

MAY 1, 2012

**MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS**

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, May 1, 2012.

**ATTENDANCE**

**Present:** Chairman Harold Cogdell, Jr. and Commissioners Karen Bentley, Dumont Clarke, Neil Cooksey, George Dunlap, Bill James, Vilma Leake, Jim Pendergraph and Jennifer Roberts  
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-**

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

**REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0217, 12-0218, 12-0224, 12-0225, 12-0226, and 12-0234.

**STAFF BRIEFINGS - NONE**

**(12-0260) CLOSED SESSION – CONSULT WITH ATTORNEY**

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matters to be discussed in Closed Session: Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County and Jerry Alan Reese vs. Mecklenburg County and the City of Charlotte.

Motion was made by Commissioner Pendergraph, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: Consult with Attorney.

*The Board went into Closed Session at 5:23 p.m. and came back into Open Session at 5:40. p.m.*

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

**-FORMAL SESSION-**

***Chairman Cogdell called this portion of the meeting to order and asked that those at the dais introduce themselves. Invocation was then given by Commissioner James, which was followed by the Pledge of Allegiance to the Flag; after which, the matters below were addressed.***

***Commissioner Leake was away from the dais during the opening of this portion of the meeting. She entered the meeting after the Pledge of Allegiance.***

Motion was made by Commissioner Pendergraph, seconded by Commissioner James, that in light of the number of persons that have signed up to speak on various agenda items, and in order to allow everyone the opportunity to speak, to allow each speaker two minutes to speak on matters appearing on the agenda and three minutes for those speaking on matters not on the agenda (Public Appearance).

Substitute motion was made by Commissioner Roberts, seconded by Commissioner Bentley and carried 7-2 with Commissioners Bentley, Cogdell, Cooksey, James, Leake, Pendergraph and Roberts voting yes and Commissioners Clarke and Dunlap voting no, that in light of the number of persons that have signed up to speak on various agenda items, to allow each speaker three minutes to speak.

**AWARDS/RECOGNITION – NONE**

**(12-0261) PUBLIC APPEARANCE**

No one appeared to speak during the Public Appearance portion of the meeting.

**APPOINTMENTS**

**(12-0258) TOWN OF DAVIDSON PLANNING BOARD**

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Michael Higgs to the Town of Davidson Planning Board as an Extraterritorial Jurisdiction (ETJ) representative as recommended by the Town of Davidson Board of Commissioners for a term effective January 2012 - January 2014.

**CONSENT ITEMS**

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

**(12-0139) PROCLAMATION - NATIONAL NURSES' WEEK**

Adopt a Joint Proclamation declaring the week of May 6-12, 2012 as National Nurses Week in Charlotte and Mecklenburg County.

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

**(12-0249) PROCLAMATION – DRUG COURT MONTH**

Adopt a Proclamation designating May, 2012 as Drug Court Month in Mecklenburg County.

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

**(12-0173) CAPITAL RESERVE REQUEST - MCDOWELL NATURE PRESERVE CAMPGROUND**

Approve and appropriate expenditure of \$3,000 from the Park & Recreation McDowell Capital Reserve account to replace six tents at McDowell Nature Preserve Campground.

**(12-0174) DONATION AND NAMING REQUEST - "ROBERT HAYWOOD MORRISON GARDENS ON LITTLE SUGAR CREEK GREENWAY"**

1. Approve naming a public garden park "Robert Haywood Morrison Gardens on Little Sugar Creek Greenway".
2. Recognize, receive and appropriate \$250,000 donation from Partners for Parks for developing Robert Haywood Morrison Gardens on Little Sugar Creek Greenway in the Capital Reserve fund. Funds remain appropriated for this purpose until project is completed.

**(12-0176) NCDOT GRANT - BARTON CREEK GREENWAY**

- 1) Approve the County's acceptance of an NCDOT Congestion Mitigation and Air Quality Improvement (CMAQ) Grant award to help fund the design and construction of Barton Creek Greenway.
- 2) Recognize and appropriate grant funds awarded until completion of the project.
- 3) Approve the use of Federal DBE special provision for bidding, instead of using the County M/W/SBE provisions, as required to obtain NCDOT grant funding.
- 4) Authorize the County Manager to negotiate and execute a contract with NCDOT for the Barton Creek Greenway project.

**(12-0237) SET PUBLIC HEARING - CITY OF CHARLOTTE STORM WATER FEE**

Set a public hearing on May 15, 2012 on proposed changes in the minor system component of the City's Storm Water fee.

**(12-0221) INSURANCE REIMBURSEMENTS**

Recognize, receive and appropriate insurance reimbursement funds in the amount of \$2,610 for Park and Recreation and \$4,923 for BSSA-AFM.

*Note: All reimbursements are for stolen and damaged items.*

**(12-0244) TAX REFUNDS**

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Approve refunds in the amount of \$952,247.94 plus accrued interest in the amount of \$18,399.46 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.***

**(12-0256) MINUTES**

1. Approve minutes of Regular meeting held April 17, 2012 and Closed Sessions held April 3, 2012 and April 17, 2012.
2. Authorize the Clerk to amend Closed Session minutes of March 20, 2012, approved on April 3, 2012 to reflect a date correction in the header section.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

**PUBLIC HEARINGS – NONE**

**ADVISORY COMMITTEE REPORTS – NONE**

**COMMISSIONERS REPORTS AND REQUESTS**

**(12-0253) REVALUATION – COMMISSIONER BENTLEY**

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph, to

1. Direct the County Manager to report back to the Board within 30 days with a recommended auditor, scope of work and budget for the conduction of a full investigation and review of the Tax Assessor's implementation of the 2011 Mecklenburg County revaluation. This investigation and review would specifically relate to the determination of land values, data integrity of the property database, adjustments made by appraisers, validity of the market analysis and compliance with the Machinery Act relative to the appeals process (informal and formal) as well as the controls and processes that were used to establish the mass appraisal system values used across Mecklenburg County. The audit will provide recommendations on how to remedy the issues identified during the current reappraisal cycle. The audit is to be completed within 60 days of engagement and the report will include recommended specific actions to be taken to correct errors identified through the audit relative to the 2011 Revaluation.
2. Allocate funds to meet the budget amount recommended for Action step #1 out of contingency funds for the costs associated with this investigation and review.
3. Set the date for the next property revaluation at 1/1/2014.

Commissioner Bentley shared the following: "There has been significant public outcry regarding the implementation of the 2011 revaluation. While the Tax Assessor and staff legal counsel have communicated to this Board and to the public at several meetings that the assessment methodology and implementation of the 2011 revaluation was completed in compliance with the Machinery Act, significant questions remain unanswered. Citizen's groups have addressed our Board on numerous occasions, supplying compelling documentation that we believe justifies an outside investigation and review of the processes and procedures used for the 2011 revaluation. As Commissioners, it is our obligation to ensure the fairness of this

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process and to hold all involved accountable for executing this State-mandated function in a manner that is transparent, trustworthy and responsive to the taxpayer. Therefore, we believe the only way to bring confidence back to the process is to authorize an outside investigation and review of the 2011 Mecklenburg County revaluation. With regard to the proposal to set the next date for revaluation, due to the continued decline in property values since 2011, it was our goal to determine when it was practical to set and conduct a new revaluation, we anticipate being done with all of the appeals, I believe by September of this year; we would reassess properties next year with notices going out January 1, 2014; and from a practical standpoint, we believe that's as early as we could do the next assessment."

The following persons spoke in favor of Commissioner Bentley's motion to have an outside investigation and review of the Tax Assessor's implementation of the 2011 Mecklenburg County revaluation.

Greg Johnson, Lynette Rinker (Mayor Pro Tem Town of Cornelius), James Peterson, Wayne Powers, Robert Stone (suggested that if there's a near term revaluation, that citizens who have gone through the appeals process and received a reduction in their values be exempted from the next revaluation), Eldewins Haynes (said revaluation should be addressed appropriately and that any increase in revenue from property taxes should be used to restore County services previously cut), Bob Bruton (said adjustments should be made to the land value), John Scott, James Bensman (shared a video asking the Board to "Fix It" and provided the Board with a memo dated May 1, 2012 regarding recommendations for fixing the 2011 revaluation, a copy of the memo is on file with the Clerk to the Board), Kathy Davis, Paul McMellon, Barb Scott, Emily Zuyus, Charles Jeter (commissioner for the Town of Huntersville), Bob Deaton (gave the Board a memo dated May 1, 2012 addressed to the Board regarding a 2011 Reappraisal Audit, a copy of the memo is on file with the Clerk to the Board), Bill Russell, and Tim Timmerman.

Jim Barnett, chairman of the Board of Equalization and Review spoke in support of the work performed by the Board of Equalization and Review and the Tax Assessor's Office.

County Manager Jones provided the following response to this agenda item:

**County Manager's Response to Revaluation item on the Board's May 1, 2012 Agenda**

"Mr. Chairman and members of the Board, I feel compelled to provide a response to the agenda item asking the Board to direct the county manager to identify an outside contractor to conduct an audit of the 2011 revaluation. I also need to provide a response to the request that the Board direct the next revaluation to be conducted effective January 1, 2014. I will address these two items separately.

Regarding the intent to hire an outside contractor to conduct an audit of the 2011 revaluation, I believe this action is neither necessary nor appropriate for the following reasons:

First, there is no statistical evidence that indicates County staff did not follow statutory guidelines and/or state law in conducting the revaluation.

In fact, we have statistical evidence that provides strong affirmation that the revaluation was conducted consistent with state law. This Board has heard in person and seen in writing from David Baker, Director of the Local Government Division of the North Carolina Department of Revenue that, based on the statistical measures that indicate the level of assessment and the quality of the reappraisal, Mecklenburg County's reappraisal "scores fairly well and within the acceptable ranges."

Mr. Baker also has written that "there will be errors in any appraisal and the appeal process is set up to correct these issues." Furthermore, Mr. Baker has stated in writing that "What Mecklenburg County is going through is not unheard of and the process that is in place will work if it is allowed to do so. "

In addition, the rate by which the Board of Equalization and Review is substantiating the new values indicates that, to a significant extent, the new assessed values are consistent with market values as of

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January 1, 2011.

I recognize that some property owners are unhappy with the new assessed values. As Mr. Baker points out, this is what the appeals process is intended to address.

It's also important to remember that the Board of Equalization and Review has not yet heard all the appeals, and the Property Tax Commission has not heard a single appeal dealing with the 2011 assessed value of a property. Therefore, conducting an audit prior to knowing the actual result of the appeals process is unwarranted and an unwise use of taxpayer resources.

Recently, I met in Raleigh with Michael Brown of the North Carolina Department of Revenue. He shared with me the "test" used by the Property Tax Commission in appeals that come before the PTC. Under this analysis, the Commission considers the following three questions:

1. Did the county employ an arbitrary or illegal method of appraisal in reaching the assessed values that the county assigned to appellants' properties?; and, if so,
2. Were the property tax values determined by the County Board of Equalization and Review substantially greater than the true values of the subject properties?
3. If the Appellants provide competent, material and substantial evidence that tends to show that the County employed an arbitrary or illegal method of appraisal and that the tax values were substantially greater than the true values in money of the subject properties, then what were the values of the subject properties as of January 1, 2011?

Based on our research, we cannot find one example when there was an audit of a revaluation in North Carolina. Perhaps this is true because the appeals process that includes this analysis by the Property Tax Commission is the built-in audit of revaluation.

Both the Board of Equalization and Review and the Property Tax Commission comprise citizens from Mecklenburg County and throughout North Carolina, respectively, who are appointed by you, the Governor and the General Assembly because of their expertise and experience in determining the appropriateness of the assessed value relative to market value.

The findings and decisions of these two citizen bodies inform this Board and Mecklenburg property owners about the quality of the revaluation. I have confidence in these appointed citizens to be fair and impartial in their review of the appeals they consider. I urge you to allow the appeals process to proceed, and demonstrate your confidence in the people you appointed to do the right things.

Therefore, my strongest recommendation for this Board is to **not** authorize an audit and instead rely on the appeals process set forth by the General Assembly to address the concerns expressed by property owners about the new assessed values.

I also want to comment about the scheduling of a new revaluation effective January 1, 2014. This is problematic from a practical standpoint but more importantly because we have no statistical evidence that a new revaluation is warranted.

In February, the Board received a staff presentation that said, realistically, the next revaluation could not be accomplished for four years. We indicated doing it sooner would cost approximately \$6 million and that we would essentially have to start a 2014 revaluation right now, even as we will still be addressing appeals throughout FY2013 and FY2014. It's simply a very costly and highly impractical proposition to conduct a revaluation for 2014.

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Secondly, the General Assembly has determined that statistical indicators should drive decision making about when to conduct a revaluation more often than every 8 years. The state now mandates that counties with more than 75,000 residents must conduct a revaluation within three years after the sales assessment ratio falls below 85% or exceeds 115%. Our recommended triggers for a revaluation are when the sales assessment ratio falls below 92% or exceed 108%. As determined by the State as of January 1, 2012, Mecklenburg County's sales assessment ratio is approximately 100%.

By either the state mandates or our recommended triggers, we are far from meeting the statistical or legal standard that dictates the need for another revaluation. To start a revaluation when our sales assessment ratio is 100% would be wasteful, both in terms of time and money. It also would create a false expectation among property owners regarding new assessed values. In short, we would likely find ourselves in the same situation we have now in terms of unsatisfied expectations.

Finally, it is illogical to call for another revaluation without any statistical evidence that the 2011 revaluation was conducted contrary to reappraisal regulations or laws. And, if this Board deems it appropriate to conduct an audit of the 2011 revaluation rather than letting the appeals process serve as the built-in audit, it would be even more illogical to mandate a new revaluation before knowing the results of this audit.

I recognize that some or all the members of this Board are experiencing political pressure to "do something" about the revaluation. Given that we are in campaign season, I am sympathetic with the daunting pressure you are experiencing. But when confronting actual facts, there is no purpose -- other than political purposes -- that would be served by conducting any audit of the 2011 revaluation, particularly when the built-in audit -- the appeals process -- is not complete. There also is no purpose of mandating a new revaluation in 2014, based on our current sales assessment ratio."

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

**Comments were then received from Commissioners in the following order:**

Commissioner Pendergraph spoke in support of the motion to have an independent audit of the Tax Assessor's Office implementation of the 2011 Revaluation.

Commissioner James spoke in support of the motion to have an independent audit of the Tax Assessor's Office implementation of the 2011 Revaluation.

Commissioner Roberts spoke in support of the motion to have an independent audit of the Tax Assessor's Office implementation of the 2011 Revaluation.

Cary Saul Director of LUESA addressed questions regarding the status of current appeals and costs to do an audit.

Commissioner Dunlap spoke in opposition of the motion to have an independent audit of the Tax Assessor's Office implementation of the 2011 Revaluation. Commissioner Dunlap read a response from David Baker, Director, Local Government Division, N. C. Dept. of Revenue, to Jim Bensman dated April 2, 2012. A copy of the response is on file with the Clerk to the Board.

Commissioner Cooksey spoke in support of an independent audit but not necessarily as outlined by the motion and subsequently offered a substitute motion, that included some of the wording of the original motion.

Commissioner Clarke spoke in opposition to the motion because of timing. Commissioner Clarke said in light of other issues facing the Board and staff at this point in time, including upcoming budget deliberations, that this was not the appropriate time to move forward with this request.

Commissioner Leake said she could not vote for the motion at this time because she lacked clarity on what the motion was asking.

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Roberts and carried 6-3 with Commissioners Bentley, Cogdell, Cooksey, James, Pendergraph, and Roberts voting yes and Commissioners Clarke, Dunlap, and Leake voting no, to:

1. Direct the County Manager to report back to the Board no later than our June 19, 2012 Regular Business Meeting with a recommended reviewer, specific scope of work to be performed and budget for the conducting of a review of the Tax Assessor's implementation of the 2011 Mecklenburg County revaluation. The focus of this review is to specifically determine legal compliance with the North Carolina Machinery Act and any other state law governing the 2011 Countywide Revaluation relative to the appeals process (informal and formal) as well as the controls and processes that were used to establish the mass appraisal system values used by the Tax Assessor's office across Mecklenburg County in determining tax values. This investigation and review would specifically relate to the determination of land values, data integrity of the property database, adjustments made by appraisers, validity of the market analysis and compliance with the Machinery Act. In addition, the direction to the reviewer shall be to:
  - 1) Identify areas of non-compliance with NC State law by the Office of the Tax Assessor during the course of the 2011 Revaluation Process;
  - 2) Develop lawfully permitted remedial or corrective measures designed to address any identified non-compliance areas in the 2011 Revaluation process;
  - 3) Identify areas where county staff may have exercised lawfully permitted individual discretion; and
  - 4) Develop recommendations in the review findings as to how either county staffing levels, independent county employee discretion or NC law could be amended to eliminate or reduce discrepancies between fair market and tax assessed valuations in future countywide revaluations.
2. Direct the County Manager to provide an estimate of the costs and logistical challenges involved in conducting the next revaluation in either 2014 or 2015.

**(12-0251) SMALL BUSINESS CONSORTIUM UPDATE**

The Board received an update from Commissioner Leake regarding the Small Business Consortium. The following was noted:

The Small Business Consortium began holding bi-monthly meetings in 2011. The group has grown in attendance from approximately five attendees per meeting to its current attendance of approximately 60 attendees per meeting. Meetings are held bi-monthly, with lunch provided by small businesses in the Charlotte-Mecklenburg community. During the meetings, attendees are provided with networking opportunities, updates on contracting opportunities with the City, County and State, and hear messages from speakers on issues of importance to small businesses.

Pamela Lue-Hing addressed the benefits of the Small Business Consortium.

**(12-0229) RESOLUTION OPPOSING AMENDMENT ONE**

The following persons spoke in support of Chairman Cogdell's proposed Resolution Opposing



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Amendment One:

Krista Tillman, Scott Bishop (Chair of Mecklenburg Lesbian, Gay, Bi-Sexual and Transgender Political Action Committee), Steve Shoemaker (Sr. Minister Myers Park Baptist Church), Brian Horton, and Morgan Rodden.

The following persons spoke in opposition of Chairman Cogdell's proposed Resolution Opposing Amendment One:

Warren Smith, Steve Triplett (Pastor of Fellowship Baptist Church), Karla Lowman, Charlie Scott (Pastor of South Charlotte Baptist Church Pineville), Dr. Mark Harris (First Baptist Church Charlotte), Richard Pope, David Benham, Steve Widdows, Rev. Flip Benham, Allen Hoyle, Mark Metzger, William Grice, and Jeanette Wilson.

**Comments were then received from Commissioners in the following order:**

Commissioner Cooksey said this was not an issue the Board should be taking up and rendering a decision on. He said it was outside of the Board's purview of responsibilities.

***Chairman Cogdell passed the gavel to Vice-Chairman Pendergraph, who chaired the meeting until noted in the minutes.***

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap, to adopt a Resolution in Opposition to Amendment One.

Vice-Chairman Pendergraph spoke in opposition of the proposed resolution. He also expressed concern that if approved as written, it wouldn't reflect the vote of those in opposition.

Commissioner Bentley spoke in opposition of the proposed resolution.

Commissioner Dunlap addressed how this matter came to be on the Board's agenda. He said it came about as a result of a commissioner responding to an inquiry from a student at UNC-Charlotte to all commissioners wanting to know their position with respect to this issue.

Commissioner Dunlap said only one commissioner responded and that the response basically said that in 2003 the County Commission had taken a position on this issue and that the position was to support "this same initiative." Further, that since no vote had been taken since that time, that position still stood on behalf of the County Commission.

Commissioner Dunlap said people were concerned about that being the position of the County Commission and thought there should be a different position, which was probably why Chairman Cogdell placed the matter on the agenda.

Commissioner Cogdell spoke in support of the proposed resolution.

Substitute motion was made by Commissioner Cooksey, that the Board retracts the prior resolution adopted in 2003 relating to this issue, so that it's no longer the public policy of Mecklenburg County; further that the Board not take a position with respect to Amendment One and not vote on Commissioner Cogdell's proposed resolution in opposition to Amendment One.

After further discussion Commissioner Cooksey restated his substitute motion as follows:

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap, that the Board 1) not take a position on the definition of marriage in N. C., 2) retract any prior resolutions that took such a position, and 3) that the Board not take a position with respect to

Amendment One.

Commissioner Leake asked Commissioner Cooksey to consider separating his motion out.

After further discussion, Commissioner Cooksey said his substitute motion would no longer reference the retraction of any prior resolutions.

Commissioner Dunlap withdrew his second to the substitute motion, since it no longer included a retraction of a resolution approved in 2003. Thus, the substitute motion died for lack of a second.

Commissioner James addressed the action taken by the Board on June 1, 2003. Commissioner James said he felt this was a matter for the voters to decide and should not be on the Board's agenda.

The Board then voted on the original motion as noted below.

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes and Commissioners Bentley, Cooksey, James, and Pendergraph voting no, to adopt a Resolution in Opposition to Amendment One.

**RESOLUTION OPPOSING  
A PROPOSED AMENDMENT TO NORTH CAROLINA'S STATE CONSTITUTION**

**WHEREAS** the Community Vision for Mecklenburg County includes for people who live in the county that "We will have respect for and will celebrate the diversity of and promote equality of opportunity for all our citizens;" and

**WHEREAS**, Mecklenburg County includes at least 3,385 same-sex couples and has the highest number of same-sex couples among North Carolina counties; and

**WHEREAS**, Mecklenburg County has adopted a policy of promoting equal rights and opportunities for employees of Mecklenburg County without regard to race, color, religion, sex, national origin, handicap, age or sexual orientation.

**WHEREAS**, the Mecklenburg County has adopted a policy of extending equal health care benefits to Mecklenburg County Government employees who are in same-sex domestic partnerships; and

**WHEREAS**, this Mecklenburg County Board of Commissioners recognizes that some local and national companies doing business in Mecklenburg County extend equal health care benefits to employees in same-sex relationships; and

**WHEREAS**, on May 8, 2012, the people of North Carolina will vote on Amendment One, a proposed amendment to the North Carolina State Constitution that would prohibit marriage between people of the same sex, and further prohibit the recognition of any other form of domestic legal union; and

**WHEREAS**, Since North Carolina Law already defines marriage as between a man and a woman, the proposed amendment would only serve to express hostility against a minority group; and

**WHEREAS**, the proposed language of Amendment One is vague and ambiguous and will thereby invite litigation that will require extensive judicial resources to be devoted to resolving these avoidable legal disputes; and

**WHEREAS**, this uncertainty will have broad legal impacts for all households where the residents are not married, and

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**WHEREAS**, the adoption of such a Constitutional amendment is inconsistent with the County's commitment to equal rights and opportunities for its residents and employees and could invalidate Mecklenburg County's domestic partner benefits; and

**WHEREAS**, Mecklenburg County proudly embraces the diversity of its residents; now, therefore, be it

**RESOLVED** by the Mecklenburg Board of County Commissioners that: 1) The Board of County Commissioners opposes Amendment One. 2) The Board of County Commissioners urges North Carolina voters to vote against the proposed Amendment One on May 8, 2012. 3) Whether Amendment One passes or fails on May 8, 2012, the Board of County Commissioners reaffirms its commitment to equal rights and opportunities for County employees and for all residents and families of Mecklenburg County, including the rights of same-sex couples to share fully and equally in the rights, responsibilities, and commitments of civil marriage. 4) This resolution shall be effective upon its passage, and shall be shared with the members of Mecklenburg County's General Assembly delegation, the Governor and members of the news media.

**Resolution recorded in full in Minute Book \_\_\_\_\_ Document # \_\_\_\_\_.**

**Vice-Chairman Pendergraph returned the gavel to Chairman Cogdell.**

## **MANAGER'S REPORT**

### **STAFF REPORTS AND REQUESTS**

#### **(12-0232) FY12 AND FY13 REVENUE UPDATES**

The Board received an update on FY12 and FY13 revenue projections.

Dena Diorio, Finance Director gave the update. It addressed estimates for actual versus budgeted revenues in FY12 as well as an update on FY13 revenue projections. The following was covered:

- \* FY 2012 Assessed Valuation & Property Tax
- \* FY 2012 Property Tax
- \* FY2012 Sales Tax
- \* FY2012 Projected Revenue
- \* FY2013 Assessed Valuation & Property Tax
- \* FY2013 Sales Tax
- \* Other Revenue
- \* FY2013 Projected Revenue

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

#### **(12-0246) LUESA FY13 FEE CHANGES**

The Board received a presentation on proposed fee changes for FY13 in the Land Use & Environmental Services Agency (LUESA).

Cary Saul, Director of Land Use and Environmental Services Agency (LUESA), Jim Bartl, director of Code Enforcement and Jon Morris, chair of the Building Development Commission presented this matter to the Board.

*Note: The LUESA/Solid Waste Division is requesting tipping fee increases to offset new contractual costs at the Speedway Landfill and an anticipated lease cost increase at Compost*

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*Central. The Waste Management Advisory Board has reviewed the fee changes and recommended the request be provided to the Board for its consideration. In addition, at the Building Development Commission's (BDC) request, LUESA/Code Enforcement engaged a customer task force to consider changes to the LUESA Fee Ordinance, focusing on areas where fees do not align with cost of service. The task force delivered its final report to the BDC at the BDC's January 12, 2012 meeting, recommending eight changes in the LUESA Fee Ordinance. The BDC supports the code enforcement fee changes. LUESA/Land Development is proposing an ordinance change that allows customers to pay LUESA/Land Development is proposing an ordinance change that allows customers to pay 70% of the fee upfront and 30% upon plan approval.*

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

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

**(12-0236) SOLID WASTE MANAGEMENT 10-YEAR PLAN**

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to adopt the Resolution Approving the Mecklenburg County Solid Waste Management Plan 2012 -2022, dated July 1, 2012.

*Note: Bruce Gledhill, director of Solid Waste and Daryle Benson chair of the Waste Management Advisory Board presented this matter to the Board, prior to the above vote.*

***Resolution & Plan recorded in full in Minute Book \_\_\_\_\_ Document # \_\_\_\_\_.***

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

**(12-0239) FLOOD RISK ASSESSMENT AND RISK REDUCTION PLAN; ORPHAN PROPERTY FLOODPLAIN ACQUISITION PLAN**

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to adopt the Flood Risk Assessment & Risk Reduction Plan and the Orphan Property Floodplain Acquisition Plan.

Tim Trautman, with LUESA presented this matter to the Board prior to the above vote.

***An executive summary of the Plans is on file with the Clerk to the Board.***

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**(12-0217) BUDGET AMENDMENT – CSS/DOMESTIC VIOLENCE CHILDREN'S SERVICES (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate a donation of \$2,500 from Justice Initiatives, Inc. for promotion and advertisement of Domestic Violence Children's Services.

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

**(12-0218) BUDGET AMENDMENT - DSS CHILD CARE REVENUE INCREASE**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate \$172,433 in Federal child care revenue from the Division of Child Development for the children in foster care.

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

**(12-0224) BUDGET AMENDMENT - AREA MENTAL HEALTH (REVENUE DECREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to reduce Area Mental Health State revenue and expenditure budgets by \$2,359,850 due to a reduction in State funding.

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

**(12-0225) BUDGET AMENDMENT - MECKLENBURG MEDICAL ALLIANCE & ENDOWMENT (MMAE) AWARD (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate \$3,900 from the Mecklenburg Medical Alliance & Endowment (MMAE) for the purchase of three automated external defibrillators (AEDs) awarded to the Mecklenburg County Sheriff's Office for use in the Field Division patrol vehicles.

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

**(12-0226) BUDGET AMENDMENT - DSS/CASEY FAMILY PROGRAM (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate \$83,000 for the Child Welfare Initiative Program from Casey Family Programs.

*Note: These funds will support the Child Welfare Initiative from January 1, 2012 through December 31, 2012. This initiative is designed to prevent the need for and improve foster care by safely reducing the number of youth in foster care, and reinvest savings from reduced foster care populations to strengthen the system and vulnerable families, improve education, employment and mental health outcomes. The funds will be used to contract with a family partner agency to expand community support services and resources and provide follow-up home visits for child welfare families.*

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

**(12-0234) GRANT APPLICATION - COMMUNITY FOCUSED ELIMINATING HEALTH**

**MAY 1, 2012**

**DISPARITIES INITIATIVE**

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to:

1. Approve submission of a \$510,000 grant application for the Community Focused for Eliminating Health Disparities Initiative from the NC Department of Health and Human Services, Office of Minority Health. This grant application is due May 4, 2012.
2. If awarded, recognize, receive and appropriate awarded funds for the grant period.

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

**ADJOURNMENT**

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, 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 11:20 p.m.

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Janice S. Paige, Clerk

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Harold Cogdell, Jr., Chairman