

**February 20, 2018**

**MINUTES OF MECKLENBURG COUNTY, NORTH CAROLINA  
BOARD OF COUNTY COMMISSIONERS**

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street, Charlotte, North Carolina at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, February 20, 2018.

**ATTENDANCE**

**Present:** Chair Ella B. Scarborough and Commissioners  
Dumont Clarke, Patricia "Pat" Cotham, George Dunlap,  
Trevor M. Fuller, Bill James, Vilma D. Leake,  
Jim Puckett, and Matthew Ridenhour  
County Manager Dena R. Diorio  
County Attorney Marvin A. Bethune  
Clerk to the Board Janice S. Paige

**Absent:** None

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**-INFORMAL SESSION-**

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

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

**REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) to be removed from Consent and voted upon separately. The items were 18-4512, 18-4513, 18-4516, and 18-4523.

**CLOSED SESSION**

**18-4510      LAND ACQUISITION**

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**18-4519      CONSULT WITH ATTORNEY**  
**18-4522      BUSINESS LOCATION AND EXPANSION**

Prior to going into Closed Session, County Attorney Bethune announced there were no Consult with Attorney matters to be discussed in Closed Session.

County Attorney Bethune noted the following Land Acquisition matter to be discussed in Closed Session: Tax Parcel # 173-171-25.

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

***The Board went into Closed Session at 5:24 p.m. and came back into Open Session at 5:51 p.m.***

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

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

**-FORMAL SESSION-**

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

**AWARDS/RECOGNITION**

**18-4544      ORDER OF THE HORNET INDUCTION**

Motion was made by Commissioner Puckett, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to induct Marvin A. Bethune into the Mecklenburg County Order of the Hornet.

*Note: The Order of the Hornet was established in 1972. It is bestowed by the Board of County Commissioners on persons who have displayed valor or high order of service uniquely and specifically to the citizens of Mecklenburg County. This is the highest honor bestowed by the Board. The Order of the Hornet was founded in the spirit of the early Mecklenburg patriots who signed the Mecklenburg Declaration of Independence on May 20, 1775, and proclaimed the*

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*County's freedom from Britain more than a year before the U.S. Declaration of Independence was signed. Those early patriots valiantly fought for their independence during the Revolution and gave Lord Cornwallis such difficulties during his occupation of Charlotte that he termed the town a "hornet's nest" of rebellion. Because Marvin A. Bethune reflects the honor, strength, and fierce American patriotism that so stung Lord Cornwallis, he was recommended for membership in the Order of the Hornet.*

*Marvin A. Bethune has served as Mecklenburg County Attorney for 39 years and has done so with the highest degree of integrity and professionalism. He was appointed November 6, 1978. Marvin received his BA degree from Davidson College, his Juris Doctor degree from the University of North Carolina at Chapel Hill. He tenured his resignation as Mecklenburg County Attorney on December 19, 2017, effective March 6, 2018.*

All Commissioners expressed thanks and appreciation to County Attorney Bethune for his 39 years of dedicated service to the County.

County Attorney Bethune thanked the Board for recognizing him in this manner and for allowing him to serve all these years.

*Note: County Attorney Bethune was not expecting the receipt of this honor or the presence of his wife Patty. It was kept as a surprise.*

## **PUBLIC APPEARANCE**

### **18-4520 PUBLIC APPEARANCE**

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

Jenny Nguyen, a student at East Mecklenburg High School and co-president of the Charlotte-Mecklenburg Youth Council addressed the Council's purpose and activities.

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The persons below spoke in opposition to Section 287(g) of the Immigration and Nationality Act and the Mecklenburg County Sheriff's Office participation in the program. They asked the Board to speak out on the injustices of the program; call for the repeal of 287(g), and cut the Sheriff's budget if he continues to participate in the 287(g) Program.

The speakers shared examples of the negative impacts of 287(g). They said the program was aimed at deporting people and not for public safety. They acknowledged that the County had no control over this matter but asked the Board to use its voice and platform to speak in

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opposition of the program and to encourage the Sheriff to end the program in Mecklenburg County. Some said the Sheriff had refused to discuss the matter and some that the Sheriff had, but still refused to end the program.

The speakers were: Immigration Attorney Becca O’Niell, Oliver Merina, Sebastian Feculak, M. Stefania Arteaga, Ana Valdez, Saima G. Villarreal Barraza, Hector Vaca, Isael Melia, and Charlotte City Councilman Braxton Winston.

*Note: Arlin Tellez registered to speak but did not appear.*

#### Comments

Chair Scarborough expressed opposition to individuals being targeted and mistreated. She encouraged the speakers to continue to speak out against the mistreatment of individuals.

Commissioner Fuller said he was always opposed to 287(g) and elaborated.

Commissioner Leake noted for the public’s awareness that the Board of County Commissioners had no control over the Sheriff, because the Sheriff was an elected official, independent of the County.

Commissioner Leake encouraged the speakers and the public in general to communicate their concerns to legislators in Raleigh to get various laws changed. She, too, voiced opposition to persons of color being targeted and mistreated.

Commissioner Cotham expressed opposition to 287(g). She said the program creates a sense of fear.

Commissioner Clarke asked that at a future Budget/Public Policy meeting the Sheriff be asked to attend and share with the Board how much he would be able to reduce the County appropriation to his budget, if the Sheriff’s Office discontinued participation in the 287(g) Program.

#### **APPOINTMENTS**

**18-4517      NOMINATIONS/APPOINTMENTS**

#### **GROUNDWATER ADVISORY COMMITTEE**

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Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to nominate and appoint Bertha Walker to the Groundwater Advisory Committee as the Realtor representative for a three-year term expiring July 31, 2021.

#### **HUMAN RESOURCES ADVISORY COMMITTEE**

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to reappoint Deanna Arnold to the Human Resources Advisory Committee for a three-year term expiring October 31, 2021.

#### **JUVENILE CRIME PREVENTION COUNCIL**

Commissioner Cotham addressed the need for ensuring diversity from a district perspective on the Juvenile Crime Prevention Council and all advisory boards.

She noted that the district information for some of the members of the Juvenile Crime Prevention Council was not indicated and asked that the information be obtained.

It was noted that where not indicated, it was because those individuals were appointed by various agencies to serve on their behalf. Thus, they were not appointed by the Board of Commissioners.

Commissioner Cotham said it was important to see where everyone lived. She asked the Board to consider deferring the matter until the additional information could be obtained.

Motion was made by Commissioner Puckett, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to defer nominations to the Juvenile Crime Prevention Council until the March 7, 2018 meeting, to allow the Clerk time to find out the district and other information that may be missing for current members of the Juvenile Crime Prevention Council.

Chair Scarborough asked going forward, that district and other demographic information be indicated for applicants, as well as, current members for all advisory boards.

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**NURSING HOME ADVISORY COMMITTEE**

Motion was made by Commissioner Puckett, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to nominate and appoint Priscilla Johnson to the Nursing Home Community Advisory Committee for a one-year term expiring February 20, 2019.

**WASTE MANAGEMENT ADVISORY BOARD**

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to reappoint Carl Terrell to the Waste Management Advisory Board for a three-year term expiring February 28, 2021.

Commissioner Puckett nominated all applicants for appointment consideration for the remaining vacancy on the Waste Management Advisory Board: Chuck Duncan, Monique Horace, and Jeremy O'Brien.

*Note: An appointment will occur on March 7, 2018.*

**WOMEN'S ADVISORY COMMITTEE**

The following persons were nominated for appointment consideration to the Women's Advisory Board:

Takiyah Amin	by Commissioner Puckett
Michelle Ferlauto	by Commissioner Puckett
Destiny Jenkins	by Commissioner Puckett
Shannon Myers	by Commissioner Puckett
Kimberly Nelson	by Commissioner Leake
Jodie Ohr	by Commissioner Puckett
Ashley Reid	by Commissioner Leake
Corelutta Reid	by Commissioner Puckett

*Note: Appointments will occur on March 7, 2018.*

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**PUBLIC HEARINGS – NONE**

**ADVISORY COMMITTEE REPORTS**

**18-4498      AIR QUALITY COMMISSION ANNUAL REPORT**

The Board received as information the Air Quality Commission Annual Report. The report was presented by Leslie Rhodes, Division Director, Peter McGrath, Chairman of the Air Quality Commission and Vice-Chairman Marcus Hackler.

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

Comments

Commissioner Dunlap asked what was the biggest contributor to the County's air pollution. *The response was cars and trucks on the highways.*

Commissioner Dunlap asked about the status of a company in Matthews that was a contributor at one time. *The response was that it was a former medical waste incinerator that was no longer in business.*

Commissioner Dunlap asked about the County's carbon foot print and what could be done to continue to improve air quality, which was addressed.

Commissioner Dunlap asked about a former incentive program that was targeted towards businesses with the intent of getting employees to do things that would help reduce the carbon footprint. *Division Director Rhodes said the program that Commissioner Dunlap was referring to was called Clean Air Works. It was a grant funded program that ran out. It was noted that a much smaller grant was being received from the state and was used for air quality awareness efforts but it was not on the level of the Clean Air Works grant.*

Commissioner Fuller asked about the new standards, which was addressed.

Commissioner Fuller addressed the importance of having an environmental policy on the local, state, and federal level.

Commissioner Leake addressed the issue of abandoned and junked cars in neighborhoods. She also addressed environmental conditions in the Brook Hill Community, and noted the presence and use of kerosene.

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Commissioner Leake asked what could be done to improve air quality on the westside, which was addressed.

Commissioner Clarke asked who set the standards for emissions of outdoor power equipment and to what extent do they contribute to ozone and other poor air quality issues. *The response was that the standards were set by the state, who was basically enforcing federal standards. Staff said it would get an answer to the question regarding the impact of outdoor power equipment on air quality.*

Chair Scarborough thanked the presenters for the report.

*Note: The above was not inclusive of every comment but was a summary.*

#### **18-4524      HISTORIC LANDMARKS COMMISSION ANNUAL REPORT**

The Board received as information the Historic Landmarks Commission Annual Report. The report was presented by Dr. Dan Morrill, Executive Director of the Historic Landmarks Commission.

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

#### **Comments**

Commissioner Dunlap asked about the status of the Historic Excelsior Club on Beatties Ford Road. *Dr. Morrill said the owner was continuing to evaluate options with respect to the future of the facility, including the cost to renovate it. Dr. Morrill said he asked the owner to keep the Historic Landmarks Commission in the loop regarding their decision.*

Dr. Morrill said it would be tough to acquire and market the property, because it was built for a specific purpose. He said the Historic Landmarks Commission, however, would make every effort to respond to that structure and not stand idly by. He said the hope was that the owner would renovate the building.

Commissioner Leake said she hoped the Excelsior Club would be preserved because of its significant history.

Commissioner Leake thanked Dr. Morrill and the Historic Landmarks Commission for its efforts to protect the cemetery on Cemetery Street.



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Commissioner Puckett thanked Dr. Morrill and the Historic Landmarks Commission for its work. He specifically addressed what was being done in the Belmont community with respect to the Red Front Department Store.

Commissioner Ridenhour asked about notification of property being for sale, which was addressed.

Commissioner Ridenhour asked about Memorial Stadium and its historical value.

Dr. Morrill said Memorial Stadium was an historic landmark and therefore the Historic Landmarks Commission would exercise its design review authority. He noted further that it was a “single purpose” facility, thus, adaptive reuse would be tough.

Dr. Morrill said the Historic Landmarks Commission felt Memorial Stadium had to function as a “stadium” if it was going to continue to exist.

Dr. Morrill said the Historic Landmarks Commission would be a “viable and valid” partner with the County’s leadership in discussion regarding Memorial Stadium as it related to carrying the memory of the stadium forward into the future.

Dr. Morrill said the question was how do you “weigh the good of the community, the needs of the stadium, with the issue of preservation.”

Commissioner Ridenhour asked Dr. Morrill what should the Board keep in mind as it moved forward with Memorial Stadium with respect to what should be maintained. *Dr. Morrill said his “personal” opinion would be 1) to take the “dough boy” statue that’s in memory of WWI veterans located behind Old City Hall and put it back where it belonged, which was at the Memorial Stadium; 2) keep in mind the memory of the “sacrifice” that was made by those veterans; 3) maintain the art deco architecture, a popular design style of the 1920s and 1930s, going forward; as well as, and 4) maintain the profusion of rock.*

Dr. Morrill said preservationist had to be “realist” and recognize that “to deny change is to deny life.” He said change had to be accommodated.

Commissioner Cotham asked about the former Torrence Lytle High School, which was addressed.

Commissioner Fuller asked for clarity regarding what could and could not be done to a building that was designated as an historic property, which was addressed.

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**MANAGER'S REPORT**

County Manager Diorio addressed the following proposed resolutions:

Resolution approving a 2018 Interlocal Agreement with the City of Charlotte for Law Enforcement Services within the Extra Territorial Jurisdiction areas of the City, Davidson, Mint Hill, and within that portion of the ETJ of the Town of Huntersville that contains the McGuire Nuclear Plant

Resolution Approving a Law Enforcement Services Interlocal Agreement Between Mecklenburg County and the Town of Huntersville for Law Enforcement Services within a portion of the extra territorial jurisdiction (Modified ETJ) areas of the Town.

Resolution Authorizing Preparation of Reports for Creation of Six Law Enforcement Service Districts in Mecklenburg County for services in the extra territorial jurisdiction (ETJ) areas of the City of Charlotte, Huntersville, Pineville, Cornelius, Mint Hill and Davidson.

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

**18-4515      INTERLOCAL AGREEMENT WITH CITY OF CHARLOTTE FOR EXTRA TERRITORIAL JURISDICTION (ETJ) LAW ENFORCEMENT SERVICES**

- 1) Resolution approving a 2018 Interlocal Agreement with the City of Charlotte for Law Enforcement Services within the Extra Territorial Jurisdiction areas of the City, Davidson, Mint Hill, and within that portion of the ETJ of the Town of Huntersville that contains the McGuire Nuclear Plant.

**MECKLENBURG COUNTY  
BOARD OF COMMISSIONERS  
RESOLUTION APPROVING A 2018 INTERLOCAL AGREEMENT  
WITH THE CITY OF CHARLOTTE FOR LAW ENFORCEMENT SERVICES**

**WHEREAS**, in 1993 the City of Charlotte ("City") and Mecklenburg County ("County") entered into an agreement entitled "Agreement Between the City of Charlotte and Mecklenburg County for the Consolidation of the Charlotte and Mecklenburg County Police Departments" ("Original Consolidation Agreement") which resulted in the City Police Department and the County Police Department being consolidated on October 1, 1993 as a

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City department – the Charlotte-Mecklenburg Police Department - having law enforcement jurisdiction throughout the entire unincorporated area of the County; and

**WHEREAS**, effective July 1, 1996 the City and the County entered into the “Agreement Between the City of Charlotte and Mecklenburg County for the Continued Consolidation of the Charlotte and Mecklenburg County Police Departments” (“Current Agreement”) which Current Agreement was terminated effective June 30, 2018 by the Board of County Commissioners at its April 18, 2017 meeting; and

**WHEREAS**, the County Manager and City Manager, and their staff, have been negotiating terms for a new agreement with the City for the Charlotte-Mecklenburg Police Department to provide law enforcement services within the extraterritorial jurisdiction (“ETJ”) areas of the City, the Town of Davidson (“Davidson”), and the Town of Mint Hill (“Mint Hill”), and within that portion of the ETJ of the Town of Huntersville that contains the McGuire Nuclear Plant; and

**WHEREAS**, the County Manager has presented to the Board, as part of the agenda of the meeting at which this resolution has been adopted, a proposed five (5) year interlocal agreement with the City of Charlotte for the City to provide law enforcement services within the extraterritorial jurisdiction (“ETJ”) areas of the City, Davidson, and Mint Hill, and within that portion of the ETJ of the Town of Huntersville that contains the McGuire Nuclear Plant, which proposed agreement has been negotiated with the City Manager and his staff; now, therefore, be it

**RESOLVED** that the Mecklenburg County Board of Commissioners does hereby approve the interlocal agreement with the City entitled “2018 Agreement Between the City of Charlotte and Mecklenburg County for the Continued Consolidation of the Charlotte- Mecklenburg Police Department” as presented to the Board at the meeting at which this Resolution has been adopted, to be effective July 1, 2018, for the City to provide law enforcement services within the ETJ areas of the City, Davidson, Mint Hill, and within that portion of the ETJ of the Town of Huntersville that contains the McGuire Nuclear Plant, and authorizes the Chairman of the Board to execute such Agreement in substantially the form presented to the Board.

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

**18-4534            INTERLOCAL AGREEMENT WITH TOWN OF HUNTERSVILLE FOR EXTRA  
TERRITORIAL JURISDICTION (ETJ) LAW ENFORCEMENT SERVICES**

- 2) Resolution Approving a Law Enforcement Services Interlocal Agreement Between Mecklenburg County and the Town of Huntersville for Law Enforcement Services within

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a portion of the extra territorial jurisdiction (Modified ETJ) areas of the Town.

**MECKLENBURG COUNTY  
BOARD OF COMMISSIONERS  
RESOLUTION APPROVING A LAW ENFORCEMENT SERVICES INTERLOCAL  
AGREEMENT BETWEEN MECKLENBURG COUNTY AND  
THE TOWN OF HUNTERSVILLE**

**WHEREAS**, in 1993 the City of Charlotte (“City”) and Mecklenburg County (“County”) entered into an agreement entitled “Agreement Between the City of Charlotte and Mecklenburg County for the Consolidation of the Charlotte and Mecklenburg County Police Departments” (“Original Consolidation Agreement”) which resulted in the City Police Department and the County Police Department being consolidated on October 1, 1993 as a City department – the Charlotte-Mecklenburg Police Department - having law enforcement jurisdiction throughout the entire unincorporated area of the County; and

**WHEREAS**, effective July 1, 1996 the City and the County entered into the “Agreement Between the City of Charlotte and Mecklenburg County for the Continued Consolidation of the Charlotte and Mecklenburg County Police Departments” (“Current Agreement”) which Current Agreement was terminated effective June 30, 2018 by the Board of County Commissioners at its April 18, 2017 meeting; and

**WHEREAS**, the County Manager and Town Manager, and their staff, have been negotiating terms for an agreement with the Town of Huntersville for the Huntersville Police Department to provide law enforcement services within a portion of the extraterritorial jurisdiction (“Modified ETJ”) areas of the Town; and

**WHEREAS**, the County Manager has presented to the Board, as part of the agenda of the meeting at which this resolution has been adopted, a proposed five (5) year interlocal agreement with the Town of Huntersville for the Town to provide law enforcement services within a portion of the extraterritorial jurisdiction (“Modified ETJ”) areas of the Town, which proposed agreement has been negotiated with the Town Manager and staff; now, therefore, be it

**RESOLVED** that the Mecklenburg County Board of Commissioners does hereby approve the interlocal agreement with the Town entitled “Law Enforcement Services Interlocal Agreement Between Mecklenburg County and the Town of Huntersville” as presented to the Board at the meeting at which this Resolution has been adopted, to be effective July 1, 2018, for the Town to provide law enforcement services within the Modified ETJ areas of the Town as defined in the interlocal agreement, and authorizes the County Manager to execute such Agreement in substantially the form presented to the Board.

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

**18-4535          PREPARATION OF REPORTS FOR CREATION OF SIX LAW ENFORCEMENT  
SERVICE DISTRICTS**

- 3)      Resolution Authorizing Preparation of Reports for Creation of Six Law Enforcement Service Districts in Mecklenburg County for services in the extra territorial jurisdiction (ETJ) areas of the City of Charlotte, Huntersville, Pineville, Cornelius, Mint Hill and Davidson.

**MECKLENBURG COUNTY  
BOARD OF COMMISSIONERS  
RESOLUTION AUTHORIZING PREPARATION OF REPORTS  
FOR CREATION OF SIX LAW ENFORCEMENT SERVICE DISTRICTS**

**WHEREAS**, in 1996 the Board of Commissioners created a single law enforcement service district for the entire unincorporated area of the County to allow levy of a law enforcement service district tax just in that area to be used to pay the City of Charlotte for providing law enforcement services to the area pursuant to a contract between the County and the City (the 1993 “Agreement Between the City of Charlotte and Mecklenburg County for the Consolidation of the Charlotte and Mecklenburg County Police Departments” (“Original Agreement”)); and

**WHEREAS**, effective July 1, 1996 the County and the City entered into the “Agreement Between the City of Charlotte and Mecklenburg County for the Continued Consolidation of the Charlotte and Mecklenburg County Police Departments” (“Current Agreement”) which Current Agreement was terminated effective June 30, 2018 by the Board of County Commissioners at its April 18, 2017 meeting; and

**WHEREAS**, the County Manager has been asked to negotiate and bring back to the Board for its consideration:

(a) an agreement with the City of Charlotte for the City to provide law enforcement services to the ETJ areas of the City, Davidson, and Mint Hill, and within that portion of the ETJ of the Town of Huntersville that contains the McGuire Nuclear Plant,

(b) an agreement with Huntersville to provide law enforcement services to its modified ETJ area,

(c) an agreement with the Town of Cornelius to provide law enforcement services to its own ETJ area, and

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(d) an agreement with the Town of Pineville to provide law enforcement services to its own ETJ area; and

**WHEREAS**, since the costs for providing law enforcement services under each such agreement may result in different law enforcement service district tax rates being charged in different ETJ areas over time, the County Manager is recommending creation of separate law enforcement service districts for each of the six (6) ETJ areas so as to provide the necessary flexibility for the Board to set different rates in each area; and

**WHEREAS**, the statutory process outlined in G.S. 153A-302 requires creation of a report for each service district to be created that shows that each proposed service district will meet statutory standards; now, therefore, be it

**RESOLVED** that the Mecklenburg County Board of Commissioners does hereby authorize the County Manager to start the process for creating six (6) law enforcement service districts, to become effective July 1, 2018, by having County staff prepare the necessary reports.

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

#### **DEPARTMENTAL DIRECTORS' MONTHLY REPORTS**

##### **18-4527      DEPARTMENTAL MANAGEMENT MONTHLY REPORTS**

The Board received as information the monthly department management reports for February, 2018.

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

*Note: The County Manager requested department directors develop department management monthly reports highlighting key activities and initiatives within the departments showing relevant performance indicators of departmental activity.*

##### **18-4528      FEATURE DEPARTMENT/AGENCY PRESENTATION: COUNTY ASSESSOR'S OFFICE**

The Board received a presentation from County Assessor Ken Joyner on the Assessor's Office strategic initiatives on personal property.

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

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**Comments**

Commissioner Leake thanked Director Joyner and his staff for their work. She asked about the discoveries that were made and if they were small businesses. *Director Joyner said many of them were small businesses.*

Commissioner Dunlap asked about the businesses that did not report and were penalties imposed, which was addressed.

Commissioner Ridenhour thanked Director Joyner for the report. He said it was a good refresher.

Commissioner Cotham thanked Director Joyner for the report, as well as, Chair Scarborough.

**STAFF REPORTS & REQUESTS - NONE**

**COUNTY COMMISSIONERS REPORTS & REQUESTS**

**18-4521      APPOINTMENT OF MECKLENBURG COUNTY ATTORNEY**

County Manager Diorio addressed a forthcoming change in the County's process for the management of its legal affairs. The following was noted:

- The County Attorney going forward would be a County employee rather than contracted from a law firm.
- The County's current Attorney's Office would become a stand-alone department rather than a division of the County Manager's Office.
- The County Attorney would serve as the Department Director.
- Legal Services currently being provided by outside law firms would be reviewed and a determination made as to whether those services needed to be rebid and/or handled in-house.

County Manager Diorio commented favorable on the proposed appointment of Deputy County Attorney Tyrone Wade as the new County Attorney.

Motion was made by Commissioner Fuller, seconded by Commissioner James and carried 8-1 with Commissioners Clarke, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes and Commissioner Cotham voting no, to:

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- 1) Appoint Deputy County Attorney Tyrone Wade as County Attorney of Mecklenburg County, effective March 6, 2018; and
- 2) Direct the Clerk to the Board to administer the oath of office prior to the effective date and file it in the permanent records of the County.

*Note: Deputy County Attorney Wade will replace Mecklenburg County Attorney Marvin A. Bethune. On December 19, 2017, County Attorney Bethune tendered his resignation as Mecklenburg County Attorney effective March 6, 2018, after almost 40 years of service. County Attorney Bethune was appointed November 6, 1978.*

Prior to the above vote, Commissioner Cotham acknowledged that her vote in the negative was not a reflection of Deputy County Attorney Wade, but rather for the process used.

Commissioner Cotham said it would have been her preference to open the selection process up, in case, there were others interesting in applying for the position, even though the result may have been the same.

*Note: This a Board of County Commissioners' appointment and the person appointed to serve as County Attorney, serves at the "pleasure" of the Board.*

*Following the Board's vote, County Attorney Bethune expressed his support of the Board's decision to appoint Deputy County Attorney Tyrone Wade as his successor. He also spoke favorably with respect to the County Attorney, going forward, being an employee of the County. He said it was the right time for that to occur.*

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

## **CLOSED SESSION**

### **18-4510 LAND ACQUISITION LITTLE SUGAR CREEK GREENWAY & STREAM ENHANCEMENT**

Motion was made by Commissioner Puckett, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to authorize the County Manager to negotiate and execute all documents necessary for the acquisition of a temporary construction easement (±7.78 acres), a permanent greenway easement (maximum 30 feet wide) and permanent storm drainage easement (maximum 30 feet wide) on tax parcel 173-171-25 from Starclaire Park



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Club, Inc. for the future construction of an access trail to Little Sugar Creek Greenway trail and stream enhancements to the banks of Little Sugar Creek for \$12,000.

### **CONSENT ITEMS**

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

#### **18-4506      BUDGET AMENDMENT – LUESA (DAVIDSON (ETJ) FIRE SERVICE DISTRICT)**

To appropriate \$50,000 from the Davidson Extra Territorial Jurisdiction (ETJ) Fire Protection District (FPSD) fund balance for distribution to the Town of Davidson for payments on a new tanker.

#### **18-4509      TAX REFUNDS**

1. Approve refunds in the amount of \$6,171.05 for registered motor vehicles as statutorily required to be paid as requested by the County Assessor; and

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

2. Approve refunds in the amount of \$121,791.47 and interest as statutorily required to be paid as requested by the County Assessor.

*Note: This Board action is necessary to approve tax refunds resulting from clerical errors, audits and other amendments, including revaluation appeals. Accrued interest is estimated to be \$8,753.51.*

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

#### **18-4511      LAND ACQUISITION – SUGAR CREEK AND IRVINS CREEK GREENWAYS**

1. Authorize the County Manager to negotiate and execute all documents necessary for acquisition of Tax Parcel 167-172-03 (±0.472 acres) located in southwest Charlotte for the future construction of Sugar Creek Greenway for \$5,850; and

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2. Authorize the County Manager to negotiate and execute all documents necessary for acquisition of Tax Parcels 193-541-03 ( $\pm 3.75$  acres), 193-541-04 ( $\pm 0.911$  acres) and 193-541-07 ( $\pm 1.122$  acres) located in southeast Charlotte for the future construction of Irvins Creek Greenway for \$28,000.

**18-4518       MINUTES**

Approve Minutes of Regular meeting held February 6, 2018 and Closed Sessions held January 3, 2018, January 23, 2018 and December 19, 2017.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

**18-4512       EASEMENT DONATION – HUCKS ROAD COMMUNITY PARK**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to accept the donation of a storm drainage easement on Tax Parcel 027-194-71 ( $\pm 1,075$  square feet) from Holly and Jose Vasquez for the maintenance of stormwater infrastructure for Hucks Road Community Park.

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

**18-4513       NOTICE OF PROPOSED AMENDMENTS TO HEALTH ORDINANCE GOVERNING PUBLIC SWIMMING POOLS**

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to instruct the Clerk to the Board to publish a notice of proposed amendments to the Mecklenburg County Health Ordinance Governing Public Swimming Pools to be considered by the Board on March 7, 2018.

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

Commissioner Ridenhour noted for awareness purposes that the new requirements require all public swimming pools to be inspected prior to opening.

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**18-4516      DECLINE RIGHT OF FIRST REFUSAL – CHARLOTTE-MECKLENBURG SCHOOLS  
PROPERTY**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to decline the County's statutory right of first refusal on a portion of Tax Parcel 157-038-08 (the Rosenwald School) that is owned by Charlotte-Mecklenburg Board of Education ("CMBE") to permit CMBE to extend its current lease term by an additional three years with Grier Heights Community Center, LLC.

*Note: By state statute, the County must decline its right of first refusal to any properties the Charlotte-Mecklenburg Board of Education intends to dispose of prior to it moving forward with conveyance to another entity.*

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

Commissioner Fuller asked for clarity with respect to the County's Right of First Refusal on a releasing of property, which was addressed. He also asked about the use of the property, which was addressed by Peggy Hey with Charlotte-Mecklenburg Schools.

**18-4523      BOARD OF EQUALIZATION AND REVIEW COMPOSITION & TERMS**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to:

1. Increase the membership of the Board of Equalization and Review from 15 members to 20 members because of the 2019 Revaluation; and
2. Change the maximum number of terms for the Board of Equalization and Review from two (2) terms to three (3) terms.

*Note: As addressed at the Board's Retreat in January of this year, the Chair of the Board of Equalization and Review, Bruce Miller, has requested the Board's consideration of increasing the number of terms members of the BER can serve from two (2) terms to three (3) terms for a maximum of nine (9) years rather than six (6) years. Many of the current members terms will expire prior to or in 2019, increasing the number of terms one can serve will allow for continuity during the 2019 Revaluation. The Board is also being asked to consider increasing the size of the*

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*Board of Equalization and Review from 15 members to 20 members. Both considerations are being requested in light of the 2019 Revaluation.*

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

**ADJOURNMENT**

Motion was made by Commissioner Dunlap, seconded by Commissioner Fuller and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:44 p.m.

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Janice S. Paige, Clerk

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Ella B. Scarborough, Chair