

January 3, 2018

**MINUTES OF MECKLENBURG COUNTY, NORTH CAROLINA
BOARD OF COUNTY 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, Charlotte, North Carolina 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 Wednesday, January 3, 2018.

ATTENDANCE

Present: Chair Ella B. Scarborough and Commissioners
Dumont Clarke, Patricia "Pat" Cotham, George Dunlap,
Trevor M. Fuller, Bill James, Vilma D. Leake,
Jim Puckett, and Matthew Ridenhour
County Manager Dena R. Diorio
Deputy County Attorney Tyrone Wade
Deputy Clerk Tonette F. Spears

Absent: None

-INFORMAL SESSION-

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

The meeting was called to order by Chair Scarborough, after which, the matters below were addressed.

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) 18-4418, 18-4422, 18-4423, 18-4424 and 18-4434 to be removed from consent and voted upon separately.

CLOSED SESSION

**18-4425 BUSINESS LOCATION AND EXPANSION
18-4429 CONSULT WITH ATTORNEY**

Motion was made by Commissioner Cotham, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett and Scarborough voting yes, to go into Closed Session for the following purposes: Business Location and Expansion and Consult with Attorney.

The Board went into Closed Session at 5:10 p.m. and came back into Open Session at 6:07 p.m.

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

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

-FORMAL SESSION-

Chair Scarborough called this portion of the meeting to order and gave the invocation which was followed by introductions and Pledge of Allegiance to the Flag; after which, the matters below were addressed.

AWARDS/RECOGNITION – NONE

PUBLIC APPEARANCE

18-4427 PUBLIC APPEARANCE

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

APPOINTMENTS – NONE

PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

18-4430 ABOVE & BEYOND @ WORK WINNER RECOGNITION

County Manager Diorio announced and recognized Tim Trautman as the first 2018 Above & Beyond @ Work winner.

Mr. Trautman has been a Mecklenburg County employee for nearly two decades and is a Sr. Project Manager for floodplain management in the Storm Water Services division of the department of LUESA.

Mr. Trautman thanked County Manager Diorio and staff for the recognition. Mr. Trautman’s family was present to witness the presentation.

Note: The Above & Beyond @ Work Award is presented to employees who go the extra mile.

18-4435 INFORMATION TECHNOLOGY UPDATE

The Board received an update from County Manager Diorio on the progress of the County’s recovery from the Ransomware Attack that infiltrated the county’s system by cyber criminals from either Iran or the Ukraine. The attack resulted in the freezing of 48 of the County’s 500 servers. The cyber criminals demanded a 2 bit coins ransom to unfreeze the servers, but with resolve and determination the county refused to pay. As a precautionary measure, Information Services & Technology shut down all the County hosted servers to help contain the infection and worked methodically to investigate the incident, repair the impacted servers and began to bring the county’s systems back online.

County Manager Diorio stated that IT took a Two-Phase approach to the restoration of the servers:

First, county departments were asked to identify and prioritize Tier One systems. Tier One systems are critical to department core business operations and must be restored first. She reported that to date all of Tier One had been restored.

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Secondly, county departments were asked to prioritize remaining applications. Tier Two systems are internal-facing operations that are needed but not critical to core business operations. County Manager Diorio stated Tier Two systems were expected to be restored by end of the week.

County Manager Diorio further stated that the majority of the public-facing applications and services including: 1) paying taxes on line, 2) POLARIS, 3) GIS, 4) Code Enforcement, 5) Human Resources, 6) DSS and 7) Park & Recreation were now online and available to the public.

She further stated that Mecklenburg County must strengthen its security system to stop the ability of hackers and concrete steps had been taken to make the network more secure. She stated IT was developing a revised comprehensive security plan that would accelerate components of its 3-year strategic business plan into FY 2018 and that implementation of these projects would continue to FY2019 and beyond. County Manager Diorio said she would bring this plan and recommendations to the Board over the coming weeks.

Commissioner Fuller asked would there be a process to examine what happened and how the intrusion occurred so that it would not happen again.

County Manager Diorio said, yes, the county was using a local forensic company that was doing an analysis and would provide a report.

Commissioner Fuller said the County Manager's report was a high-level assessment and appropriately so, but asked if at a future date, the Board could receive a more in-depth presentation perhaps in a closed session meeting. County Manager Diorio responded yes.

Commissioner Ridenhour thanked IT staff for all their hard work.

DEPARTMENTAL DIRECTORS' MONTHLY REPORTS – NONE

STAFF REPORTS & REQUESTS – NONE

COUNTY COMMISSIONERS REPORTS & REQUESTS

18-4445 2018 BOARD COMMITTEES (CHAIR SCARBOROUGH)

Chair Scarborough addressed the Board committee assignments for calendar year 2018 and made two changes: 1) added Commissioner Dunlap to the Economic Development Committee, and 2) removed her name from the Audit Review Committee and replaced it with Commissioner Ridenhour.

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

- 1) Re-affirm the following Board committees for calendar year 2018:
 - A. Economic Development Committee
 - B. Health and Human Services Committee
 - C. Intergovernmental Relations Committee
 - D. Performance Review Committee
 - E. Audit Review Committee
- 2) Receive as information the 2018 Board Liaison Assignments.

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Note: The Board's Policy and Standard Operating Procedures for Board Committees states at its first regular meeting in January each year, the Board will establish, re-affirm or dissolve standing committees as determined by a majority vote of the Board. It is being recommended that the Board re-affirm the above listed committees. The policy also states the Board Chairman will appoint members and the chairs of the standing committees for one-year terms, or until the Board re-affirms or dissolves the standing committee.

CONSENT ITEMS

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

18-4415 RETIRE CANINE OFFICER VELA - SHERIFF'S OFFICE

Retire and approve the donation of a retired Canine Officer to a Mecklenburg County Sheriff's Office Deputy Sheriff.

Note: This action allows the Mecklenburg County Sheriff's Office (MCSO) to retire and transfer ownership of Canine Officer Vela to a MCSO Deputy. Canine Officer Vela, acquired in 2009, has performed her duties faithfully and diligently and has reached the age and physical condition for retirement. The Canine Officer was specifically trained in certain law enforcement procedures and may behave unpredictably and perhaps in an aggressive manner. Therefore, the Canine Officer presents a risk to public health and safety if presented for sale to or adoption by the general public. Such risk to public health and safety is not present when the Canine Officer is transferred to the care and keeping of a MCSO Deputy. This allows each Canine Officer to retire to a familiar environment in the care of a MCSO Officer very familiar with their training, and permits an ownership transfer of the Canine Officer that does not endanger public health and safety.

18-4428 MINUTES

Approve Minutes of Regular meeting held December 19, 2017.

18-4437 BOCC 2018 ANNUAL MEETING SCHEDULE AMENDMENT

Amend the Board's 2018 Meeting Schedule as follows:

- 1) Change the first day of the Board's annual retreat from Wednesday, January 25 - 26, 2018 to Thursday, January 25 - 26, 2018;
- 2) Indicate the time and location of the Swearing-In Ceremony, 6:00 p.m., Meeting Chamber; and
- 3) Indicate the time and address of the Retreat location, 8:30 a.m., CPCC Harris Campus, 3216 CPCC Harris Campus Drive.

REVISED

**MECKLENBURG BOARD OF COUNTY COMMISSIONERS
2018 MEETING SCHEDULE**

Regular Meetings are held monthly every first and third Tuesday at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center (CMGC) located at 600 East Fourth Street (lobby level), unless indicated otherwise on the schedule.

Informal Work Sessions and/or Closed Sessions are at 5:00 p.m. prior to each Regular meeting in the Meeting Chamber Conference Room CH-14 (basement level).

Budget/Public Policy Workshops are held monthly every second and fourth Tuesday at 3:00 p.m. in Conference Center Room 267 of the CMGC (2nd floor), unless indicated otherwise on the schedule.

***Regular and Budget Public/Policy Meetings** are held on Wednesday if there is a Monday holiday or Tuesday Election Day.

The Swearing-in Ceremony for the newly elected Board will be held on Monday, December 3 at 6:00 p.m. in the Meeting Chamber. The BOCC Retreat will begin at 8:30 a.m. at the CPCC Harris Campus, 3216 CPCC Harris Campus Dr. Charlotte, NC

JANUARY

***Wednesday, January 3**

Tuesday, January 9

***Wednesday, January 17**

Tuesday, January 23

Thursday, January 25–26

Regular (Monday Holiday)

Budget/Public Policy Workshop

Regular (Monday Holiday)

Budget/Public Policy Workshop

BOCC Retreat – CPCC Harris Campus

FEBRUARY

Tuesday, February 6

Tuesday, February 13

Tuesday, February 20

Tuesday, February 27

Regular

Budget/Public Policy Workshop

Regular

Budget/Public Policy Workshop

MARCH

Saturday, March 3-7

***Wednesday, March 7**

Tuesday, March 13

Tuesday, March 20

Tuesday, March 27

NACo Legislative Conference, Washington, DC

Regular

Budget/Public Policy Workshop

Regular

Budget/Public Policy Workshop

APRIL

Tuesday, April 3

Tuesday, April 10

Tuesday, April 17

Tuesday, April 24

Regular

Budget/Public Policy Workshop

Regular

Budget/Public Policy Workshop

MAY

Tuesday, May 1

***Wednesday, May 9**

Tuesday, May 15

Tuesday, May 22

Regular

Budget/Public Policy Workshop (Primary, Tuesday, May 8)

Regular

Budget/Public Policy Workshop

JUNE

Tuesday, June 5

Tuesday, June 12

Tuesday, June 19

Tuesday, June 26

Regular

Budget/Public Policy Workshop

Regular

Budget/Public Policy Workshop

(2nd Primary, Tuesday, June 26 if needed)

JULY

Tuesday, July 10
Friday, July 13-16

Regular
NACo Annual Conference, Nashville, Tennessee

AUGUST

*Wednesday, August 8
Thursday, August 23-25

Regular (National Night Out recognized, Tuesday, August 7)
NCACC Annual Conference, Catawba County

SEPTEMBER

*Wednesday, September 5
Tuesday, September 11
Tuesday, September 18
Tuesday, September 25

Regular (Monday Holiday)
Budget/Public Policy Workshop
Regular
Budget/Public Policy Workshop

OCTOBER

Tuesday, October 2
Tuesday, October 9
Tuesday, October 16
Tuesday, October 23

Regular
Budget/Public Policy Workshop
Regular
Budget/Public Policy Workshop

NOVEMBER

*Wednesday, November 7
Tuesday, November 13
Tuesday, November 20

Regular (General Election, Tuesday, November 6)
Budget/Public Policy Workshop
Regular

DECEMBER

Monday, December 3
Tuesday, December 4
Tuesday, December 11
Tuesday, December 18

Swearing-In Ceremony
Regular
Budget/Public Policy Workshop
Regular

A copy of the meeting schedule is on file with the Clerk to the Board.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

18-4418 CAPITAL RESERVE EXPENDITURE REQUEST – HARRY L. JONES, SR. GOLF COURSE (PARK AND RECREATION)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve expenditure of \$10,000 from the consolidated golf capital reserve account to fund a financial analysis by a golf course consultant for the Harry L. Jones, Sr. Golf Course to determine if the proposed redesign will result in a positive return on investment.

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

18-4422 CONSTRUCTION CONTRACT – HUCKS ROAD COMMUNITY PARK PROJECT

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to award a construction contract to Sossamon Construction Co., Inc. in the amount of \$2,462,000 for the construction of Hucks Road Community Park.

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

18-4423 BUDGET AMENDMENT – HISTORIC SECOND WARD GYMNASIUM RENOVATION

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to recognize, receive and appropriate \$105,000 from AIG Incorporated as settlement from an insurance claim for damages to the Second Ward Gymnasium floor.

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

18-4424 CONSTRUCTION CONTRACT – 700 EAST 4TH STREET RENOVATIONS – FINANCE, EPMO AND VITAL RECORDS

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to award a construction contract to Tyler 2 Construction in the amount of \$1,416,415 for the renovation of the third and fourth floors of the Judge Clifton E. Johnson Building.

Note: The renovated spaces will be occupied by the Mecklenburg County Financial Services Department (relocating from multiple locations), Vital Records (relocating from Walton Plaza), and the Enterprise Project Management Office (relocating from the Valerie C. Woodard Center).

Commissioner Fuller removed this item from Consent to highlight the low Anticipated M/W/SBE Utilization rate.

18-4434 LAND EXCHANGE WITH HOUSING AUTHORITY

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to adopt resolution entitled: Resolution Approving Exchange of County Owned Tax Parcel 125-201-51 for Housing Authority Owned Tax Parcel 125-201-61.

Note: The County owns Tax Parcel 125-201-51, known as Baxter Street Park, located on Baxter Street adjacent to a multi-family building owned and operated by the City of Charlotte Housing Authority (“Housing Authority”), and the Housing Authority owns Tax Parcel 125-201-61, a parcel on the opposite side of its multi-family building and adjacent to Pearl Street Park.

The Housing Authority desires to obtain the County’s Tax Parcel 125-201-51 (hereinafter referred to as the “County Exchange Parcel”) and the County desires to obtain the Housing Authority’s Tax Parcel 125-201-61 (hereinafter referred to as “Housing Authority Exchange Parcel”) to add to the County’s adjacent Pearl Street Park.

This exchange of properties is part of the Pearl Street Park Improvement and Pearl Park Way Extension Project considered and approved by the Board of Commissioners on October 4, 2016 as Agenda item 16-3545.

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**MECKLENBURG COUNTY BOARD OF COMMISSIONERS
RESOLUTION APPROVING EXCHANGE OF
COUNTY OWNED TAX PARCEL 125-201-51
FOR
HOUSING AUTHORITY OWNED TAX PARCEL 125-201-61**

WHEREAS, at its December 19, 2017 meeting the Board of Commissioners adopted a resolution of intent to approve a land exchange with the City of Charlotte Housing Authority, and/or Horizon Development Properties, Inc., a North Carolina nonprofit corporation, which is a subsidiary of and controlled by the Housing Authority, which may become the owner of the property that the Housing Authority desires to exchange with the County prior to the closing of the exchange contemplated; and

WHEREAS, County owns Tax Parcel 125-201-51, known as Baxter Street Park, located on Baxter Street adjacent to a multi-family building owned and operated by the City of Charlotte Housing Authority (“Housing Authority”), and the Housing Authority owns Tax Parcel 125-201-61, a parcel on the opposite side of its multi-family building and adjacent to Pearl Street Park; and

WHEREAS, the Housing Authority desires to obtain the County’s Tax Parcel 125-201-51 (hereinafter referred to as the “County Exchange Parcel”) and the County desires to obtain the Housing Authority’s Tax Parcel 125-201-61 (hereinafter referred to as “Housing Authority Exchange Parcel”) to add to the County’s adjacent Pearl Street Park; and

WHEREAS, this exchange of properties is part of the Pearl Street Park Improvement and Pearl Park Way Extension Project considered and approved by the Board of Commissioners on October 4, 2016 as Agenda Item 16-3545; and

WHEREAS, at that October 4, 2016 meeting, as part of Agenda Item 16-3545, the Board of Commissioners adopted Resolution D conceptually approving this land exchange and authorizing the filing of rezoning petitions for the County Exchange Parcel that would change the zoning of the County Exchange Parcel to allow that parcel to be used for Housing Authority purposes; and

WHEREAS, the County’s Park and Recreation Department has reviewed the proposed exchange and determined that exchanging the parcels is appropriate for Park and Recreation purposes in that it allows a park property that is little used to be exchanged for land to expand and improve Pearl Street Park, a heavily used park; and

WHEREAS, the County and the Housing Authority staff members have exchanged appraisals of both parcels, and have agreed that the County Exchange Parcel has a value of \$6,065,242 and the Housing Authority Exchange Parcel has a value of \$4,095,732; and

WHEREAS, the Housing Authority has agreed to pay the County \$2,000,000 at the closing of the exchange to make up for the difference in values, and County staff has determined that in their opinion the County will receive full and fair consideration for the County Exchange Parcel to be conveyed to the Housing Authority when the additional \$2,000,000 is paid to the County as part of the closing; and

WHEREAS, pursuant to G.S. 160A-271, the Board of County Commissioners is authorized to exchange real property owned by the County for other real property by private negotiation if the County receives a full and fair consideration for its property; and

WHEREAS, pursuant to G.S. 160A-271, a notice of the proposed exchange was published in *The Charlotte Observer* on December 22, 2017 so that the Board could authorize the exchange of the County Exchange Parcel for the Housing Authority Exchange Parcel plus receipt of the amount of \$2,000,000, at this meeting; therefore, be it

RESOLVED, that the Mecklenburg County Board of Commissioners:

- (i) Authorizes the exchange of the County Exchange Parcel for the Housing Authority Exchange Parcel, plus receipt of the amount of \$2,000,000 under the terms noted above;
- (ii) Authorizes the County Manager to negotiate and execute a contract for the exchange with the Housing Authority (which as of December 19, 2017 owned the Housing Authority Exchange Parcel) and/or Horizon Development Properties, Inc., a North Carolina non-profit corporation, which is a subsidiary of and controlled by the Housing Authority, which may become the owner of the Housing Authority Exchange Parcel prior to the closing of the exchange contemplated hereunder), as the circumstances require, and to negotiate and execute all documents required to accomplish the exchange and the receipt of the \$2,000,000.

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Resolution recorded in full in Minute/Ordinance Book _____, Document # _____.

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

ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Ridenhour and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:46 p.m.

Tonette F. Spears, Deputy Clerk

Ella B. Scarborough, Chair