

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, December 1, 2009.

ATTENDANCE

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

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**-INFORMAL SESSION-**

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

**(1) STAFF BRIEFINGS – NONE**

**(2A, B) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION AND B) CONSULT WITH ATTORNEY**

Motion was made by Commissioner Murrey, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion and B) Consult with Attorney.

*The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 6:02 p.m.*

**(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 11, 12, and 13.

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

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**-FORMAL SESSION-**

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

**CITIZEN PARTICIPATION**

**ELECTION OF CHAIRMAN**

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to elect Commissioner Jennifer Roberts as Chairman of the Mecklenburg County Board of Commissioners for a one-year term expiring December 6, 2010.

Chairman Roberts thanked the Board for its continued support.

**ELECTION OF VICE-CHAIRMAN**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to elect Commissioner Harold Cogdell, Jr. as Vice-Chairman of the Mecklenburg County Board of Commissioners for a one-year term expiring December 6, 2010.

Vice-Chairman Cogdell thanked the Board for its continued support.

**(1) PROCLAMATIONS AND AWARDS - NONE**

**(2) PUBLIC APPEARANCE- NONE**

**(3A) APPOINTMENTS**

**WOMEN'S ADVISORY BOARD**

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to expand the size of the Women's Advisory Board from twelve members to fifteen.

**(3B) APPOINTMENTS**

**WOMEN'S ADVISORY BOARD**

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Brenda Adams, Beverly Hunt and Kate Maynard to the Women's Advisory Board for a three-year term expiring November 30, 2012.

*Note: They are filling new slots as a result of the expansion of the membership.*

**HISTORIC LANDMARKS COMMISSION**

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Paula Lester to the Historic Landmarks Commission to fill an unexpired term expiring July 31, 2010.

*She is replacing Harold Norman.*

The other nominees were: Raymond McGill, Michael Mulder, John Kenneth Pursley, Michael Schubert, and Gerald Williams.

**(3C) MINT HILL ZONING BOARD OF ADJUSTMENT**

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Douglas M. Williams, Jr. as an extraterritorial jurisdiction (ETJ) member to the Town of Mint Hill Zoning Board of Adjustment for a term expiring December 31, 2012.

**(4) PUBLIC HEARINGS – NONE**

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

**MANAGER’S REPORT**

**(6A) COUNCIL ON AGING & CHARLOTTE-MECKLENBURG SENIOR CENTERS MERGER FEASIBILITY STUDY UPDATE –ITEM WAS REMOVED FROM THE AGENDA**

**CONSENT ITEMS**

**Motion was made by Commissioner Murrey, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 11, 12, and 13 to be voted on separately.**

**(7) APPROVAL OF MINUTES**

Approve minutes of Regular Meeting held November 17, 2009 and Closed Session held November 17, 2009.

**(8) INSURANCE REIMBURSEMENTS**

Recognize, receive and appropriate insurance reimbursement funds in the amount of \$30,504 for Park and Recreation, \$69,201 for Real Estate Services, \$9,608 for Land Use and Environmental Services, \$400 for the Health Department, \$815 for Information and Services Technology, \$1,284 for Community Support Services and \$8,317 for the Sheriff’s Office.

*Note: The County received insurance money based on claims for stolen and damaged items in*

**DECEMBER 1, 2009**

*the departments identified. This board action provides the necessary budgetary authority to use the insurance funds to cover the cost of replacing the items.*

**(9) DESTRUCTION OF DOCUMENTS – LUESA**

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

*Note: These records comprise 605 commercial plans permitted for October 2007.*

**(10) EPA REGION 4 DIESEL GRANT APPLICATION**

1) Approve submission of application by Mecklenburg County Air Quality to United States Environmental Protection Agency (USEPA) for up to \$2,958,400 in grant funds.

2) Upon award of grant, recognize, receive and appropriate the grant award and \$41,600 of N.C. Fuel Tax revenue to be used as the local match.

3) If awarded, approve one full-time grant funded position to manage the project; and

4) Authorize the carry-forward of unspent grant funds until expended.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**(11) AREA MENTAL HEALTH BUDGET AMENDMENT (INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize, receive and appropriate Medicaid funds in the amount of \$148,000.

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

**(12) NC PARK AND RECREATION TRUST FUND GRANT APPLICATION – FRIENDSHIP PARK SPORTSPLEX**

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

1) Approve an application to the North Carolina Park and Recreation Trust Fund (PARTF) in the amount of \$500,000 to supplement the construction cost for Phase I of the Friendship Park Sportsplex;

2) If awarded (up to \$500,000), recognize, receive and appropriate such funds;

3) If awarded, authorize the County Manager to enter into a contract and reimbursement agreement with the State of North Carolina for this grant.

4) Authorize the carry-forward of any unspent grant funds at June 30, 2010.

**DECEMBER 1, 2009**

*Commissioner Leake removed this item from Consent for more public awareness.  
County Manager Jones explained what this matter was about.*

**(13) LATTA EQUESTRIAN CENTER CAPITAL RESERVE EXPENDITURE**

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize a capital reserve expenditure of \$10,000 from funds accumulated to repair 194 stall floors and clean and stain the exterior of four (4) barns at the Latta Equestrian Center.

*Commissioner Lake removed this item from Consent for more public awareness.*

**STAFF REPORTS AND REQUESTS**

**(14) SPIRIT SQUARE LEASE**

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a resolution titled "Mecklenburg County Board of Commissioners Resolution Declaring Intent To Lease Property to North Carolina Performing Arts Center at Charlotte Foundation."

*Jacqueline McNeil with Real Estate Services addressed this matter.*

*Resolution recorded in full in Minute Book 44-A, Document # \_\_\_\_\_.*

**(15) MECKLENBURG COUNTY CHILD SUPPORT ENFORCEMENT TRANSITION PLAN – ITEM WAS REMOVED FROM THE AGENDA**

**(16) FIRST WARD PARK LAND EXCHANGE**

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve a resolution authorizing the exchange of approximately 3.0495 acres consisting of all of Tax Parcels 080-063-01, 080-063-04, 080-063-08, 080-063-09, 080-063-10 and portions of 080-063-11 and 080-063-12 for approximately 2.5221 acres consisting of all tax parcels 080-021-08, 080-021-10, 080-021-11, 080-021-12, 080-021-13, 080-021-14, 080-021-15 and portions of 080-021-05 and 080-021-07 (or, in the alternative, for approximately 2.3858 acres consisting of all said properties except 080-021-10) all located in First Ward in Charlotte, Mecklenburg County.

*Resolution recorded in full in Minute Book 44-A, Document # \_\_\_\_\_.*

**(17) ARRA RECOVERY ZONE FACILITY BONDS FOR PROJECT CARDINAL**

Commissioner Clarke asked to be excused from participating and voting on Item 17 ARRA Recovery Zone Facility Bonds For Project Cardinal to avoid a conflict of interest.

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake,

**DECEMBER 1, 2009**

Murrey and Roberts voting yes, to excuse Commissioner Clarke from participating and voting on Item 17 ARRA Recovery Zone Facility Bonds For Project Cardinal to avoid a conflict of interest.

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

Commissioner Bill James presented the following motion, read it by title, and moved that it be adopted:

**“RESOLUTION DESIGNATING THE COUNTY AS A RECOVERY ZONE, ALLOCATING THE COUNTY’S RECOVERY ZONE FACILITY BOND ALLOCATION TO A PROJECT, AND DESIGNATING THE COUNTY BOND AUTHORITY AS THE ISSUER OF RECOVERY ZONE FACILITY BONDS”**

**WHEREAS**, the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) (“ARRA”) modifies the Internal Revenue Code of 1986, as amended (the “Code”) to authorize, among others, two new types of bonds entitled “recovery zone economic development bonds” and “recovery zone facility bonds;” and

**WHEREAS**, “recovery zone economic development bonds are a subcategory of taxable build America bonds (as defined in section 54AA(d) of the Code), issued under provisions of ARRA that have been codified as Section 1400U-2 of the Code, the proceeds of which are to be used for qualified economic development purposes in a recovery zone; and

**WHEREAS**, qualified economic development purpose include expenditures for the purpose of promoting development or other economic activity in a recovery zone, including capital expenditures for property located in the zone or expenditures for public infrastructure and construction of public facilities in the zone; and

**WHEREAS**, ARRA also authorizes a new type of federally tax exempt private activity bonds entitled “recovery zone facility bonds” in Sections 1400U-1 and 1400U-3 of the Code to finance construction, renovation, or acquisition of depreciable property by a private taxpayer of a qualified business in a recovery zone, with “qualified business” defined to include any trade or business other than residential rental property and certain prohibited uses outlined in the Code;

**WHEREAS**, sections 1440U-2 through 1400U-3 of the Code, and related Notice 2009-50 issued by the U.S. Treasury Department (collectively, the “Recovery Zone Act”) define a recovery zone as any area designated by the County as an area of significant poverty, unemployment, rate of home foreclosure, or general distress;

**WHEREAS**, the County has determined that the County has experienced significant unemployment and general distress because of economic recession and plant foreclosures;

**WHEREAS**, the County has determined that it is in the best interest of the County and its citizens to designate the County as a “recovery zone” for purposes of the Recovery Zone Act;

**WHEREAS**, the County wants to allocate its entire \$13,278,000 current recovery zone facility bond allocation and any future such allocations to Project Cardinal;

**WHEREAS**, the County wants to designate the Mecklenburg County Industrial Facilities and Pollution Control Financing Authority as the issuer of all its current and future recovery zone facility bond allocations;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the County that:

**DECEMBER 1, 2009**

1. The County hereby finds that there is significant unemployment and general distress in the County and therefore hereby designates the County as a recovery zone for purposes of the Recovery Zone Act.

2. The County hereby allocates its entire \$13,278,000 current recovery zone facility bond allocation and any future such allocations to Project Cardinal.

3. The County hereby designates the Mecklenburg County Industrial Facilities and Pollution Control Financing Authority as the issuer of all its current and future recovery zone facility bond allocations.

4. The officers of the County are hereby authorized and directed to file any necessary Notices of Intent to Issue Recovery Zone Bonds and Requests for Reallocation and to take any further action necessary or appropriate in relation to the foregoing.

The motion was seconded by Commissioner George Dunlap and was adopted by the following vote:

AYES: Commissioners Karen Bentley, Harold Cogdell, Jr., George Dunlap, Bill James, Vilma Leake, Daniel Murrey, and Jennifer Roberts

NAYS: None

***Extract and Resolution recorded in full in Minute Book 44-A, Document # \_\_\_\_\_.***

*Note: The following was noted with respect to this matter:*

- *This is a designation for this specific purpose only.*
- *If these bonds get issued they will have no tax consequences to the County.*
- *The people that buy the bonds get tax exemption and the company that issues the bonds through the County, indirectly, receives a lower interest rate.*
- *This has no direct impact on the County's budget and has the potential to create jobs.*
- *This is really a private activity bond and that the County isn't subsidizing this in any way.*

***Commissioner Clarke returned to the dais.***

## **COUNTY COMMISSIONERS REPORTS AND REQUESTS**

### **(18) MECKLENBURG BOARD OF COUNTY COMMISSIONERS 2010 MEETING SCHEDULE (CHAIRMAN ROBERTS)**

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the Mecklenburg Board of County Commissioners 2010 Meeting Schedule.

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

**COMMISSION COMMENTS** – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

**DECEMBER 1, 2009**

**ADJOURNMENT**

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 6:45 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman