

AUGUST 6, 2013

**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, August 6, 2013.

**ATTENDANCE**

**Present:** Chairman Patricia Cotham and Commissioners Karen Bentley, Dumont Clarke, George Dunlap, Vilma Leake, Kim Ratliff and Matthew Ridenhour  
Interim County Manager Bobbie Shields  
County Attorney Marvin Bethune  
Clerk to the Board Janice S. Paige

**Absent:** Commissioners Trevor Fuller and Bill James

---

**-INFORMAL SESSION-**

*The meeting was called to order by Chairman Cotham, 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 13-1207, 13-1212, 13-1219, 13-1225, 13-1226, 13-1229, and 13-1239.

**STAFF BRIEFINGS - NONE**

**(13-1242, 13-1255, 13-1244) CLOSED SESSION – PERSONNEL MATTER, LAND ACQUISITION AND CONSULT WITH ATTORNEY**

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: Tax Parcel #035-054-23.

Attorney Bethune informed the Board that there was no Personnel Matter or Consult with Attorney matter to discuss in Closed Session, only Land Acquisition.

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to go into Closed Session for the following purpose: Land Acquisition.

*The Board went into Closed Session at 5:13 p.m. and came back into Open Session at 5:45 p.m.*

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

**-FORMAL SESSION-**

*Chairman Cotham called this portion of the meeting to order. She then recognized Commissioner Ratliff to give the invocation, which was followed by the Pledge of Allegiance to the Flag, and introductions; after which, the matters below were addressed.*

*Note: A moment of silence was held for Attorney Julius Chambers. Attorney Chambers passed away on August 2, 2013. He was considered a “champion for civil rights,” an attorney and educator. He was well known for his successful litigation of Swann vs. Charlotte-Mecklenburg Board of Education. The case dealt with busing for the purpose of integrating schools.*

**AWARDS/RECOGNITION**

**(13-1220) 2013 NACO ACHIEVEMENT AWARDS**

The Board recognized Mecklenburg County programs that received 2013 Achievement Awards from the National Association of Counties (NACo). Danny Diehl, Director of Public Information addressed the awards and introduced departmental representatives that were present. The following departments received awards: Mecklenburg County Tax Office, Park and Recreation, Information Technology, and the Sheriff’s Office.

*Note: The annual Achievement Award Program was begun by the National Association of Counties (NACo) in 1970 to recognize innovative programs that modernize county government and increase services to residents. Achievement Awards are given in 21 different categories including children and youth, criminal justice, county administration, environmental protection, information technology, health, and many more. Mecklenburg County has been honored with 14 Achievement Awards this year. Other County award recipients will be recognized at the September 3, 2013 meeting.*

***A description of the programs that received awards is on file with the Clerk to the Board.***

**(13-1215) PUBLIC APPEARANCE**

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

Maria Hill, a middle school student, addressed growing up with asthma and living in the vicinity of Stewart Creek. She noted the fowl odors and groundwater contamination that occur after Stewart Creek floods. She asked the Board to address the flooding issue of Stewart Creek.

Gwen Forney with Bright Hopes, a non-profit organization with the mission of implementing projects that stimulate good school attendance for CMS students, addressed the importance of attending school. She commented on the learning gaps that occur as a result of missed days from school. She also addressed the responsibility of students and parents as it related to school attendance.

Anthony Livingston, Regional Director, Coalition Against Bigger Trucks, addressed and expressed opposition to legislation (H.R. 612) that has been introduced in Congress to raise the federal truck weight limit from 80,000 pounds to 97,000 pounds. Per Mr. Livingston, the bill was almost identical to legislation that was “overwhelmingly” opposed by law enforcement, first responders, local elected officials, AAA, and engineers in previous Congresses. Mr. Livingston said there were provisions as well to increase the size of trucks. He noted safety issues as a result of an increase in truck size and weight. He shared handouts regarding this issue.

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

---

It was the consensus of the Board to allow persons that had signed up to speak regarding Stewart Creek to speak during the public appearance portion of the meeting.

County Attorney Bethune noted that Item 13-1224-Report on 2013 Flooding Response would address Stewart Creek.

The Board then, without objection, moved Item 13-1224-Report on 2013 Flooding Response up on the agenda and consented to allow persons desiring to speak about Stewart Creek to do so after the presentation by staff.

### **STAFF REPORTS & REQUESTS**

#### **(13-1224) REPORT ON 2013 FLOODING AND RESPONSE**

The Board received an update on the Storm Water Service response to 2013 flood events. Dave Canaan, Director of Storm Water Services gave the report.

The presentation summarized rainfall amounts and locations of the flooding, how Storm Water Services reduced the impact of recent flood events and what mitigation efforts were underway and planned for the future.

*Note: Charlotte-Mecklenburg was experiencing the fifth-most wet summer on record. The last time was in 1943. There have been approximately 60 homes and businesses impacted by flood events this year. However, many additional homes and businesses would have flooded or impacted to a greater extent without ongoing and/or previously implemented flood mitigation efforts by Storm Water Services.*

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

#### Comments

Commissioner Dunlap asked based on what's known to date, how many additional residences and/or buildings needed to be purchased. *Director Canaan said he would get that number and report back.*

Commissioner Dunlap asked that when staff reported back to address how many years it would take to acquire the properties at 50% of the cost versus at the County's current rate.

Commissioner Leake shared concerns received from constituents and that she'd seen firsthand regarding flooding in the community.

Commissioner Leake asked that when staff reported back to address what could be done and what could the County do to eliminate flooding along Stewart Creek.

The following persons addressed flooding issues with Stewart Creek:

Aaron McKeithan, chair of the Historic West End Neighborhood Association, an informal gathering of presidents of 15+ neighborhood associations and other community-based groups along the Beatties Ford Road corridor, asked that priority assistance be given to alleviating flooding along Stewart Creek and Irwin Creek, as well as clean up efforts. Mr. McKeithan said

**AUGUST 6, 2013**

both creeks bordered the Beatties Ford Road corridor. He noted flooding issues neighborhoods had endured over the years, causing environmental concerns and resulting in property damage. He asked the Board to direct staff to take immediate action and put in place an appropriate long term solution to the problem.

Ronald Ross, a resident of Northwood Estates, addressed creek overflows, contamination, erosion, fowl odors, fecal coliform, and property damage as a result of continuous flooding. Mr. Ross also addressed the unresponsiveness of the City of Charlotte Storm Water Department. He noted requests that were submitted to the City of Charlotte Storm Water Department in 2005 that had not been addressed. Mr. Ross expressed concern for health issues as a result of flooding and contamination. He suggested consideration be given to doing a health study of the residents in these areas to find out what the exposures have been due to contaminants. He encouraged the Board to seek citizen input when developing solutions.

***Commissioner Bentley left the dais during Mr. Ross' remarks and was away until noted in the minutes.***

Tammy Hill, president of the Stewart Creek Environmental Association addressed flooding along Stewart Creek and the impact on surrounding communities. She said residents on the Westside felt "neglected." Ms. Hill said the Stewart Creek Watershed was one of the largest in the County and deserved "immediate, sustained, and comprehensive attention."

Ms. Hill provided the Board with a list of questions that she wanted answers to. The questions were as follows:

1. How much will it cost to obtain a Capital Investment Project to restore natural life back to Stewart Creek?
2. Who is responsible for the health of creeks within Mecklenburg County? City, County or State?
3. Has Stewart Creek in its entirety ever been cleaned? If yes, what was the date?
4. Were there measures taken to remove the sewage from the July 12, 2013 flood on Stewart Creek?
5. Has air quality testing occurred since the July 12, 2013 flood? If yes, what were the results: If no, why was no testing completed and when can we expect testing to occur, along with receipt of testing results?

Ms. Hill also brought for the Board's awareness, a sample of the water tested on August 1, 2013 that showed e coli being present and pictures showing e coli present after the flood on July 11, 2013 that had flowed into the street from the grass.

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

*Note: The water sample was given to Director of Storm Water Services Dave Canaan.*

Larry Harris, a resident of the Smallwood Community, addressed erosion issues as a result of flooding and property damage. He encouraged the Board to take whatever steps necessary to resolve these issues, not only in the Smallwood Community, but in communities county-wide.

Holye Martin, a former County Commissioner, asked the Board to address the flooding issues brought before them. Former Commissioner Martin said this was a public health issue that needed to be addressed.

Note: The other Public Appearance speakers then spoke on their issue(s) of concern.

Tom Derham, former chair of the Citizen's Revaluation Advisory Committee (CRAC), addressed the 2011 Revaluation, specifically the preparation of the Schedule of Values. Mr. Derham said CRAC's task was not to write the Schedule of Values. He said the committee's task was to listen

**AUGUST 6, 2013**

to staff and to use those values and make available for public comment on the methodology readiness to execute the revaluation. Mr. Derham said as a committee they assumed the events that had “challenged” staff to perform complex revaluations in the past had been addressed. Further, that land valuations would be taken into consideration in complex neighborhoods and that staff would use “caution” to value real estate, particularly in all categories in a “down and declining market.” Mr. Derham said somewhere in all of the execution, “a lot of the assurances and conversations were lost in translation.”

Mr. Derham noted an article in the newspaper where he said the Interim County Manager said the current Schedule of Values was not correct. Mr. Derham said members of the CRAC would agree that the current Schedule of Values should not be used. He said the Schedule of Values was “like the keys to your car, it’s what drives the revaluation.” Mr. Derham said there were mistakes in the numbers stated in the Schedule of Values, that he “missed and take responsibility for missing.”

Mr. Derham asked the Board to question the need for additional staff and other needs that staff had addressed and to keep in mind that there are other counties, Wake County, for example, that do the exact same work but with less staff. He encouraged the Board to let the consultant that was hired to assist the County Assessor to come in and make an assessment before taking any action regarding staffing needs.

Betty Marlin addressed disease testing and prevention. She referenced a water sample that she took on Irwin Creek in March at a time when there had not been any flooding. Ms. Marlin said she took the sample to Park and Recreation because it was taken just below Biddleville Park at the bottom of the Johnson C. Smith football field. She said a habitat dwelling had just been broken up there and that it looked worst now. Ms. Marlin said Park and Recreation passed it on to Storm Water Services and she received a response August 2. Ms. Marlin encouraged everyone to work together. She recommended those in the medical field work together to develop a list of symptoms for allergies, contaminants, such as mole, and STD’s. Ms. Marlin suggested that the reporting of STD’s in the community be done by streets and not just by zip codes. Ms. Marlin said there were 99 contaminants cited off of Stewart Creek.

**(13-1205) APPOINTMENTS**

**ALCOHOLIC BEVERAGE CONTROL BOARD**

The following nominees were considered for appointment to the Alcoholic Beverage Control Board: Phyllis Barnette, Ernest Barry, Malachi Greene, Earl Leake, Robert Nixon, Wayne Powers, Lloyd Scher, Elton Shoemaker, Donna Smith, and Nancy Wiggins.

Members of the Board’s Ad Hoc Appointment Committee, Commissioners Clarke, Leake and Ratliff addressed the interview process that was conducted. Commissioner Clarke recommended Earl Leake.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to appoint Earl Leake to fill an unexpired term expiring June 30, 2015.

*He replaces Jerry Hwang.*

Motion was made by Commissioner Leake, seconded by Commissioner Ratliff and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to delay the second appointment to the Alcoholic Beverage Control Board until the September 3, 2013 meeting.

**AUGUST 6, 2013**

*Note: It was felt that the second appointment should occur when more Commissioners were present.*

**CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE**

The following nominees were considered for appointment to the Charlotte-Mecklenburg Community Relations Committee: Lynnette Carr, Sarah Demarest, Sophia Gaither, Trymaine Gaither, Melandee Jones, Ola Mitchell, Kwesi Nichols, Dana Sidberry, and Nadia Vanderhall.

Motion was made by Commissioner Dunlap, seconded by Commissioner Ratliff and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to appoint Kwesi Nichols to the Charlotte-Mecklenburg Community Relations Committee to fill an unexpired term expiring September 1, 2013 and a full three-year term expiring September 1, 2016 effective September 2, 2013.

*He replaces Andy Silver.*

**(13-1206) NOMINATIONS/APPOINTMENTS**

**ADULT CARE HOME ADVISORY COMMITTEE**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to reappoint Joan Kirk to the Adult Care Home Advisory Committee for a three-year term expiring August 30, 2016.

**AIR QUALITY COMMISSION**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to reappoint Keith Long and Fern Paterson to the Air Quality Commission as general public representatives for three-year terms expiring August 31, 2016 effective September 1, 2013.

**BICYCLE COMMITTEE**

Motion was made by Commissioner Clarke, seconded by Commissioner Ratliff and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to nominate and appoint Devin Chidester to the Bicycle Committee to fill an unexpired term expiring March 31, 2015.

*He replaces Jane Wasilewski.*

**NURSING HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner Clarke, seconded by Commissioner Ratliff and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to nominate and appoint Denise Williams to the Nursing Home Community Advisory Committee for a one-year term expiring August 31, 2014.

*She replaces Aida Bertsch.*

**REGION F AGING ADVISORY COMMITTEE**

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to reappoint Clarissy Knox to the Region F Aging Advisory Committee as an Alternate for a one-year term expiring June 30, 2014 and Marilyn O'Connor as a Delegate for a two-year term expiring June 30, 2015.

**PUBLIC HEARINGS**

**(13-1222) REAL ESTATE EXCISE TAX REFUND REQUEST**

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to hold a hearing on a request by Samantha H. Terres, PLLC for reimbursement of incorrect filing of North Carolina excise tax to Mecklenburg County in the amount of \$540, which was denied by the Interim County Manager because it did not meet the statutory timeframe for making the request.

No one appeared to speak.

Commissioners inquired as to what would happen if the Board approved the request, even though it didn't meet the required six months deadline.

County Attorney Bethune said he would have to do some research before being in a position to answer the question.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to continue the hearing on a request by Samantha H. Terres, PLLC for reimbursement of incorrect filing of North Carolina excise tax to Mecklenburg County in the amount of \$540, which was denied by the Interim County Manager because it did not meet the statutory timeframe for making the request, until the September 3, 2013 meeting.

**ADVISORY COMMITTEE REPORTS - NONE**

**MANAGER'S REPORT**

**(13-1243) IMPLEMENTATION OF SESSION LAW 2013-362 (SENATE BILL 159 – PROPERTY REAPPRAISAL)**

The Board received a report on actions to implement Senate Bill 159 related to the 2011 property revaluation in Mecklenburg County. Interim County Manager Shields gave the report and reviewed options available to the Board.

Interim County Manager Shields noted that there were inconsistencies between what's in the Schedule of Values and what's in the Tax Assessor's Office computer system. He said the inconsistencies were "huge," but if the County goes with 2011 Revaluation Correction Option 2, then those inconsistencies "won't matter." Interim County Manager Shields said the inconsistencies won't matter because when the County looks at value and determine values, after it runs the first run through to set the value, actual sales were being used and actual income, if it's businesses or commercial property. He said those two approaches were used to determine the "true" value. He said the Schedule of Values used what's called the "cost approach," but because the actual values were determined by the sales approach or the

**AUGUST 6, 2013**

income approach, accurate information now on the Schedule of Values wasn't needed. He said staff, once the value was determined, tweaks the qualitative numbers and figures that could impact the property record card. He said the interest was in making sure the value was correct regardless of "how we got there."

Interim County Manager Shields said staff wanted consistency between the Schedule of Values and what's in the computer system for the next revaluation.

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

Comments

Commissioner Dunlap asked Interim County Manager Shields to clarify a statement he made regarding the Schedule of Values and the impact if corrected. *Interim County Manager Shields explained.*

Commissioner Leake asked Interim County Manager Shields to provide clarity for the public. *Interim County Manager Shields said what the general public should be interested in was "that the values were accurate, that there's equity and that at some point and time if they were due a refund, that they would receive a refund."*

Commissioner Ridenhour asked about the appraisal company that would be brought in and would they re-do what Pearson's Appraisal Services had already done. *Interim County Manager Shields said if there's another independent appraisal company other than Pearson's Appraisal Services or if it's Pearson's, there would have to be an independent review of all values within Mecklenburg County. Further, that all settled cases could be impacted, if the independent appraisal company comes back and says the values should be different, then that value once it's approved by the Board would be the value.*

Interim County Manager Shields said under the proposed implementation plan, all property owners would have the right to appeal. He said staff would send notices to all property owners with respect to what the recommendation was for their property, be it a decrease, increase, or no change in value. He said once notices were received by property owners, the property owner would have the right to appeal using the standard process of the Board of Equalization and Review and through the Property Tax Commission.

Interim County Manager Shields said the refund would go back to the property owner that actually paid the taxes.

This concluded the discussion. The above is not inclusive of every comment but is a summary.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to adopt a resolution acknowledging that the conditions of Section 1 of S.L. 2013-362 applies to Mecklenburg County and direct the County Manager to engage a qualified appraisal company to conduct a review of all values in Mecklenburg County in accordance with S.L. 2013-362.

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS  
RESOLUTION  
ACKNOWLEDGING THAT NORTH CAROLINA  
SESSION LAW 2013-362 APPLIES TO  
MECKLENBURG COUNTY**

**WHEREAS**, pursuant to North Carolina General Statute 105-286, Mecklenburg County conducted a Reappraisal of all real property effective January 1, 2011 (hereinafter referred to as the "2011 Revaluation"); and

**WHEREAS**, on July 3, 2012, the Board of Commissioners selected Pearson's Appraisal Service, Inc.



**AUGUST 6, 2013**

(hereinafter "Pearson's") to perform an independent review of the 2011 Revaluation; and

**WHEREAS**, Pearson's presented a report to the Board of its review of the Mecklenburg County 2011 Revaluation on November 20, 2012, which report found instances of inequity and erroneous data that had impacts on the valuations of properties in Mecklenburg County; and

**WHEREAS**, on July 18, 2013 the General Assembly of North Carolina ratified Session Law 2013-362, which law was approved by Governor Pat McCrory on July 26, 2013, a copy of which is attached as Exhibit A; and

**WHEREAS**, Session Law 2013-362 requires that under those conditions set forth in Session Law 2013-362, a county must follow certain procedures to correct general reappraisals resulting in property values that do not comply with the requirements of North Carolina law by setting forth the steps required to bring the general reappraisal into compliance with the applicable property tax mandates; and

**WHEREAS**, the Board of Commissioners has received an Affidavit of Robert H. Pearson dated August 1, 2013 for the purpose of addressing the conditions set forth in Session Law 2013-362, a copy of which affidavit is attached as Exhibit B; now, therefore, be it

**RESOLVED** that the Board of Commissioners makes the following findings:

1. Mecklenburg County's last general reappraisal was performed for the 2011 tax year.
2. Pearson's Appraisal Service, Inc. is a qualified appraisal company registered with the North Carolina Department of Revenue.
3. Pearson's Appraisal Service, Inc. is a company independent of Mecklenburg County. It was selected and retained by Mecklenburg County to perform a review of the 2011 Revaluation.
4. Pearson's Appraisal Service, Inc. performed a review of the 2011 Revaluation, using a sample size of no less than 375 properties, the relevant characteristics of which were reviewed on location at the properties.
5. Based upon the Affidavit of Robert H. Pearson dated August 1, 2013 submitted to the Board, the County has independent evidence that the majority of commercial neighborhoods in the County reviewed by Pearson's Appraisal Service, Inc. possessed significant issues of inequity.
6. Based upon the Affidavit of Robert H. Pearson dated August 1, 2013 submitted to the Board, the County has independent evidence that for residential neighborhoods instances of inequity or erroneous data had an impact on the valuation of the neighborhood as a whole.
7. The four conditions set forth in Section 1 of Session Law 2013-362 have been met and apply to Mecklenburg County and the 2011 Revaluation. And, be it

**FURTHER RESOLVED** that having found that the conditions set forth in Section 1 of Session Law 2013-362 apply to the Mecklenburg County 2011 Revaluation, the Board of Commissioners hereby directs the Interim County Manager/County Manager to take all steps necessary to implement the requirements set forth in Section 2(ii) of Session Law 2013-362. Specifically, the Interim County Manager/County Manager is directed to take all steps necessary to have a qualified appraisal company conduct a review of all the values in the County by neighborhoods and make recommendations to the Board of Commissioners as to the true value of the properties as of January 1, 2011 so that, as required by Session Law 2013-362, the Board of Commissioners can make any changes on the abstracts and tax records to ensure that the assessed values of incorrectly appraised properties in the County reflect the true values of those properties effective January 1, 2011 pursuant to G.S. 105-286 and apply the adjusted values for those properties for each tax year until the next general reappraisal for real property is performed by the County pursuant to G.S. 105-286, unless those adjusted values are changed in accordance with G.S. 105-287.

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

**(13-1250) RESTRICTED CONTINGENCY -- COUNTY ASSESSOR'S OFFICE**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke, to appropriate \$1,062,000 for 11 new positions in the Assessor's Office.

Assistant County Manager Dena Diorio addressed this item.

*Note: At its July 2, 2013 meeting, the Board placed \$1,800,000 in restricted contingency for the County Assessor's Office, to be appropriated by the Board upon receipt of sufficient justification that the funds would be used to support critical projects in the Department. Assistant County Manager Dena Diorio requested that the Board appropriate \$1,062,000 for the following items:*

- 1) 10 Real Property Appraisers - \$796,000
- 2) 5 Administrative Support Staff for customer service - \$214,000
- 3) 1 IT Program Analyst - \$52,000

Comments

Commissioner Leake asked about current staffing levels for Real Property Appraisers, which was addressed.

Chairman Cotham said it would be good if the next County Assessor had the opportunity to hire staff with respect to the positions being requested. She said this would add to the County's offer of employment. She suggested staff hire the additional technical type positions on a contract basis.

Chairman Cotham asked for clarity regarding the salaries, which was addressed.

Commissioner Clarke asked for clarity regarding the combined model, which was addressed.

Commissioner Clarke asked for clarity regarding the total staffing level for the Tax Assessor's Office, which was addressed.

Commissioner Clarke asked about Wake County's use of contracted staff to conduct appraisals, which was addressed.

Commissioner Dunlap asked for clarity on the best practices regarding the number of appraisers needed based on the number of parcels within a county, which was addressed.

Commissioner Dunlap said he wanted to note for the record that he took exception to the NC Legislature "forcing" Mecklenburg County to hire a certain staffing level.

Commissioner Ridenhour said he, too, felt any additional hiring should be done by a new County Assessor. He said he understood, however, the need to hire the IT Program Analyst and administrative support staff.

Commissioner Dunlap asked for comments on the idea suggested by Public Appearance speaker, Tom Derham, to allow the consultant, Debbie King, to assess what the staffing levels were and what they need to be.

Interim County Manager Shields said staff would welcome feedback from Ms. King, but that her scope of work did not include looking at staffing levels. He said Ms. King had a specific scope of work which was to address issues in the Internal Audit Report and to look at the

**AUGUST 6, 2013**

Customer Service Solutions report with regard to customer service and to help with the implementation of Senate Bill 159.

Interim County Manager Shields said because of the recruitment schedule involved, a new County Assessor would have time to be involved in the hiring process. It was noted that because of the lead time required to execute a recruitment process of this magnitude, it was anticipated that the new staff wouldn't begin employment until around October.

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to end the debate.

The vote was then considered on the motion by Commissioner Leake, seconded by Commissioner Clarke, to appropriate \$1,062,000 for 11 new positions in the Assessor's Office.

Assistant County Manager Diorio said the request was for 16 positions and not 11.

Commissioner Leake amended her original motion from 11 new positions to 16 new positions. Commissioner Dunlap seconded. The vote was then taken on the amended motion as follows:

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 4-2 with Commissioners Clarke, Dunlap, Leake, and Ratliff voting yes and Commissioners Cotham and Ridenhour voting no, to appropriate \$1,062,000 for 16 new positions in the Assessor's Office.

*Note: 1) 10 Real Property Appraisers - \$796,000  
2) 5 Administrative Support Staff for customer service - \$214,000  
3) 1 IT Program Analyst - \$52,000*

Assistant County Manager Diorio said the desire was to hire 10 Real Property Appraisers but because of on-going recruitment problems in being able to accomplish that desire, staff would bring in temporary staff to try and get the work done quickly.

## **STAFF REPORTS & REQUESTS**

**(13-1217) NOVEMBER 5, 2013 BOND REFERENDUM**

### **RESOLUTION MAKING REQUIRED FINDINGS**

Commissioner Dumont Clarke introduced the following resolution and moved that it be adopted, Commissioner Vilma Leake seconded that motion, and the resolution was read by the above title.

RESOLVED that the Board of Commissioners of the County of Mecklenburg hereby makes the following factual findings:

1. Description of the projects: Bonds in the maximum principal amount of \$500,000,000 are proposed to be issued for the following projects: school facilities and community college facilities.
2. Facts regarding necessity of proposed projects: The proposed projects are necessary and expedient because present facilities are inadequate to meet the needs in the community.
3. Facts supporting the amount of bonds proposed: The amount of bonds proposed is adequate and not excessive for the proposed purposes based on present estimates.

**AUGUST 6, 2013**

4. Past debt management policies: The County has in the past always appropriated funds in accordance with North Carolina law during each fiscal year in an amount sufficient to retire all principal and interest on indebtedness.

5. Past budgetary and fiscal management policies: The County has always adopted its budget in a timely manner in accordance with North Carolina statutory requirements and has obtained an unqualified opinion from a certified public accountant in connection with each annual audit.

6. Retirement of Debt: Any increase in the County's property tax rate resulting from issuance of the proposed bonds is not excessive.

The motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, Patricia Cotham, George Dunlap, Vilma Leake, Kim Ratliff, and Matthew Ridenhour

NAYS: None

Note: Commissioner Bentley was not present at the time this matter was considered.

\* \* \*

**RESOLUTION TO INTRODUCE BOND ORDER**

Commissioner Dumont Clarke moved adoption of a resolution to introduce the following bond order, that motion was seconded by Commissioner Vilma Leake, and the resolution was read by the above title.

**BOND ORDER AUTHORIZING THE ISSUANCE OF \$290,000,000 SCHOOL BONDS OF THE COUNTY OF MECKLENBURG**

**WHEREAS**, the Board of Commissioners of the County of Mecklenburg deems it advisable to make the improvements hereinafter described; and

**WHEREAS**, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Commission has notified the Board that the application has been filed and accepted for submission to the Commission;

**NOW, THEREFORE, BE IT ORDERED** by the Board as follows:

The Board determines that it is necessary to provide school facilities, including the acquisition and construction of new school facilities, the improvements and expansion of existing school facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, and to pay capital costs of such improvements.

To raise the money required to pay capital costs of providing the improvements described above, in addition to any funds which may be made available for that purpose from any other sources, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act. The maximum aggregate principal amount of bonds authorized by this bond order shall be \$290,000,000.

**Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.**

**A sworn statement of the County's debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.**

**This bond order shall take effect when approved by the voters of the County at a referendum.**

The motion to introduce the above bond order was adopted by the following vote:

AYES: Commissioners Dumont Clarke, Patricia Cotham, George Dunlap, Vilma Leake, Kim Ratliff, and Matthew Ridenhour

NAYS: None

Note: Commissioner Bentley was not present at the time this matter was considered.

\* \* \*

AUGUST 6, 2013

**RESOLUTION TO INTRODUCE BOND ORDER**

Commissioner Dumont Clarke moved adoption of a resolution to introduce the following bond order, that motion was seconded by Commissioner Vilma Leake, and the resolution was read by the above title.

**BOND ORDER AUTHORIZING THE ISSUANCE OF \$210,000,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF MECKLENBURG**

**WHEREAS**, the Board of Commissioners of the County of Mecklenburg deems it advisable to make the improvements hereinafter described; and

**WHEREAS**, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Commission has notified the Board that the application has been filed and accepted for submission to the Commission;

**NOW, THEREFORE, BE IT ORDERED** by the Board as follows:

The Board determines that it is necessary to provide community college facilities, including the acquisition and construction of new community college facilities, the improvement and expansion of existing community college facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, and to pay capital costs of such improvements.

To raise the money required to pay capital costs of providing the improvements described above, in addition to any funds which may be made available for that purpose from any other sources, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act. The maximum aggregate principal amount of bonds authorized by this bond order shall be \$210,000,000.

Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

A sworn statement of the County's debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

This bond order shall take effect when approved by the voters of the County at a referendum.

The motion to introduce the above bond order was adopted by the following vote:

AYES: Commissioners Dumont Clarke, Patricia Cotham, George Dunlap, Vilma Leake, Kim Ratliff, and Matthew Ridenhour

NAYS: None

Note: Commissioner Bentley was not present at the time this matter was considered.

\* \* \*

**RESOLUTION AUTHORIZING PUBLIC HEARING ON BOND ORDERS**

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

**WHEREAS**, the bond orders entitled "BOND ORDER AUTHORIZING THE ISSUANCE OF \$290,000,000 SCHOOL BONDS OF THE COUNTY OF MECKLENBURG", and "BOND ORDER AUTHORIZING THE ISSUANCE OF \$210,000,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF MECKLENBURG" have been introduced at the meeting of the Board of Commissioners of the County of Mecklenburg held on August 6, 2013, and the Board desires to provide for a public hearing thereon and the submission of a statement of debt in connection therewith as required by The Local Government Finance Act;

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

The public hearing upon those bond orders shall be held at the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, North Carolina, at a meeting that begins at 6:00 P.M., September 3, 2013.

The Clerk to the Board of Commissioners is hereby directed to cause a copy of each bond

**AUGUST 6, 2013**

order to be published with the notice of public hearing in the form prescribed by law in a qualified newspaper no fewer than six days prior to the public hearing.

The Director of Finance is hereby directed to file with the Clerk to the Board of Commissioners prior to publication of the bond orders with the notices of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the County and the net debt of the County.

The motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, Patricia Cotham, George Dunlap, Vilma Leake, Kim Ratliff, and Matthew Ridenhour

NAYS: None

Note: Commissioner Bentley was not present at the time this matter was considered.

***Extracts & Resolutions recorded in full in Minute Book \_\_\_\_\_ Documents # \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_.***

**(13-1246) RESOLUTION -- PRESERVATION OF FEDERAL INCOME TAX EXEMPTION FOR INTEREST EARNED ON MUNICIPAL BONDS**

Motion was made by Commissioner Clarke, seconded by Commissioner Ratliff and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to adopt a resolution supporting the preservation of the Federal Income Tax Exemption for interest earned on municipal bonds.

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

**(13-1251) HEALTH DEPARTMENT TRANSITION UPDATE**

The Board received a post-transition update on Health Department services. Assistant County Manager Michelle Lancaster gave the update. The following was noted:

- On July 1, 2013, public health services that were previously provided under contract by Carolinas HealthCare System transitioned to the Mecklenburg County Health Department.
- Recruitment of a Health Director – Assistant County Manager Lancaster said her plan was and is to spend about 60 days at the Health Department to get a clear understanding of Health Department operations. She said the County had not operated the Health Department in totality since 1995.
- Having a clear understanding of Health Department operations would aide staff in ensuring that the right person was hired for Health Director.
- Transition of employees – 433 employees were transition from Carolinas HealthCare System over to the County – Currently there were 60 vacancies out of about 600 employees total for the Health Department.
- Asset and Facility Management – The assets managed by Carolinas HealthCare System which consisted of the main Health Department Campus, now the Neil C. Cooksey, Sr. Health Center, the Beatties Ford Road Clinic facility and about 23 vehicles did not return to the County in “great shape.” Thus, monies were spent to get both vehicles and facilities in better condition.
- An assessment of all Health Department programs was being conducted.

Comments

**AUGUST 6, 2013**

Commissioner Leake expressed concern for employee morale at the Health Department. She noted an example of someone that recently left the County, after eleven years, because he felt he had been continuously overlooked for opportunities to move up in the organization.

Commissioner Leake said there's a concern by some at the Health Department that retired persons were being asked to come back as consultants.

Commissioner Leake asked Assistant County Manager Lancaster to take a look at the concerns expressed by employees to see if there's any validity to them or not, and if so, that those matters be addressed.

Commissioner Leake said there had been meetings in the community where questions and concerns were raised about the Health Department and its treatment of clients that come for services. She said concern was expressed also regarding a program that was moved from the Beatties Ford Road Clinic to the Billingsley Road location. She did not specify the program.

Assistant County Manager Lancaster said when issues were brought to the attention of Human Resources they're investigated.

Chairman Cotham said she also heard from Health Department employees and persons in the community with concerns. Chairman Cotham said she'd been told by some employees that they were required to sign a statement prohibiting them from speaking with County Commissioners.

Assistant County Manager Lancaster said the County did not ask employees to sign anything prohibiting them from speaking with members of the Board. She said Carolinas HealthCare may have.

Commissioner Clarke asked about the number of retired Health Department employees that were asked to come back as consultants. *Assistant County Manager Lancaster said currently there was one, Polly Baker. She said Ms. Baker was with the County prior to Health Department services transitioning to Carolinas HealthCare. Ms. Baker, subsequently became an employee of Carolinas HealthCare and was over Public Health. Assistant County Manager Lancaster said Ms. Baker retired a few years ago.*

Assistant County Manager Lancaster said Ms. Baker was called in to assist with the transition only and would not remain permanently.

***Commissioner Bentley returned to the dais.***

This concluded the presentation and discussion of this matter. The above is not inclusive of every comment but is a summary.

## **COUNTY COMMISSIONERS REPORTS AND REQUESTS**

### **(13-1193) SELECTION OF NCACC VOTING DELEGATE**

Motion was made by Commissioner Clarke, seconded by Commissioner Ratliff and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to appoint Commissioner Leake as the Board's voting delegate for the 106th Annual Conference of the North Carolina Association of County Commissioners (NCACC) to be held at the Sheraton Greensboro at Four Seasons/Koury Convention Center in Guilford County, N.C., on August 22-25, 2013.

AUGUST 6, 2013

**(13-1209) AUDIT REVIEW COMMITTEE REPORT -- CODE OF ETHICS REVISION**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to approve recommended revisions to the Code of Ethics to include format changes, additional statutory language, and rewording various provisions; and in addition to change the wording of (j) of Section 1: Standard of Conduct, to read as follows: County Officials will act ethically and responsibly in accordance with all laws at all times.

*Note: The County's Chief Compliance Officer Charter calls for the Chief Compliance Officer to provide recommended changes to the County's Code of Ethics at least annually to the Board and the Audit Review Committee, as appropriate. Several weeks ago, Deputy County Attorney/Chief Compliance Officer Tyrone Wade conferred with County Attorney Marvin Bethune to identify potential changes to the Code of Ethics. Proposed changes also were reviewed by the County's Risk Management/Compliance Governance Committee and the Interim County Manager and Executive Team. At its June 18, 2013 meeting, the Audit Review Committee considered the recommended revisions and unanimously approved recommending to the Board the revisions in the attached documents.*

**Code of Ethics recorded in full in Minute Book \_\_\_\_\_, Document # \_\_\_\_\_.**

**(13-1234) DAVIDSON SCENIC BYWAY**

Motion was made by Commissioner Bentley, seconded by Commissioner Ratliff and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to authorize the Chairman to send a letter of support, on behalf of the Board, for the proposed Davidson Scenic Byway.

*Note: The Davidson Lands Conservancy requested the Board's support and assistance in getting the Davidson Scenic Byway designated as an official scenic byway, the first in Mecklenburg County. The N.C. Department of Transportation has designated 54 scenic byways to give visitors and residents a chance to experience North Carolina's history, geography and culture, while also raising awareness for the protection and preservation of these treasures. The proposed scenic route traces the evolution of a unique community that was sparked by a commitment to higher education and civic engagement and is sustained by its historic and rural origins and its commitment to its natural assets. The route would begin on NC 115 at the Granville Grant Historic Marker on the Iredell/Mecklenburg line, and then continue on North Main Street to Concord Road. From the village green, it would proceed east to Grey Road, and then turn north to the Iredell line. At this point, it would turn south on Shearer Road and end at Fisher Road, which is the entrance to Fisher Farm Park. Byways are carefully selected to portray the diverse beauty and culture of the Tar Heel State and provide travelers with safe and interesting alternate travel routes.*

Roy Alexander, Executive Director of the Davidson Lands Conservancy addressed this matter prior to the above vote.

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

**CONSENT ITEMS**

**Motion was made by Commissioner Leake, seconded by Commissioner Ratliff and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes, to approve the following item(s):**



**AUGUST 6, 2013**

**(13-1208) GREENWAY DONATIONS -- BACK CREEK AND IRWIN CREEK GREENWAY**

Accept the donation by The Crosland Group, Inc. of tax parcels 051-142-98 ( $\pm 0.003$  acres), 051-142-99 ( $\pm 0.05$  acres), 051-214-77 ( $\pm 4.673$  acres) and 213-135-74 ( $\pm 0.05$  acres) along Back Creek and McAlpine Creek for future greenway trail construction.

*Note: Three of the subject parcels are located along Back Creek in the Coventry neighborhood in the eastern portion of Mecklenburg County. Parcel 213-135-74 is located along McAlpine Creek in the Sardis Woods neighborhood in the southeastern portion of the County. The properties are located primarily in the floodplain, except for parcel 213-135-74, and the Crosland Group, Inc. has offered the property to the County for inclusion in the greenway program as part of its subdivision approval. The total acreage of property being donated is  $\pm 4.776$  acres.*

**(13-1211) GREENWAY DONATION -- FLAT BRANCH GREENWAY**

Accept the donation of Tax Parcel 229-396-99 ( $\pm 11.086$  acres) from the Auburn Place Homeowner's Association along Flat Branch for future greenway trail construction.

**(13-1213) DESTRUCTION OF FINANCIAL DOCUMENTS -- LUESA**

Approve the disposal of LUESA (Solid Waste) records in accordance with the State of North Carolina Record Retention statutes.

*Note: The records to be destroyed in accordance with the State Records Retention and Disposition Schedule, established by the NC Department of Cultural Resources, Division of Archives and History comprise:*

- *Solid Waste Accounts Receivable Records (Collection Reports, Check Logs, Duplicate Statements, and Accounts Uncollectable) from FY10 and older*
- *Solid Waste Landfill Tickets from FY10 and older*

**(13-1214) CARMEL VALLEY GREENWAY DONATION -- MCALPINE CREEK GREENWAY**

Accept the donation of Tax Parcel 221-201-22 ( $\pm 2.3$  acres) along McAlpine Creek for future greenway trail construction.

*Note: The property was required to be donated to the County as part of the Carmel Valley development approval. The current owners, FF Carmel Valley II, LLC, which is not the original developers, contacted the County to begin the process of conveying the property. This property will serve as a future neighborhood connection to McAlpine Creek Greenway.*

**(13-1216) MINUTES**

Approve minutes of Regular meeting held July 2, 2013.

**(13-1227) BUDGET AMENDMENT -- APPROPRIATION OF FUND BALANCE FOR DAVIDSON ETJ FIRE SERVICE DISTRICT**

Appropriate \$2,000 from the Davidson ETJ Fire Protection Service District (FPSD) fund balance for FY14 funding.

**AUGUST 6, 2013**

*Note: During FY13, the Davidson ETJ FPSD collected \$106,373 and the Town of Davidson contracted for \$83,745 to provide fire protection services in the ETJ district, generating fund balance of \$22,628 in the fund dedicated to this fire service district. In preparation for the FY14 budget, the Town of Davidson requested to contract for \$99,990 in fire protection services. However, the County's FY14 budget ordinance was adopted for \$98,074. The request to appropriate \$2,000 from the Davidson ETJ FPSD fund balance for FY14 would allow for contracting with the Town of Davidson for the full amount requested by the Town for FY14 fire protection services.*

**(13-1228) APPOINTMENT OF REVIEW OFFICERS**

Amend Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds office pursuant to N.C.G.S. 47-30.2 to be amended as follows:

1. Jason Pauling, Maria E. Floren, and Broderick Whitlock are hereby designated as Review Officers in addition to those persons so designated in the Resolution of September 16, 1997, and other appointees as amended on prior occasions; thus the Resolution is accordingly amended to add these names.

2. Lisa McCarter shall be deleted from the Resolution adopted January 4, 2006 and Catherine Stuttts shall be deleted from the Resolution adopted March 15, 2011.

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

**(13-1232) CPCC -- RESOLUTION REGARDING A GUARANTEED ENERGY SAVINGS CONTRACT**

Adopt a resolution acknowledging the execution and delivery by Central Piedmont Community College Board of Trustees of a guaranteed energy savings contract.

*Note: By means of a Request for Proposals, CPCC selected Trane U.S. Inc. (Trane) to perform a detailed energy audit referred to as the Investment Grade Audit (IGA). Trane has completed the audit and CPCC is ready to enter into a performance contract with Trane to implement the recommendations of the IGA. CPCC is required to submit the findings of the IGA and apply for the authority to enter into the performance contract to the Local Government Commission. The submittal to the Local Government Commission requires the passage of a resolution by the Board of County Commissioners.*

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

**(13-1233) VOICE OVER INTERNET PROTOCOL (VOIP) FINANCING**

Authorize the Interim Director of Financial Services and the Interim County Manager to arrange financing for the VoIP project, up to \$5 million and adopt RESOLUTION APPROVING FINANCING TERMS.

**RESOLUTION APPROVING FINANCING TERMS**

WHEREAS: Mecklenburg County ("County") has previously determined to undertake a project for the Voice over Internet Protocol (VoIP) Project (the "Project"), and the Interim Director of Financial Services has now presented a proposal for the financing of said Project.

BE IT THEREFORE RESOLVED, that the Mecklenburg County Board of Commissioners

**AUGUST 6, 2013**

authorizes the Interim County Manager to negotiate and execute an agreement or agreements with Key Government Finance, Inc. to finance the Project in accordance with the proposal dated July 31, 2013. The amount financed shall not exceed \$5,000,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 0%, and the financing term shall not exceed fifty-nine (59) months from closing.

*Note: The Business Support Services Agency (BSSA) seeks to purchase and install the equipment necessary for migrating the County's telephone system from AT&T to Voice Over Internet Protocol (VoIP), which will result in an annual savings of more than \$1 million. Moving to VoIP will reduce move, add, change (MAC) costs and time, and will better support employee mobility. Cisco Capital Systems has offered to finance up to \$5 million for the project at a 0% interest rate. This will allow the County to complete the project approximately three years earlier than anticipated. Annual payments will be paid from the County's Technology Reserve.*

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

**(13-1236) TAX COLLECTOR'S ANNUAL SETTLEMENT FOR FISCAL YEAR 2013**

Receive and accept the Tax Collector's Settlement.



**MECKLENBURGCOUNTY**  
Office of the Tax Collector

**To:** Board of County Commissioners  
Bobbie Shields, Interim County Manager  
Dena Diorio, Assistant County Manager

**From:** Neal L. Dixon, Tax Collector

**Date:** July 22, 2013

**Subject:** Tax Collector's Settlement for Fiscal Year 2013

Pursuant to the provisions of N.C.G.S. 105-373, this memorandum is the Tax Collector's report of settlement to the Mecklenburg County Board of Commissioners for fiscal year 2013 (tax year 2012).

Total FY 2013 Tax charged to the Tax Collector for Collection: \$943,976,455.06

Real Estate & Personal Property Tax

| <u>Net Levy</u>  | <u>Collected*</u> | <u>Uncollected</u> | <u>Pct. Collected</u> |
|------------------|-------------------|--------------------|-----------------------|
| \$882,390,509.12 | \$873,255,012.82  | \$10,806,925.67    | 98.96%                |

Registered Motor Vehicle Tax

| <u>Net Levy</u> | <u>Collected*</u> | <u>Uncollected</u> | <u>Pct. Collected</u> |
|-----------------|-------------------|--------------------|-----------------------|
| \$61,585,945.94 | \$53,598,878.03   | \$8,515,097.21     | 87.03%                |

Combined Total

| <u>Net Levy</u>  | <u>Collected*</u> | <u>Uncollected</u> | <u>Pct. Collected</u> |
|------------------|-------------------|--------------------|-----------------------|
| \$943,976,455.06 | \$926,853,890.85  | \$19,322,022.88    | 98.18%                |

\*Note: The amount collected includes interest and collection fees which are not included in the net levy.

At the end of FY2013 there were a total of 99 parcels with tax bills totaling \$252,442.85 under formal appeal with the Board of Equalization and Review or the Property Tax Commission; consequently, the Tax Collector was barred from pursuing collection on these tax bills. In addition, the Tax Collector was barred by the U.S. Bankruptcy Court from collecting 1,074 real estate, personal property, and registered motor vehicle tax bills totaling \$859,492.83.

**PEOPLE • PRIDE • PROGRESS • PARTNERSHIPS**

700 East Stonewall Street (28202) • P.O. Box 31457 • Charlotte, North Carolina 28231 • 704-336-3322

*Note: The Tax Collector's Settlement is submitted to the Board of County Commissioners in accordance with North Carolina General Statute 105-373(3). The Settlement is to be entered into the records of the Board of County Commissioners as directed by statute.*

**(13-1237) ORDER OF COLLECTION - 2013 AD VALOREM TAXES**

Authorize the Tax Collector to collect 2013 ad valorem taxes

*Note:* General Statute 105-321(b) states: "Before delivering the tax receipts to the tax collector in any year, the board of county commissioners or municipal governing body shall adopt and enter in its minutes an order directing the tax collector to collect the taxes charged in the tax records and receipts. A copy of this order shall be delivered to the tax collector at the time the

**AUGUST 6, 2013**

tax receipts are delivered to him, but the failure to do so, shall not affect the tax collector's rights and duties to employ the means of collecting taxes provided by this subchapter. The order of collection shall have the force and effect of a judgment and execution against the taxpayers' real and personal property."

ORDER OF COLLECTION  
NORTH CAROLINA, MECKLENBURG  
TO THE TAX COLLECTOR OF MECKLENBURG COUNTY  
GENERAL STATUTE 105-321(b)

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records, filed in the office of the Tax Assessor and the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be first lien upon all real property of the respective taxpayers in Mecklenburg and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.

***Order of Collection recorded in full in Minute Book \_\_\_\_\_, Document # \_\_\_\_\_.***

**(13-1238) TAX REFUNDS**

Approve refunds in the amount of \$131,739 and interest as statutorily required to be paid as requested by the Assessor resulting from Clerical errors, audits and other amendments.

***A list of the refund recipients is on file with the Clerk to the Board.***

**(13-1240) CHARLOTTE-MECKLENBURG SCHOOLS LEASE**

Authorize the Interim County Manager to decline the County's statutory right of first refusal to lease Tax Parcels #080-063-10 and #080-063-09 (+/- 0.565 acres) owned by the Charlotte-Mecklenburg Board of Education to permit a lease to Levine Properties, Inc.

*Note: Charlotte-Mecklenburg Schools (CMS) would like to lease to Levine Properties, Inc. approximately 0.565 acres of vacant gravel parking lot area located in First Ward, which is contiguous to County-owned property. The parking area will be used for the staging of materials and parking for construction related to the First Ward Project. These parcels are part of a land exchange detailed in an interlocal agreement between the Charlotte-Mecklenburg Board of Education and Mecklenburg County, executed in September, 2009. The County will acquire the property from CMS and the parking lot will eventually be deeded to Levine Properties, Inc. as part of the development agreement.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

**(13-1207) PROCLAMATION -- CHILD SUPPORT AWARENESS MONTH**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to adopt a proclamation declaring August 2013 as Child Support Awareness Month in Mecklenburg County.

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

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

**(13-1212) COMMUNITY DEVELOPMENT BLOCK GRANT -- FIVE YEAR CONSOLIDATED PLAN (2013 2018) AND FY14 ANNUAL ACTION PLAN**

Motion was made by Commissioner Leake, seconded by Commissioner Ratliff and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to approve the Five Year Consolidated Plan (2013-2018) and the FY14 Annual Action Plan for Mecklenburg County's Community Development Block Grant program, funded by the US Department of Housing and Urban Development.

*Note: As required by the U.S. Department of Housing and Urban Development (HUD), Mecklenburg County prepared a Five Year Consolidated Plan to integrate planning efforts for the County's Community Development Block Grant (CDBG) funds, which focuses on the housing and community development needs of low and moderate income persons. The purpose of a Consolidated Plan is to identify housing and community development needs and to develop specific goals and objectives to address these needs over five years. The Plan is developed by the Centralina Council of Governments (CCOG), which administers the County's CDBG funds under contract with Mecklenburg County.*

*This is the second Consolidated Plan for Mecklenburg County and covers the period of July 1, 2013 through June 30, 2018. Preparation and approval of the Consolidated Plan is a prerequisite to the County's continued receipt and use of federal housing and community development funds. All activities and funding priorities included in Mecklenburg County's Consolidated Plan will address three statutory goals set by HUD:*

- Provide Decent Housing*
- Provide A Suitable Living Environment*
- Provide Expanded Economic Opportunities*

Commissioner Leake removed this item from Consent for more public awareness. Board Assistant Amber Snowden addressed this item.

**(13-1219) BUDGET AMENDMENT -- FIT FAMILY CHALLENGE AWARD (HEALTH DEPARTMENT)**

Motion was made by Commissioner Ratliff seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to recognize, receive and appropriate revenue of \$10,000 from Coca-Cola Bottling Co. Consolidated.

Commissioner Ratliff removed this item from Consent for more public awareness. Ms. Alison Patient, Sr. Director, Corporate Affairs, Coca-Cola Bottling Co. Consolidated and Mr. Mark Etheridge with Charlotte Parent magazine addressed the Fit Family Challenge Award.

**(13-1225) BUDGET AMENDMENT -- LUESA (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Ratliff and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to recognize, receive and appropriate \$60,000 to FY14 Land Development Bond Budget.

**AUGUST 6, 2013**

*NOTE: Funds were received due to the default of bond obligations for the completion of subdivision requirements for OAK LIN, LLC. The funding amount of \$60,000 will be utilized for administrative costs, drainage, roadway repair, sidewalk, and street trees to complete the subdivision requirements per the Town of Huntersville for the Oaks at McIlwaine. The defaulted bond funds need to be appropriated to the Land Development Bond Budget to reimburse the County for construction expenses, staff time and attorney fees related to the project. The improvements will be completed and funded by the Town of Huntersville. The County will reimburse the Town of Huntersville with the remaining bond funds.*

Commissioner Leake removed this item from Consent for more public awareness. Dave Canaan, Director of Storm Water Services addressed this item.

**(13-1226) GRANT APPLICATION -- BLUMENTHAL FOUNDATION**

Motion was made by Commissioner Leake, seconded by Commissioner Ratliff and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to:

- 1) Approve the submission of a grant application for funding in the amount of \$1,000 from the Blumenthal Foundation to support GIS Day in Mecklenburg County
- 2) If awarded, recognize, receive and appropriate grant funds.

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

**(13-1229) BUDGET AMENDMENT -- HEALTH DEPARTMENT (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Ratliff and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to recognize, receive and appropriate additional revenue of \$49,328 from North Carolina Department of Health and Human Services (NC DHHS).

*Note: During the FY 14 budget process, the General Communicable Disease Control allocation was omitted in error. The allocation is received annually from NC DHHS.*

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

**(13-1239) MEMORANDUM OF UNDERSTANDING -- BALLANTYNE COMMUNITY PARK AND COMMUNITY HOUSE ROAD STREET IMPROVEMENTS**

Motion was made by Commissioner Leake, seconded by Commissioner Ratliff and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to authorize the Interim County Manager to execute documents necessary to enter into a Memorandum of Understanding with the City of Charlotte that will lead to the eventual conveyance of road right-of-way and permanent utility/sidewalk and temporary construction easements to the City from County-owned Tax Parcels #229-041-07 and #229-041-39 associated with Ballantyne Community Park capital improvements and the City's Farm-to-Market roadway improvements to Community House Road

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

**ADJOURNMENT**

**AUGUST 6, 2013**

Motion was made by Commissioner Bentley, seconded by Commissioner Ratliff and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:20 p.m.

---

Janice S. Paige, Clerk

---

Patricia "Pat" Cotham, Chairman