asked to be excused from voting on Items 25 and 26, which involve Trinity Episcopal School to avoid a conflict of interest.

Commissioner Murrey noted for the record that his children attend Trinity Episcopal School.

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to excuse Commissioner Murrey from voting on Items 25 and 26, which involve Trinity Episcopal School to avoid a conflict of interest.

(25) ALEXANDER STREET PARK IMPROVEMENTS

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to authorize the County Manager to negotiate and execute a lease of .5704 acres from the City of Charlotte to allow the development of a full-size soccer field at Alexander Street Park; and adopt a resolution of intent to enter into a Development and Use Agreement with Trinity Episcopal School on property at Alexander Street Park.

Commissioner Leake removed this item from Consent for more public awareness and to inquire about public access. County Attorney Bethune addressed this matter.

Resolution recorded in full in Minute Book 44-A, Document # _____.

(26) SEIGLE POINT RECREATIONAL FACILITIES

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to authorize the County Manager to finalize and execute a lease of 2.9886 acres at the

Seigle Point apartment development from the Charlotte Housing Authority to the County for the development and maintenance of recreational facilities to include tennis courts, a shelter, a playground and parking; and adopt a resolution of intent to enter into a License and Use Agreement with Trinity Episcopal School on property at Seigle Point.

Commissioner Leake removed this item from Consent for more public awareness and to inquire about public access. County Attorney Bethune addressed this matter.

Resolution recorded in full in Minute Book 44-A, Document # _____.

MANAGER'S REPORT

(6C) DEPARTMENT OF SOCIAL SERVICES SUMMARY FISCAL AUDITS

The Board received a report on the Department of Social Services Summary Fiscal Audits.

Director of Social Services Mary Wilson and Finance Director Dena Diorio presented the report.

Note: Background:

On March 31, 2009, Department of Social Services Director Mary Wilson called for an independent review of the financial management practices and procedures at the Department of Social Services. Wilson requested the audit after DSS staff expressed concerns about how

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donations to The Giving Tree program were being managed, as well as concerns surrounding the voucher program. The Giving Tree is a DSS-sponsored charity that provides gifts to children in foster care and other DSS clients during the holidays. The voucher program is used by caseworkers to provide emergency food and clothing assistance for children coming into foster care as well as for clothing for adults going on job interviews.

In addition to the concerns regarding these two programs, DSS was approached by the Good Friends program that wanted to terminate its relationship with the Department. The Good Friends program collects donations which are given to DSS for the provision of services to those in need. The funds were primarily used to assist with the payment of utility bills, prescriptions or other medical expenses and rent.

There were also concerns raised about the adequacy of policies and procedures for the overall processing of financial transactions. It was determined that DSS was using its check writing privileges to write checks from the Social Security guardianship account for non-guardianship purposes. In FY09, through March, checks for fourteen different programs were being written out of the account at DSS. The documentation for these transactions resided at DSS and did not follow the normal approval process through the County Finance Department. The expenditures were then recorded back into the general fund on a monthly basis via journal entry and the funds were wired back into the guardianship account to cover these expenses.

The County's Internal Audit Department was asked to investigate the concerns raised about the Giving Tree Program.

The County Finance Department arranged for the County's outside audit firm, Cherry, Bekaert & Holland, L.L.P., to perform audit work on the Good Friends Program, the voucher program, as well as a broader review of DSS fiscal controls and procedures. Cherry, Bekaert, & Holland performed approximately 425 hours of audit work over 8 weeks at a cost of \$93,000, which was paid for by budgeted funds in DSS.

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

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap, to refer the report on the Department of Social Services Summary Fiscal Audits to the County's Audit

Review Committee for review and a report back to the Board.

Comments

Commissioner Murrey said not only should the Board's Audit Review Committee look at DSS, but other areas of the County where there are multiple access to funds, particularly, small dollar amounts where a similar type of oversight or lack of oversight controls may be possible.

Commissioner Clarke asked was there a controller or chief finance officer for the Department of Social Services. *The response was a new position was created for accountability purposes, a Division Director of Finance.*

Commissioner Clarke asked was the Division Director of Finance position in place at the time this occurred or one similar. *The response was no, not at this level. It was noted that there was a senior position, but it was not at a division director level.*

Commissioner Clarke asked if the new position's responsibilities include being responsible for designing the controls and making sure they're effective. *The response was yes.*

Commissioner Cooksey encouraged Director Wilson and Director Diorio to do more training in the area of ethics.

Commissioner Cogdell asked about the programs covered in the audit. *The response was the Good Friends Fund, the Giving Tree Fund, and the Voucher Fund.*

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Commissioners Clarke and Cooksey left the dais and were away until noted in the minutes.

Commissioner Cogdell asked Director Wilson when did she become aware that there was a problem. *The response was early fall, late November-December.*

Commissioner Cogdell asked when was the audit requested. *The response was in early 2009 it was discussed and the formal request was made in March.*

The vote was then taken on the motion as follows:

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and 6-0 carried with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to refer the report on the Department of Social Services Summary Fiscal Audits to the County's Audit Review Committee for review and a report back to the Board.

STAFF REPORTS AND REQUESTS

Commissioners Leake and Murrey left the dais and were away until noted in the minutes.

Commissioners Clarke and Cooksey returned to the dais.

(30) STORM WATER FEE – TOWN OF DAVIDSON'S MINOR SYSTEM RATES

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, and Roberts voting yes, to adopt the resolution authorizing increasing the minor system cost component of the Storm Water Service Charges to be levied within the Town of Davidson.

Prior to the above vote, Director of Storm Water Services Dave Canaan addressed this issue.

Note: the storm water service charge to be levied on properties subject to the service charge within the Town of Davidson is increased to the following rates at the beginning of the next billing cycle for each

such property after July 1, 2009:

- *\$ 1.33 per month for single family residences with less than 2,000 square feet of impervious area (Tier I)*
- *\$ 1.47 per month for single family residences with 2,000 to 2,999 square feet of impervious area (Tier II)*
- *\$ 1.99 per month for single family residences with 3,000 to 4,999 square feet of impervious area (Tier III)*
- *\$ 2.51 per month for single family residences with 5,000 or more square feet of impervious area (Tier IV)*
- *\$24.50 per month for each acre of impervious surfaces for all other residential or non-residential land, and a prorata share of each portion thereof.*

Resolution recorded in full in Minute Book 44-A, Document # _____.

Commissioners Murrey and Leake returned to the dais.

(31) STORM WATER FEE – CITY OF CHARLOTTE'S MINOR SYSTEM RATES

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to adopt the resolution authorizing increasing the minor system cost component of the
the
Storm Water Service charges to be levied within the City of Charlotte.

Prior to the above vote, Director of Storm Water Services Dave Canaan addressed this issue.

Note: Effective July 1, 2009 the minor system component of the storm water service charge to be levied on properties within the City of Charlotte is increased to the following:

- \$ 4.21 per month for single family residences with less than 2,000 square feet of impervious area (lower tier)
- \$ 6.20 per month for single family residences with 2,000 or more square feet of impervious area (upper tier)
- \$103.27 per month for each acre of impervious surfaces for all other residential or non-residential land, and a prorata share of each portion thereof.

Resolution recorded in full in Minute Book 44-A, Document # _____.

(32) COUNTY STORM WATER FEES – RECEIVE UPDATE

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes and Commissioner Cooksey voting no, to adopt Resolution Authorizing Modification to the Minor and Major System Cost Components of the Storm Water Service Charges to be Levied Within Mecklenburg County (Revenue Neutral)

Prior to the above vote, Director of Storm Water Services Dave Canaan addressed this issue.

Note: The major system component of the storm water service charge to be levied on properties subject to the service charge in Mecklenburg County is modified to the following rates at the beginning of the next billing cycle for each such property after July 1, 2009:

- \$ 0.77 per month for single family residences with less than 2,000 square feet of impervious area (Tier I)
- \$ 1.20 per month for single family residences with 2,000 to 2,999 square feet of impervious area (Tier II)
- \$ 1.73 per month for single family residences with 3,000 to 4,999 square feet of impervious area (Tier III)
- \$ 2.96 per month for single family residences with 5,000 or more square feet of impervious area (Tier IV)
- \$20.00 per month for each acre of impervious surfaces for all other residential or non-residential land, and a prorata share of each portion thereof; and

The minor system component of the storm water service charge to be levied on properties subject to the service charge within the unincorporated areas of Mecklenburg County is modified to the following rates at the beginning of the next billing cycle for each such property after July 1, 2009:

- \$ 1.17 per month for single family residences with less than 2,000 square feet of impervious area (Tier I)
- \$ 1.74 per month for single family residences with 2,000 to 2,999 square feet of impervious area (Tier II)
- \$ 2.47 per month for single family residences with 3,000 to 4,999 square feet of impervious area (Tier III)
- \$ 4.88 per month for single family residences with 5,000 or more square feet of impervious area (Tier IV)
- \$29.00 per month for each acre of impervious surfaces for all other residential or non-residential land, and a prorata share of each portion thereof.

Resolution recorded in full in Minute Book 44-A, Document # _____.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(34) UNRESTRICTED CONTINGENCY ALLOCATION (COMMISSIONER LEAKE)

Motion was made by Commissioner Leake, seconded by Commissioner Murrey, to

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- (1) Approve the allocation of \$20,000 from unrestricted contingency for the “Back to the Basic Summer Enrichment Program.”
- (2) Approve the allocation of \$10,000 from the unrestricted contingency for the First Baptist Church – West Summer Enrichment Program.
- (3) Approve the allocation of \$10,000 from the unrestricted contingency for the St. Paul Baptist Church Summer Enrichment Program.
- (4) Approve the allocation of \$10,000 from the unrestricted contingency for the Little Rock A.M.E. Zion Church Summer Enrichment Program.
- (5) Approve the allocation of \$25,000 from the unrestricted contingency for AIDS/HIV consumer education programs to be administered by the Mecklenburg County Health Department.

Comments

Commissioner Murrey said he seconded the motion for discussion purposes.

Commissioner Murrey said his concern with the motion is the enrichment programs, which he thinks are very positive things. Commissioner Murrey said he feels, however, they should be treated like all the other applicants that the County has dealt with over the last several months who have requested funding. Commissioner Murrey said he thinks the County would be doing those applicants a disservice if the same criterion was not used to evaluate these programs as was used in evaluating those programs. Commissioner Murrey said the Board doesn't have sufficient information at this time to fully evaluate the programs referenced in the motion. With respect to Item 5 of the motion (AIDS/HIV consumer education programs to be administered by the Mecklenburg County Health Department), Commissioner Murrey said the Health and Community Support Committee has addressed this issue and has acknowledged that there is a service gap in this area. Commissioner Murrey said if these funds were allocated, they would need to be carried forward to next year's contingency, because the Health Department would be unable to use all of these funds between now and the end of the current fiscal year.

Commissioner Dunlap said he was going to excuse himself from voting because he's a member and Vice-chair of the Board of Directors of one of churches listed in the motion (St. Paul Baptist Church).

Commissioner Dunlap said this matter did not come before St. Paul's Board of Directors and that the church did not make this request. Commissioner Dunlap said it may have come from someone in the community but not the church.

Commissioner Dunlap said he does support Item 5 of the motion (AIDS/HIV consumer education programs to be administered by the Mecklenburg County Health Department), if it were considered as a separate item.

Commissioner Dunlap asked that consideration be given to removing Item 5 of the motion and that it be voted upon separately.

Commissioner Dunlap echoed Commissioner Murrey's remarks that there's an established process with respect to applying for County funding, which everyone should be required to follow. Commissioner Dunlap said perhaps a better job needs to be done to inform the public of that process.

Commissioner Dunlap said it would be unfair for the County to allow these organizations to not follow the process, when others did follow the process.

Commissioner Dunlap asked to be excused from voting on the motion to avoid a conflict of interest or the appearance of a conflict.

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Motion was made by Commissioner Bentley, seconded by Commissioner Murrey and carried 6-2 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Murrey, and Roberts voting yes and Commissioners Cooksey and Leake voting no, to excuse Commissioner Dunlap from voting on the motion.

Commissioner Leake said she doesn't feel it's being political to vote on the motion, even if you're a member of one of the churches noted in the motion.

Commissioner Leake said, with respect to St. Paul Baptist Church, she spoke with the director of the program and that the church doesn't contribute to the program. Commissioner Leake said she tried to contact the minister of the church but was not successful.

Commissioner Cogdell said he agreed with Commissioner Leake's passion for children, but the Board doesn't have sufficient information at this time to consider this request. Commissioner Cogdell addressed the importance of following the process with respect to funding outside agencies.

Commissioner Cogdell asked Health Director Mabry to address Item 5 of the motion (AIDS/HIV consumer education programs to be administered by the Mecklenburg County Health Department), which was addressed.

Chairman Roberts asked if the Health Department received an additional \$25,000 for AIDS/HIV in general, would the consumer education program be the area it would be used for. *The response was yes, because there is a gap in this area.*

Commissioner Leake said she talked about these needs during the budget process.

Chairman Roberts addressed the importance of following the process that's already in place for outside agency funding. Chairman Roberts also said there was not enough information for the Board to consider these requests.

Commissioner Leake asked County Manager Jones to comment on how these funds can be rolled over to accomplish what she wants to accomplish.

County Manager Jones said the Board has two options: 1) The Board can roll these funds (all or a portion) forward and add it to next year's unrestricted contingency, 2) The Board can allow these funds to remain in this year's budget and roll over to fund balance and effective July 1st, if it's the Board's desire to fund these programs, funds can be appropriated from the unrestricted contingency approved with the adoption of the FY09-10 budget.

County Manager Jones noted that the amount approved for unrestricted contingency in the FY09-10 budget was \$150,000.

Chairman Roberts said the Board would divide the motion and vote on Item 5 (AIDS/HIV consumer education programs to be administered by the Mecklenburg County Health Department) separately.

The vote was then taken on the motion was follows:

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and failed 6-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Murrey, and Roberts voting no and Commissioner Leake voting yes, to

1. Approve the allocation of \$20,000 from unrestricted contingency for the "Back to the Basic Summer Enrichment Program."

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2. Approve the allocation of \$10,000 from the unrestricted contingency for the First Baptist Church – West Summer Enrichment Program.
3. Approve the allocation of \$10,000 from the unrestricted contingency for the St. Paul Baptist Church Summer Enrichment Program.
4. Approve the allocation of \$10,000 from the unrestricted contingency for the Little Rock A.M.E. Zion Church Summer Enrichment Program.

Motion was made by Commissioner Leake, seconded by Commissioner Murrey, to approve the allocation of \$25,000 from the unrestricted contingency for AIDS/HIV consumer education programs to be administered by the Mecklenburg County Health Department.

Commissioner Leake said the funds are to be used specifically for education and training.

Substitute Motion was made by Commissioner Murrey, seconded by Commissioner Leake, to approve the allocation of \$25,000 from the unrestricted contingency for AIDS/HIV consumer education and training programs to be administered by the Mecklenburg County Health Department; and that any unused funds be carried forward to next year's budget (FY09-10) for this purpose.

Commissioner Cogdell asked why was \$25,000 the recommended amount. Why not more? more.

Commissioner Leake said she was trying to keep the amount low, in hopes of gaining the Board's support, but her preference is \$50,000.

Commissioner Clarke asked Commissioner Murrey if he would accept a friendly amendment to the motion to make the amount \$50,000.

Commissioner Murrey asked Health Director Mabry to comment on the additional \$25,000 for a total of \$50,000, which was addressed.

Commissioner Murrey accepted the amendment.

Commissioner Cooksey said the problem he has with this is that it's being viewed as if this is "free" money for the taking. Commissioner Cooksey said any funds remaining in contingency should roll over into fund balance. Commissioner Cooksey said this is being done outside the budget process.

The vote was then taken on the substitute motion as amended as follows:

Substitute Motion was made by Commissioner Murrey, seconded by Commissioner Leake and failed 4-4 with Commissioners Cogdell, Dunlap, Leake, and Murrey voting yes and Commissioners Bentley, Clarke, Cooksey, and Roberts voting no, to approve the allocation of \$50,000 from the unrestricted contingency for AIDS/HIV consumer education and training programs to be administered by the Mecklenburg County Health Department; and that any unused funds are carried forward to next year's budget (FY09-10) for this purpose.

Substitute Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 5-3 with Commissioners Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioners Bentley, Clarke, and Cooksey voting no, to approve the allocation of \$25,000 from the unrestricted contingency for AIDS/HIV consumer education and training programs to be administered by the Mecklenburg County Health Department; and that any unused funds are carried forward to next year's budget (FY09-10) for this purpose.

Commissioner Leake left the dais and was absent for the remainder of the meeting.

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(33) YADKIN RIVER BRIDGE REPLACEMENT (CHAIRMAN ROBERTS)

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to adopt resolution of Support for the widening of I-85 and replacement of the Yadkin River Bridge.

Resolution recorded in full in Minute Book 44-A, Document # _____.

COMMISSION COMMENTS – NONE.

ADJOURNMENT

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:33 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman