

Commissioner Ella B. Scarborough introduced the following resolution, a copy of which had been distributed to each Commissioner and the title of which appeared on the agenda:

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
COUNTY OF MECKLENBURG, NORTH CAROLINA, APPROVING THE
ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS ACTS
RETIREMENT LIFE COMMUNITIES, INC. OBLIGATED GROUP,
SERIES 2020 BONDS IN ONE OR MORE SERIES (THE "BONDS"), IN AN
AMOUNT NOT TO EXCEED \$60,000,000**

WHEREAS, ACTS Retirement-Life Communities, Inc., a Pennsylvania nonprofit corporation, an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), has requested that the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (the "Authority"), issue its ACTS Retirement Life Communities, Inc. Obligated Group, Series 2020 Bonds, in one or more series (the "Bonds"), in an aggregate principal amount not to exceed \$60,000,000, and loan proceeds of the Bonds to the Borrower., for the following purposes:

(a) the current refunding, refinancing and/or restructuring of all or a portion of a revolving line of credit issued by Bank of America to the Borrower; the current refunding, refinancing and/or restructuring of all or a portion of a revolving line of credit issued by Branch Banking and Trust Company to the Borrower (collectively, the "Bonds to be Refunded")

(b) financing or refinancing (including reimbursement) the costs of acquisition, construction, equipping and improvement of existing and additional facilities at the properties of the Borrower, including the financing of some or all of the costs of issuance, reserve funds (if any), and capitalized interest (if any), including, without limitation, miscellaneous capital improvements and renovations and the acquisition of capital equipment, including, but not limited to, renovations and upgrades to residential living units, health care facilities and common areas, the acquisition of new plant equipment, and other facility enhancements, including specifically central facility and auditorium renovations and dining/café enhancements, the replacement and expansion of the existing skilled nursing facility and renovation/conversion of the existing skilled nursing facility to assisted living units.

The projects financed or refinanced by the Bonds to be Refunded included costs of the acquisition, construction, equipping and improvement of existing and additional facilities at some or all of the continuing care retirement communities and other facilities owned and operated by the Borrower as described below. All the projects to be financed or refinanced as described herein are collectively referred to herein as the "Project").

WHEREAS, the Project will be owned and operated by the Borrower.

WHEREAS, pursuant to Section 147(f) of the Code and Treasury Regulations Section 5f.103-2(f), as amended (collectively, "Federal Tax Requirements") and pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority dated as of September 28, 2010 (collectively, "Authority Requirements"), prior to their issuance and after a public hearing held following reasonable public notice, the Bonds are required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the area in which the Project is located;

WHEREAS, the Board of Commissioners (the "Board") of the County of Mecklenburg, North Carolina (the "County") is the "applicable elected representative" of the County for the Project located within the County;

WHEREAS, the Borrower has requested that the Board approve the Authority's issuance of the Bonds and the refinancing and financing of the Project located within the County in order to satisfy the requirements Federal Tax Requirements and the Authority Requirements; and

WHEREAS, the Board, following notice duly given in the form attached hereto as Exhibit A (the "TEFRA Notice"), held a public hearing today regarding the Authority's issuance of the Bonds and the financing of the Project and now desires to approve the Authority's issuance of the Bonds and the financing of the Project in accordance with the Code; and

WHEREAS, the Bonds shall not be deemed to constitute a debt of the County or a pledge of the faith and credit of the County, but shall be special limited obligations of the Authority, and shall contain on the face thereof a statement to the effect that neither the faith and credit nor the taxing power of the County is pledged to the payment of the principal of or interest on the Bonds.

BE IT RESOLVED by the Board as follows:

Section 1. Pursuant to and in accordance with the requirements of Section 147(f) of the Code and Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement, the Board hereby approves (a) the Authority's issuance of the Bonds in an aggregate principal amount not to exceed \$60,000,000 and (b) the financing and refinancing of the Project located in the County.

Section 2. The County has no responsibility for the payment of the principal of or interest on the Bonds or for any costs incurred by the Borrower or the Lessee with respect to the Bonds or the Project.

Section 3. This resolution is effective June 18, 2020.

On motion of Commissioner Ella B. Scarborough, seconded by Commissioner Vilma D. Leake, the foregoing resolution entitled "**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS ACTS RETIREMENT LIFE COMMUNITIES, INC. OBLIGATED GROUP, SERIES 2020 BONDS IN ONE OR MORE SERIES (THE "BONDS"), IN AN AMOUNT NOT TO EXCEED \$60,000,000**" was duly adopted by the following vote:


AYES: Commissioners Patricia Cotham, George Dunlap, Trevor M. Fuller, Susan B. Harden, Mark D. Jerrell, Vilma D. Leake, Elaine Powell, Susan Rodriguez-McDowell and Ella B. Scarborough

NAYS: None

STATE OF NORTH CAROLINA)
)
COUNTY OF MECKLENBURG) ss:

I, Emily A. Kunze, Clerk to the Board of Commissioners of the County of Mecklenburg, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true copy of so much of the proceedings of the Board of Commissioners of the County of Mecklenburg, North Carolina at a regular meeting held on June 16, 2020, as it relates to the adoption of a resolution entitled **“RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS ACTS RETIREMENT LIFE COMMUNITIES, INC. OBLIGATED GROUP, SERIES 2020 BONDS IN ONE OR MORE SERIES (THE “BONDS”), IN AN AMOUNT NOT TO EXCEED \$60,000,000”** and the holding of a public hearing related thereto, and that said proceedings will be recorded in the minutes of the Board of Commissioners of the County of Mecklenburg, North Carolina.

WITNESS my hand and the seal of the County of Mecklenburg, North Carolina, this 16th day of June 2020.



Emily A. Kunze
Clerk to the Board of Commissioners
County of Mecklenburg, North Carolina

(SEAL)



EXTRACTS FROM MINUTES OF BOARD OF COMMISSIONERS

A regular meeting of the Board of Commissioners of the County of Mecklenburg, North Carolina (the "Board") was held at 6:30 p.m. on June 16, 2020, after proper notice, and was called to order by the Chairman. The meeting was conducted remotely.

Present: Chair Gorge Dunlap Presiding and Commissioners Patricia Cotham, Trevor M. Fuller, Susan B. Harden, Mark D. Jerrell, Vilma D. Leake, Elaine Powell, Susan Rodriguez-McDowell and Ella B. Scarborough

Absent: None

* * * * *

At 6:30 p.m., the Chairman announced that the Board would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (the "Authority"), of its ACTS Retirement Life Communities, Inc. Obligated Group, Series 2020 Bonds (the "Bonds"), in an aggregate principal amount not to exceed \$60,000,000, the proceeds of which will be loaned to ACTS Retirement-Life Communities, Inc. (the "Borrower"), a Pennsylvania nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), for the purpose of:

(i) the current refunding, refinancing and/or restructuring of all or a portion of a revolving line of credit issued by Bank of America to the Borrower; (ii) the current refunding, refinancing and/or restructuring of all or a portion of a revolving line of credit issued by Branch Banking and Trust Company to the Borrower (collectively, the "Bonds to be Refunded") and, (iii) financing or refinancing (including reimbursement) the costs of acquisition, construction, equipping and improvement of existing and additional facilities at the properties of the Borrower, including the financing of some or all of the costs of issuance, reserve funds (if any), and capitalized interest (if any), including, without limitation, miscellaneous capital improvements and renovations and the acquisition of capital equipment, including, but not limited to, renovations and upgrades to residential living units, health care facilities and common areas, the acquisition of new plant equipment, and other facility enhancements, including specifically central facility and auditorium renovations and dining/café enhancements, the replacement and expansion of the existing skilled nursing facility and renovation/conversion of the existing skilled nursing facility to assisted living units. The projects financed or refinanced by the Bonds to be Refunded included costs of the acquisition, construction, equipping and improvement of existing and additional facilities at some or all of the continuing care retirement communities and other facilities owned and operated by the Borrower as described below.

The Project is located or to be located at 733 Plantation Estates Drive, Matthews, Mecklenburg Co., NC 28105. The Project will be owned by the Borrower.

On June 8, 2020, a notice of public hearing was published in The Charlotte Observer, a copy of the affidavit of publication being attached, setting forth a general, functional description of the type and use of the Project to be financed or refinanced, the maximum principal amount of the Bonds, the initial owner and operator of the Project and the location of the Project, among other things.

The names, address and testimony of the persons who were present and who offered comments on the proposed issuance of the Bonds or who responded in writing to the notice of public hearing are as follows:

The Chairman of the Board inquired whether there were any other persons who wished to speak at

the public hearing. The Chairman of the Board determined that there were no other persons who wished to speak.

After the Board had heard all persons who had requested to be heard, Commissioner Ella B. Scarborough moved that the public hearing be closed. The motion was seconded by Commissioner Vilma D. Leake and was unanimously adopted to be effective June 18, 2020.

**MECKLENBURG COUNTY, NORTH CAROLINA
FY 2021 AUTHORIZATION LAND ACQUISITION
CAPITAL PROJECT ORDINANCE**

Mecklenburg County, NC
Ordinance Book 49
Document #7

The following ordinance was offered by Commissioner Susan B. Harden, who moved its adoption.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 16th DAY OF JUNE 2020.

Section I. That for the purpose of providing funds, together with any other available funds, for providing land for present and future park and recreation needs including open space purposes and the acquisition of improvements thereon and interests in such real property, \$8,600,000 is hereby appropriated.

Section II. That it is estimated that revenues will be available during the acquisition period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from Sale of Bonds, Pay-As-You-Go/Other County Funds
\$8,600,000

These will be the maximum amounts of cash available to pay project expenses per fiscal year unless the Director of Finance determines that an additional amount of cash can be made available during a fiscal year or years.

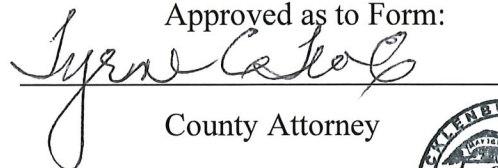
Section III. That the Director of Finance is authorized from time to time to transfer as a loan from the General Fund or unspent bond proceeds in the Capital Projects Funds, cash in an amount necessary to meet obligations until such time as permanent financing, if any, is arranged, at which time repayment, if required, will be made; and the Director of Finance is authorized to sign the Declaration of Official Intent to Reimburse Expenditures as required by Internal Revenue Service regulations.

The Motion to adopt the foregoing ordinance was seconded by Commissioner Elaine Powell and adopted by the following vote:

Ayes: Commissioner Patricia Cotham
Commissioner George Dunlap
Commissioner Trevor M. Fuller
Commissioner Susan B. Harden
Commissioner Mark D. Jerrell
Commissioner Vilma D. Leake
Commissioner Elaine Powell
Commissioner Susan Rodriguez-McDowell
Commissioner Ella B. Scarborough

Noes:

Approved as to Form:


County Attorney



**MECKLENBURG COUNTY, NORTH CAROLINA
FY 2021 AUTHORIZATION SCHOOL FACILITIES
APPROVED NOVEMBER 7, 2017 REFERENDUM
CAPITAL PROJECT ORDINANCE**

Mecklenburg County, NC
Ordinance Book 49
Document #8

The following ordinance was offered by Commissioner Susan B. Harden, who moved its adoption:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 16th DAY OF JUNE 2020:

Section I. That for the purpose of providing funds, together with any other available funds, for the following projects:

E.E. Waddell Renovation
Garinger High School Renovation/Addition

Including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, in order to provide additional school facilities in said County to maintain the nine months' school term as required by Section 2 of Article IX of the North Carolina Constitution, \$19,624,346 is hereby appropriated.

Section II. That it is estimated that the revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from Sale of Bonds, Pay-As-You-Go/Other County Funds:

2020-2021 fiscal year	\$ 1,539,188
2021-2022 fiscal year	12,747,392
2022-2023 fiscal year	5,337,766

These will be the maximum amounts of cash available to pay project expenses per fiscal year unless the Director of Finance determines that an additional amount of cash can be made available during a fiscal year or years.

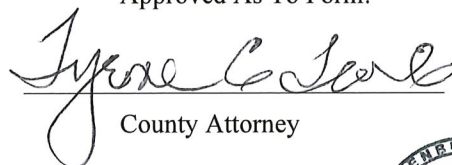
Section III. That the Director of Finance is authorized from time to time to transfer as a loan from the General Fund or unspent bond proceeds in the Capital Projects Funds, cash in an amount necessary to meet obligations until such time as permanent financing, if any, is arranged at which time repayment, if required, will be made: and the Director of Finance is authorized to sign the Declaration of Official Intent to Reimburse Expenditures as required by Internal Revenue Service regulations.

The motion to adopt the foregoing ordinance was seconded by Commissioner Elaine Powell and adopted by the following vote:

Ayes: Commissioner Patricia Cotham
Commissioner George Dunlap
Commissioner Trevor M. Fuller
Commissioner Susan B. Harden
Commissioner Mark D. Jerrell
Commissioner Vilma D. Leake
Commissioner Elaine Powell
Commissioner Susan Rodriguez-McDowell
Commissioner Ella B. Scarborough

Noes:

Approved As To Form:


County Attorney



**MECKLENBURG COUNTY, NORTH CAROLINA
FY 2020 AUTHORIZATION SCHOOL FACILITIES
APPROVED NOVEMBER 7, 2017 REFERENDUM
CAPITAL PROJECT ORDINANCE**

Mecklenburg County, NC
Ordinance Book 49
Document #9

The following ordinance was offered as an amendment to and restatement of *FY2017 Authorization School Facilities Capital Project Ordinance as adopted June 4, 2019* by Commissioner Susan B. Harden, who moved its adoption:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 16th DAY OF JUNE 2020:

Section I. That for the purpose of providing funds, together with any other available funds, for the following projects:

Land Acquisition

\$17,500,000

New Ardrey Kell South Meck Relief High School

New Windsor Park Elementary School Relief

Construction Cost

\$56,858,858

Briarwood Elementary School Replacement

Collinswood Language Academy (K-8) Replacement School

Harding High School Renovation/Addition

Montclair Elementary School Replacement

New ES Windsor/Winterfield/Idlewild Relief

New ES Elon Park/Hawk Ridge/Polo Ridge Relief

New ES Nations Ford/Sterling/Steel Creek Relief

New Facility for EC Specialty Program

New HS South Meck/Ardrey Kell/Myers Park Relief

New K-8 Language Immersion Magnet-South

New K-8 Language Immersion Magnet-North

Shamrock Gardens Elementary School Replacement

Lansdowne ES Replacement – Elizabeth Lane Relief

Lincoln Heights Academy Renovation

New HS Olympic HS Relief

West Charlotte High School Replacement

CTE Upgrades Phase One

East Mecklenburg High School Renovation/Addition

New ES Bain/Lebanon Rd/Piney Grove Relief

New ES Hidden Valley/Newell/JW Grier Academy Relief

Sharon Elementary School Renovation/Addition

West Mecklenburg High School Renovation/Addition

Including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, in order to provide additional school facilities in said County to maintain the nine months' school term as required by Section 2 of Article IX of the North Carolina Constitution, \$74,358,858 is hereby appropriated.

Section II. That it is estimated that the revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from Sale of Bonds, Pay-As-You-Go/Other County Funds:

2019-2020 fiscal year	\$ (5,669,532)
2020-2021 fiscal year	23,420,181
2021-2022 fiscal year	(2,239,909)
2022-2023 fiscal year	8,259,727
2023-2024 fiscal year	50,588,391

These will be the maximum amounts of cash available to pay project expenses per fiscal year unless the Director of Finance determines that an additional amount of cash can be made available during a fiscal year or years.

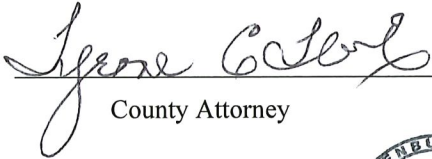
Section III. That the Director of Finance is authorized from time to time to transfer as a loan from the General Fund or unspent bond proceeds in the Capital Projects Funds, cash in an amount necessary to meet obligations until such time as permanent financing, if any, is arranged at which time repayment, if required, will be made: and the Director of Finance is authorized to sign the Declaration of Official Intent to Reimburse Expenditures as required by Internal Revenue Service regulations.

The motion to adopt the foregoing ordinance was seconded by Commissioner Elaine Powell and adopted by the following vote:

Ayes: Commissioner Patricia Powell
Commissioner George Dunlap
Commissioner Trevor M. Fuller
Commissioner Susan B. Harden
Commissioner Mark D. Jerrell
Commissioner Vilma D. Leake
Commissioner Elaine Powell
Commissioner Susan Rodriguez-McDowell
Commissioner Ella B. Scarborough

Noes:

Approved As To Form:


County Attorney



**MECKLENBURG COUNTY, NORTH CAROLINA
FY 2021 AUTHORIZATION PARK AND RECREATION
CAPITAL PROJECT ORDINANCE**

Mecklenburg County, NC
Ordinance Book 49
Document #10

The following ordinance was offered by Commissioner Susan B. Harden, who moved its adoption:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 16th DAY OF JUNE 2020:

Section I. That for the purpose of providing additional funds, together with any other available funds for the following projects:

Eastfield Regional Park

Including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefore, \$ 5,000,000 is hereby appropriated.

Section II. That it is estimated that the following revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from Sale of Bonds, Pay-As-You-Go/Other County Funds:

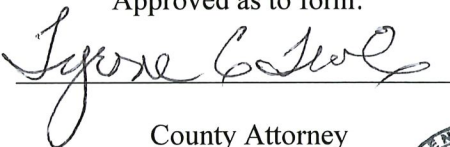
2020-2021 fiscal year	\$ 325,000
2021-2022 fiscal year	1,625,000
2022-2023 fiscal year	2,700,000
2023-2024 fiscal year	350,000

Section III. That the Director of Finance is authorized from time to time to transfer as a loan from the General Fund or unspent bond proceeds in the Capital Projects Funds, cash in an amount necessary to meet obligations until such time as permanent financing, if any, is arranged, at which time repayment, if required, will be made; and the Director of Finance is authorized to sign the Declaration of Official Intent to Reimburse Expenditures as required by Internal Revenue Service regulations.
The motion to adopt the foregoing ordinance was seconded by Commissioner Elaine Powell and adopted by the following vote:

Ayes: Commissioner Patricia Cotham
Commissioner George Dunlap
Commissioner Trevor M. Fuller
Commissioner Susan B. Harden
Commissioner Mark D. Jerrell
Commissioner Vilma D. Leake
Commissioner Elaine Powell
Commissioner Susan Rodriguez-McDowell
Commissioner Ella B. Scarborough

Noes:

Approved as to form:



County Attorney



**MECKLENBURG COUNTY, NORTH CAROLINA
FY 2018 AUTHORIZATION LIBRARY FACILITIES MAIN AND SPIRIT SQUARE
CAPITAL PROJECT ORDINANCE**

The following ordinance was offered as an amendment to and restatement of the June 20, 2017, FY 2018 *Authorization Library Facilities Main Capital Project Ordinance as adopted May 1, 2018* by Commissioner Vilma D. Leake, who moved its adoption:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 16th DAY OF JUNE 2020.

Section I. That for the purpose of providing funds, together with any other available funds, for the following project

New Main Library (\$65,000,000) Spirit Square (\$39,500,000)

Including the acquisition and construction, the improvement and the acquisition and installation of necessary furnishings and equipment and the acquisition of interests in real property required therefore, \$104,500,000 is hereby appropriated.

Section II. That it is estimated that revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from Sale of Bonds, Pay-As-You-Go/Other County Funds:	
2017-2018 fiscal year	\$ 1,030,000
2018-2019 fiscal year	2,827,557
2019-2020 fiscal year	2,142,430
2020-2021 fiscal year	11,079,381
2021-2022 fiscal year	20,321,298
2022-2023 fiscal year	44,638,235
2023-2024 fiscal year	22,461,099

These will be the maximum amounts of cash available to pay project expenses per fiscal year unless the Director of Finance determines that an additional amount of cash can be made available during a fiscal year or years.

Section III. That the Director of Finance is authorized from time to time to transfer as a loan from the General Fund or unspent bond proceeds in the Capital Projects Funds, cash in an amount necessary to meet obligations until such time as permanent financing, if any, is arranged, at which time repayment, if required, will be made; and the Director of Finance is authorized to sign the Declaration of Official Intent to Reimburse Expenditures as required by Internal Revenue Service regulations.

The Motion to adopt the foregoing ordinance was seconded by Commissioner Ella B. Scarborough and adopted by the following vote:

Ayes: Commissioner Patricia Cotham

Commissioner George Dunlap

Commissioner Trevor M. Fuller

Commissioner Susan B. Harden

Commissioner Mark D. Jerrell

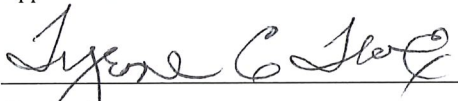
Commissioner Vilma D. Leake

Commissioner Susan Rodriguez-McDowell

Commissioner Ella B. Scarborough

Noes: Commissioner Elaine Powell

Approved as to Form:


County Attorney



**MECKLENBURG COUNTY, NORTH CAROLINA
FY 2016 AUTHORIZATION
GOVERNMENT FACILITIES
CAPITAL PROJECT ORDINANCE**

Mecklenburg County, NC
Ordinance Book 49
Document #12

The following ordinance was offered as an amendment to and restatement of *FY2016 Authorization Government Facilities Capital Project Ordinance as adopted September 1, 2015 and as adopted July 6, 2016* by Commissioner Susan B. Harden, who moved its adoption:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 16th DAY OF JUNE 2020.

Sections I and II are amended as follows:

Section I. That for the purpose of providing funds, together with any other available funds, for the following projects:

Government District Renovations/Relocations
LUESA Relocation
MEDIC Headquarters Relocation
Energy Upgrades

Courtroom Upfits
Valerie C. Woodard Center Renovations
Board of Election Renovations

including the acquisition and construction of new facilities, the improvement and expansion of existing facilities, project management, the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, \$180,956,150 is hereby appropriated.

Section II. That it is estimated that revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from Pay-As-You-Go/Other County Funds:	
2014-2015 fiscal year	\$ 23,014,000
2015-2016 fiscal year	14,795,000
2016-2017 fiscal year	109,483,150
2017-2018 fiscal year	33,664,000

Section III. That the Director of Finance is authorized from time to time to transfer as a loan from the General Fund, cash in an amount necessary to meet obligations until such time as permanent funding is arranged, at which time repayment, if required, will be made.

The motion to adopt the foregoing ordinance was seconded by Commissioner Elaine Powell and adopted by the following vote:

Ayes: Commissioner Patricia Cotham
Commissioner George Dunlap
Commissioner Trevor M. Fuller
Commissioner Susan B. Harden
Commissioner Mark D. Jerrell
Commissioner Vilma D. Leake
Commissioner Elaine Powell
Commissioner Susan Rodriguez-McDowell
Commissioner Ella B. Scarborough

Noes:

Approved as to Form:



County Attorney



**MECKLENBURG COUNTY, NORTH CAROLINA
FY 2019 AUTHORIZATION
GOVERNMENT FACILITIES
CAPITAL PROJECT ORDINANCE**

Mecklenburg County, NC
Ordinance Book 49
Document #13

The following ordinance was offered as an amendment to and reinstatement of *FY2019 Authorization Government Facilities Capital Project Ordinance as adopted June 19, 2018* by Commissioner Vilma D. Leake, who moved its adoption:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 16th DAY OF JUNE 2020.

Section I. That for the purpose of providing funds, together with any other available funds, for the following projects:

AFM Administrative Cost
Jail Central and Jail North Modernization
Sheriff Office-Field Ops Relocation
BMC2U Government District Phase II-CCOB
BMC2U Government District Phase II-CMGC

Including the acquisition and construction of new facilities, the improvement and expansion of existing facilities, project management, the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefore, \$ 55,387,764 is hereby appropriated.

Section II. That it is estimated that revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from Pay-As-You-Go/Other County Funds:	
2018-2019 fiscal year	\$ 9,656,390
2019-2020 fiscal year	12,919,326
2020-2021 fiscal year	13,222,449
2021-2022 fiscal year	9,666,216
2022-2023 fiscal year	9,923,383

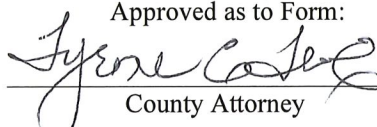
Section III. That the Director of Finance is authorized from time to time to transfer as a loan from the General Fund or unspent bond proceeds in the Capital Projects Funds, cash in an amount necessary to meet obligations until such time as permanent financing, if any, is arranged, at which time repayment, if required, will be made; and the Director of Finance is authorized to sign the Declaration of Official Intent to Reimburse Expenditures as required by Internal Revenue Service regulations.

The motion to adopt the foregoing ordinance was seconded by Commissioner Ella B. Scarborough and adopted by the following vote:

Ayes: Commissioner Patricia Cotham
Commissioner George Dunlap
Commissioner Trevor M. Fuller
Commissioner Susan B. Harden
Commissioner Mark D. Jerrell
Commissioner Vilma D. Leake
Commissioner Ella B. Scarborough

Noes: Commissioner Elaine Powell
Commissioner Susan Rodriguez-McDowell

Approved as to Form:


County Attorney



**MECKLENBURG COUNTY, NORTH CAROLINA
FY 2020 AUTHORIZATION FOR FACILITY UPGRADES TO
GOVERNMENT FACILITIES
CAPITAL PROJECT ORDINANCE**

Mecklenburg County, NC
Ordinance Book 49
Document #14

The following ordinance was offered as an amendment to and restatement of *FY2020 Authorization Government Facilities Capital Project Ordinance as adopted March 17, 2020* by Commissioner Vilma D. Leake, who moved its adoption.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 16th DAY OF JUNE 2020.

Section I. That for the purpose of providing funds, together with any other available funds, for a multi-year project to provide facility upgrades, including security features, to various Mecklenburg County facilities, \$7,641,717 is hereby appropriated.

Section II. That it is estimated that revenues will be available during the acquisition period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from Sale of Bonds, Pay-As-You-Go/Other County Funds	
2019-2020 fiscal year	\$2,792,000
2020-2021 fiscal year	1,347,071
2021-2022 fiscal year	3,502,646

These will be the maximum amounts of cash available to pay project expenses per fiscal year unless the Director of Finance determines that an additional amount of cash can be made available during a fiscal year or years.

Section III. That the Director of Finance is authorized from time to time to transfer as a loan from the General Fund or unspent bond proceeds in the Capital Projects Funds, cash in an amount necessary to meet obligations until such time as permanent financing, if any, is arranged, at which time repayment, if required, will be made; and the Director of Finance is authorized to sign the Declaration of Official Intent to Reimburse Expenditures as required by Internal Revenue Service regulations.

The Motion to adopt the foregoing ordinance was seconded by Commissioner Susan B. Harden and adopted by the following vote:

Ayes: Commissioner Patricia Cotham

Noes: Commissioner Elaine Powell

Commissioner George Dunlap

Commissioner Trevor M. Fuller

Commissioner Susan B. Harden

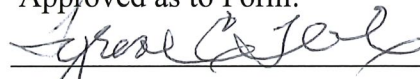
Commissioner Mark D. Jerrell

Commissioner Vilma D. Leake

Commissioner Susan Rodriguez-McDowell

Commissioner Ella B. Scarborough

Approved as to Form:



County Attorney



**MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
RESOLUTION AUTHORIZING LEASE OF PROPERTY
TO TIMOTHY PAVONE
OWNER OF THE LAW OFFICES OF ATTORNEY TIMOTHY J. PAVONE**

WHEREAS, Mecklenburg County is the owner of the Government District Parking Deck, located at 901 E. 4th Street, Charlotte, NC, parts of which were designed for use as retail space; and

WHEREAS, Timothy Pavone, owner of The Law Offices of Attorney Timothy J. Pavone, has submitted a proposal to lease one retail space attached to the Government District Parking Deck at 4th and McDowell Streets; and

WHEREAS, Colliers International, LLC, the real estate firm secured by the County to obtain tenants for the retail portion of the parking deck is in agreement with the following proposed business terms:

Location	901 E 4 th Street, Suite B, Charlotte, NC 28204
Total Square Footage	1,546 square feet
Lease Term	Seven (7) years following Rent Commencement
Option to Renew	One (1) option period of two (2) years and five (5) months
Security Deposit	Two (2) months Rent (Base & Common Area Charges. (\$6,044.66) at lease execution
Base Lease Rate	\$20.00/square foot. (\$30,920/year)
Annual Increases	3% annually, including Option Period if exercised by Tenant
Revenue (Years 1-7)	Year 1 (Mos. 1-12) – \$20.00/sf; \$2,576.67/mo.; \$30,920.00/yr. Year 2 (Mos. 13-24) – \$20.60/sf; \$2,653.97/mo.; \$31,847.60/yr. Year 3 (Mos. 25-36) – \$21.22/sf; \$2,733.59/mo.; \$32,803.03/yr. Year 4 (Mos. 37-48) – \$21.85/sf; \$2,815.59/mo.; \$33,787.12/yr. Year 5 (Mos. 49-60) – \$22.51/sf; \$2,900.06/mo.; \$34,800.73/yr. Year 6 (Mos. 61-72) – \$23.19/sf; \$2,987.06/mo.; \$35,844.75/yr. Year 7 (Mos. 73-84) – \$23.88/sf; \$3,076.67/mo.; \$36,920.10/yr.

Insurance – At Tenant's expense, Tenant shall maintain in full force and effect comprehensive general liability insurance, workers' compensation, and any other insurance coverages required by Mecklenburg County Risk Management.

Maintenance & Janitorial – Tenant is responsible for the payment of all maintenance and janitorial services, and pest control required within Premises. Tenant shall be responsible for all

building systems within the Premises including, but not limited to, fire alarm, electrical, HVAC, and plumbing. For major HVAC repairs exceeding \$5,000, Landlord will contribute to a replacement HVAC unit by waiving the Tenant's Base Rent for three (3) consecutive months.

Common Area Charges – In addition to Base Rent, Tenant is also responsible for the payment of its pro rata share of common area maintenance, property insurance, and common area liability insurance. County estimates Common Area Charges to be \$5,347.92 for the first year (\$445.66/month).

Delivery of Premises – Tenant to take Premises "as is".

Commission – County shall pay both the Landlord's broker (Steve Rich – Colliers International, LLC) and the Tenant's broker (Clyde Robinson Jr – Mohr Partners, Inc.) 3% commission on the Base Rent for the Initial Lease Term (years 1-7) for a total of 6%. The total commission to be paid by the County over the Initial Lease Term for The Law Offices of Attorney Timothy J. Pavone will be \$14,215.40.

Tenant Improvement Funds – The County agrees to pay up to \$60,000 towards Tenant Improvements. One-half (\$30,000) of Tenant Improvement Money shall be paid to Tenant within thirty (30) days of written notification from Tenant's architect that construction is 50% complete. The County may verify construction progress within ten (10) days of receiving such notice from Tenant's architect. The remaining one-half (\$30,000) within thirty (30) days of Tenant providing Landlord with a copy of the Certificate of Occupancy (CO) and lien waivers from Tenant's general contractor and primary sub-contractors (electrician, plumber, HVAC, etc.).

WHEREAS, the County's Asset and Facility Management Department has determined that the space that Timothy Pavone, owner of The Law Offices of Attorney Timothy J. Pavone, desires to lease will not be needed by the County during the term of the lease; and

WHEREAS, pursuant to G.S. 160A-272 the Board of Commissioners has determined that it would be in the public interest for it to agree to the arrangement proposed by Timothy Pavone, owner of The Law Offices of Attorney Timothy J. Pavone; now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners does hereby approve a lease arrangement with Timothy Pavone, owner of The Law Offices of Attorney Timothy J. Pavone, as described above, and authorizes and directs the County Manager, or her designee, to negotiate and execute a formal lease arrangement with Timothy Pavone, owner of The Law Offices of Attorney Timothy J. Pavone, consistent with the business terms outlined above.

Adopted the 16th day of June, 2020.

Approved as to Form:

Lynne C. Cook
County Attorney

Emily A. Klenze
Clerk to the Board

(SEAL)

