

**MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS**

**JANUARY 4, 2005**

**5:00 P.M.**

**NORTH CAROLINA  
MECKLENBURG COUNTY**

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, January 4, 2005.

**ATTENDANCE**

**Present:** Chairman H. Parks Helms and Commissioners  
Dumont Clarke, Bill James, Norman A. Mitchell, Sr.  
Jim Puckett, Wilhelmenia Rembert, Jennifer Roberts and  
Valerie C. Woodard  
General Manager Bobbie Shields  
County Attorney Marvin A. Bethune  
Clerk to the Board Janice S. Paige

**Absent:** Commissioner J. Daniel Bishop

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

**-INFORMAL SESSION-**

**(1A) STAFF BRIEFING 2005 LEGISLATIVE AGENDA PACKAGE**

Deputy County Attorney Sandra Bisanar addressed the Board's 2005 Legislative Agenda Package.

Attorney Bisanar informed the Board that the North Carolina General Assembly would convene on January 26, 2005 and that it was customary for local governments to present their legislative requests to their local delegations for consideration as early as possible. Attorney Bisanar said she would be scheduling a meeting with the Mecklenburg Delegation in the upcoming weeks for the purpose of discussing the Board's 2005 Legislative Agenda per actions taken by the Board on this matter.

*Commissioner James entered the meeting during this time.*

Attorney Bisanar shared with the Board items received from County Departments, as well as, information on items proposed by the North Carolina Association of County Commissioners, the City of Charlotte, and the Charlotte Chamber.

County requests were outlined under three headings:

1. Local Legislation - None
2. General Legislation
  - Amend GS 105-164.13 to establish a holiday from sales and use tax for the purchase of items that will have a positive effect on the environment.

**(31) RESOLUTION ON EQUAL EMPLOYMENT OPPORTUNITY**

The Board considered a resolution entitled Resolution on Equal Employment Opportunity, which was placed on the agenda by Chairman Helms.

Chairman Helms said that the purpose of the resolution was to expand the Board’s policy on equal employment opportunity in order to be consistent with the County’s vision and to promote the equal treatment of all individuals.

It was the consensus of the Board to waive the Board’s speaking time policy and allow the proponents and opponents 20 minutes each side.

**Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell to adopt a resolution on Equal Employment Opportunity.**

**RESOLUTION ON EQUAL EMPLOYMENT OPPORTUNITY**

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

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

**WHEREAS**, the Mecklenburg Board of County Commissioners extols the positive values and behaviors of compassion, equality, equity, tolerance, civility, inclusiveness, love and respect; and,

**WHEREAS**, the Mecklenburg Board of County Commissioners shuns the destructive values and behaviors of condemnation, blame, discrimination, hate, prejudice, greed, and self-righteousness and superiority; and,

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

**WHEREAS**, the Mecklenburg Board of County Commissioners wishes to affirm and declare its policy of equal employment opportunity consistent with this Resolution; **now therefore, be it**

**RESOLVED** that the Mecklenburg Board of County Commissioners adopts the following policy in lieu of its existing policy:

**Equal Employment Opportunity**

Mecklenburg County will not engage in unlawful discrimination with respect to all aspects of County employment policy and practice including with respect to race, color, religion, sex, national origin, handicap and age. In addition, the County will not engage in discrimination on the basis of sexual orientation with respect to all aspects of County employment policy and practice. Sexual orientation means heterosexuality, bisexuality or homosexuality. Adoption of this policy does not constitute approval of expansion of any County benefits beyond those which are expressly provided by the Board of County Commissioners at the date of adoption of this resolution. The County Manager shall adopt policies and procedures to ensure greater utilization of all persons protected by Article 6 of Chapter 126 of the General Statutes of North Carolina.

Commissioner Roberts spoke in support of the resolution.

Commissioner Bishop spoke in opposition and questioned the reasoning for the resolution.

**Commissioner Puckett made the following remarks and requested that they be included in the minutes:**

First I want to make it clear that from my own personal perspective:

I have no doubt there are those who firmly and passionately believe their same sex partner is their soul mate and I can’t, and won’t speculate on why they find themselves in that situation, but I pray that they seek forgiveness for what I understand to be a sin and further pray they find solace for the burden they bear. I have a few old friends and if they are watching they know who they are, who are as committed, perhaps more so, to each other than many, maybe even most heterosexual partners. However they have either chosen or determined to live within the limitations of their lifestyle in much the same way young widows and orphans and others whose personal circumstances don’t fit neatly into the norm. They often can’t quite connect as completely as the rest of us, but they relish in what they *choose to accept AND dismiss*.

No... it is to those with an agenda, often political in nature, who seek to change others rather than deal with their own choices or consequences that I focus my remarks.

First I am a Christian and as such I believe homosexuality to be a sin and I expect the government to respect MY right to MY beliefs; but beyond that I have watched as atheist and non-Christians have removed religion and religious symbols from public places and public schools because they find these things to be OFFENSIVE the minority trumping the majority.

I have watched as symbols of heritage are removed because they have been usurped and defiled and turned to symbols of hatred and therefore offensive to some.

If the right, not to be offended, trumps the *majority's* wishes in regard to religion and heritage why shouldn't the principle work both ways? Why should the majority who find homosexuality offensive have to support a government that proactively supports and advocates for something that is offensive to them? Especially when it is only manifest when the person engages in sexual behavior. It is not the color of their skin, or their accent, or their language that would mark them as someone to single out based on some prejudice. You have to volunteer the distinction to set up the discrimination.

Sexual orientation is not something you wear on your sleeve, or at least you shouldn't. regardless of what that orientation is. Those with sexual addictions, adulterers, bigamist, sadomasochist, or for that matter Republicans or Democrats need not make their preferences a part of their hiring or job performance. If the person doing the hiring can't determine who or what you like, then there is no reason to protect you from discrimination. The coincidental chance you might appear to have some atypical traits often identified with one lifestyle or another is as random and as inequitable as those Muggsy Boges encountered when he showed up to play ball. First impressions are compelling but they are not defining.

Furthermore our current policies protect individuals from sexual harassment and I believe that protects homosexuals and Bisexuals as well. We do not need to *advocate* for a lifestyle but only continue to see that all our employees are treated equally in their jobs and their expectations.

Therefore there is no reason to identify and protect anyone due to his or her sexual orientation. The only reason to make this a protected group is to lay the foundation for the next logical progression of this advocacy, and that is to extend same sex partner benefits, homosexual marriage, and potential job set asides and contractual goals. It is only by legitimizing the subgroup that you can take those next proactive and lineal steps.

The chairman wants to add homosexuals, and bisexuals, to the list of protected population groups in our human resources procedure manual And/or to remove entirely the section related to Equal Employment Opportunity.

This means one of two things.

1. Under our current policy we conduct an annual statistical study of our employees to determine the extent to which the recognized population groups may be underutilized and then "use affirmative recruitment efforts and other lawful measures to attempt to reduce any underutilization of those groups which may exist in any established job category"

**OR**

2. The chair will remove this requirement altogether, meaning that we will *not* review or report any underutilization of *ANY* population group or minority and therefore will not be in a position to use affirmative actions measures. (this would at least be one positive outcome of the proposal... but not one I would trade my support for)

This isn't just a warm fuzzy statement about loving and respecting our homosexual, neighbors and celebrating our differences. This is about changing current policy to either balance all job categories by sexual preference **OR** throwing out our requirements to measure and act on our lack of diversity.

I stated on the radio that this embracing an advocacy position on the homosexual agenda along with the tax burdens we are about to levy on our citizens is rapidly transforming us into the San Francisco of the South. A place many might like to visit but most wouldn't want to raise a family.

Today we are seen as a relatively tolerant and accepting community. It is interesting that of all the divergent perspectives of our diverse religions; the view of homosexuality is one of the few constants.

But this proactive, gratuitous, embracing of an abnormal lifestyle will signify an enticement, a cognizant invitation to those seeking that lifestyle that runs counter to the religious and moral foundation this Bible Belt region of churches, synagogues and mosques has held out to families since the mid 1700's.

While this country has witnessed a clear decline in family values and a decreased appreciation of the family structure, Mecklenburg County has stood as a beacon for those seeking a safe and secure environment that nurtures the family and the protects the sanctity of religious ideals.

This resolution marks the most significant signal IN OUR HISTORY that we are actively turning our back on those fundamental beliefs.

The now dog-eared expression Build it and they will come... can be paraphrased... Tear it down and they will

appear.

Admit it or not; By design or not; this is a government sanctioned signal to the homosexual advocates that we have abandoned the steadfast moral underpinnings of our community and we now embrace any deviancy that marches under a banner of simply seeking acceptance.

I encourage my colleagues to build a community that is accepting, but not enticing to lifestyles our religious and moral codes seek to understand and reform. I ask you not to change our policy, but to continue direct our staff to ensure everyone who seeks to be employed by or do business with our county be treated with the dignity and respect any citizen of Mecklenburg is due justified solely on the wisdom they exhibit in making their home here.

Please demonstrate your capacity to reconsider when presented a reasoned alternative view. Please vote no on this resolution.

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**Commissioner James made the following remarks and requested that they be included in the minutes:**

Thank you Mr. Chairman. I ask the clerk to publish my comments in the minutes verbatim.

I have thought about this issue from a variety of approaches. Clearly I don't agree with the proposed policy as I find the activity immoral and against the law. I agree with the comments of Commissioners Puckett and Bishop and I do find it strange that you would place a matter with such a great degree of division on the agenda at the last minute with no debate or discussion and without going through the normal committee processes. That in itself is strange enough but doing it on the night that a significant tax increase budget is presented is the first time this has happened in my nine years.

The one thing that surprised me and which I have decided to comment on was your statement in the paper saying that you were "driven to this decision by my Christian faith".

That I find inappropriate and sinful not to mention insulting to most practicing Christians.

Clearly, you and others are entitled to your opinion but the Bible's condemnation of sodomy (homosexual conduct) is not murky or hard to understand. Your attempts to wrap yourself in the mantle of Christ while ignoring his precepts is frankly something that I suspect God will have to deal with you directly about. It is wrong.

When you invoke that your decision was based on being a 'Christian' you defile both God, Christ as the only intercessor between God and man and most of the population of Mecklenburg who disagree that the "Christian" thing to do is to condone sodomy, lesbianism and other perversions. There are those that claim to represent Christ and call themselves Christians in Charlotte while denying the scriptures. It is a small step for them and you to re-translate the precepts of God for your own purposes.

The same folks that play fast and loose with Christianity, trying to turn it into some sort of universalist dogma, removing from God his sovereign righteousness, are the same that remove the requirement that individuals act morally and in accordance with his rules.

To these loose confederation of universalists, that claim the false mantle of Christ are an abomination to God and a stumbling block to Christ's followers that know no better. When the Chairman of the County Commission says that he is following Christ in condoning sodomy it is time to challenge that no matter the howling from the liberal left.

Your comments on this issue of governmental approval of sodomy and by referencing Christ is at its core an assault on real Christians who actually believe in the Bible and its precepts.

In researching this I noted a scripture verse in 1<sup>st</sup> Corinthians 6 as follows:

6:9 Do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived! The sexually immoral, idolaters, adulterers, passive homosexual partners,<sup>5</sup> practicing homosexuals,<sup>6</sup> 6:10 thieves, the greedy, drunkards, the verbally abusive,<sup>7</sup> and swindlers will not inherit the kingdom of God. 6:11 Some of you once lived this way.<sup>8</sup> But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ<sup>9</sup> and by the Spirit of our God.

6:13 "Food is for the stomach and the stomach is for food, but God will do away with both."<sup>11</sup> The body is not for sexual immorality, but for the Lord, and the Lord for the body. 6:14 Now God indeed raised the Lord and he will raise us by his power. 6:15 Do you not know that your bodies are members of Christ?

6:18 Flee sexual immorality! "Every sin a person commits is outside of the body"<sup>17</sup>--but the immoral person sins against his own body.

In the end, 1 Corinthians 6 above outlines very clearly that eyes are for seeing, noses for breathing and smelling, ears for hearing and if logic is used a Man's backside or rear end is NOT for another mans private parts but for going to

the bathroom. It also says that those that do such things and do NOT REPENT will NOT inherit the kingdom of God. They will not go to heaven. Clearly, Christ does not support or condone Sodomites.

It is amazing to me and most Christian Charlotteans that you could take the plain language of the Bible and twist it into whatever you want slapping the “Christian” label on it figuring that will make it all right.

1<sup>st</sup> Timothy says essentially the same thing:

1:8 But we know that the law is good if someone uses it legitimately, 1:9 realizing that law<sup>11</sup> is not intended for a righteous person, but for lawless and rebellious people, for the ungodly and sinners, for the unholy and profane, for those who kill their fathers or mothers, for murderers, 1:10 sexually immoral people, practicing homosexuals,<sup>12</sup> kidnappers, liars, perjurers--in fact, for any who live contrary to sound teaching.

In 1<sup>st</sup> Timothy above it specifically says that the law is established for the ungodly and sinners and outlines specifically that “practicing homosexuals” are part of that group. The Law is either from a governmental perspective or from a religious one is designed to insure that bad behavior is punished.

The Bible outlines in Romans 13 that God created government to be a force for good. God would not create something and apply one set of rules for the Bible and another to governmental authorities. Parks, you have set that concept on its head claiming that God and Christianity not only condone what is explicitly condemned but that government should adopt it. I suppose this is much the same wrong-headed thought processes that led you to express support for homosexual marriage.

Clearly, there are more examples of such statements through the old and new testaments however I will offer only a few more including one from the First Chapter of Romans which I am sure most Sodomites know:

1:26 For this reason God gave them over to dishonorable passions. For their women exchanged the natural sexual relations for unnatural ones,<sup>54</sup> 1:27 and likewise the men also abandoned natural relations with women<sup>55</sup> and were inflamed in their passions<sup>56</sup> for one another. Men<sup>57</sup> committed shameless acts with men and received in themselves the due penalty for their error.

1:28 And just as they did not see fit to acknowledge God,<sup>58</sup> God gave them over to a depraved mind, to do what should not be done.<sup>59</sup>

1:32 Although they fully know<sup>63</sup> God's righteous decree that those who practice such things deserve to die,<sup>64</sup> they not only do them but also approve of those who practice them.<sup>65</sup>

Ultimately, God gives each of us free will. The Bible clearly outlines that homosexuals are given the chance to change IF THEY WANT TO. If they refuse, God gives them over to a “depraved mind” the result of which ultimately death.

When I was first elected to office you indicated that you did not want to be divisive by bringing up such stuff about homosexuals. When Lloyd Scher suggested it you all ran for cover. Now, after the Democrats collectively receive \$6,000 from the homosexual lobby you all bring it up in the dead of night. You criticized the “gang of 5” for doing so. And yet, you do exactly what you accused them of doing.

Over the last 9 years I have come to witness the “heathen” of Charlotte as an elected official. They (and you Mr. Helms) attempt to dismiss and demean anything involving real Christianity. If they can not demean it they cite “he who is without sin cast the first stone” to justify all manner of sin.

Since that is one of the heathen’s favorite scripture verses and used to justify sodomy and most other perversions here are a few thoughts. The scripture verse most often cited by those that wish to abandon God’s rules is:

Luke 6:37 - "Judge not, and you will not be judged; condemn not, and you will not be condemned; forgive, and you will be forgiven;

Romans 1:18 however says: For the wrath of God is revealed from heaven against all ungodliness and wickedness of men who by their wickedness suppress the truth. <sup>19</sup> For what can be known about God is plain to them, because God has shown it to them.

<sup>1n</sup> Colossians 2 <sup>8</sup> says: See to it that no one makes a prey of you by philosophy and empty deceit, according to human tradition, according to the elemental spirits of the universe, and not according to Christ.

That is what we have here Mr. Helms. Your view of what you want “human tradition” to be NOT what Christ would want or what is outlined in the Bible but the thoughts and views of a fringe element of apostate Christianity. God judges not me, not man. God decrees that sodomites who are unrepentant go to Hell. God sets the standard.

We, as humans all have sinned and fallen short of the glory of God. Re-writing the Bible for your own deigns is “judging” Mr. Helms. You are judging that God’s stated rules don’t count and you in your infinite wisdom can re-write them though the Bible says otherwise. That is the ultimate arrogance.

In Jude, it says “just as Sodom and Gomor'rah and the surrounding cities, which likewise acted immorally and indulged in unnatural lust, serve as an example by undergoing a punishment of eternal fire. <sup>8</sup> Yet in like manner these men in their dreamings defile the flesh, reject authority, and revile the glorious ones. <sup>9</sup> But when the archangel Michael, contending with the devil, disputed about the body of Moses, he did not presume to pronounce a reviling judgment upon him, but said, *"The Lord rebuke you."*

So, Mr. Helms and Democrats. I have nothing else to say except what the Bible instructs me to say. “The Lord Rebuke you”.

It will be up to him to settle matters with your souls and the voters to settle matters with the 6 of you in 18 months. If The Democrats are removed from office in 18 months time the Republicans are committed to reversing this completely. That is our collective “judgment” and the rock on which we stand.

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### **Commissioners Mitchell, Clarke and Rembert expressed their support for the resolution.**

**Chairman Helms** said that he placed this matter on the agenda at this time because he believes that it is something “we need to do to speak for this community, to say this is who we are, this is what we believe.” He said this was particularly true when “we have come through a period in the history of this county, when we’ve talked about people living in a moral sewer. When we have condemned people who are different. When we’ve seen not only political condemnation but religious condemnation of men and women, all of whom are children of God.”

Chairman Helms said that he was not doing this for any “political opportunism,” nor was he trying to distract the County Manager’s recommended budget presented earlier in the meeting.

Chairman Helms also said that he felt based on his experience in the community that the community has for “too long discriminated against people because of their sexual orientation.” “We’ve discriminated against people for lots of reasons, but that one, in particular, has been unfair and it’s something that we can deal with certainly at the County level.”

**The following persons spoke in support of the resolution and thanked the Board for taking this step. They said that all persons should be treated equally and afforded the same rights and privileges regardless of their sexual orientation. It was noted by one of the speakers that based on the comments that were made even from those in opposition that both sides have more in common than differences. It was said that the problem was “that we chose to focus on the differences.” Further, that people have said that this was a divisive issue, “the issue is not divisive but the rhetoric that we choose to use can be.”**

1. Dr Steve Shoemaker (Sr. Minister, Myers Park Baptist Church)
2. Nyala Hunt (National Conference for Community and Justice (NCCJ))
3. Christopher A. Connelly (Atty., Employer, Business Owner, Republican, & Married)
4. Phil Wells (Co-chair of Mecklenburg Gay & Lesbian Political Action Committee)
5. James Johnson (on behalf County employees that are Gay or Lesbian) Mr. Johnson noted that at the Gay & Lesbian Pride Festival held May 7, 2005 almost 300 signatures were collected in support of the County adding sexual orientation to the County’s policy on Non-discrimination.
6. Shane Windmeyer
7. Butch Barksdale
8. Kevin A. Campbell
9. Marcy Badertscher
10. Connie Vetter
11. Hugh Hammond (Seminary Student)
12. Tom Chumbley

**The following persons opposed the resolution. Several asked that the Board withdraw or table this matter and to consider the effects of the resolution. Many expressed concern for what may**

be proposed next, such as benefits for partners. Many viewed the inclusion of sexual orientation as legitimizing gay and lesbian relationships. They expressed agreement on the fact that persons should be treated fairly, however, they feel this can be done without “condoning” behavior that they feel is not acceptable.

1. Dave Smith (Associate Pastor), representing Dr. Dan Burrell, Sr. Pastor of Northside Baptist Church and on behalf of the Mecklenburg Evangelical Alliance
2. Warren Smith
3. Martin Davis
4. Richard Pope (Minister)
5. Hoyle Martin (Former Commissioner)
6. Mr. Turek
7. Charlie T. Scott (Sr. Pastor, South Baptist Church - Pineville)
8. Phil Anderson (Minister of Family Life at First Baptist Church)

**Substitute motion was made by Commissioner Puckett, seconded by Commissioner Bishop and failed 6-3 with Commissioners Clarke, Helms, Mitchell, Roberts, Rembert and Woodard voting no and Commissioners Bishop, James, and Puckett voting yes, to refer the Resolution on Equal Employment Opportunity to the Board’s Community Health and Safety Committee for further review and discussion.**

**The vote was then taken on the original motion, which was to approve the Resolution on Equal Employment Opportunity and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Roberts, Rembert and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no.**

*Resolution recorded in full in Minute Book 42-A, Document # \_\_\_\_\_.*

### **(30) THIRD WARD PARK NAMING (COMMISSIONER WOODARD)**

The Board received information from Commissioner Woodard regarding naming Third Ward Park and the Virginia Paper Mill building in honor of Mr. Romare Bearden. Commissioner Woodard informed the Board that Mr. Bearden’s name would be submitted to the Park and Recreation Department for consideration through its park naming process for the park and the building.

Ms. Nancy Pethel spoke in support of the Third Ward Park and the Virginia Paper Mill building being named after Mr. Romare Bearden, whom she noted was her cousin.

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

### **STAFF REPORTS AND REQUESTS**

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

### **(29) BUSINESS INVESTMENT GRANT – FERGUSON SUPPLY & BOX MANUFACTURING COMPANY**

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and carried 6-1 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to approve the County’s share of a Business Investment Grant to Ferguson Supply & Box Manufacturing Company for a total estimated amount of \$175,932 over 5 years.

*Note: The total City/County grant for the five-year period is estimated at \$273,582. Ferguson Supply & Box Manufacturing Company (hereafter referred to as The Company) manufactures*

*corrugated containers and offers industrial packaging supplies. The Company currently operates a manufacturing facility located at 2500 Cindy Lane Charlotte, NC 28269. The Company has been headquartered and operating in Charlotte, NC since 1959.*

*The Company's business is growing and is in need of a larger facility. The Company is contemplating construction of a 182,000 square foot manufacturing facility. The capital investment for the new facility will be approximately \$6,200,000. The new facility will employ approximately 100 individuals, including 15 new positions with an average annual salary of \$37,354.*

**Commissioner Puckett returned to the dais.**

**(32) RESOLUTION IN SUPPORT OF LEGISLATION FOR ALTERNATIVE REVENUE SOURCES**

Commissioner Clarke addressed a resolution entitled Resolution in Support of Legislation for Alternative Revenue Sources, which he placed on the agenda.

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Roberts, Rembert and Woodard voting yes and Commissioners Bishop and Puckett voting no, to adopt a resolution in support of legislation that would provide counties, cities and towns with enabling authority for alternative revenue sources to help pay for new schools and other growth related capital budget items. Authorizing Counties and Cities in North Carolina to Impose Growth Taxes.

***Resolution recorded in full in Minute Book 42-A, Document # \_\_\_\_\_.***

**(COMMISSIONERS' COMMENTS) NONE**

**ADJOURNMENT**

Motion was made by Commissioner Bishop, seconded by Commissioner Puckett, and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:43 p.m.

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Janice S. Paige, Clerk

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H. Parks Helms, Chairman