

JANUARY 4, 2011

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

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, January 4, 2011.

**ATTENDANCE**

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

**Absent:** None

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**-INFORMAL SESSION-**

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

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

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

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 10, 11, 12, 14, and 15.

**(2) STAFF BRIEFINGS - NONE**

**(3A, B) CLOSED SESSION – A) CONSULT WITH ATTORNEY AND B) PERSONNEL MATTER- ITEM WAS REMOVED FROM THE AGENDA**

Prior to going into Closed Session, Deputy County Attorney Tyrone Wade announced the following Consult with Attorney matter to be discussed in Closed Session: Leon Gary Mayo v. Daniel Bailey et. al.

*Note: Personnel Matter was removed from the agenda.*

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purpose: A) Consult with Attorney.

*The Board went into Closed Session at 5:16 p.m. and came back into Open Session at 5:23 p.m.*

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

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

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**-FORMAL SESSION-**

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

**CITIZEN PARTICIPATION**

**AWARDS/RECOGNITION**

**(1A) INDUCTION INTO THE ORDER OF THE HORNET – DANIEL B. MURREY**

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to induct former Commissioner Daniel B. Murrey into the Order of the Hornet in recognition of his service to Mecklenburg County.

*Note: The Order of the Hornet was founded in the spirit of the early Mecklenburg patriots who signed the Mecklenburg Declaration of Independence on May 20, 1775, and proclaimed the County's Freedom from Britain more than a year before the U.S. Declaration of Independence was signed. Those early patriots valiantly fought for their independence during the Revolution and gave Lord Cornwallis such difficulties during his occupation of Charlotte that he termed the town a "hornet's nest" of rebellion. The Board can pay no higher tribute to those who have given so generously of their time and talents to improve the quality of life for our citizens.*

Former Commissioner Murrey thanked the Board for this recognition.

**(2) PUBLIC APPEARANCE**

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

Deshauna McLamb addressed her disappointment with the "behavior" of some members of the Board. Ms. McLamb referenced an article she read in Creative Loafing in December 2010 that addressed a conversation between Commissioners Pendergraph, Bentley, and James. Ms. McLamb said the conversation was regarding Commissioner Cogdell's desire for a certain position on the board and how the three commissioners would handle the matter. She said there were also comments made regarding illegal immigrants, African Americans, and gays, all of which she found to be upsetting. Ms. McLamb said she'd also heard that all of this was supposedly a joke and that if it was, it was "not funny."

Chairman Roberts clarified that the article referenced by Ms. McLamb was fictional. Chairman Roberts said that conversation did not happen.

Bishop Tanya Rawls spoke in support of the resolution the Board would be addressing later in the meeting supporting "gay rights" in Mecklenburg County. Bishop Rawls said Commissioner James' recent comments that referenced "law abiding, taxpaying homosexual members of this county, the military, and country as pedophiles and sexual predators, resounded far beyond the boundaries of Mecklenburg to a nation that is struggling to find her expanded welcome."

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Bishop Rawls said she applauded the Board's "willingness to resist any efforts or language that demonize or marginalize segments of our citizenry."

Pastor Joseph Chambers said he wanted to applaud the four commissioners who made a clear effort against the resolution the Board would be considering later in the meeting. Pastor Chambers said he has always "stood for all people." He shared with the Board a brochure entitled Hope for the Homosexual. Pastor Chambers said everyone has "sinned and come short of the glory of God" but that everyone has a "redeemer and a savior" that will "set us free from whatever sin might bind our life." Pastor Chambers said it was not the business of the county commission to decide the "moral values" of the community. He said those moral values should be decided by the "house of God, by ministers of God and those that believe the bible." He applauded the Board for considering the resolution, but hopes the Board would be "wise enough to say, we don't set the moral values of our city, that should be our citizens, that should be our churches, that should be our ministers; and we will refrain trying to do so."

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

Blanche Penn addressed the importance of every child getting a quality education.

Osiris Rain addressed the censure of Commissioner James. Mr. Rain said to censure Commissioner James under the present circumstances would be a breach of his civil liberties and a right to free speech and ultimately ineffective in solving the issue at hand. Mr. Rain said although Commissioner James may be within his rights, the argument that should be made is what if the "boundaries" of those rights were "overstepped and consequently violated the rights of those that his opinions were directed towards." Mr. Rain said the argument that has been made by the Gay and Lesbian community at large is that Commissioner James' opinions are "inflammatory and could cause bullying and intimidation, harassment, persecution and discriminatory treatment of an individual because of their sexual orientation." Mr. Rain said Commissioner James' remarks are no longer in the realm of opinion but are now in the "treacherous waters of slander." Mr. Rain said Commissioner James should not be censured but should be asked to provide proof to the "factual merits of his opinions and if he is unable to do so to the satisfaction of public reason, a court of law, or to the appropriate authority in the context of his public position, then, and only then, should he be subject to censure, a public apology, and repeal of his statements or some other appropriate action of reparation for his offenses."

Flip Benhiem with Operation Rescue and Operation Save America addressed sodomy and homosexuality. Mr. Benhiem said this was "plaque upon society."

Richard Pope spoke in support of Commissioner James' recent comments regarding homosexuals. He encouraged Commissioner James to continue to stand up for what he believed. He criticized Chairman Roberts for her stance on this issue.

John Quillin said the community was made up of people from many different walks of life. Mr. Quillin said "one person does not get to decide who's worthy enough to live here or enjoy the benefits of the community that we've all worked to build, while making escape goats out of the others." Mr. Quillin said together "we all are a part of this community and the people we don't necessarily like." Mr. Quillin then asked everyone to stand and join him in singing the National Anthem, which was done.

Josh Carpenter said the "hate" speech delivered by Commissioner James fosters "bullying and must not be tolerated." Mr. Carpenter said homosexuals do have an agenda, which is one of "equality" in the community, military, work place and in marriage. Mr. Carpenter said when persons use "derogatory and hateful speech such as homosexuals are predatory or perverts or should be illegalized, you're talking about a real person and affecting the life of a real person." Mr. Carpenter said he supported the forthcoming resolution but it should go a step further and

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send a strong message that makes it clear that discrimination and hate speech will not go unnoticed.” He encouraged the Board to censure Commissioner James. He said Commissioner James’ behavior made national news and has brought embarrassment upon the county and city.

Larry Greene commended Commissioner Cogdell for “honoring his dignity and oath of office and providing us with our government of, by and for the people who have formed this government before a party affiliation and for eliminating partisanship in the decisions that govern us all.” Mr. Greene also addressed individual rights and the pursuit of happiness.

Richard Thomas with Mecklenburg LGBT Political Action Committee (Meck PAC) said Meck Pac was here to educate the Board and the community. He asked the Board when making decisions that affect “his life, his existence, his rights, his job, and his property,” that the Board have “command of the facts” first. He said the Board’s job as commissioners and leaders of the community was to serve and “empower all fellow citizens and not to disempower.” He also addressed the dangers of bullying.

Erik Darries spoke in opposition to Commissioner James’ recent remarks regarding homosexuals. He asked the Board to vote for Commissioner James’ censure. He addressed what it’s like to be a young “closeted” homosexual.

Ian Werner in response to Commissioner James’ recent remarks regarding homosexuals, called Commissioner James a “bigot and a marx.” He said Commissioner James was “hateful.” Mr. Werner said he supported the forthcoming resolution and encourage censure of Commissioner James.

Evan Costner said he supported the forthcoming resolution and encourage censure of Commissioner James.

William Grice thanked Commissioner James for his recent remarks regarding homosexuals.

Shane Windmeyer with Campus Pride, an organization that works with college students who are lesbian, gay, bi-sexual, and transgender, spoke in opposition to Commissioner James’ recent comments regarding homosexuals. He said Commissioner James should not be allowed to continue his “hateful rhetoric.” Mr. Windmeyer said Commissioner James’ hateful rhetoric will not go away until the Republican party of Mecklenburg County decides to put someone else in his seat. Mr. Windmeyer said he’s tired of Commissioner James being re-elected and tired of the County Commission allowing him to make these kinds of remarks. Mr. Windmeyer said “with our silence, we give permission.” Mr. Windmeyer said he supported the forthcoming resolution proposed by Commissioner Cogdell.

Rodolko G Esquivel, a resident of District Six said he supported Commissioner James. Mr. Esquivel said Chairman Roberts started this whole issue with her desire to send a letter to Senator Burr regarding the Don’t Ask, Don’t Tell Policy, “knowing the diversity” of the board on this subject. He spoke in opposition to any censure of Commissioner James. He said the Board should not be spending time on this type of issue.

Tim Bender addressed the need for love and referenced the bible. Mr. Bender said he supported Commissioner James for speaking the “truth” in terms of lifestyles, but that sexual predators can be of any sexual orientation. He said everyone should speak in love when communicating with others.

Daphne Stroup criticized Commissioner James for not looking up at the prior speakers or being a part of the process, when he’s paid to listen to constituents. Ms. Stroup said she wanted to speak regarding the Don’t Ask Don’t Tell Policy as someone who had served in the military. Ms. Stroup said she spent twenty years in the military and served with all types of people and that they didn’t ask each other what they were because they didn’t care. She said all they cared

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about was the fact that they had raised their hands to serve our country and were willing to put their lives out there and do whatever it was they had to do to complete their mission. Ms. Stroup said she served proudly with everyone over the years. Ms. Stroup said Don't Ask, Don't Tell should be "a part of all of our lives and in all aspects of our lives." Ms. Stroup said for some reason a different spin is being placed on this, which makes it seem as if some people are less than other people. She said that's not true in the military she served in. Ms. Stroup said she hoped this doesn't continue to be an issue for those serving in the military.

## **APPOINTMENTS**

### **(3A) MECKLENBURG EMS JOINT AGENCY BOARD OF COMMISSIONERS**

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley, to reappoint hospital nominated commissioners to the EMS Joint Agency Board for a three-year term (12/31/2010 – 12/31/2013): Suzanne H. Freeman, Dennis J. Phillips, Robert H. "Buck" Wiggins, Mark Billings, Paula R. Vincent, and Dr. Thomas N. Zweng.

Commissioner Leake asked for clarification regarding the appointment process for this board. Commissioner Leake said she'd also like to know how long these persons have served.

Chairman Roberts noted the following:

In 1996, the Mecklenburg Board of County Commissioners along with County management staff worked closely with EMS management and leaders in both the medical and business communities to address the needs of the County's EMS department. The Amended and Restated Joint Undertaking Agreement, approved by the Board in November 2009, states the affairs of the Agency shall be governed by a seven (7) member Board of Commissioners which shall be appointed by the Mecklenburg County Board of Commissioners as follows:

- a. Three (3) persons shall be Charlotte-Mecklenburg Hospital Authority (CMHA) employees nominated by the CMHA Chief Executive Officer; and
- b. Three (3) persons shall be Novant Health Southern Piedmont Region (Presbyterian) employees nominated by the Presbyterian Chief Executive Officer; and
- c. One (1) person shall be a County employee nominated by the County Manager.

Each Agency Commissioner shall be appointed for a term of three (3) years or until such Commissioner's successor is nominated and appointed. There is no limit to the number of successive terms in which a Commissioner may serve. The County representative's term continues through December, 2011.

Medic Director Joe Penner commented on the tenure of the members seeking reappointment but was not sure of the exact number of years. Director Penner also concurred with the notation made by Chairman Roberts regarding the way in which nominations and appointments are made.

Commissioner Clarke spoke in support of the nomination process for this board.

Commissioner Dunlap suggested the Board receive a briefing on why there are differences between the various boards when it comes to term limits.

Commissioner Cooksey asked for clarification regarding the medic system.

Attorney Bethune addressed the history of medic.

Commissioner Cooksey asked would the agreement have to be amended if the Board wanted to make changes in the current process. *The response was yes.*

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Attorney Bethune said this was not an advisory board but rather a governing board for a governmental agency that's basically operated primarily by the two hospitals with some input by the County.

County Manager Jones said staff would schedule a briefing on this matter, including the components of the Joint Undertaking Agreement.

Commissioner Cogdell encouraged the Board to move forward at this point and to discuss any desire for change at a future date.

Commissioner Bentley noted for the record that she was an employee of Novant Health (Presbyterian) and that according to the County Attorney, it was not a conflict of interest for her to vote on this matter because it's not a vote on a contract.

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

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

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Pendergraph and Roberts voting yes, to reappoint hospital nominated commissioners to the EMS Joint Agency Board for a three-year term (12/31/2010 – 12/31/2013): Suzanne H. Freeman, Dennis J. Phillips, Robert H. "Buck" Wiggins, Mark Billings, Paula R. Vincent, and Dr. Thomas N. Zweng.

***Commissioner Leake returned to the dais.***

**(4) PUBLIC HEARINGS – NONE**

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

**(6) MANAGER'S REPORT – NONE**

#### **STAFF REPORTS AND REQUESTS**

**(7A) FIRE PROTECTION SERVICES IN MECKLENBURG COUNTY – ITEM WAS REMOVED FROM THE AGENDA**

#### **COUNTY COMMISSIONERS REPORTS AND REQUESTS**

**(8A) DISTRICT TWO UPDATE (COMMISSIONER LEAKE)**

The Board received a District Two update from Commissioner Leake. Commissioner Leake's update addressed various events that had taken place in District Two. She also acknowledged the work of various constituents in District Two, including the work of those in the faith community. She also acknowledged the passing of individuals in District Two. She also addressed her interns. Commissioner Leake said a District Two community meeting would be held on January 20, 2010, hopefully at Southwest Middle School from 6:30 p.m. – 7:30 p.m. The focus of the meeting will be on tax revaluation. The meeting is being held jointly by Commissioner Leake and Vice-Chairman Pendergraph, commissioner At-Large.

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**(8B) RESOLUTION HONORING, SUPPORTING AND PAYING TRIBUTE TO COMMUNITY VALUES THAT EMBRACE AND PROMOTE EQUALITY, DIVERSITY, TOLERANCE, INCLUSION, RESPECT AND CIVILITY (COMMISSIONER COGDELL)**

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a resolution entitled Resolution Honoring, Supporting and Paying Tribute to Community Values that Embrace and Promote Equality, Diversity, Tolerance, Inclusion, Respect and Civility.

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RESOLUTION HONORING, SUPPORTING AND PAYING TRIBUTE TO COMMUNITY VALUES THAT EMBRACE AND PROMOTE EQUALITY, DIVERSITY, TOLERANCE, INCLUSION, RESPECT AND CIVILITY.**

**WHEREAS**, according to the US Census Bureau, the population of Mecklenburg County grew by 31.4% from April 1, 2000 to July 1, 2009; and

**WHEREAS**, According to 2009 US Census Bureau data, the population of Black, Hispanic or Latino, Asian and American Indian residents of Mecklenburg County account for almost fifty (50%) of the county's population; and

**WHEREAS**, the Mecklenburg Board of County Commissioners recognizes that growth, prosperity and the desirability to reside in Mecklenburg County is constantly impacted by embracing the positive values and behaviors of compassion, equality, tolerance, civility, inclusiveness and respect; and

**WHEREAS**, the Mecklenburg Board of County Commissioners maintains an equal employment opportunity policy that requires that all decisions regarding the terms and conditions of employment including hiring, training, promoting, and terminating employees shall be made without discriminating on the basis of race, color, sex, religion or creed, national origin, ancestry, age, sexual orientation, veteran status, or disability as defined by applicable state and federal law; and

**WHEREAS**, the 2015 vision of the Mecklenburg Board of County Commissioners states that "We will have a local government that is highly effective, efficient, accountable and inclusive"; and

**WHEREAS**, this vision also states that "We will have respect for and will celebrate diversity of and promote equality of opportunity for all of our citizens"; and

**WHEREAS**, as recently as December 15, 2009, the Mecklenburg Board of County Commissioners approved a motion to offer employee benefits to same sex domestic partners; and

**WHEREAS**, on October 5, 2010, the Mecklenburg Board of County Commissioners adopted the Revised Code of Ethics for Mecklenburg County Officials; and

**WHEREAS**, Section 2 of the Revised Code of Ethics for Mecklenburg County Officials states that County Officials should "treat[ing] other County Officials and the public with respect and honor[ing] the opinions of others even when the board members disagree with those opinions"; and

**WHEREAS**, the Mecklenburg Board of County Commissioners acknowledges that inflammatory speech directed at each other, any person or group risk the incitement of violence and may contribute to undermining the safety of the public in Mecklenburg County; and

**WHEREAS**, the Mecklenburg Board of County Commissioners denounces the destructive values and behaviors of intolerance, discrimination, hate and prejudice; and

**WHEREAS**, the Mecklenburg Board of County Commissioners stands united in firm opposition to inflammatory speech that is designed to, or may reasonably result in bullying, intimidation, harassment, persecution or discriminatory treatment of any individual because of their race, color, sex, religion or creed, national origin, ancestry, age, sexual orientation, veteran status, or disability; and

**WHEREAS**, the Mecklenburg Board of County Commissioners acknowledges and appreciates that every person has worth and value equal to any other, and should be treated with the dignity that exemplifies this principle.

**THEREFORE BE IT RESOLVED**, that the Mecklenburg Board of County Commissioners affirms, proclaims and declares its public support for community values that embrace and promote equality, diversity, tolerance and inclusion; and stands united in firm opposition to inflammatory speech that may cause bullying, intimidation, harassment, persecution or

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discriminatory treatment of any individual because of their race, color, sex, religion or creed, national origin, ancestry, age, sexual orientation, veteran status, or disability, not inconsistent herein with State and Federal law.

***Resolution recorded in full in Minute Book 45-A, Document # \_\_\_\_\_.***

Prior to the above vote, the following persons addressed the resolution:

Angel Chandler with the N.C. Chapter of Get Equal, a national LGBT Rights Organization spoke in support of the resolution. Ms. Chandler said Commissioner James' comments were "slanderous" towards the LGBT community and could easily incite action and violence against gays and lesbians. Ms. Chandler said "hate speech" sends a direct message to the gay community that "you're not accepted, you're not welcomed, you're not safe." Ms. Chandler said there is a direct link between "hate speech and hate crimes and suicides." She said the LGBT community was victims of hate crimes more than any other minority in this country. Ms. Chandler said the resolution was a start but isn't enough. She said the Board was not censuring Commissioner James or holding him accountable. She said the Board was not banning "hate" speech but was only "saying you don't want to be affiliated with his prejudice." Ms. Chandler said the Board of County Commissioners should not be Commissioner James' "personal stage or bully pulpit."

Tracy Russ said he was not a "predator" but that there was a predator in the community and that it could be found living around the language of "hate, divisiveness, and bigotry." He said this was a predator of "our community's civility, tolerance, inclusion, hopes, and of our future." Mr. Russ said the "language of hate and intolerance is not the language of progress." He said our economy, competitiveness, our ability to draw the best and brightest from around the world rest on our ability to welcome difference, to demonstrate that rather than being a place of ignorance and shrill fear mongering, we're a place where hopes and dreams can come alive for anyone." He urged the Board to pass the resolution and move to stronger action. He urged the Board to not let the words of hate go unchallenged but that instead it "repudiate the predator in its midst." He urged the Board to pass the resolution to send the message that "hate will not be tolerated, that we will not stand silent when bigotry is disguised as public discourse and that Mecklenburg County will live up to its highest ideals for the lives of all of its citizens."

Martin Davis spoke in opposition to the resolution. He said Commissioner James was not trying to condemn any person personally. Mr. Davis said he was not present to condemn anyone personally, especially children who "practice homosexuality." Mr. Martin said he was personally responsible for the "murder of his own child." Mr. Davis said he was present to let those who are practicing homosexuality know that the same people who told him that it was "perfectly fine to kill his unborn child, are telling you that it's perfectly fine to practice homosexuality." He said "they're lying to you," just like they lied to him. He addressed the health risk associated with homosexuality.

Phillip Hargett with MeckPAC spoke in support of the resolution. He said MeckPac would be happy to sit down with Board members and anyone in the community for an opportunity to get to know who they are.

Synde Reames with MeckPAC spoke in support of the resolution. She addressed the difference between facts and opinion. She said they're constituents just like everyone else. She encouraged the Board to become educated.

Roberta Dunn with MeckPAC spoke in support of the resolution. Ms. Dunn said she was always taught to "respect" everyone. She said "hate speech was horrible." She said elected officials have to respect everyone in the community and not "pick and choose."

Larry Greene addressed life, liberty, and the pursuit of happiness. Mr. Greene asked Commissioner James for a public apology and especially to Commissioner Leake for remarks Commissioner James made to her at a previous meeting. He also asked Commissioner James to resign from the Board, due to Commissioner James' "continual dereliction of duty, as well as, intentional, willful, and with



malice, blatant violation of his oath of office.”

#### Commission Comments

Commissioner Cogdell addressed the Board’s Code of Ethics and its reference to the limited use of censorship. He said it talks about how censorship should be limited to behavior and not personal perspectives, view points, or positions, not something that has been verbalized. Commissioner Cogdell said regardless of how one’s personal feelings may be on this issue, that what maintains civility within a society is the treatment of all people equally.

Commissioner Cooksey said he wanted the public to know that Commissioner James does not speak for him. Commissioner Cooksey said Commissioner James’ most recent comments “paint with too broad of a brush.” Commissioner Cooksey said “certainly there are homosexuals in our community that could be considered sexual predators, likewise, there are heterosexuals in our community that could have the same label.” Commissioner Cooksey said “our laws are sufficient to identify and punish those who would harm their fellow human beings in this way.” Commissioner Cooksey said everyone desires to be treated with “dignity and respect,” thus, he would support the resolution.

Commissioner Cooksey said he wanted the public to know that Chairman Roberts does not speak for him. Commissioner Cooksey said “this whole episode was prompted by an effort he believes of Chairman Roberts to speak on behalf of the Board on an issue that the county has no business weighing in on and that the chairman doesn’t have any business weighing in on without going back to the rest of the members of the board to get their opinions.

Commissioner Cooksey referenced a section of the Code of Ethics that address individual members of the board acting on behalf of the board. Commissioner Cooksey asked that Chairman Roberts keep that section of the Code of Ethics in mind.

Commissioner Clarke read an e-mail he received from a local therapist who said that “the great majority of sexual predators are heterosexual.” Commissioner Clarke said he would support the resolution, which he said speaks for itself.

Chairman Roberts said in response to comments made by Commissioner Cooksey that she wanted to clarify that she “in no way and by no means asked to write a letter from her perspective that was speaking for the whole board. Chairman Roberts said her letter was all from the “I” perspective and that she adheres to the Code of Ethics.

Chairman Roberts said the initial impulse to send a letter was in the spirit of bi-partisanship because Senator Burr crossed party lines to support the repeal of Don’t Ask, Don’t Tell and she wanted to say thank you.

Chairman Roberts said she would be supporting the resolution.

Commissioner Pendergraph said he’d received lots of phone calls from republicans in District Six outraged by Commissioner James’ comments and they asked that he support the resolution. Commissioner Pendergraph said he was “outraged” by the comments made by the first speaker accusing him and others of a taped conversation that was totally false and fabricated, which many took for the truth, when it was not.

Commissioner Pendergraph said his support of the resolution was to reiterate that the majority of the board “shuns behaviors of intolerance, discrimination, hate, and prejudice” and nothing more.

Commissioner Bentley said the resolution was neutral on sexual preference and declares to the community the beliefs of the Board around “prejudice, bigotry,” and how the Board members

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would seek to govern themselves and operate as a board. Commissioner Bentley said she would support the resolution on those merits.

Commissioner Bentley said the comments made by Commissioner James were “beyond reproach and out of line with the Republican party and her Christian faith.” Commissioner Bentley said passing a resolution as presented tonight would do nothing to change future behavior of board members, whether it’s Commissioner James or others sitting behind the dais, “only the electoral process can take care of that.”

Commissioner Dunlap addressed censure. Commissioner Dunlap said if the Board were to censure Commissioner James it would not change anything. He said what’s being sought is a “change of the heart.” Commissioner Dunlap said that’s something that comes about in a number of different ways. He said it was his faith, belief, his Christian belief, that people who have a changed heart don’t do certain things. Thus, this was something that “we would have to leave for every person who does or says something that is hateful or disrespectful to anyone else.”

Commissioner Dunlap said he received over 13,000 e-mails regarding this subject and that they came from all across the world.

Commissioner Dunlap said elected officials aren’t elected to govern other elected officials.

Commissioner Dunlap said the censure issue was talked about at the Board’s Effective and Efficient Government Committee. The conclusion was “we believe in free speech.” He said the Board can’t govern it or control it, which is why the Board probably won’t vote to censure anybody. Commissioner Dunlap said unfortunately people “hearts are heartened by experiences they may have had or by whatever they believe.”

Commissioner Dunlap said through this resolution the Board has taken the strongest action it can by offering this resolution and hopes the resolution would show the community and the world that the Board does not support hate speech directed towards any group of people.

Commissioner Leake said no censure would ever end this “public disrespect, embarrassment of Mecklenburg County and its citizens, non respect, non support of equity, inclusion, diversity, the continued inflammatory remarks about our citizens, our children, because of their race, color, sex, religion, and national origin, age, sexual orientation, or disability, by this County Commissioner.” Commissioner Leake said her support has always been for all people.

Commissioner Leake said she wanted the words, to provide safety, added to the resolution.

Commissioner Leake said an apology must be urged from this commissioner.

Commissioner Cogdell noted that safety was included as requested by Commissioner Leake.

Commissioner James said he was “amazed that those that talk about bullying, are really the ones that are the most intolerant of anyone that has any kind of opinion that they disagree with.”

Commissioner James said the resolution was fine, but the one issue he has with in the resolution is that it includes sexual orientation as a protective class, which he said was a legal issue.

Commissioner James said the resolution “doesn’t involve” him and “ultimately in material.” He said the resolution didn’t matter at all. Commissioner James said under N. C. law sexual orientation was not recognized. Commissioner James said “homosexuality is the only vice with a Pac.” Commissioner James said his faith and N.C. law defines that behavior as “perversity and

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not diversity.” Commissioner James said there were other conflicting issues with the resolution and as an example he referenced an item from Lambda Legal entitled N. C. Supreme Court Takes Custody of Sons from Gay Father. Commissioner James asked that the article be included in the minutes. (See last page attached to minutes.)

Commissioner James also referenced the Board’s Policy on Sexuality Counseling for Children adopted in 2004. Mr. James said this policy requires that in counseling children that it’s consistent with federal and state laws and regulations. He said it was drafted because of concern that people would be counseled in homosexuality.

***A copy of the policy referenced by Commissioner James is on file with the Clerk to the Board.***

Commissioner James also referenced an article entitled DeMint: Sexually Active Unmarried Women and Gay Teachers Should Be Barred from Classrooms.

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

Commissioner James referenced a document entitled Behavior Patterns of Child Molesters by W.D. Erickson, M.D., N.H. Walbek, Ph. D., and R. K. Seely, B.A. from the Department of Psychiatry in Saint Paul, Minnesota.

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

Commissioner James said per the information from the Department of Psychiatry in Saint Paul, Minnesota states 86% of the males who “preyed on children were homosexuals.” He stated further that according to the statistics, “roughly one quarter of the attacks, child molestations of children were done by roughly 2% of the population.” Commissioner James said for him this was an issue that needed to be addressed and one that Mecklenburg County could fix because it has the statistics. Commissioner James said he supports getting the facts.

Commissioner James said he did not think the resolution was “particularly significant” and that he really doesn’t have a problem with it “considering it won’t really accomplish anything.”

Commissioner James said the “crux” of the problem as he sees it is that for 14 years he’s said that if N.C. wanted to endorse the behavior, they should change the law, the Crime Against Nature law, the law that bans homosexual marriage, etc.

Commissioner James said it was “tad hypocritical” to be pushing for tolerance for a behavior that the law and courts have said is inappropriate.

Commissioner James said if the Board was serious about “standing up, particularly the liberals and the democrats for homosexual rights they would have done a whole lot more and for him this ultimately comes down to the democratic national convention.” He said this was “an attempt to put a nice, fancy, glossy, façade on something that kind of got out.”

Commissioner James said he believes the people of Mecklenburg County and N. C. don’t support homosexual rights because they believe “it’s wrong and immoral.”

This concluded the discussion. The vote was then taken on the motion as noted above.

#### **CONSENT ITEMS**

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

**(9) APPROVAL OF MINUTES**

Approve minutes of Regular meeting held December 21, 2010; Special Meeting held December 21, 2010; Closed Session held December 21, 2010.

**(13) BUDGET AMENDMENT – DEPARTMENT OF SOCIAL SERVICES (REVENUE DECREASE)**

Reduce the Department of Social Services FY2011 budget by \$28,531 for the North Carolina Department of Transportation (NCDOT) Community Transportation Grant.

*Note: Mecklenburg County Department of Social Services applied for and budgeted for the Community Transportation Grant in the amount of \$289,126 for FY 2011. This grant covers capital needs in the amount of \$29,325 and administrative needs in the amount of \$259,801. NCDOT awarded the Grant in the amount of \$260,595 to be utilized as follows: \$6,125 for capital and \$254,470 for administrative needs. The reduction also resulted in a reduced County match in the amount of \$4,013.*

**(16) 2011 EPA REGION 4 - SOUTH EAST DIESEL COLLABORATIVE (SEDC) DIESEL GRANT APPLICATION**

1) Approve submission of application by Mecklenburg County Air Quality to USEPA for up to \$1,500,000 in grant funds.

2) Upon award of grant, recognize, receive and appropriate the grant award.

3) Authorize the carry forward of unspent funds until expended.

*Note: Mecklenburg County Air Quality is applying to the EPA Region 4 Southeast Diesel Collaborative FY 2010-2011 Diesel Program for funds to be used to reduce air pollution in the 13-county EPA presumptive ozone nonattainment region through the County's GRADE+ project. Applicable equipment can include on-road, non-road and stationary diesel engines and equipment.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

**(10) NC CLEAN WATER MANAGEMENT TRUST FUND GRANT**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to authorize the County Manager to submit two stream restoration grant applications to the North Carolina Clean Water Management Trust Fund as follows:

1. Phase I of the Torrence Creek in the Huntersville Business Park in an amount of \$478,900; and
2. Torrence Creek Tributary #1 from Gilead Road to I-77 in an amount of \$800,000.

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

**(11) BUDGET AMENDMENT – LUESA (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to recognize, receive and appropriate \$3,605 from the Mecklenburg Soil and Water Conservation District for the purchase of trees.

*Note: Mecklenburg County Storm Water Services, Water Quality Program has received \$3,605 to purchase trees planted at the Kings Drive/Midtown stream restoration project site on Little Sugar Creek. Storm Water Services had already budgeted the \$6,833 necessary for trees at this site during FY2011. The \$3,605 received from Mecklenburg Soil and Water Conservation District for the trees will allow Storm Water Services to plant more trees in additional locations.*

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

**(12) BUDGET AMENDMENT – DEPARTMENT OF SOCIAL SERVICES (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to amend the Department of Social Services FY11 budget to recognize, receive and appropriate additional North Carolina Department of Transportation Rural Operating Assistance Grant funding in the amount of \$498,906.

*Note: This funding is to provide transportation services for employment, the elderly, the disabled and citizens in rural areas of Mecklenburg County.*

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

**(14) ISSUANCE OF WEAPONS AT RETIREMENT – SHERIFF'S OFFICE**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to

- 1) Authorize the Sheriff to award qualified Deputy Sheriffs, their badge and weapon upon retirement at no charge in accordance with G.S. 20-187.2; and
- 2) Authorize the Sheriff to award the surviving relatives of Deputy Sheriffs killed in the line of duty, the badge and weapon carried at the time of their death at no charge.

*Note: G.S. 20-187.2 provides for the award of badges and service weapons of officers killed in the line of duty or upon retirement.*

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

Commissioner Pendergraph addressed this matter. It was noted that persons in possession of the weapon must follow the same legal guidelines as anyone else that possesses a weapon.

**(15) BUDGET AMENDMENT – DSS (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts

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voting yes, to amend the Department of Social Services (DSS) Fiscal Year 2011 Adopted Budget to recognize, receive and appropriate \$155,372 of additional Federal revenue for the Crisis Intervention Program (CIP).

*Note: The North Carolina Division of Social Services allocated \$155,372 additional funding to the Department of Social Services (DSS) for CIP. The Crisis Assistance Ministry is contracted by DSS to administer these funds by providing heating or cooling assistance to low-income households throughout Mecklenburg County.*

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

**ADJOURNMENT**

Motion was made by Commissioner Cooksey, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:07 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman