

**Meeting Minutes
June 18, 2024**

**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 CH-14 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 Tuesday, June 18, 2024.

ATTENDANCE

Present: Chair George Dunlap, Vice-Chair Mark Jerrell,
and Commissioners Leigh Altman, Patricia "Pat" Cotham,
Arthur Griffin, Elaine Powell, Vilma D. Leake, Laura J Meier,
and Susan Rodriguez- McDowell
County Manager Dena R. Diorio
County Attorney Tyrone C. Wade
Clerk to the Board Kristine M. Smith
Deputy Clerk to the Board Arlissa Eason

Absent: None

-INFORMAL SESSION-

CALL TO ORDER

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

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) to be removed from Consent and voted upon separately. The items identified were Items:

- 24-0320** Commissioner Leake
- 24-0327** Commissioner Leake
- 24-0339** Commissioner Leake
- 24-0348** Commissioner Leake
- 24-0355** Commissioner Leake
- 24-0362** Commissioner Leake
- 24-0365** Commissioner Leake
- 24-0367** Commissioner Leake

STAFF BRIEFINGS - None

24-0356 CLOSED SESSION

Motion was made by Commissioner Cotham, seconded by Commissioner Rodriguez-McDowell, and unanimously carried, to go into Closed Session for the following purpose(s): List the Closed To Prevent Disclosure of Information that is Confidential.

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The Board went into Closed Session at 5:17 p.m. and came back into Open Session at 6:13 p.m.

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

-FORMAL SESSION-

CALL TO ORDER

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

Commissioner Cotham made a motion, seconded by Commissioner Altman to add a proclamation to honor Pride Month to our agenda under Awards and Recognition.

Commissioner Rodriguez-McDowell said it was a struggle because of the way it came about and not because of what it stood for. She further stated that she resents the idea of it becoming a circus. She said she would always support the LGBTQ community and would like to also support her colleagues.

Commissioner Leake said that she would support it.

Commissioner Meier said it was requested late, but she supported it going on the agenda and supported the proclamation which was supporting Pride Month.

Commissioner Altman supports the contents of the proclamation. She said concerning procedural considerations, the Board could unanimously vote to put it on the agenda and were fully compliant with our rules and procedure.

Commissioner Cotham rejected that it was given late. She said the City was doing it and said that she celebrated the City for doing it. She said they had done it in the past and should do it again. She said there were more than 100,000 LGBTQ residents in the County, and they needed to know they had their backs.

Commissioner Powell said there was not one Commissioner that didn't support a proclamation. The request came in late, and the Chairman was following the process. She further indicated that she would stand with him and follow his lead on this.

Commissioner Griffin stated, that to have this level of angst and tension around a proclamation, which is an important one representing an important population in our community, but what is not heard is a lot of passion around the 375,000 African Americans that live in Mecklenburg County that die prematurely every year and nobody fusses as much as had been done today. He further stated that there was a lot of talk, and some people clap, with African Americans on the bottom in education, health, wealth, and employment, and didn't get this kind of attention.

Commissioner Griffin further expressed that this kind of attention should be paid towards all things done as members of this Board. He said the process that caused this situation took away from the critical work of the Board, which was human services and to improve the quality of life of the residents of Mecklenburg County.

Vice-Chair Jerrell stated that no one felt good about this situation. He said a piece of paper did not validate. He said it was a must to demonstrate by showing up and making sure that the lines

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of communication were open, and support when it's time to support. He said he supported the motion and the proclamation.

Chair Dunlap discussed about how all of this came about. He read the processes that all Commissioners are to follow when adding something to the agenda along with the exception to the rule. Chair Dunlap further stated that this was not about the proclamation itself but about the rules that are to be followed. In order for the proclamation to be added to this agenda, there must be a unanimous vote.

The vote was 7-2, with Commissioners Altman, Cotham, Griffin, Jerrell, Leake, Meier, and Rodriguez-McDowell voting yes and Chair Dunlap and Commissioner Powell voting no.

Due to not receiving a unanimous vote, the proclamation was not added to the agenda.

AWARDS/RECOGNITION

24-0368 PROCLAMATION: JUNETEENTH DAY OF OBSERVATION

Background: On June 19, 1865, more than two years after the signing of the Emancipation Proclamation by President Abraham Lincoln, Union troops arrived in Galveston, Texas, to free 250,000 people still being held in bondage; and June 19th (Juneteenth) became the emancipation date of black Americans long-suffering for freedom in the United States.

The celebration of Juneteenth is a recognition of the endurance, strength, and resilience of black Americans over oppression and inequality in the United States; and for African Americans, Juneteenth is a tribute to the strength and perseverance of our ancestors and a reminder for all Americans to commit to the eradication of racism and inequity.

To honor Juneteenth, June 19, 2024, has been observed as "Juneteenth Day of Observance" in Mecklenburg County.

The proclamation was read by Chair Dunlap.

Motion was made by Altman, seconded by Commissioner Griffin, and carried unanimously to adopt a proclamation observing June 19th as Juneteenth in Mecklenburg County.

Rev. Janet Garner-Mullins accepted the proclamation and gave remarks.



PUBLIC ART MOMENT

24-0361 PUBLIC ART MOMENT

Commissioner Elaine Powell presented the Public Art Moment to the Board on a Public Art piece titled “The Shuffletown Hand.”

Background: On January 5, 2021, the Board of County Commissioners approved the addition of an agenda topic to the second Regular meeting of the month entitled Public Art Moment. The item, with the help of the Arts & Science Council, will highlight a piece of public art - a different one each month. The purpose of this item is to raise public awareness and appreciation for the tax dollars that are spent on public art each year. This month's featured art piece is called "The Shuffletown Hand" by Portland, Oregon-based artist Pete Beeman. This project is located at the Shuffletown Park in District 1.

The Shuffletown Hand

Pete Beeman

Shuffletown Park



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24-0360 PUBLIC APPEARANCE

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

1. Aker El Bey – Topic: Lease of school building @ 1400 N. Graham Street.
2. C Maria Macon – Topic: Former CMS School at 1400 N. Graham Street. (Group)
Fredy Romero
Dr. Blanche Penn
Camile Stephens
3. Earl Owens – Topic: School at 1400 N. Graham Street
4. Liz Schob – Pride Proclamation
5. Bethany Carrigan – Pride Month Proclamation
6. Cameron Pruette – Pride Month Proclamation

APPOINTMENTS

24-0341 APPOINTMENTS – REGION F AGING ADVISORY COMMITTEE

Reappointments were needed on the Region F Aging Advisory Committee for three (3) two-year terms expiring June 30, 2026. Jeffrey Dean, Hope McKinney, and Terri Williams were eligible for reappointment.

Motion was made by Commissioner Rodriguez-McDowell, seconded by Commissioner Jerrell, and unanimously carried, to reappoint Jeffrey Dean, Hope McKinney, and Terri Williams on the Region F Aging Advisory Committee for three (3) two-year terms expiring June 30, 2026.

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24-0342 APPOINTMENTS – ARTS & SCIENCE ADVISORY COUNCIL

Reappointments were needed on the Arts & Science Advisory Council for four (4) two-year terms expiring June 30, 2026. Jarrod Clay, Micah Hein, Allison Treanor, and Cedron Williams were eligible for reappointment.

Motion was made by Commissioner Rodriguez-McDowell, seconded by Commissioner Powell, and unanimously carried, to reappoint Jarrod Clay, Micah Hein, Allison Treanor, and Cedron Williams on the Arts & Science Advisory Council for four (4) two-year terms expiring June 30, 2026.

Appointment was needed on the Arts & Science Council for one (1) two-year term expiring June 30, 2026, South East- 6 slot. Daniel Shoemaker was the only applicant.

Motion was made by Commissioner Rodriguez-McDowell, seconded by Commissioner Vice-Chair Jerrell, and unanimously carried, to nominate and appoint Daniel Shoemaker on the Arts & Science Council for one (1) two-year term expiring June 30, 2026, South East- 6 slot.

24-0352 APPOINTMENTS – CHARLOTTE-MECKLENBURG PLANNING COMMISSION

Reappointments were needed on the Charlotte-Mecklenburg Planning Commission for two (2) three-year terms expiring June 30, 2027. Andrew Blumenthal and Douglas Welton were eligible for reappointment.

Motion was made by Commissioner Rodriguez-McDowell, seconded by Commissioner Vice-Chair Jerrell, and unanimously carried, to reappoint Andrew Blumenthal and Douglas Welton on the Charlotte-Mecklenburg Planning Commission for two (2) three-year terms expiring June 30, 2027.

Nominations were needed on the Charlotte-Mecklenburg Planning Commission to fill one (1) unexpired term expiring June 30, 2026.

Michael Caprioli	Nominated by Commissioner Griffin
Brian Foley	Nominated by Commissioner Laura Meier
Evan Kettler	Nominated by Commissioner Altman
Courtney Rhodes	Nominated by Vice-Chair Jerrell

All nominees must be interviewed, per Board policy. The interviews will be delayed until September 2024.

24-0344 APPOINTMENTS – PUBLIC ART COMMISSION

Appointment was needed on the Public Art Commission to fill one (1) Three-year term expiring Jun 30, 2027, Business Representative slot.

A recommendation from Todd Stewart, Vice President, Public Art, ASC was given.

Motion was made by Commissioner Rodriguez-McDowell, seconded by Commissioner Altman, and unanimously carried, to appoint Andrew Marco on the Public Art Commission to fill one (1) Three-year term expiring Jun 30, 2027, Business Representative slot.

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24-0343 CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

Nominations/Appointment were needed on the Charlotte-Mecklenburg Community Relations Committee to fill one (1) Unexpired term expiring June 30, 2025.

Stephanie Tyson	Nominated by Vice-Chair Jerrell
Justin Lane	Nominated by Commissioner Rodriguez-McDowell
Mia Jackson	Nominated by Commissioner Altman

These nominees will be presented to the Board at the next meeting to select one person.

Reappointments were needed on the Charlotte-Mecklenburg Community Relations Committee for two (2) three-year terms expiring June 30, 2027. Dr. Shanita Carter and Matthew Jannazzo were eligible for reappointment.

Motion was made by Commissioner Vice-Chair Jerrell, seconded by Commissioner Altman, and unanimously carried, to reappoint Dr. Shanita Carter and Matthew Jannazzo on the Charlotte-Mecklenburg Community Relations Committee for two (2) three-year terms expiring June 30, 2027.

24-0345 APPOINTMENTS – PARK AND RECREATION COMMISSION

Reappointments were needed on the Park and Recreation Commission for four (4) three-year terms expiring June 30, 2027. Kipp Kiser, Donald Morris, Cowden Rayburn, and Mark Tabot are eligible for reappointment.

Motion was made by Commissioner Meier, seconded by Commissioner Rodriguez-McDowell, and unanimously carried, to reappoint Kipp Kiser, Donald Morris, Cowden Rayburn, and Mark Tabot on the Park and Recreation Commission for four (4) three-year terms expiring June 30, 2027.

Appointment was needed on the Park and Recreation Commission to fill one (1) unexpired term expiring June 30, 2025, North-3 slot.

Matthew Parlier	Nominated by Commissioner Meier
Lisa Roberts	Nominated by Commissioner Powell

These nominees will be presented to the Board at the next meeting to select one person.

Appointment was needed on the Park and Recreation Commission to fill one (1) unexpired term expiring June 30, 2025, South-1 slot.

Motion was made by Commissioner Rodriguez-McDowell, seconded by Commissioner Meier, and unanimously carried, to nominate and appoint Andy Filcik on the Park and Recreation Commission to fill one (1) unexpired term expiring June 30, 2025, South-1 slot.

Appointment was needed on the Park and Recreation Commission to fill one (1) unexpired term expiring June 30, 2025, Northern Towns slot.

Motion was made by Commissioner Powell, seconded by Commissioner Cotham, and unanimously carried, to nominate and appoint Jon Show on the Park and Recreation Commission to fill one (1) unexpired term expiring June 30, 2025, Northern Towns slot.

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24-0354 APPOINTMENTS - STORM WATER ADVISORY COMMITTEE

Appointment was needed on the Storm Water Advisory Committee to fill one (1) three-year term expiring June 30, 2027, effective July 1, 2024, Residential Neighborhood slot.

Motion was made by Commissioner Powell, seconded by Commissioner Meier, and unanimously carried, to appoint David Privette, on the Storm Water Advisory Committee to fill one (1) three-year term expiring June 30, 2027, effective July 1, 2024, Residential Neighborhood slot.

PUBLIC HEARINGS – 6:30 PM

24-0297 AMEND MINOR SYSTEM FEES FOR THE TOWN OF CORNELIUS

Background: In 1994, the County implemented a Storm Water fee to fund the administration of storm water management programs to improve water quality, reduce flood losses and repair and or maintain the storm drainage system.

Minor System Component for municipal jurisdictions: By Interlocal Agreement, the minor system of the storm water system is defined as ditches, swales, pipes, etc. that drain less than 1 square mile and is the responsibility of the City inside the City limits and each Town inside the town limits. The revenue generated from the minor system component of the storm water fee charged within each municipal jurisdiction is returned to that jurisdiction to fund their storm water management programs.

As part of a Town-approved 4-year phased-in rate adjustment to cover the true expenditures of the implementing a storm water utility, the Town of Cornelius requests an increase to their minor system component of Storm Water fees.

The changes that have been approved are as follows:

Town of Cornelius (Town-approved on May 6, 2024):

Tier I: \$2.25 to \$2.62, per month

Tier II: \$3.27 to \$3.81, per month

Tier III: \$4.89 to \$5.70, per month

Tier IV: \$9.04 to \$10.54, per month

Commercial: \$57.72 to \$67.08, per acre of impervious acre

Public Hearing Request: As part of the Town's budgeting processes, the Town of Cornelius has already approved changes to their minor system rates. The County's public hearing will provide interested parties an opportunity to comment to the Board of County Commissioners on changes to the minor system components of the Storm Water fee for those properties located in the Town of Cornelius. Each municipality has conducted their own public hearing prior to altering their minor system component of the fee.

Mecklenburg County Storm Water Services requests a public hearing be conducted in accordance with the Storm Water Management Interlocal Agreement and State law for considering such increases. After closing the public hearing, the Board is requested to adopt the Resolution setting the minor system component of the storm water fee to the amount as directed by the Town of Cornelius.

Motion was made by Commissioner Vice-Chair Jerrell, seconded by Commissioner Griffin, and unanimously carried, to open the public hearing to receive comments on proposed amendments to the Minor System components of Storm Water fees.

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Motion was made by Commissioner Leake, seconded by Commissioner Griffin, and unanimously carried, to close the public hearing and adopt a Resolution authorizing amending Minor System fees for the Town of Cornelius.

**MECKLENBURG COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION AUTHORIZING AMENDING MINOR SYSTEM FEES FOR THE TOWN OF CORNELIUS

WHEREAS, on May 17, 1993, the Mecklenburg County Board of Commissioners adopted the "Mecklenburg County Storm Water Management Plan" which sets forth guiding principles and a financial plan for the operation of the comprehensive storm water management program in Mecklenburg County, which plan requires use of a rate structure based on impervious area and a base charge for fixed and administrative costs sufficient to cover such costs; and

WHEREAS, on November 1, 1993, Mecklenburg County, the City of Charlotte and the Towns entered into "AGREEMENT FOR OPERATION OF A SINGLE STORM WATER SYSTEM IN MECKLENBURG COUNTY" (hereinafter "Agreement") to deal with the operation and maintenance of the storm water drainage system within the incorporated limits of the City and surrounding Towns; and

WHEREAS, a public hearing was held by the Town of Cornelius (May 6, 2024), on amending the minor system component of the storm water service charges to be levied on properties within the Town of Cornelius; and

WHEREAS, Mecklenburg County received notification from the Town Manager for Cornelius to amend the minor system cost component of the storm water service charge to be levied on properties within the Town of Cornelius; and

WHEREAS, Section 5(iii) of the Agreement requires that the Board of Commissioners alter the minor system cost component of the service charge to be levied within the Town of Cornelius to such amounts as determined by the City Council and Town Councils; now, therefore, be it

RESOLVED by the Board of Commissioners of Mecklenburg County that effective July 1, 2024, the minor system component of the storm water service charge to be levied on properties within the Town of Cornelius, are as follows:

Town of Cornelius

- \$ 2.62 per month for detached single family properties with 1,999 square feet or less of impervious area (Tier I)
- \$ 3.81 per month for detached single family properties with 2,000 but less than 2,999 square feet of impervious area (Tier II)
- \$ 5.70 per month for detached single family properties with 3,000 but less than 4,999 square feet of impervious area (Tier III)
- \$ 10.54 per month for detached single family properties with 5,000 or more square feet of impervious area (Tier IV)
- \$67.08 per month for each acre of impervious surfaces for all other properties, and a prorata share of each portion thereof.

Approved as to form:

County Attorney

CERTIFICATION

I, Kristine Smith, Clerk to the Board of Commissioners of Mecklenburg County, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a resolution adopted by the Board of Commissioners, in regular session convened on the 18th day of June 2024.

WITNESS my hand and the common seal of the County of Mecklenburg, North Carolina, this the 18th day of June 2024.

Kristine Smith, Clerk to the Board

Resolution recorded in full in Ordinance Book 52, Document #119.

24-0350 PUBLIC HEARING FOR CLOSING A PORTION OF THE RIGHT-OF-WAY FOR LATTA AVENUE

Background: On May 7, 2024, the Board of County Commissioners set this public hearing to hear comments with respect to the closing of a portion of the public right-of-way for Latta Avenue. The property owners have petitioned to close a portion of the right-of-way for Latta Avenue (0.218 acres). The remaining parcels will have ingress and egress. The petitioner owns all the parcels that would be impacted by the right-of-way closing. NCDOT informed the petitioner on March 7, 2023, that the portion of right-of-way petitioned to be closed was not State maintained.

To close a right-of-way in the unincorporated part of the County, General Statute 153A-241 requires the Board of County Commissioners to adopt a resolution declaring its' intent to close the public road and call a public hearing. Attached Exhibit A depicts the portion of right-of-way to

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be abandoned. Once closed, the 0.218-acre portion of the former right-of-way will become vested in the adjacent parcels owed by the petitioner.

Mecklenburg County Land Use and Environmental Services Agency has determined that in its opinion the closing of a portion of the right-of-way of Latta Avenue would not deprive any individual owning land in the vicinity of said right-of-way of reasonable ingress and egress to their property and would not be contrary to the public interest. Charlotte-Mecklenburg Planning and the Mecklenburg County Fire Marshal's Office reviewed the petition and have no objection to the closing of the portion of said right-of-way.

Motion was made by Commissioner Leake, seconded by Commissioner Rodriguez-McDowell, and unanimously carried, to open the public hearing to hear comments with respect to the closing of a portion of the right-of-way for Latta Avenue.

Motion was made by Commissioner Meier, seconded by Commissioner Griffin, and unanimously carried, to close the public hearing and approve the Order of Closing for the public right-of-way for Latta Avenue.

**PETITION
FOR
CLOSING OF PUBLIC ROAD AND RIGHT-OF-WAY**

**STATE OF NORTH CAROLINA
MECKLENBURG COUNTY**

TO THE BOARD OF COUNTY COMMISSIONERS

I (We), the undersigned property owner(s) ("Petitioner"), respectfully petition and request a portion or all of

Name of Road: Latta Avenue

Description of General Location: Located on the south side of Mount Holly Road east of the Creston Circle intersection. The remnant right-of-way is bounded by tax parcels 053-022-10 & 12) as shown on the map attached hereto and made a part of hereof, marked "Exhibit A," be closed in accordance with the provisions of Chapter 153A, Section 241 of the General Statutes of North Carolina.

In support of this Petition, your Petitioner respectfully declares that:

1. (Give reason for requested closing)

To allow for several contiguous properties (approximately 24.13 acres) to be redeveloped with a multi-family residential development as approved by Rezoning Petition 2022-160. The proposed layout of the development shifts the street to the east so that it aligns with the portion of Latta Avenue north of Mount Holly Road. The unopened right-of-way abuts two tax parcels (053-022-10 & 12) which are both under the same ownership.

2. The road (or portion thereof), requested to be closed has not been previously accepted by the North Carolina Department of Transportation (NCDOT) for maintenance, or the NCDOT has relinquished control and supervision of the road (or portion thereof), requested to be closed. If the NCDOT has relinquished control and supervision of the road (or portion thereof) at the request of the Petitioner, or if Petitioner has otherwise come into possession of correspondence from the NCDOT about this matter, please provide evidence of that by attaching correspondence from the NCDOT as an Exhibit B.

Felix Obregon, PE, District Engineer with NCDOT has confirmed via email that the public right-of-way is not maintained by NCDOT.

3. The Petitioner believes that closing of said road or portion of road or easement is not contrary to the public interest.

PEOPLE ● PRIDE ● PROGRESS ● PARTNERSHIP
2145 Suttle Avenue ● Charlotte, North Carolina 28208 ● Fax 704.335.2253
www.mecklenburgcountync.gov

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4. The Petitioner believes that no individual owning property in the vicinity of the road or in the subdivision in which it is located would be deprived of reasonable means of ingress and egress to his or her property.

5. The Petitioner understands that if the road is closed by the Board of County Commissioners, that all right, title and interest in the right-of-way will become vested in those persons owning lots or parcels of land adjacent to the road, and that the title of each adjoining landowner will, for the width of his abutting land, extend to the former center line of the public road that is closed.

6. The Petitioner understands that the right, title or interest vested in an adjoining landowner after the road closing will remain subject to any public utility use or facility (such as, for example, a Duke Power or Duke Energy easement) located on, over, or under the road or easement immediately before its closing, until the landowner or any successor thereto pays to the utility involved the reasonable cost of removing and relocating the facility.

7. The petitioner understands that the adjoining landowners will become responsible for any additional property taxes that may result from the increase in the size of their original parcels.

I (We) understand the above statements and agree with the proposed road closure.

Signature

Date

Bygie Mattick
Managing Member – Twelve-Ninety, LLC

Signature

Date

William McGuire
Development Manager – Penler

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I (We) understand the above statements and agree with the proposed mad closure _____

Signature  Date Feb. 7, 2024

Bygie Mattick
Managing Member – Twelve-Ninety, LLC

Signature  Date Feb 8th, 2024

William McGuire
Development Manager – Penler

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**MECKLENBURG COUNTY
BOARD OF COMMISSIONERS**

**RESOLUTION ORDERING THE CLOSING OF A PORTION OF THE RIGHT-OF-
WAY FOR LATTA AVENUE**

WHEREAS, North Carolina General Statute 153A-241 specifies that a county may permanently close any public road or easement within the county and not within the city except public roads or easements for public roads under the control and supervision of the North Carolina Department of Transportation and specifies the procedure to be followed; and

WHEREAS, petitioner has requested that 0.218-acres of right-of-way for Latta Avenue as shown on the Exhibit A map attached hereto be closed; and

WHEREAS, Charlotte-Mecklenburg Planning and the Mecklenburg County Fire Marshal's Office have reviewed the petition and have no objection to the closing of the portion of said right-of-way, and Mecklenburg County Land Use and Environmental Services Agency (LUESA) has determined that in its opinion the closing of the portion of said right-of-way petitioned would not deprive any individual owning land in the vicinity of said right-of-way of reasonable ingress and egress to their property, and would not be contrary to the public interest; and has also determined that the North Carolina Department of Transportation does not maintain said right-of-way;

NOW, THEREFORE BE IT RESOLVED, that the Mecklenburg Board of County Commissioners has determined and is satisfied that the closing of said right-of-way of Latta Avenue as shown on the attached map hereto is not contrary to public interest, and that no individual owning property in the vicinity of said right-of-way would thereby be deprived of reasonable ingress and egress to their property when said right-of-way is closed; and be it

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FURTHER RESOLVED, that the Mecklenburg Board of County Commissioners does hereby adopt this Order of Closing of said right-of-way of a portion of ~~Latta~~ Avenue; pursuant to the North Carolina General Statute 153A-241, effective once this Order of Closing has been approved; and be it

FURTHER RESOLVED, that the Clerk to the Board of County Commissioners is directed to file a certified copy of this Order for Closing of said right-of-way in the office of the Register of Deeds of Mecklenburg County. The recordation of this Order for Closing shall provide conclusive evidence of the closing of a portion of the public right-of-way (0.218 Acres) as shown on the attached map hereto.

ADOPTED THE _____ DAY OF _____ 2024.

Approved as to Form

County Attorney

Clerk to the Board

(COUNTY SEAL)

Resolution recorded in full in Ordinance Book 52, Document #120.

ADVISORY COMMITTEE REPORTS

24-0349 ADULT CARE HOME/NURSING HOME ADVISORY COMMITTEE-ANNUAL REPORT

The Board received an Annual Report of the Adult Care Home/Nursing Home Advisory Committee.

Rochelle McIver, Regional Ombudsman/ Mecklenburg County Adult Care Homes and Hillary Kaylor, Regional Ombudsman/ Mecklenburg Nursing Homes, gave the presentation.

Background: The Board's Appointment Policy states all Committees must report at least annually to the Board of County Commissioners on their activities. Reports can be submitted to the Clerk to the Board for distribution to the Board in writing or for formal presentation at a Regular Board Meeting.

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Ms. Kaylor highlighted information on their written annual report.

ANNUAL REPORT
of the
MECKLENBURG COUNTY
NURSING HOME COMMUNITY ADVISORY COMMITTEE
&
ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE
REPORTING YEAR 2023

MECKLENBURG COUNTY FACILITIES AND CAC MEMBERSHIP

FACILITY TYPE	HOMES	BEDS	COMMITTEE MEMBERS ALOTTED	ACTUAL MEMBERS
Nursing Home	32	3737	35	14
Adult Care Home	40	3107	47	4
Family Care Home	28	202		

We wish to thank the Commissioners for their effort to fill the vacancies and the prompt attention and support of the Clerk to the Commissioners and Clerk to the Board.

2023 COMMITTEE Activities & Accomplishments –

- Advocated for long-term care (LTC) residents in adult care home and nursing facilities. All committee members wear a provided badge for visits. After the impact of Covid-19 we do still see many lingering issues related to Covid, RSV or Flu often in the facilities this committee serves.
- Worked with facility staff, families, and residents toward resolution of grievances and concerns. CAC's were able to get back into the facilities and do many visits this past year. We would like to offer special thanks to those Commissioners who took their time to attend meetings with our CAC's and go on some visits in our county. Commissioners Laura Meier, Leigh Altman, Susan Rodriguez-McDowell and Elaine Powell all attended visits and we thank them!
- We also appreciate the Commissioners coming to meet with the volunteers back in May 2023, Commissioner Griffin and Powell, came to discuss county issues and long-term care concerns the committee had.
 - Committee members received quarterly training and technical assistance from the regional long-term care ombudsman and 100 % were offered additional trainings through Centralina Area Agency on Aging and were invited to webinars and a Holiday Volunteer Celebration in December that many attended. These offerings have been virtual and in-person in 2023 .

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- This was the third year the Nursing Home committee awarded Hero Awards for LTC staff in nursing homes, recognizing exceptional workers that were nominated by nursing home residence and staff members. The five workers selected included CNA's, transportation drivers, therapist and nursing. Each award winner received a gift card and certificate for their hard work. This is a great community initiative and helps with morale for the direct care staff and partnering with our group of volunteers.
- Many members of the NH CAC group participated in a meeting back in August of 2023 with some NC state legislators to share concerns about changes in the long-term care systems, ownership transparency issues and also promote the need for legislation to increase the Personal Needs Money for Nursing home residents from \$30 a month to \$70. The increase in Personal Needs Money finally passed in the fall and around January 2024 we should see the change for the residents in their monthly stipend.
- Some members of our committees also take part in state advocacy groups such as Friends of Residents (FOR) and The Governor's Advocacy Council and attend meetings virtually and in person.

COMMITTEE GOALS FOR 2024

1. **Get our interested volunteer applicants to participate in the new orientation and module training to start after January 2024. (This is the state Orientation training that has been postponed and we are still waiting for completion.)**
2. **Each volunteer will attend required Quarterly Training meetings. (18 hours)**
3. **Maintain the number of volunteers we have worked so hard on each committee to complete visits and advocate for change.**

Committee Challenges and Requests for Assistance from the County Commissioners

- **Committee Support-** We are grateful for the support of the County Clerk and County Commissioners and we would like to thank you for the interest in this group and sending us interested applicants.
- **The committee is concerned about the total lack of transparency dealing with Nursing Home ownership which allows Venture Capital firms to transfer Medicaid and Medicare funds along with private pay funds to related party organizations that are intended for the care and welfare of the residents. There is no reporting of consolidated financial information to the regulatory oversight organizations that will allow the audit and review of the transactions that siphon off funds intended for the care and welfare of Nursing Home residence. The lack of transparency results in observations by staff and volunteers that include, lack of staffing causing significant care and nutritional concerns. This is an**

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ongoing issue that demands legislative action. Your help in supporting laws to allow for more transparency would be extremely welcome.

- **New Government Administrations** - With changes in Federal and State administration, and the new rules governing nursing homes, members will be vigilant for concerns in facilities they see and will stay abreast of any new policy changes.
- **New Growth for Long Term Care Facilities**- There is continued growth in our county. This will mean more residents to be visited and rights to be protected. It is also important to note that there are many new independent livings constructed in town which also offers housing option for seniors and older or disabled adults, but we are still in need of **affordable housing options**. The assisted living options for care are limited when it comes to State County Special Assistance/Medicaid, only four assisted livings (ACH) accept this form of payment. The average Private Pay rate is \$4,500-10,000, leaving a very large gap in affordability for older adults who make too much for State County Special Assistance, but do not have enough to pay private pay rates. This is increasingly becoming a major problem for older adults in Mecklenburg County.
- We are happy to answer any questions for the county commissioners or anything related to long term care or this report.

THIS REPORT COMPLETED ON BEHALF AND WITH THE INPUT OF THE MEMBERS OF THE NURSING HOME AND ADULT CARE HOME COMMUNITY ADVISORY COMMITTEES. THE REGIONAL OMBUDSMAN WILL DISTRIBUTE THIS REPORT TO THE COUNTY COMMISSIONERS, THE COUNTY DEPARTMENT OF SOCIAL SERVICES, AND THE NC DIVISION OF AGING AND ADULT SERVICES.

Hillary Kaylor & Rochelle McIver, Regional Ombudsman

Hillary Kaylor *Rochelle McIver*

3-1-2024
Date Prepared

For questions or comments about this report, contact:
Hillary Kaylor or Rochelle McIver
Centralina Area Agency on Aging
Centralina Regional Council
hkaylor@centralina.org & rmciver@centralina.org

1-800-508-5777

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Comments

Commissioner Griffin thanked the team for their services.

Commissioner Altman thanked the team and wanted them to know that are appreciated.

Commissioner Meier said she went on the tour/inspection, and stated it was very eye-opening and tough. She thanked Ms. Kaylor and Ms. McIver for what they do.

Commissioner Rodriguez-McDowell asked clarifying questions and expressed the importance to get the message out about how much their need was for members, and how critical it was to the needs of the community.

Commissioner Leake thanked the team for their services.

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Commissioner Cotham thanked the team and expressed that nursing homework also involved families who needed the comfort of knowing that someone was there to provide dignity to those who reside in the nursing home.

Vice-Chair Jerrell thanked the team for their services. He asked what the biggest barrier that the team had experienced. Ms. Kaylor said it was daunting for people to think about going through 36 hours of training. Although it was virtual training through their Raleigh's office; the state ombudsmen provided the training, and the team provided the local technical assistance. She explained that people didn't know anything about facilities until they visited them. She said people came on board and were surprised by what they experienced. She acknowledged that it was also daunting because there were old and young people in the facilities, along with individuals with mental health issues.

Vice-Chair Jerrell asked for information on where they should be doing outreach.

Chair Dunlap said for the last 16 years, the vacancy rate had remained the same. He said something different should be considered as it related to advertising. He suggested a target group would be the caregiver groups in the community and the 4th Street bulletin board. He suggested additionally for the team to think about where and how to advertise in order to get the vacancies filled.

MANAGER'S REPORT

24-0347 AMERICAN RESCUE PLAN ACT UPDATE

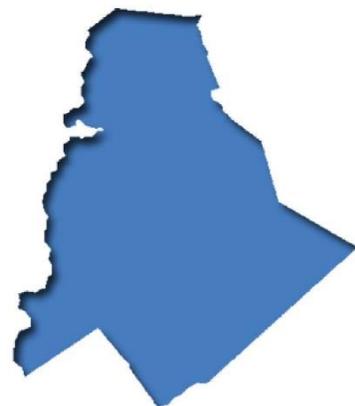
The Board received as information an update on the Coronavirus recovery funds received in Mecklenburg County from the American Rescue Plan Act (ARPA). The presentation will include an update on unspent ARPA funds.

Michael A. Bryant, Deputy County Manager, gave the presentation.

Background: On May 10, 2021, the US Department of Treasury announced the launch of the Coronavirus State & Local Recovery Funds, established by the American Rescue Plan Act of 2021, to provide \$350 billion in emergency funding for eligible state, local, territorial governments. Mecklenburg County received a direct allocation in the amount of \$215 million from the US Department of Treasury.



MECKLENBURG COUNTY
North Carolina



June 18, 2024

Agenda

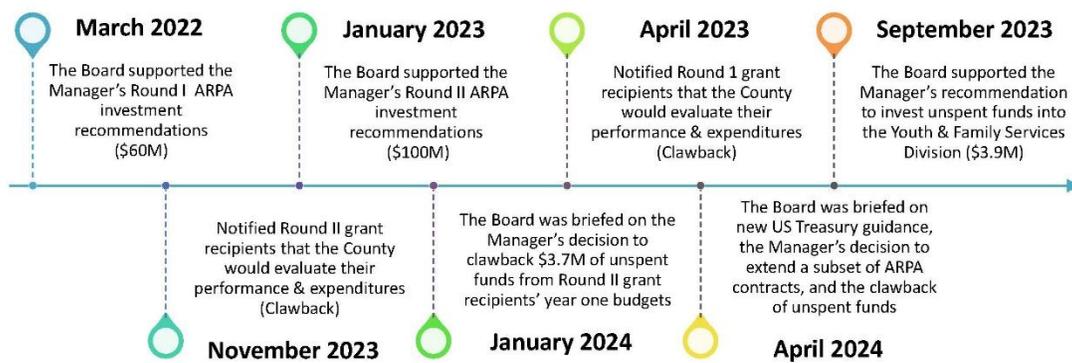
- **Funding Update**
- **Recap of FY2025 Adopted Budget (ARPA)**
- **Additional Investments**



Funding Update



Timeline



Summary of American Rescue Plan Act Fund



\$203.5M Committed
5.9M FY25 Adopted Budget
3.3M Clawbacks
2.9M Uncommitted
\$215.6M ARPA Grant Award

Total ARPA Funds Available for Investments:
\$3.3M Clawbacks
2.9M Uncommitted
\$6.3M ARPA Available

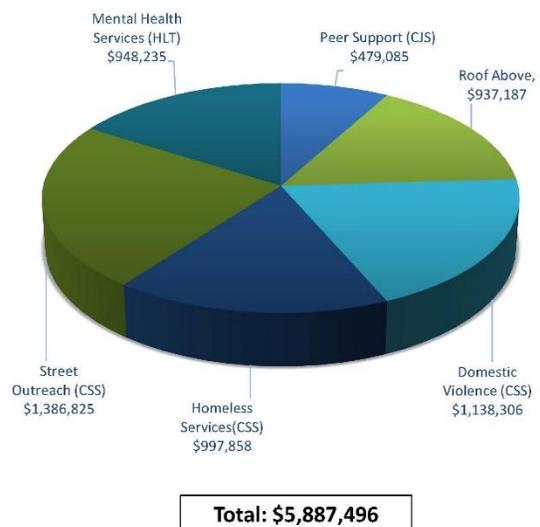
Interest Earned:
\$6.6M Interest Earned
-1.8M Projected FEMA Expenses*
-1.4M Starmed Investment
\$3.4M Net Interest Earned Available



*Federal Emergency Management Agency

FY2025 Adopted Budget

- Community Support Services (CSS) = \$3.4M
- Public Health Department (HLT) = \$1M
- Roof Above = \$937K
- Criminal Justice Services (CJS) = \$480K



Community Support Services

Priority Area:
Health Equity

Program Name: Multi-Interdisciplinary Outreach Team
Funding Amount = \$1,386,825



Description: Continued funding the Hearts for the Invisible Outreach team that provides strategic outreach efforts to provide resources to high-need homeless populations.

COVID 19 Recovery Plan Goal: Improve behavioral health outcomes by increasing access to resources, services, and programming.



Community Support Services

Program Name: Domestic Violence
Funding Amount = \$1,138,306

Description: Continued funding to support (3) licensed clinicians and (1) clinician supervisor to reduce wait times for counseling services.

COVID 19 Recovery Plan Goal: Improve behavioral health outcomes by increasing access to resources, services, and programming.



**Priority Area:
Health Equity**



Community Support Services

Program Name: Coordinated Entry
Funding Amount = \$997,858

Description: Continued funding to support the expansion of the Coordinated Entry Program, which provides housing resources to homeless domestic violence victims.

COVID 19 Recovery Plan Goal: Reduce and prevent homelessness & housing instability.



**Priority Area:
Homelessness**



**Priority Area:
Health Equity**



Public Health Department

Program Name: Infant & Early Childhood Mental Health Services
Funding Amount = \$948,235

Description: Ongoing funding to support an infant and early childhood team that will provide mental health services to families who are ineligible for services provided by the Children Developmental Services Agency (CDSA).

COVID 19 Recovery Plan Goal: Improve behavioral health outcomes by increasing access to resources, services, and programming.



Roof Above

Program Name: Giles Center Shelter for Men
Funding Amount = \$937,187

Description: Continued funding to maintain operations at the Giles Center (118 beds), a low-barrier overnight shelter for men.

COVID 19 Recovery Plan Goal: Reduce and prevent homelessness and housing instability



Priority Area:
Homelessness



Criminal Justice Services

Program Name: Reentry Services
Funding Amount = \$479,085

Description: Continued funding for reentry housing peer support which assists clients navigating complex systems and overcoming barriers in housing.

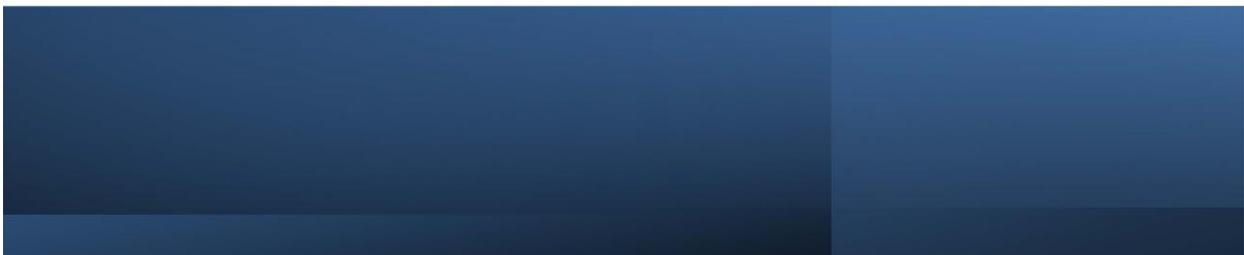
COVID 19 Recovery Plan Goal: Reduce and prevent homelessness & housing instability.



Priority Area:
Homelessness

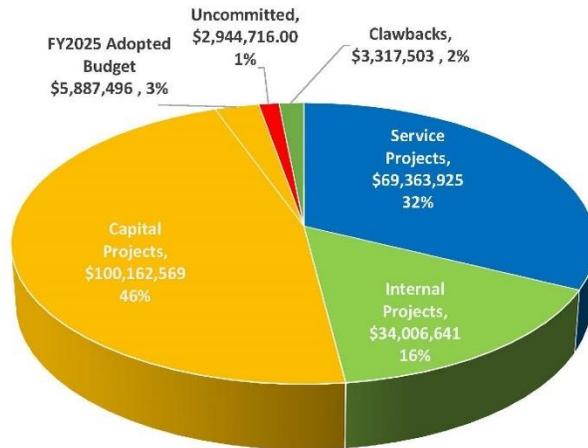


Additional ARPA Investments



Funding by Program Category

- Capital Projects = \$100.1M
- Service Projects = \$69.4M
- Internal Projects = \$34.0M
- FY2025 Adopted Budget = \$5.9
- Clawbacks = \$3.3M
- Uncommitted = \$2.9M



Expenditures By Category To Date



Category	Budget	Expenses to Date	Remaining	% Spent to Date	Spend Deadline
Capital Projects	\$100,162,569	\$46,450,609	\$53,711,959	46%	12/31/26
Service Contracts	69,363,925	46,839,775	22,524,150	66%	12/31/24 4/30/25
Internal Projects	34,006,641	20,038,516	13,968,124	51%	12/31/24 12/31/26
FY25 Adopted Budget	5,877,496	-	5,877,496	-	-
Uncommitted	2,944,716	-	2,944,716	-	-
Clawbacks	3,317,503	-	3,317,503	-	-
Total	\$215,682,851	\$113,328,900	\$102,353,949	53%	

Affordable Housing & Homelessness



Budget	Expenses To Date	Balance	Additional Investment
\$750,000	\$710,577	\$39,423	\$375,000

Program: Funding to reduce housing instability & homelessness by providing emergency and temporary housing support, employment assistance, identification support, and access to healthcare to individuals involved in the justice system



Budget	Expenses To Date	Balance	Additional Investment
\$350,000	\$350,000	\$0	\$350,000

Program: Funding to provide rent support to prevent evictions and keep their residents stably housed.



Budget	Expenses To Date	Balance	Additional Investment
\$885,683	\$657,228	\$228,455	\$400,000

Program: Funding to expand the Housing CLT program, which provides housing placement, financial assistance, and landlord relationship management services for local homeless services agencies.



Budget	Expenses To Date	Balance	Additional Investment
\$1,013,200	\$749,787	\$263,413	\$500,000

Program: Funding for a dedicated team to provide housing, employment and health access navigation and support to put 800 veterans and their families on the path of stability.

Behavioral Health & Health Equity



Budget	Expenses To Date	Balance	Additional Investment
\$666,700	\$433,071	\$233,629	\$300,000

Program: Funding to address food insecurity by expanding their food delivery services and fresh food pop ups in food desert communities.



Budget	Expenses To Date	Balance	Additional Investment
\$363,746	\$258,291	\$105,455	\$245,000

Program: Continued funding to expand access to food support services by upfitting their kitchen to provide cooking demonstrations for seniors as well as healthy meal kits and recipes for participants to take home.



Budget	Expenses To Date	Balance	Additional Investment
\$2,979,540	\$2,979,540	\$0	\$1,000,000

Program: Funding expand expanding its current grocery home delivery service by introducing a free Instacart platform.



Budget	Expenses To Date	Balance	Additional Investment
\$503,439	\$503,439	\$0	\$500,000

Program: Funding to support its outreach and awareness campaign to help victims of human trafficking access services, bridging the gap between available resources and those in need of support.



Budget	Expenses To Date	Balance	Additional Investment
\$919,432	\$589,236	\$329,517	\$300,000

Program: Funding to address food insecurity by expanding their fresh food boxes program in East and West Charlotte.

Workforce & Economic Development



Budget	Expenses To Date	Balance	Additional Investment
\$384,750	\$178,935	\$205,815	\$125,000

Program: Funding to provide workforce preparedness and access to training opportunities to help Mecklenburg artists and creatives.



Budget	Expenses To Date	Balance	Additional Investment
\$1,180,172	\$1,143,679	\$36,493	\$600,000

Program: Funding to support the HealthCares-Healthy Careers allied health, dental, and nursing professional workforce development training program.



Budget	Expenses To Date	Balance	Additional Investment
\$750,000	\$478,375	\$271,625	\$300,000

Program: Funding to expand expanding their current vocational training program that focuses on veterans, justice-involved individuals, homeless residents, and other disadvantaged individuals.



Budget	Expenses To Date	Balance	Additional Investment
\$540,413	\$507,358	\$33,055	\$250,000

Program: Funding to expand its Women in the Trades Pre-Apprenticeship by adding a second location to train 160 additional participants. The workforce program provide participants wrap-around services to remove barriers such as childcare needs, technology needs, and access to transportation.

Workforce & Economic Development



Budget	Expenses To Date	Balance	Additional Investment
\$810,500	\$477,818	\$332,682	\$200,000

Program: Funding to expand their bakery program and new Café location. In both locations, they will equip individuals with intellectual and developmental disabilities (I/DD) with essential job skills and facilitate their integrated job placements



Budget	Expenses To Date	Balance	Additional Investment
\$400,000	\$400,000	\$0	\$200,000

Program: Funding to provide 12 – 14 weeks of tuition-free technical and professional skills training needed to launch quality jobs in the IT sector such as IT Support, Software Engineering, Cybersecurity, and AWS.



Budget	Expenses To Date	Balance	Additional Investment
\$2,982,207	\$2,870,893	\$111,314	\$300,000

Program: Funding to meet the increasing demand for medical and behavioral health care.

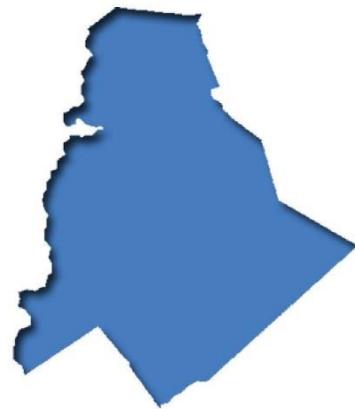
Summary of Additional Investments



Priority Area	Investment Amount
Affordable Housing & Homelessness	\$1,625,000
Behavioral Health & Health Equity	2,645,000
Workforce & Economic Development	1,675,000
Subtotal	\$5,945,000
ARPA Administrative Costs	\$317,219
Total	\$6,262,219



MECKLENBURG COUNTY
North Carolina



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Comments

Chair Dunlap asked if the \$3.4 million, because it was interest, was bound by any of the ARPA rules; and in terms of options, could those funds be spent any way the Board desires. *Michael Bryant stated that there are no limitations and no deadlines on those funds.*

County Manager Diorio said any future interest received would be brought back to the Board for consideration.

Vice-Chair Jerrell said the team did an outstanding job getting these funds allocated. He said moving forward with respect to the interest earned, he would like them to consider going back and repaying the \$14 million taken out of fund balance if there were no other critical concerns or needs.

Mr. Bryant said he wanted to commend the Board for working through this process. He clarified what was still available separate from the interest earned so there will still be some interest earned available.

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Commissioner Powell asked what the status of Angels and Sparrows was. *Michael Bryant said it had been resolved to some extent. He said they met with them, and the manager allowed them to have additional time to demonstrate that they could do what they said, and they would revisit that, but clock was ticking, and they were very clear and upfront with them. He said once they reconvened, they would see what progress was made and decide what the next steps were.*

Chair Dunlap asked if it was extended to others. *Mr. Bryant said they had conversations with others; however, those conversations did not come down to the need to extend more time.*

24-0373 SECOND AMENDED AND RESTATED TRANSIT GOVERNANCE INTERLOCAL AGREEMENT

Background: City Council for the City of Charlotte approved the original Transit Governance Interlocal Agreement (“ILA”), executed in February of 1999, between the County of Mecklenburg, Town of Cornelius, Town of Davidson, Town of Huntersville, Town of Matthews, Town of Mint Hill, Town of Pineville, and the City. The parties to the agreement have worked to develop a proposed Second Amended and Restated Transit Governance Interlocal Agreement to ensure the advancement of the Charlotte Area Transit System (“CATS”) and promote the goals of the Metropolitan Transit Commission (“MTC”).

This Second Amended and Restated Transit Governance Interlocal Agreement will provide for the continuation of coordinated transit operations on a county-wide basis through CATS.

To date, the City and County have been unable to address the issue of Orphan Roads in the unincorporated ETJ areas of the City. There is a Letter of Intent included, signed by the Charlotte City Manager and the Mecklenburg County Manager, that serves as a commitment between the City and County for the City to dedicate a portion of Charlotte’s future sales tax revenue for roads to fund a program that will address the issue and improve the roads to a standard where NCDOT can accept future maintenance of the roads. A more detailed agreement will be drafted between the City and County.

Dena Diorio, County Manager gave a summary of all the changes of the interlocal agreement as follows:

Budget- There is now a mediation process for the budget, the way this works is that the MTC submits an approved budget to the City Council, and if the City Council doesn’t approve the MTC Budget, there is a conference committee, but what has been added is that any party can now ask to go to mediation if there is no agreement by the conference committee within 21 days so it does give the other members of the MTC opportunity to advance those budget discussions.

CATS now confirms their commitment to providing an annual accounting of each entity's contribution and transit services provided. There has always been a lot of debate back and forth about how much sales tax each community contributes and how much they receive in terms of services. CATS is now going to hold mandatory annual budget workshops with the MTC for both the operating and capital budgets. Each year, a discretionary fund of \$500,000.00 will be established for the MTC, and the fund can be used for studies, reviews, or audits in CATS operations. It can be spent by a 2/3 vote of the MTC, which is six votes, and City Council approval may be required to spend those dollars.

In addition, there is now an agreement that if an additional sales tax is passed, any transportation-related revenue, which is for roads, will not be used to repay any debt service for transit.

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In the area of Policy, the MTC will conduct a comprehensive governance review within one year of the effective date of the interlocal agreement to make sure that the interlocal is providing the oversight and effectiveness and governance that we all hoped it would. The governance review will ensure that there is public and transit stakeholder input and participation in that review.

The MTC will now review and approve long-range transportation plans. The current language before this just had the MTC recommending long-range plans, so now they have the ability to approve those plans. This means that if there are going to be any changes to those plans, they would have to go back to the MTC for approval, so it is providing additional governance over that process.

In the area of transparency investigation and records, CATS will have to notify and provide monthly safety data and final audit reports from the FTA and NCDOT to the MTC, The CATS CEO is to report promptly to the MTC any incidents that materially affect the operation of CATS and MTC is allowed access to all records and facilities of CATS.

The CEO selection process has been revised significantly to ensure greater transparency and inclusion; the current language has the appointment of the CEO just by the concurrence of the County Manager and one MTC member. The MTC will now be involved in the selection of a search firm, will approve the position profile, will review all the applicants, and select a member from the MTC to serve on the interview panel. The slate of all the finalists will be presented to the MTC and the final selection will be by the city manager with concurrence from the county manager and the MTC representative.

The term of the agreement clarifies that the agreement will expire on June 30, 2034, and will extend for five years unless amended or terminated by all parties.

There is an accompanying letter of intent between the City and the County Manager that the City has agreed and committed to the maintenance of orphan roads if any additional sales tax is approved.

Chair Dunlap thanked everyone for their assistance and thanked Commissioner Altman for championing the process.

Commissioner Rodriguez-McDowell stated that she would not be supporting the Interlocal Agreement at this time due to the objections in the Town of Matthews. She said in one sentence where it states that City Council approval may be required to use the dollars that were set aside, that it was a big sticking point, and that she agreed with Matthews in their objection, and was casting a no vote.

Commissioner Altman said the County Manager worked very hard in negotiations. We are now in a better position, materially and substantially with the new agreement.

Vice-Chair Jerrell commended the County Manager and Commissioner Altman. He said transit and transportation were so important to this community and it's important for us to do it right. He said there is a miss that had nothing to do with negotiation at all, nor with our representation locally, but had everything to do with perspectives that landed outside of the community. He said when a significant portion of the community is left out, he couldn't in good faith represent that community and move forward with where they were without any level of alternatives in the near future to see the most densely populated part of the community wouldn't have alternative viable means of moving around to critical points and assets within the community. He said regarding equity and fairness, in East Charlotte there was a community that was often on the wrong side of those conversations. He said he could not support it.

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Chair Dunlap stated that, in terms of what was taking place, it simply meant that the light rail was not going to the east, but all other forms of public transportation, such as buses, would be.

County Manager Dena Diorio stated that this Interlocal Agreement does not involve expansion of rail or bus rapid transit but to have better governance under the current structure.

Vice Chair Jerrell asked of the interlocal agreement set the framework that they were working from that led to the transportation options. *County Manager Diorio said no that they were separate issues.*

Vice Chair Jerrell asked what the objections of the Town of Matthews were. *County Manager Diorio said it had to do with the fact that if the MTC wanted to use the \$500,000 that it may require City Council approval.*

The Commissioners asked for clarification regarding the \$500,000 discretionary fund which was explained by County Manager Diorio and Commissioner Altman.

Motion was made by Commissioner Powell, seconded by Commissioner Meier and carried 6-3 with Commissioners Altman, Dunlap, Griffin, Jerrell, Leake, and Meier voting yes, and Commissioners Cotham, Powell and Rodriguez-McDowell voting no to adopt a Resolution Approving the Second Amended and Restated Transit Governance Interlocal Agreement Between the City of Charlotte, County of Mecklenburg, Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville, Providing for Coordinated Transit Operations on a County-Wide Basis Through the Charlotte Area Transit System ("CATS")

RESOLUTION OF THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS APPROVING THE SECOND AMENDED AND RESTATED TRANSIT GOVERNANCE INTERLOCAL AGREEMENT BETWEEN THE CITY OF CHARLOTTE, COUNTY OF MECKLENBURG, TOWN OF CORNELIUS, TOWN OF DAVIDSON, TOWN OF HUNTERSVILLE, TOWN OF MATTHEWS, TOWN OF MINT HILL, AND TOWN OF PINEVILLE PROVIDING FOR COORDINATED TRANSIT OPERATIONS ON A COUNTY-WIDE BASIS THROUGH THE CHARLOTTE AREA TRANSIT SYSTEM ("CATS")

WHEREAS, This Interlocal Agreement made as of February 16, 1999 and amended as of November 28, 2005 by and among the **COUNTY OF MECKLENBURG**, a political subdivision of the State of North Carolina, the **CITY OF CHARLOTTE**, a municipal corporation organized under the laws of the State of North Carolina, and the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville whose governing boards adopted the original and amended Agreement; and

WHEREAS, the City Council for the City of Charlotte approved the original Transit Governance Interlocal Agreement ("ILA"), executed in February of 1999, between the County of Mecklenburg, Town of Cornelius, Town of Davidson, Town of Huntersville, Town of Matthews, Town of Mint Hill, Town of Pineville, and the City; and

WHEREAS, after the Metropolitan Transit Commission ("MTC") approved amendments to the ILA, the Charlotte City Council and the other parties approved an Amended Transit Governance Interlocal Agreement, executed in November of 2005; and

WHEREAS, the parties to the agreement have worked to develop a proposed Second Amended and Restated Transit Governance Interlocal Agreement to ensure the advancement of the Charlotte Area Transit System ("CATS") and promote the goals of the Metropolitan Transit Commission ("MTC"); and

WHEREAS, the Second Amended and Restated Transit Governance Interlocal Agreement will provide for the continuation of coordinated transit operations on a county-wide basis through CATS; and

WHEREAS, changes in the Second Amended and Restated Transit Governance Interlocal Agreement include: a new annual discretionary fund of \$500,000, which the MTC may use to fund studies or commission reports related to CATS; an expanded role for the MTC in developing CATS budgets; an enhanced process for selecting and recommending the CATS CEO; and increased reporting requirements for CATS and CATS's CEO to the MTC; and

WHEREAS, the Second Amended and Restated Transit Governance Interlocal Agreement also revises the term of the agreement to continue through at least June 30, 2034 and makes other technical and administrative changes to the agreement; and

WHEREAS, to become effective, this Second Amended and Restated Transit Governance Interlocal Agreement must be approved by the City, the County, and at least three-quarters of the six Mecklenburg County towns. The City Council approved the Amended Agreement on May 28, 2024.

**Meeting Minutes
June 18, 2024**

NOW THEREFORE,

BE IT RESOLVED that the Mecklenburg County Board of Commissioners hereby:

1. APPROVES THE SECOND AMENDED AND RESTATED TRANSIT GOVERNANCE INTERLOCAL AGREEMENT, AS DESCRIBED ABOVE, BETWEEN THE CITY OF CHARLOTTE, COUNTY OF MECKLENBURG, TOWN OF CORNELIUS, TOWN OF DAVIDSON, TOWN OF HUNTERSVILLE, TOWN OF MATTHEWS, TOWN OF MINT HILL, AND TOWN OF PINEVILLE PROVIDING FOR COORDINATED TRANSIT OPERATIONS ON A COUNTY-WIDE BASIS THROUGH CATS;

AND

2. AUTHORIZES THE COUNTY MANAGER OR HER DESIGNEE TO EXECUTE THE SECOND AMENDED AND RESTATED TRANSIT GOVERNANCE INTERLOCAL AGREEMENT, AS DESCRIBED ABOVE, PROVIDED THE FOLLOWING CONDITIONS ARE MET:
 - (A) THE MTC APPROVES SUCH AGREEMENT, AND
 - (B) AT LEAST THREE-QUARTERS OF THE SIX MECKLENBURG COUNTY TOWNS APPROVE SUCH AGREEMENT.

THIS THE 18 DAY OF JUNE 2024

George Dunlap, Chair of the Board of
Commissioners

Kristine Smith, Clerk to the Board

Approved as to Form

Tyrone C. Wade, County Attorney

Resolution recorded in full in Ordinance Book 52, Document #122.

**Meeting Minutes
June 18, 2024**

**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

**Second Amended and Restated
Transit Governance Interlocal Agreement**

This Second Amended and Restated Transit Governance Interlocal Agreement ("Agreement") is entered into as of _____, by and among the **COUNTY OF MECKLENBURG** (the "County"), a political subdivision of the State of North Carolina, the **CITY OF CHARLOTTE** (the "City"), a municipal corporation organized under the laws of the State of North Carolina, and such other **MUNICIPAL CORPORATIONS ORGANIZED UNDER THE LAWS OF THE STATE OF NORTH CAROLINA LISTED IN SECTION III OF THIS AGREEMENT** (each a "Town" and collectively, the "Towns") whose governing boards have adopted a resolution approving this Agreement and who are signatories to this Agreement.

WITNESSETH:

WHEREAS, the parties hereto have the power pursuant to Section 153A-445(a)(1) and Article 20 of Chapter 160A of the North Carolina General Statutes to perform jointly any function that they have the power to perform alone, or to contract with one another for the performance of any governmental function that they have the power to perform alone, and to enter into contracts and agreements to specify the details of these joint undertakings; and

WHEREAS, in 1998, drawing from community input and building on a ten-year regional planning process, the parties to this Agreement undertook to develop an integrated transit/land use plan, which resulted in the publication of the "2025 Integrated Transit/Land-Use Plan for Charlotte Mecklenburg" (the "2025 Integrated Plan") in July 1998; and

WHEREAS, based, in part, on the 2025 Integrated Plan, and pursuant to Article 43 of Chapter 105 of the North Carolina General Statutes, the Mecklenburg County Board of Commissioners called an advisory referendum for the levy of a one-half percent local sales and use tax for the purpose of financing public transportation systems; and

WHEREAS, the voters of Mecklenburg County approved the referendum on November 3, 1998; and

WHEREAS, the 2025 Integrated Plan included a section on governance that called for the units of local government engaged in this regional effort to share responsibility and accountability for transit services under the following guiding principles:

Provide for coordinated transit operations on a county-wide basis;

Retain for the elected bodies the responsibility of approving long-range transit plans and the capital and operating programs that support these plans;

Ensure that public involvement is a component;

Assure that Town interests are represented; and

Be flexible and expandable so jurisdictions outside Mecklenburg County could become part of the system; and

WHEREAS, consistent with the guiding principles and other components of the 2025 Integrated Plan's governance recommendations, the parties entered into a Transit Governance Interlocal Agreement (the "Initial Agreement") dated February 16, 1999, to provide the relationships and mechanisms to guide the planning, financing, and implementation of an effective, efficient, responsive, and accountable integrated regional transit system; and

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WHEREAS, the integrated public transit system established pursuant to the Initial Agreement has come to be known as the Charlotte Area Transit System (“CATS”), which operates as a public enterprise and department of the City and is responsible for providing public transportation in the greater Charlotte area, including the County and each of the Towns; and

WHEREAS, the Initial Agreement established the Metropolitan Transit Commission (“MTC”) to, among other things, review and recommend long-range public transportation plans and review and recommend two-year operating and five-year capital program budgets for CATS; and

WHEREAS, the parties later entered into an Amended Transit Governance Interlocal Agreement (the “Amended Agreement”) dated November 28, 2005, which made certain amendments to the Initial Agreement; and

WHEREAS, the parties wish to modify the Amended Agreement and enter into this Second Amended and Restated Transit Governance Interlocal Agreement to further promote the goals of CATS and the MTC; and

WHEREAS, the parties agree to periodically reexamine the effectiveness of this Agreement and the governance structure created thereby and will undertake a comprehensive review of these issues within one year of the effective date of this Agreement.

NOW, THEREFORE, in consideration of the premises and the fulfillment of the terms of this Agreement, the parties hereto agree as follows:

I. Purpose

The purpose of this Agreement is to establish the relationships and mechanisms that will guide the planning, financing, and implementation of an effective, efficient, responsive, and accountable integrated regional transit system.

II. Authority

The parties derive their authority to enter into this Agreement and provide for the establishment and operation of an integrated public transit system pursuant to, *inter alia*, the following:

- Article 43 of Chapter 105 of the North Carolina General Statutes (Session Laws 1997, ch. 417, sec. 1) (Local Government Public Transportation Sales Tax Act);
- N.C.G.S. 160A-460 *et seq.* (Interlocal joint exercise of powers);
- N.C.G.S. 160A-311 *et seq.* (Municipal public enterprises); and
- N.C.G.S. 153A-274 *et seq.* (County public enterprises).

III. Parties

Each of the following units of local government may become a party to this Agreement upon approval of its governing board:

Mecklenburg County
City of Charlotte
Town of Cornelius
Town of Davidson
Town of Huntersville
Town of Matthews
Town of Mint Hill
Town of Pineville

Other units of local government may become a party to this Agreement pursuant to Section IX.A.

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IV. Metropolitan Transit Commission

A. Composition

- (1) The Metropolitan Transit Commission ("MTC") shall be a public body comprised of:
- (a) two representatives from each party to this Agreement as defined in Section III;
 - (b) one representative from the North Carolina Department of Transportation;
 - (c) two representatives from any regional member added to the MTC pursuant to subsection (3) below; and
 - (d) one representative from the South Carolina Department of Transportation, if added to the MTC pursuant to subsection (5) below.

- (2) Parties. The parties to this Agreement are as defined in Section III. Each party shall have one vote, which shall be cast by its primary or alternate voting representative (defined below).

One representative of each party to this Agreement shall be its mayor (or chair of the board of county commissioners) or his/her designee who shall serve at the pleasure of the mayor (chair), and the other representative shall be the party's manager (or administrator) or his/her designee who shall serve at the pleasure of the manager (administrator). The mayor (chair) or designee shall be a party's primary voting representative and the manager (administrator) or designee shall be the alternate voting representative authorized to cast a vote in the absence of the primary voting representative.

- (3) Regional Members. A unit of local government that is not a party to this Agreement may be added as a "regional member" of the MTC by affirmative vote of all the voting representatives of the MTC. Once added to the MTC, a regional member shall have one vote that may be cast by its voting representative.

Only a county that is contiguous with Mecklenburg County, or a municipality located within such a county, shall be eligible to become a regional member. The financial and other legal commitments of a regional member (including those in subsection (a) below) shall be approved by the MTC and established through an interlocal agreement between such regional member and the City, prior to adding such regional member to the MTC. A regional member shall be removed from the MTC upon termination or expiration of its interlocal agreement with the City.

- (a) In addition to the eligibility requirements above, a county or municipality shall do all of the following to be eligible to become a regional member:
- i. complete any Federal Transit Administration-sanctioned studies to justify any anticipated rapid transit project in the local government's jurisdiction;
 - ii. document evidence of stable, adequate source(s) of funding for capital and operating costs for any anticipated rapid transit project in the local government's jurisdiction; and
 - iii. adopt transit-oriented land-use policies and zoning for any proposed station locations associated with such rapid transit project.

- (4) Regional Participants. The MTC shall appoint or provide for the appointment of an

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appropriate number of non-voting "regional participants" from local governments from outside Mecklenburg County to ensure regional representation.

(5) State Transportation Departments.

- (a) NCDOT: The representative from the North Carolina Department of Transportation shall be the North Carolina Board of Transportation ("NCBOT") member representing Mecklenburg County, or the representative designated by the Secretary of Transportation in the absence of a NCBOT member who represents Mecklenburg County; provided such designated representative shall serve only for the period up to and until there is a NCBOT member who represents Mecklenburg County. The representative from the North Carolina Department of Transportation shall have one vote.
- (b) SCDOT: Upon affirmative vote of all the voting representatives of the MTC, the South Carolina Department of Transportation may have one representative added to the MTC. Such representative shall be appointed by the MTC and shall serve either: (i) at the pleasure of the MTC or (ii) for an established term, as determined by the MTC. Unless and until the MTC has voted to allow the South Carolina Department of Transportation a voting representative, the MTC shall appoint or provide for the appointment of one non-voting representative of the South Carolina Department of Transportation.

B. Officers

There shall be a Chair and Vice-Chair of the MTC.

The Chair of the MTC shall be the Chair of the Mecklenburg County Board of Commissioners (or the Board Chair's designee, who shall serve at the pleasure of the Board Chair) starting December 1 of each odd-numbered year and shall be the Mayor of the City of Charlotte (or the Mayor's designee, who shall serve at the pleasure of the Mayor) starting December 1 of each even-numbered year.

The MTC shall select a Vice-Chair who shall be the primary voting representative from one of the Towns.

C. Quorum

A majority of the voting representatives of the MTC shall constitute a quorum.

D. Powers and Duties

The MTC shall have the power and authority to:

- (1) Review and approve long-range public transportation plans within Mecklenburg County, including for CATS;
- (2) Hold budget retreats to discuss and develop the capital and operating budgets for CATS
- (3) Review and recommend the capital and operating budgets for CATS, subject to the approval of the Charlotte City Council as specified in Section VII of this Agreement;

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- (4) Provide input into the review and evaluation of the performance of CATS;
- (5) Review and from time to time approve updates to the CATS Agency Safety Plan in the MTC's role as the designated Equivalent Authority for CATS under 49 C.F.R. § 673.11.
- (6) Approve any agreement, policy, or arrangement proposed by CATS for the extension of services outside of Mecklenburg County;
- (7) Make recommendations for how CATS can ensure that it operates in a manner that equitably serves the citizens of each of the parties to this Agreement (measured based on a per capita basis consistent with Section 105-507.3(a) of the North Carolina General Statutes);
- (8) Conduct public involvement programs to provide community input on proposed five-year capital and two-year operating programs; and
- (9) Inspect all public records of and concerning CATS, as well as any property, facilities, or equipment of CATS. Such inspections shall be subject to applicable privacy and safety laws and regulations and other such reasonable limitations as CATS may require (ex. prior scheduling and appropriate notification).

V. Public Transit Advisory Committee

A. Composition, Terms, and Officers

As of January 1, 2025, all existing advisory committees of the MTC shall be dissolved and a new Public Transit Advisory Committee ("PTAC") of the MTC shall be formed. PTAC shall be an advisory body composed of two members appointed by the Mecklenburg County Board of Commissioners, two members appointed by the Charlotte City Council, one member appointed by The Charlotte-Mecklenburg Board of Education, one member appointed by each Town that is a party to this Agreement, one member appointed by a regional member added pursuant to Section IV.A. of the Agreement (if any), one member appointed by the Chair of the Mecklenburg County Board of Commissioners (who shall serve as co-chair of PTAC), and one member appointed by the Mayor of the City of Charlotte (who shall serve as co-chair of PTAC). A holder of publicly elected office shall not serve on PTAC.

The MTC may, upon affirmative vote of at least three-quarters of the voting representatives, dissolve PTAC effective as of a selected dissolution date. As of any selected dissolution date, the terms of all PTAC members shall end and PTAC shall cease to have any responsibilities under this Agreement.

B. Responsibilities

PTAC shall be responsible for (1) reviewing the CATS CEO's (defined below) proposed operating programs and five-year capital programs, (2) reviewing transit policies, (3) serving as an initial forum for suggestions and complaints concerning fares, routes and schedules, and (4) making recommendations to the MTC regarding these matters. PTAC shall also be responsible for providing such other advisory functions as directed by the MTC.

In addition to PTAC, the MTC may establish and appoint other standing and/or *ad hoc* advisory committees as it deems appropriate.

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VI. Administration

A. CATS Chief Executive Officer (“CATS CEO”)

The CATS CEO shall be a City of Charlotte employee appointed by the Charlotte City Manager (the “City Manager”) with the concurrence of the Mecklenburg County Manager and an MTC voting representative (not a City or County representative) selected by the MTC. The process for selection of the CATS CEO shall be as set forth in **Appendix A**.

The CATS CEO shall be subject to review and evaluation by the City Manager with input from the County Manager and an MTC voting representative (not a City or County representative) selected by the MTC.

The CATS CEO’s salary and benefits shall be established by the City Manager.

The City Manager shall have the authority to remove the CATS CEO. In addition, if a majority of the total voting representatives of the MTC approves a vote of “no confidence,” the City Manager shall remove or reassign the CATS CEO.

B. Organization and Staffing

The CATS CEO shall supervise and direct such personnel as are necessary to operate CATS and implement the approved capital and operating programs. CATS personnel shall be employees of the City.

C. Responsibilities

(1) *Operation of CATS*

The CATS CEO shall (i) ensure the safe and efficient operation of CATS, including the performance of all regular and necessary maintenance for all equipment and facilities; (ii) carry out the approved capital and operating programs; and (iii) ensure compliance with all applicable local, state, and federal laws, rules, and regulations that govern CATS and its operations.

(2) *Submission of Items to the MTC*

The CATS CEO shall develop and submit to the MTC:

- (i) proposed long-range public transportation plans;
- (ii) lists of programs and services for MTC prioritization and approval;
- (iii) proposed annual operating programs;
- (iv) proposed five-year capital programs; and
- (v) annual assessments of service and other plan items.

(3) *Required Communications to the MTC*

The CATS CEO shall provide to the MTC a monthly report showing the performance status of CATS’s four target safety goals (fatalities, injuries, safety events, and system reliability), as defined in Section 1.2.2 of the CATS Agency Safety Plan.

Any final audit reports issued by NCDOT State Safety Oversight or the Federal Transit Administration concerning CATS shall be furnished by the CATS CEO to the MTC by the later of (i) the next regular meeting of the MTC or (ii) 15 days of CATS’s receipt of such report.

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The CATS CEO shall promptly report to the MTC any other incidents, events, or matters that materially affect the operation of CATS, public safety within CATS, or CATS operating and capital programs.

VII. Programs and Budgets

A. Five-Year Capital Program and Annual Operating Program

The budget of CATS shall be set forth in a five-year capital program and annual operating program.

Five-year capital programs shall be developed and approved annually and cover a rolling five-year term.

Operating programs shall be developed and approved annually. Adjustments and revisions may be made during the operating year. The annual operating program cycle will coincide with the City's annual budget cycle. Each operating program shall include an "MTC discretionary fund" of no more than \$500,000. Upon an affirmative vote of at least two-thirds of the voting representatives of the MTC, the MTC may direct the use of the discretionary funds to conduct studies or commission reports concerning CATS's operations, facilities, equipment, or safety issues. Any funds remaining at the end of the applicable fiscal year will be used to offset the following fiscal year's discretionary fund. The City will be the contracting party for all contracts funded through the discretionary fund; thus, all such contracts may be subject to Charlotte City Council approval and must comply with the City's procurement policy.

Capital and operating programs shall specify those transit service investments in the Towns that demonstrate that such investments are at a level that equals or exceeds each Town's theoretical local transit sales tax share (such share to be calculated on a per capita basis consistent with Section 105-507.3(a) of the North Carolina General Statutes). Capital and operating programs shall also include an accounting showing the contributions of each party to this Agreement to CATS, as well as the services, and approximate value thereof, provided to the citizens and constituents of each party (with the contributions and services calculated based on a per capita basis consistent with Section 105-507.3(a) of the North Carolina General Statutes). The MTC shall hold a workshop to discuss the accounting.

Capital and operating programs shall implement the statutory obligation for the County's net transit sales tax proceeds to be equitably allocated in consideration of the identified needs of local public transportation systems in the county, countywide human service transportation systems, and expansion of public transportation service to unserved areas in the county.

B. Annual Process for Development and Approval of the Capital and Operating Program

The MTC will hold an annual budget retreat in October of each year to review and discuss budget priorities for the upcoming capital and operating program years.

By January 30 of each year, the CATS CEO shall submit to the MTC a proposed capital program and operating program.

The MTC shall provide opportunities for input from the parties to this Agreement and the public in the course of its review of proposed capital and operating programs.

By April 30, the MTC shall approve a recommended capital program and operating program.

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The MTC-recommended capital program and operating program will be considered and voted upon by the Charlotte City Council. After a five-year capital program is approved, approval for subsequent five-year capital programs may be withheld only as to changes to the immediately preceding capital program and the new fifth year. If the Charlotte City Council approves the capital program and operating program, the programs shall be funded through budget and/or project ordinances.

C. Appointment of Conference Committee and Mediation

If the Charlotte City Council does not approve the MTC-recommended capital or operating program for CATS within 60 days after it is recommended by the MTC, the Mayor of the City of Charlotte shall appoint three Charlotte City Council Members and the Chair of the Mecklenburg County Board of Commissioners shall select three representatives of the MTC, none of whom shall be a representative of the City, to a conference committee which shall, within 60 days of appointment, develop and recommend to the Charlotte City Council and the MTC a conference committee program report, which report must be approved by the Charlotte City Council and MTC before funding and implementation.

If the conference committee does not reach agreement within the first 20 days after members are appointed, any party to this Agreement may request and require that the City and the MTC participate in a mediation to resolve their differences. Such mediation shall be conducted within the 60-day time frame for developing and recommending the conference committee program report set forth above. If the parties cannot agree on a mediator, the City Manager and County Manager shall each provide a list of two potential mediators to the Chair of the MTC, the Chair and Vice-Chair shall select a mediator from lists provided. The party requesting mediation shall pay all fees and expenses of the mediator.

D. Capital and Operating Programs in the Absence of Agreement

If the Charlotte City Council has not approved the capital and operating programs prior to its adoption of a budget ordinance, the City Council shall appropriate only such funds as are sufficient to service previously approved debt and to fund the maintenance and operation of previously approved levels of transit service. If the Charlotte City Council and the MTC approve a conference committee program report after the Charlotte City Council adopts a budget ordinance, the Charlotte City Council shall adopt such budget ordinance amendments and/or project ordinances as are necessary to fully fund the approved capital and operating programs.

E. Budget and Project Ordinances

Through its budget ordinance, each party shall appropriate for transfer to the City:

- (1) transit sales tax receipts;
- (2) transit fares, fees, rents, or other charges;
- (3) maintenance of effort obligation;
- (4) state and federal transit grants and other intergovernmental transit related transfers; and
- (5) other transit appropriations.

The City shall fund and implement approved capital and operating programs through budget, project, and other ordinances, resolutions, contracts, and other legislative and administrative measures.

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VIII. Financing

A. Transit Sales Tax Revenues

Each party eligible for receipt of a share of the transit sales tax shall annually appropriate all transit sales tax revenues for transfer to the City. Sales tax receipts shall be transferred to the City within five business days of receipt of the distribution.

If the Mecklenburg County Board of Commissioners is given authority to levy an increased sales tax for transit and transportation purposes, any portion of the increased sales tax revenues that is designated for public transit uses shall be treated the same as the existing sales tax revenue under this Agreement. Any other portion of increased sales tax revenues (collectively, the "Non-Transit Sales Tax Revenue") shall be distributed to units of local government according to any authorizing legislation or other applicable law and shall not be subject to this Agreement.

B. Fares, Fees, Rents, and Other Charges

Except as may otherwise be provided in the annual operating program, each party receiving transit fares, fees, rents and other transit charges shall annually appropriate same for transfer to the City. Such funds shall be transferred to the City by the tenth day of the month immediately following the month during which such funds are received.

C. Maintenance of Effort¹

Beginning in FY00, each party shall annually appropriate for transfer to the City a "maintenance of effort" amount equal to its agreed upon FY98 "local expenditure for transit services." Maintenance of effort obligations shall be transferred to the City no later than December 31 of each fiscal year. The City shall annually supplement all other sources of transit revenue with an appropriation equal to its agreed upon FY98 "local expenditure for transit services."

"Local expenditure for transit services" shall mean all capital and operating expenditures for transit services other than (1) those funded through state or federal grants; (2) other intergovernmental transfers; or (3) from fares, fees, rents, or other service charges.

D. State and Federal Grants and Other Intergovernmental Transfers

Except as may otherwise be provided in the five-year capital or annual operating programs, each party receiving other transit revenues such as state and federal grants and other intergovernmental transfers shall annually appropriate same for transfer to the City. Such funds shall be transferred to the City within five business days of receipt.

E. Other Appropriations

Any party may appropriate and transfer other funds to the City for identified activities.

F. Debt

All transit debt shall be issued in accordance with approved five-year capital programs.

¹ N.C.G.S. 105-507.3(b) provides, in part, that "[e]very unit of government shall use the net proceeds to supplement and not to supplant or replace existing funds or other resources for public transportation systems."

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G. Annual Reporting

The CATS CEO shall provide annual financial reports.

IX. Miscellaneous

A. Addition of other units of local government

Other units of local government may become party to this Agreement upon approval of all parties to this Agreement.

B. Authority

Except as modified or limited herein, and to the fullest extent authorized by law, the City and its officers, agents, and employees shall, with respect to public transit, have the jurisdiction, powers, functions, public enterprises, rights, privileges, and immunities of the other parties to this Agreement.

C. Mandatory Governance Review

Within one year of the effective date of this Agreement, the MTC shall undertake and complete a comprehensive governance review which shall consider the effectiveness of this Agreement and the governance structure established hereunder as well as other possible governance structures including, but not limited to, various forms of a transit authority. The governance review shall be conducted in a manner that ensures public and transit stakeholder input and participation. The governance review may be undertaken by the MTC directly or may be conducted by other entities at the MTC's direction as the MTC deems appropriate. Within one year of the effective date of this Agreement, the MTC shall provide the governing boards of the parties to this Agreement with its report and recommendations.

Notwithstanding the requirements of this section, the MTC may vote to cancel the comprehensive governance review required by this section if subsequent legislation concerning CATS or other circumstances obviate the need for such a review.

X. Effective Date, Term, Amendment, and Withdrawal

A. Effective Date

This Agreement shall become effective upon (i) approval by the Charlotte City Council and the Mecklenburg County Board of Commissioners, (ii) approval by three-quarters (75%) of the Towns other than those that have withdrawn from the MTC, and (iii) the adoption by the Mecklenburg County Board of Commissioners of a resolution levying the transit sales tax.

B. Term

This Agreement shall continue through June 30, 2034. The Agreement shall automatically extend by a further five (5) years on June 30, 2034, unless the City, the County, and at least three-quarters of the Towns other than those that have withdrawn from the MTC vote to amend or terminate this Agreement pursuant to section X.D. at least one year prior to such expiration. The Agreement shall automatically extend by a further five (5) years on each subsequent expiration date, unless the City, the County, and at least three-quarters of the Towns other than those that have withdrawn from the MTC vote to amend or terminate this Agreement pursuant to section X.D. at least one year prior to such expiration.

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C. Continuing Debt Obligations

Upon the expiration or termination of this Agreement, each party shall continue to be liable for, and shall annually appropriate and transfer to the City no later than December 31 of each fiscal year, a sum of money determined by multiplying (1) the current fiscal year costs of servicing all debt issued pursuant to this Agreement (including any refunding debt) by (2) such party's per capita percentage basis among Mecklenburg County and the other units of local government in Mecklenburg County (such percentage to be calculated on a per capita basis consistent with Section 105-507.3(a) of the North Carolina General Statutes). This continuing debt obligation will end when all debt obligations are satisfied.

Notwithstanding anything herein to the contrary, no party to this Agreement shall be required to use any of its Non-Transit Sales Tax Revenue to satisfy its continuing debt obligations under this section.

D. Amendment

This Agreement may be either amended or terminated by authorized agreement of the City, the County, and at least three-quarters (75%) of the Towns other than those that have withdrawn from the MTC.

E. Town Withdrawal

Any Town may withdraw from this Agreement effective at the start of a fiscal year (July 1) by giving written notice to the other parties to this Agreement no later than the end of the immediately preceding fiscal year (June 30).

Except as provided herein, upon withdrawal from this Agreement, a Town: (1) shall lose all rights under this Agreement; and (2) shall, except as provided in the following paragraph, no longer be obligated to appropriate and transfer to the City transit sales tax receipts, transit fares, fees, rents, or other charges, maintenance of effort obligation, or state and federal grants and other intergovernmental transfers.

Upon withdrawal from this Agreement, a Town shall be liable for, and shall annually appropriate and transfer to the City no later than December 31 of each fiscal year, a sum of money determined by multiplying (1) the current fiscal year costs of servicing all debt issued pursuant to this Agreement while the Town was a party to this Agreement (including any refunding debt) by (2) the Town's per capita percentage basis among Mecklenburg County and the other units of local government in Mecklenburg County.

A Town that has withdrawn may regain its status as a full party to this Agreement upon approval of its governing board effective on the first date of the fiscal year beginning immediately following the governing board's approval.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed effective as of the day written above by authority duly granted by the governing boards of the parties.

COUNTY OF MECKLENBURG

Name: _____
Title: _____

(SEAL)

Clerk to the Board

Approved as to form:

County Attorney

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
Mecklenburg County

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CITY OF CHARLOTTE

Name: _____
Title: _____

(SEAL)

City Clerk

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
City of Charlotte

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TOWN OF CORNELIUS

Name: _____
Title: _____

(SEAL)

Clerk to the Town

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
Town of Cornelius

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TOWN OF DAVIDSON

Name: _____
Title: _____

(SEAL)

Clerk to the Town

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
Town of Davidson

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TOWN OF HUNTERSVILLE

Name: _____
Title: _____

(SEAL)

Clerk to the Town

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
Town of Huntersville

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TOWN OF MATTHEWS

Name: _____
Title: _____

(SEAL)

Clerk to the Town

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
Town of Matthews

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TOWN OF MINT HILL

Name: _____
Title: _____

(SEAL)

Clerk to the Town

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
Town of Mint Hill

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TOWN OF PINEVILLE

Name: _____
Title: _____

(SEAL)

Clerk to the Town

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Director of Finance
Town of Pineville

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APPENDIX A

Selection Process for CATS CEO

Selection of the CATS CEO shall be conducted in accordance with the following procedure:

- *Selection of an Executive Search Firm.* Following consultation with the MTC, the City shall select and engage an executive search firm with experience related to public transportation.
- *Development of Position Profile and Listing.* Working with the City Manager, the Executive Search Firm shall prepare a position profile and listing for the CATS CEO position. If instructed by the City Manager, the Executive Search Firm may conduct surveys and/or focus groups of key stakeholders identified by the City Manager to inform its preparation of the position profile and listing. The Executive Search Firm shall then submit the position profile and listing to the MTC for approval.
- *Advertisement and Solicitation of Applications.* Following approval of the position profile and listing, the Executive Search Firm shall advertise and solicit applications for the position both locally and nationally.
- *Review of Applications and Interviews.* The Executive Search Firm shall assist the City Manager and an MTC voting representative (not a City or County representative) selected by the MTC (the "selected MTC representative") in narrowing the field of candidates and selecting candidates for interviews. This process may include one or more rounds of initial interviews. The selected MTC representative may participate in any such interviews. The City Manager then shall present the results of the application process and recommendations regarding finalists to the MTC in closed session.

Interviews with finalists shall be conducted by panel(s) that include the City Manager, the County Manager, and the selected MTC representative.

- *Final Selection.* Final selection of the CATS CEO shall be made by the City Manager, who shall appoint the CATS CEO upon concurrence of the County Manager and the selected MTC representative.

Interim CATS CEO

In the event the position of CATS CEO becomes vacant, the City Manager may appoint, after consultation with the MTC, an interim CATS CEO, who shall serve in the role until a permanent replacement is selected in accordance with the procedures set forth above.

If a vacancy occurs before an interim CATS CEO is approved, the City Manager shall have authority to designate one or more employees to temporarily exercise the duties of the CATS CEO until an interim is appointed.

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**CITY MANAGER'S OFFICE
M E M O R A N D U M**

May 28, 2024

TO: Dena Diorio, County Manager, Mecklenburg County
FROM: Marcus Jones, City Manager, City of Charlotte
SUBJECT: Charlotte's Extra-Territorial Jurisdiction (ETJ) – Roads Unaccepted for Maintenance

Solving the issue of roads within Charlotte's ETJ that are unaccepted for maintenance by North Carolina Department of Transportation (NCDOT) is a priority for City of Charlotte. We are all concerned about the burden this issue has placed on residents and homeowner associations in our ETJ.

To date the City of Charlotte has been unable to address this issue simply because these roads lie outside of our municipal boundary and therefore cannot be invested in or maintained by current city funding sources. We are excited by the opportunity before us, should the North Carolina General Assembly (NCGA) give the residents of Mecklenburg County the opportunity to support a new revenue source for transportation and transit funding, to for the first time make available funding from which a portion could be used to address this issue.

Therefore, this letter serves to document the City of Charlotte's commitment to dedicating a portion of Charlotte's future sales tax revenue for roads to fund a program that begins to address this issue within Charlotte's ETJ. The goal of this program will be to improve unaccepted roads such that the NCDOT can accept them for maintenance.

It will be important to engage NCDOT in this process to ensure all parties involved in accepting and maintaining roads understand their role in this program. As we have discussed, a more detailed process and/or memorandum of understanding between the city, NCDOT and the county will be necessary.

This document signed by both the Charlotte City Manager and the Mecklenburg County Manager serves as a commitment between the city and county to enter in a more detailed agreement to address this issue in partnership with NCDOT.

Thank you in advance for your commitment and partnership.

Marcus D. Jones
City Manager

Letter of Intent Signed by:


Marcus Jones, Charlotte City Manager


Dena Diorio, County Manager, Mecklenburg County

DEPARTMENTAL DIRECTORS' MONTHLY REPORTS

24-0359 DEPARTMENT MANAGEMENT MONTHLY REPORTS

The Board received as information the department directors' monthly management reports. The monthly management reports can be accessed online via public dashboards at:

<https://meck.co/DataDashboard>

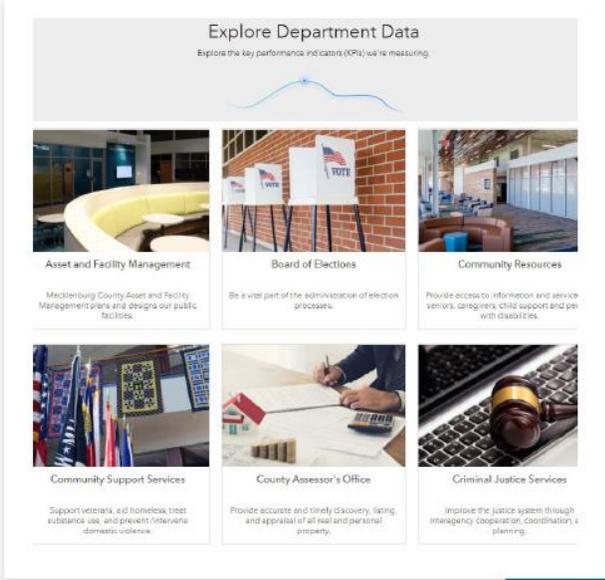
Background: The County Manager has requested department directors develop department management monthly reports highlighting key activities and initiatives within the departments and that reports show relevant performance indicators of departmental activity.

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Department Management Monthly Reports

Beginning in Fiscal Year 2023, the Department Management Monthly Reports transitioned to a public-facing dashboard.

[Click here, or click the image to the right, to access the Department Management Monthly Report Dashboard](#)



The dashboard titled "Explore Department Data" features a header with a line graph and the text "Explore the key performance indicators (KPIs) we're measuring." Below the header are six grid items, each with a representative image and a brief description of the department's role.

Department	Description
Asset and Facility Management	Mecklenburg County Asset and Facility Management plans and designs our public facilities.
Board of Elections	Be a vital part of the administration of election processes.
Community Resources	Provide access to information and service seniors, caregivers, child support and pet with disabilities.
Community Support Services	Support veterans, and homeless, treat substance use, and prevent/intervene domestic violence.
County Assessor's Office	Provide accurate and timely discovery, listing, and appraisal of all real and personal property.
Criminal Justice Services	Improve the justice system through interagency cooperation, coordination & planning.

STAFF REPORTS & REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS & REQUESTS

24-0331 SELECTION OF 2024 NCACC ANNUAL CONFERENCE AND NCACC LEGISLATIVE GOALS CONFERENCE VOTING DELEGATES (CHAIR DUNLAP)

The Board appointed a voting delegate and alternate for the 2024 North Carolina Association of County Commissioners (NCACC) 117th Annual Conference to be held in Forsyth County August 8-10, 2024.

Motion was made by Commissioner Vice-Chair Jerrell, seconded by Commissioner Meier, and unanimously carried, to appoint Commissioner Rodriguez-McDowell as voting delegate and Commissioner Meier as an alternate for the 2024 North Carolina Association of County Commissioners (NCACC) 117th Annual Conference to be held in Forsyth County August 8- 10, 2024.

The Board appointed a voting delegate and alternate for the NCACC Legislative Goals Conference to be held in Wake County November 14-15, 2024.

Motion was made by Commissioner Meier, seconded by Commissioner Vice-Chair Jerrell, and unanimously carried, to appoint Commissioner Rodriguez-McDowell as voting delegate and Commissioner Meier as an alternate for the NCACC Legislative Goals Conference to be held in Wake County November 14-15, 2024.

Background: In order to participate in the annual election of officers and policy adoption decisions, the Board must officially select someone to serve as the County's voting delegate during the annual business session in August and on the final slate of goal proposals to be brought before the Association's membership in November.

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24-0376 SELECTION OF NACO VOTING DELEGATE

The Board appointed the County's voting delegate and one member to serve as its alternate for the 2024 National Association of Counties (NACo) Annual Conference to be held July 12- 15 in Hillsborough County, Tampa Florida.

Motion was made by Commissioner Jerrell, seconded by Commissioner Meier, and unanimously carried, to appoint Commissioner Powell as the County's voting delegate and Commissioner Rodriguez-McDowell to serve as its alternate for the 2024 National Association of Counties (NACo) Annual Conference to be held July 12- 15 in Hillsborough County, Tampa Florida.

Background: To participate in policy adoption decisions, the Board must officially select someone to serve as the County's voting delegate. If for some reason the Board's representative is unable to attend or do not pick up the County's ballot, it is permissible for a county to allow officials from its state association to serve as the voting delegate. Voting delegates and proxies decide all business, motions and the election of officers during the annual business meeting.

The 2024 National Association of Counties (NACo) Annual Conference will be held July 12-15, 2024 in Hillsborough County, Tampa, Florida at the Tampa Convention Center.

NACo members are encouraged to authorize only one voting delegate per county.

**24-0377 CHARLOTTE-MECKLENBURG SCHOOLS BOARD OF EDUCATION COMMUNITY
CAPITAL & BOND COMMITTEE APPOINTMENT**

Chair Dunlap appointed Commissioner Rodriguez-McDowell to the Community Capital & Bond Committee.

Background: The Charlotte-Mecklenburg Schools Board of Education merged two of their committees, the Bond Oversight Committee, and the Municipal Education Advisory Committee to form the Community Capital & Bond Committee.

The purpose of the Community Capital & Bond committee is to ensure capital projects match those priorities described in the bond referendum and the Board-approved Capital Improvement Plan; to make recommendations to the Superintendent and Board of Education on process, priorities, and capital projects; and to facilitate the exchange of information provided to the public in coordination with the Capital Improvement Plan. Progress status reports, from staff departments within the CMS system, will be reviewed quarterly. The Committee will begin each annual session on July 1st of the calendar year and remain in place until the following June 30th.

The committee shall be made up of the following:

- *Three Members of the Board of Education (one as Chair of the Committee) appointed by the Chair of the Board of Education*
- *Nine individuals appointed by the Board of Education per the appointment process defined in Section III of Policy B-COMA*
- *One individual appointed by the Student Advisor to the Board of Education per the appointment process defined in Section III of Policy B-COMA This appointment must be a high school student who is a currently enrolled in CMS.*
- *Seven individuals, one appointed by each of the following municipalities (Charlotte, Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville)*

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- *One individual appointed by Mecklenburg County*

CONSENT ITEMS

Motion was made by Commissioner Meier, seconded by Commissioner Griffin, and unanimously carried, to approve the following item(s):

24-0351 TAX REFUNDS

Approve refunds in the amount of \$4,826.24 for registered motor vehicles as statutorily required to be paid as requested by the County Assessor; and

Approve refunds in the amount of \$12,194.91 as statutorily required to be paid as requested by the County Assessor.

Background: This Board action is necessary to approve registered motor vehicle tax refunds resulting from clerical errors, value changes and appeals processed in the statewide vehicle tax system.

This Board action is necessary to approve tax refunds resulting from clerical errors, audits and other amendments, including revaluation appeals. There is no accrued interest added to refunds of \$12,194.91. The total refund with no interest added is \$12,194.91.

24-0353 MINUTES

Approve the following Meeting Minutes:

- May 16, 2023, Regular Meeting
- November 14, 2023, Budget Public Policy Workshop
- December 12, 2023, Budget Public Policy Workshop

THIS CONCLUDED ITEMS APPROVED BY CONSENT

24-0357 PULLED CONSENT ITEMS

Commissioners may remove agenda items from the Consent Agenda for a separate vote, to bring public awareness or to make comments. The following items were pulled and voted upon separately:

24-0320 GRANT APPLICATION – FEMA LETTER OF MAP REVISION REVIEW PARTNERS – LUESA

Motion was made by Commissioner Leake, seconded by Commissioner Griffin, and unanimously carried, to approve submission of grant application for up to \$70,000 to Department of Homeland Security - Federal Emergency Management Agency (FEMA) to be used for flood map maintenance; If awarded, recognize, receive, and appropriate the awarded grant funds in Storm

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Water Grant Fund G705 through completion of the project; and If awarded, adopt a grant project ordinance for the Letter of Map Revision Review Partners grant in LUESA Grant Fund G705.

Background: On July 1, 2006, Charlotte-Mecklenburg became the first local entity in the country to be given the authority to process requests for Letters of Map Revision (LOMRs). FEMA provides funding for these activities through a grant that reimburses Mecklenburg County for expenses incurred. These LOMRs make conditional and permanent changes to our Flood Insurance Rate Maps, which are used for floodplain management activities such as rating flood insurance, regulating development, assessing existing flood risk, etc.

The requested actions are necessary to continue the program and associated funding so that Charlotte-Mecklenburg Storm Water Services will be reimbursed by FEMA for the actual cost of processing LOMRs within Mecklenburg County, the City of Charlotte, and all six towns.

This item pulled by Commissioner Leake for clarity and/or public awareness.

<p>GRANT PROJECT ORDINANCE</p> <p>WHEREAS, Mecklenburg County is applying and/or has been awarded a grant from the Department of Homeland Security / Federal Emergency Management Agency (FEMA). The grant has been made available to Mecklenburg County under the Cooperating Technical Partners Letter of Map Revision (LOMR) Review Partners program up to the amount of \$70,000; and</p> <p>WHEREAS, the grant funds must be used to reimburse Mecklenburg County for staff expenses incurred processing requests for flood map revisions within Mecklenburg County.</p> <p>WHEREAS, the Mecklenburg County Board of County Commissioners deems this activity to be a worthy and desirable <u>undertaking</u>;</p> <p>NOW, THEREFORE, PURSUANT TO N.C.G.S. 159-13.2, BE IT ORDAINED BY THE MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS that:</p> <p>Section 1. The project described in the FEMA grant application is hereby authorized to be undertaken for the duration of the grant.</p> <p>Section 2. The County Manager is authorized to execute the grant agreement and other documents that are required or appropriated for the County to receive the LOMR Review Partners grant and to undertake the project. The County Manager is directed to take steps necessary to ensure compliance with all spending and reporting requirements made by FEMA.</p> <p>Section 3. The following revenues are anticipated for Mecklenburg County in the G705 fund to complete this project:</p> <p style="padding-left: 40px;">FEMA Letter of Map Revision Review Partners: up to \$70,000</p> <p>Section 4. The following expenses are appropriated for Mecklenburg County in the G705 fund to complete this project:</p> <p style="padding-left: 40px;">FEMA Letter of Map Revision Review Partners: up to \$70,000</p> <p>Adopted this <u>18th</u> day of <u>June 2024</u></p> <p>_____ Kristine M. Smith, Clerk to the Board</p>

Ordinance recorded in full in Ordinance Book 52, Document #123.

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24-0327 APPROVE A SOLE SOURCE – DAKTRONICS PITCH PERIMETER FIELD BOARDS AT AMERICAN LEGION

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell, and unanimously carried, to approve Sole Source Purchase of LED Field Boards.

Background: Pitch Perimeter LED field boards are full color LED display screens designed specifically for pitch side advertising. The add-ons are highly recommended by the United Soccer League and host Professional Soccer; the display screens will enhance the overall quality of contracted sporting events as well as the public (fans) experience. Daktronics display and control equipment is currently installed at American Legion Memorial Stadium. Utilizing Daktronics to source the LED field boards will allow for seamless integration with existing scoring and video control systems. The cost associated with the request per Daktronics quote dated 4/4/24 is \$365,000. Procurement's approved Sole Source Justification dated 6/2/24 is attached.

This item pulled by Commissioner Leake for clarity and/or public awareness.

24-0339 FY2025 HOME AND COMMUNITY CARE BLOCK GRANT (HCCBG) FUNDING PLAN – DEPARTMENT OF CHILD, FAMILY, AND ADULT SERVICES

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell, and unanimously carried, to approve the Department of Child, Family, and Adult Services Home and Community Care Block Grant (HCCBG) total funding plan request of \$4,509,061 for Fiscal Year 2025 with a required match of \$501,006 to provide services for In-Home Aide Services, Transportation Services, Congregate Meals, Home Delivered Meals, Senior Center Operations, Adult Day Care/Day Health and Consumer Directed Services.

Background: Annually, the Department of Child, Family, and Adult Services submits for Board approval the Home and Community Care Block Grant (HCCBG) funding plan. Board approval is required prior to submission to Centralina Council of Governments (CCOG), the local grant authority. The following services are provided with this grant: In-Home Aide Services, Transportation Services, Congregate Meals, Home Delivered Meals, Senior Center Operations, Adult Day Care/Day Health and Consumer Directed Services. The total funding plan request is \$4,509,061 with a required match of \$501,006 that includes two senior centers who received funds directly from COG. The match is included in the FY25 budget. Mecklenburg County is the lead agency for the HCCBG and facilitates the submittal of the funding plan, due to the Board of County Commissioners required approval. The two external Levine Senior Centers are grantees and included in the block grant funding plan.

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HCCBG Budget										DAAS-731 (Rev. 2/16)		
Home and Community Care Block Grant for Older Adults										County <u>Mecklenburg</u>		
County Funding Plan										July 1, 2024 through June 30, 2025		
County Services Summary												
Services	A				B	C	D	E	F	G	H	I
	Block Grant Funding											
	Access	In-Home	Other	Total	Local Match	Service Cost	Subsidy	Funding	HCCBG Units	Reimbursement Rate	HCCBG Clients	Total Units
DSS-Senior Center Operation	\$ -	\$ -	\$ 125,443	\$ 125,443	\$ 13,938	\$ 139,381	\$ -	\$ 139,381	-	\$ -	-	-
Transportation (General)	\$ 328,375	\$ -	\$ -	\$ 328,375	\$ 36,486	\$ 364,861	\$ -	\$ 364,861	13,310	\$ 27,4133	320	16,870
Adult Day Care	\$ -	\$ 6,060	\$ -	\$ 6,060	\$ 673	\$ 6,733	\$ -	\$ 6,733	80	\$ 84,1625	1	80
Adult Day Health	\$ -	\$ 927,773	\$ -	\$ 927,773	\$ 103,086	\$ 1,030,859	\$ -	\$ 1,030,859	12,272	\$ 84,0004	88	44,918
Adult Day Health-Transportation	\$ -	\$ 22,785	\$ -	\$ 22,785	\$ 2,532	\$ 25,317	\$ -	\$ 25,317	8,439	\$ 3,0000	20	8,439
In-Home Aide-Level I - Home Mana	\$ -	\$ 35,245	\$ -	\$ 35,245	\$ 3,916	\$ 39,161	\$ -	\$ 39,161	1,305	\$ 30,0084	2	1,305
Consumer Directed-Personal Assist	\$ -	\$ 52,624	\$ -	\$ 52,624	\$ 5,847	\$ 58,471	\$ -	\$ 58,471	3,898	\$ 15,0003	4	3,898
Consumer Directed-Financial Mana	\$ -	\$ -	\$ 4,763	\$ 4,763	\$ 529	\$ 5,292	\$ -	\$ 5,292	50	\$ 105,8400	4	50
In-Home Aide-Level II - Personal Ca	\$ -	\$ 1,574,498	\$ -	\$ 1,574,498	\$ 174,944	\$ 1,749,442	\$ -	\$ 1,749,442	58,313	\$ 30,0008	90	114,600
In-Home Aide-Level III - Personal Ca	\$ -	\$ 97,745	\$ -	\$ 97,745	\$ 10,861	\$ 108,606	\$ -	\$ 108,606	3,620	\$ 30,0019	6	6,897
Congregate Nutrition	\$ -	\$ -	\$ 558,082	\$ 558,082	\$ 62,009	\$ 620,091	\$ 116,000	\$ 736,091	43,323	\$ 14,3132	520	145,000
Home Delivered Meals	\$ -	\$ 608,410	\$ -	\$ 608,410	\$ 67,601	\$ 676,011	\$ 228,000	\$ 904,011	74,713	\$ 9,0481	1,160	285,000
Levine Sr. Cntr (SCO)	\$ -	\$ -	\$ 125,443	\$ 125,443	\$ 13,938	\$ 139,381	\$ -	\$ 139,381	-	\$ -	-	-
Oasis-Levine Jewish CC (SCO)	\$ -	\$ -	\$ 41,815	\$ 41,815	\$ 4,646	\$ 46,461	\$ -	\$ 46,461	-	\$ -	-	-
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	\$ -	-	-
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Total	\$ 328,375	\$ 3,325,140	\$ 855,546	\$ 4,509,061	\$ 501,006	\$ 5,010,067	\$ 344,000	\$ 5,354,067	144,610		2215	627,057

Signature, Chairman, Board of Commissioners _____ Date _____

Block Grant recorded in full in Ordinance Book 52, Document #126

This item was pulled by Commissioner Leake for clarity and/or public awareness.

24-0348 CONSTRUCTION MANAGEMENT @ RISK CONTRACTING METHODOLOGY – WALLACE KURALT CENTER RENOVATION

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell, and unanimously carried, to authorize the use of the Construction Management @ Risk (CM@Risk) contracting methodology for the Wallace Kuralt Center Renovation as the best construction contracting delivery method for the project.

Background: In 2001, the General Assembly Session Law 2001-496 enacted Senate Bill 914 (revisions to G.S. 143-128) to provide construction flexibility for public entities by allowing the use, without limitation, of separate prime contracting, single prime contracting, dual bidding, Construction Management at Risk (CM@Risk), and alternative contracting methods authorized by the State Building Commission.

Effective October 1, 2014, the NC Legislature approved revisions to Section 143-128.1, requiring the comparison of the advantages and disadvantages of the CM@Risk method, and a decision by the governing body that the CM@Risk method “is in the best interest of the project” before it can be used by a public entity for a project.

“(e) Construction Management at Risk services may be used by the public entity only after the public entity has concluded that construction management at risk services is in the best interest of the project, and the public entity has compared the advantages and disadvantages of using the construction management at risk method for a given project in lieu of the delivery methods identified in G.S.143-128(a1) (1) through G.S. 143-128(a1) (3). The public entity may not delegate

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this determination."

The office of Asset and Facility Management has developed the attached matrix comparing the traditional Design-Bid-Build contracting method to the CM@Risk method.

With the Construction Management at Risk (CM@Risk) project delivery method, the construction manager assists the County with scheduling, constructability, and budget control prior to construction and the CM@Risk is accountable for delivering the project on-schedule and within budget during construction.

The County has successfully utilized the CM@Risk contract methodology previously on multiple projects involving renovations and new construction, including, but not limited to, the Valerie C. Woodard Center renovation, the MEDIC Headquarters and Operations Relocation, the Eastway Regional Recreation Center, the Northern Regional Recreation Center, and the Ella B. Scarborough Community Resource Center. These projects were large, complex renovation projects that were time and budget sensitive.

Charlotte Mecklenburg Schools, Central Piedmont Community College and the City of Charlotte have also successfully utilized the CM@Risk methodology.

This item pulled by Commissioner Leake for clarity and/or public awareness.

24-0355 LEASE – DEPARTMENT OF CHILD, FAMILY & ADULT SERVICES

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell, and unanimously carried, to authorize the County Manager to negotiate and execute a lease between the County and Star Mountain West, LLC for office space for the Department of Child, Family & Adult Services.

Background: At its November 8, 2023 meeting, the Board approved the County entering into a lease with Star Mountain West, LLC ("Star Med") for the Department of Child, Family & Adult Services. That lease was to be for a period of two (2) years with two (2) extensions of one (1) year each. Since that time, Star Med and County staff have continued with discussions that have resulted in new proposed lease terms that are more desirable for both the County and Star Med. The new proposal is for a lease term of ten (10) years which will provide greater stability for the department. Therefore, staff is seeking authorization to enter into a lease agreement with Star Med that is consistent with the new negotiated terms.

The department was previously housed at office space leased by the County at the Charlotte East complex off of Albemarle Road. In addition to office space for staff, the new lease will provide a location for the temporary care of youth in the County's custody. The space is located at 4024 Triangle Drive near the Valerie C. Woodard Community Resource Center. Below are the updated major business terms of the proposed lease with Star Med:

Location - 4024 Triangle Drive Charlotte, NC 28208

Square Footage - 4,926 SF

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Term - Ten (10) years from substantial completion of work to be performed on the premises by the Landlord

Renewals - Two (2) periods of Five (5) years each, subject to Landlord's agreement

Base Rent - \$123,150 annually or \$10,262.50 monthly for the initial lease year

Rent Escalation - the greater of the CPI (consumer price index) or 3% annually

Services - The County shall be responsible for the payment of electricity, gas, water, sewer and other utilities needed at the premises.

Parking - The County and its employees, guests, and invitees shall be entitled to park on the land adjacent to 4016 and 4024 Triangle Drive on a first come first serve basis with the exception of those certain spaces identified by the Landlord as for the sole use of the Landlord.

Maintenance and Repairs - County is responsible for all repairs and maintenance of the Premises, including major (capital) repairs, which shall either be paid directly or as additional rent. The County portion of major repairs greater than \$2,000 (HVAC, roof, exterior glass) shall be amortized using a formula taking into account the reasonable life expectancy of the major repair and the remaining term of the County's Lease.

Landlord Work - Landlord shall renovate the Premises to a facility accommodating 12 beds, including bathroom, kitchen, lounge and office space. The Landlord shall perform the work and bill the County. The County is responsible for compliance with zoning and NC Department of Health and Human Services regulations regarding the construction of the facility. The Landlord's quote for the work to be performed is estimated at \$1,500,000.

Landlord's Improvement Contribution - Following completion of the Landlord's work, the Landlord agrees to reimburse the County \$300,000 of the total costs paid by the County for the Landlord's work provided that the County is not in default of the lease agreement and has met certain other conditions of the lease.

This item pulled by Commissioner Leake for clarity and/or public awareness.

24-0362 CARRY FORWARD – FY24 GENERAL FUND

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell, and unanimously carried, to amend the 2024-2025 Budget Ordinance in the General Fund (0001) to allow the carry forward of unspent funds from the 2023-2024 Budget Ordinance in the General Fund (0001) which remain available as of June 30, 2024 in the amount of \$19,544,173.

Background: The FY24 budget included funding for the following items which remain unspent as of June 30, 2024:

<i>Dept</i>	<i>Description</i>	<i>Amount</i>
<i>MGR</i>	<i>Equity Investments</i>	<i>4,555,235</i>
<i>HLT</i>	<i>Food Insecurity</i>	<i>2,285,929</i>
<i>DCR</i>	<i>HOMES Program Grants</i>	<i>9,953,651</i>
<i>MGR</i>	<i>Participatory Budgeting Projects</i>	<i>977,121</i>
<i>MGR</i>	<i>Corporate Landlord</i>	<i>325,237</i>
<i>DCR</i>	<i>Meck Success</i>	<i>1,000,000</i>

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CFAS	Behavioral Health Plan	147,000
HLT	Health Disparities	300,000
	Total	<u>19,544,173</u>

Funds appropriated in FY24 remain unspent due to unexpected delays within these programs or initiatives. Departments are requesting to carry forward unspent funds to be used on future investments in these areas.

This item pulled by Commissioner Leake for clarity and/or public awareness.

24-0365 LAND ACQUISITION – TAX FORECLOSURE

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell, and unanimously carried, to authorize the County Manager to negotiate and execute all documents necessary for the acquisition of the following property in the Town of Huntersville for Park and Recreation purposes.

Background: On May 21, 2024, the Board authorized staff to bid on a property at a tax foreclosure sale. The property consists of tax parcel 015-424-94 with approximately ±13.39 acres of land. The property is in the Town of Huntersville and will be used for Park and Recreation purposes, for the McDowell Creek Greenway project.

On May 22, 2024, the property was auctioned for back taxes. The County was the highest bidder for the property. The final purchase price is \$70,000 and will cover back taxes, court costs, and legal fees.

The Board must vote to approve the final purchase price to complete the transaction.

This acquisition is consistent with Meck Playbook, the Greenway Master Plan, and the County’s Environmental Leadership Policy.

This item pulled by Commissioner Leake for clarity and/or public awareness.

24-0367 RESOLUTION AUTHORIZING PARTICIPATION IN THE NEW KROGER COMPANY NATIONAL OPIOID SETTLEMENT AGREEMENT

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell, and unanimously carried, to authorize participation in the Kroger Company National Opioid Settlement Agreement.

Background: Mecklenburg County, along with several counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against Opioid manufacturers and pharmaceutical distribution command chain drug stores to hold those companies accountable for their misconduct.

Settlements have been reached in litigation against Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreen Co., as well as their subsidiaries, affiliates, officers, and directors named in these Settlements.

A proposed new nationwide settlement agreement has been reached with the Kroger Company, and the County has the opportunity to opt-in and participate in the new settlement agreement. This agreement will resolve the legal claims of the states and local political subdivisions against the regional supermarket pharmacy Kroger Company related to the alleged Opioid misconduct.

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**RESOLUTION OF THE MECKLENBURG BOARD OF COUNTY COMMISSIONERS
AUTHORIZING PARTICIPATION IN THE NEW KROGER COMPANY NATIONAL OPIOID
SETTLEMENT AGREEMENT**

WHEREAS, Mecklenburg County, along with several counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers and pharmaceutical distribution companies and chain drug stores to hold those companies accountable for their misconduct; and

WHEREAS, settlements have been reached in litigation against Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreen Co., as well as their subsidiaries, affiliates, officers, and directors named in the these Settlements; and

WHEREAS, a proposed new nationwide settlement agreement has been reached with Kroger Company and the County has the opportunity to opt-in and participate in the new settlement agreement, or not; and

WHEREAS, this agreement would resolve the legal claims of states and local political subdivisions against the regional supermarket pharmacy Kroger Co. related to alleged misconduct related to opioids, and

WHEREAS, The Settlement requires Kroger Co. to pay over a billion dollars to abate the opioid epidemic. Of this amount, approximately \$1.2 billion will be used by participating states and subdivisions to remediate and abate the impacts of the opioid crisis, and

WHEREAS, depending on participation by states and subdivisions, the Settlement requires payments over eleven years after its effective date. The Settlement also contains injunctive relief governing opioid dispensing practices and requires Kroger Co. to implement safeguards to prevent diversion of prescription opioids, and

WHEREAS, the proposed settlement has two key participation steps: first, each eligible state decides whether to participate in each Settlement, and second, eligible subdivisions within each participating state must decide whether to participate in the Settlement. The more subdivisions that participate, the more funds flow to that state and its subdivisions. If the state does not participate, the subdivisions in that state are not eligible to participate in the Settlement. North Carolina is a participating state.

NOW, THEREFORE BE IT RESOLVED, Mecklenburg County does hereby authorized participation in the Kroger Company settlement agreement and authorizes the County Manager or County Attorney to execute any and all documents necessary effectuate the same and provide such documents to the Implementation Administrator.

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Adopted this the ____ day of June 2024.

George Dunlap, Chair
Mecklenburg County Board of Commissioners

ATTEST:

Kristine Smith, Clerk to the Board

(SEAL)

Resolution recorded in full in Ordinance Book 52, Document #127.

COMMISSIONER REPORTS

24-0358 COMMISSIONER REPORTS

Commissioners shared information of their choosing within the guidelines as established by the Board, which included, but not limited to, past and/or upcoming events.

ADJOURNMENT

Motion was made by Commissioner Rodriguez-McDowell, seconded by Commissioner Griffin, and unanimously carried, that there being no further business to come before the Board that the meeting be adjourned at 9:17 p.m.

Kristine M. Smith, Clerk to the Board

George Dunlap, Chair