

MARCH 9, 2011

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS  
MECKLENBURG COUNTY  
NORTH CAROLINA

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:30 p.m. on Wednesday, March 9, 2011.

**ATTENDANCE**

**Present:** Chairman Jennifer Roberts and Commissioners  
Dumont Clarke, Harold Cogdell, Jr.  
George Dunlap, Vilma Leake and Jim Pendergraph  
County Manager Harry L. Jones, Sr.  
Clerk to the Board Janice S. Paige

**Absent:** Commissioners Karen Bentley, Neil Cooksey and Bill James

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***Note: The meeting was scheduled to start at 3:30 p.m. but did not begin until 4:01 p.m., because of a prior meeting that was scheduled for 3:00 p.m. The 3:00 p.m. meeting did not end until 4:01 p.m.***

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

**(1) HOUSE BILL 63 – FIREARM IN LOCKED MOTOR VEHICLE/PARKING LOT**

County Manager Jones addressed House Bill 63 - An Act To Provide That No Business, Commercial Enterprise, Or Employer Shall Prohibit The Transportation Or Storage Of A Firearm Or Ammunition When The Firearm And Ammunition Are Locked Out Of Sight In A Motor Vehicle, To Provide That A Business, Commercial Enterprise, Or Employer Is Liable To Anyone Injured As A Result Of An Unlawful Prohibition, To Provide That A Person May Bring A Civil Action To Enforce The Right To Transport And Store A Firearm And Ammunition In A Locked Motor Vehicle On The Property Of A Business, Commercial Enterprise, Or Employer, And To Provide That A Business, Commercial Enterprise, Or Employer Is Not Civilly Liable For Damages Resulting From Another Person's Actions Involving A Firearm Transported Or Stored In A Locked Vehicle In A Manner That Complies With State Law.

The following was noted:

- House Bill 63 provides that employers must allow employees to have firearms secured in their vehicles on employer-owned parking lots while at work.
- If an employer attempted to ban firearms from its parking lots, it cannot terminate an employee for violating that policy.
- An employer would be civilly liable if an employee was injured, incurred damage or was killed as a result of an employer imposing a ban on firearms in its parking lot.
- One of the guiding principles the Board has provided to staff is to “oppose legislation that restricts county flexibility.”
- This legislation would pre-empt County-established policy.
- Staff recommends the Board oppose H63.

**(2) HOUSE BILL 111 – HANDGUN PERMIT VALID IN PARKS AND RESTAURANTS**

County Manager Jones addressed House Bill 111 - An Act To Allow Persons With Concealed Handgun Permits To Protect Themselves And Their Families In Restaurants And To Allow A Concealed Handgun Permittee To Carry A Handgun In A Park. The following was noted:

- Under current law, local governments may prohibit the carrying of concealed weapons in local government buildings, their appurtenant structures and parks.
- H111 would remove “parks” from the law so that local governments could no longer prohibit concealed weapons in parks.
- One of the guiding principles the Board has provided to staff is to “oppose legislation that restricts county flexibility.”
- This legislation would pre-empt County-established policy.
- Staff recommends that the Board oppose H111.

County Manager Jones said a letter would be prepared for the Chairman’s signature opposing House Bill 63 and House Bill 111, if that was the will of the Board.

Comments

Commissioner Cogdell asked for an overview of the bill, however, no one was present that could provide that information.

Commissioner Dunlap said he didn’t recall the Board taking a position on bills outside of the approval of its legislative agenda.

Chairman Roberts said the Board has taken positions on bills in the past, but not that often.

Commissioner Leake inquired as to why this was being brought to the Board. *County Manager Jones said Park and Recreation has concerns about the bill because it takes away and/or restricts the County’s flexibility with respect to regulating firearms on County property.*

Commissioner Pendergraph said this was not something the Board should be debating. He said it was a state law.

Commissioner Pendergraph asked was it currently prohibited under County policy to have a firearm locked in one’s vehicle, on County property if you have a concealed carry permit. *The response was yes.*

Commissioner Pendergraph said the County’s policy may be out of date and perhaps the County should consider changing its policy to allow it to be locked in one’s vehicle, if they have a concealed carry permit.

Commissioner Cogdell asked had other counties taken a position. *County Manager Jones said he was not aware of any but couldn’t say for sure.*

County Manager Jones suggested the Board defer this matter until its meeting on Tuesday, March 15, 2011 since the County Attorney was not present to provide further clarity.

Commissioner Clarke asked would there not be another opportunity for the Board to consider this because he would like more time to think about it. Commissioner Clarke said he was concerned that the state was trying to tell employers what they can do on their own property.

Commissioner Cogdell said the Board needed to be careful about taking a position.

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Chairman Roberts said she would be interested in the North Carolina Association of County Commissioners take on this. Also, that she'd like to hear from the Director of Park and Recreation.

Commissioner Clarke questioned staff's opposition. *County Manage Jones said the bills would take away County flexibility.*

Chairman Roberts said she was concerned about parks. She doesn't feel one size fits all.

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to delay taking any action with respect to HB 63 and HB 111 until the Board can consult with the County Attorney regarding this matter.

*Note: The above is not inclusive of every comment but is a summary.*

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**ADJOURNMENT**

Motion was made by Commissioner Pendergraph, seconded by Commissioner Cogdell and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 4:33 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman