

**APRIL 17, 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, April 17, 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 Tyrone Wade  
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.***

**REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) to be removed from Consent and voted upon separately. The items identified were: 18-4611, 18-4612, 18-4613, 18-4614, 18-4616, 18-4624, 18-4629, and 18-4644.

**CLOSED SESSION**

**18-4609 BUSINESS LOCATION AND EXPANSION**

**18-4620 CONSULT WITH ATTORNEY**

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

Motion was made by Commissioner Puckett, seconded by Commissioner Cotham and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to go into Closed Session for the following purpose: Business Location and Expansion.

***The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:07 p.m.***

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

**-FORMAL SESSION-**

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

**AWARDS/RECOGNITION**

**18-4625      INDEPENDENCE HIGH SCHOOL BASKETBALL CHAMPS 2018  
(COMMISSIONER COTHAM)**

The Board recognized the Independence High School basketball team.

*Note: On March 10, 2018, the Independence High School Patriots won the NCHSAA 4A State Championship. They defeated Wake Forest Heritage 71-60.*

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to adopt a Proclamation declaring April 23 - 27, 2018 as Independence High School Week in Mecklenburg County.

The Proclamation was sponsored by Commissioner Cotham, read by Commissioner James and accepted by Coach Preston Davis and Independence High School Principal David Legrand.

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## **PUBLIC APPEARANCE**

### **18-4618 PUBLIC APPEARANCE**

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

Oliver Merino spoke in opposition to 287(g). He said information requested at prior meetings by he and others, as well as, Commissioners Dunlap and Clarke regarding the Sheriff's Office participation in the 287(g) program had not been received. He requested the County provide any information it had regarding the program. Mr. Merino said the Board approved entering in a Memorandum of Understanding with respect to 287(g) in 2006. He asked the Board to adopt a resolution opposing 287(g).

***A copy of a handout from Mr. Merino is on file with the Clerk to the Board.***

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Corine Mack, President, Charlotte Chapter of the NAACP, asked the Board to conduct an independent investigation of the Health Department regarding concerns dating back to April of 2016 that had not been resolved. She said Mecklenburg County was the only county in the state where elected officials oversaw public health, rather than a board of health professionals. She asked the Board to consider creating an independent board of health to oversee public health in Mecklenburg County.

Ms. Mack said Dale Adams, a former employee of the Health Department, who accompanied her at the podium, came to her a month ago with concerns about the Health Department. Ms. Mack said she'd also received over 82 other complaints. *Note: Ms. Mack was also accompanied at the podium by Bobbie Cobb, a Mecklenburg County retiree that worked at the Health Department.*

*Note: Chuck Kewin registered to speak but was not present.*

#### Comments

Commissioner Dunlap asked for a point of personal privilege and addressed what he felt was a "loophole" in a section of the County's Public Appearance policy regarding the Board not engaging with Public Appearance speakers.

"Members of the Board will not engage in dialogue with public appearance speakers. Comments will be received and followed up on as applicable by County staff and/or members of the Board."

Commissioner Dunlap asked the County Manager and the County Attorney to prepare for the Board's consideration an amendment to the policy to add that Board members would not make comments regarding issues brought forth by Public Appearance speakers.

Commissioner Puckett suggested, "Members of the Board will not engage in dialogue with public appearance speakers, nor make comments regarding issues brought forth by Public Appearance speakers."

Commissioner Dunlap said the amendment would help resolve the issue the Board had been dealing with recently regarding discussing matters brought up during Public Appearance at a given meeting.

Commissioner Puckett spoke in support of such an amendment. He said matters brought up during Public Appearance should be "received and followed up on as applicable by County staff and/or members of the Board," (currently stated in the policy) and subsequently placed on an

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agenda for discussion if deemed appropriate.

Commissioner Puckett said engaging in dialogue during the meeting at which a matter was brought forth was not the appropriate time.

Commissioner Fuller said he was opposed to any policy prohibiting Board members from speaking. He said it was important for the Board to acknowledge receipt of comments from speakers at the time received. He said it didn't mean the Board had to take action at that time.

Commissioner Fuller said what was being proposed would prohibit Board members from making any comments.

Commissioner Fuller said Board members should be able to address any matter they desire to address.

Chair Scarborough noted from the policy that "The Board reserves the right to alter these rules on a case by case basis as necessary for the efficient and effective conduct of business."

Commissioner Dunlap said, "often times Commissioners speak out of term;" often the full depth of the issue was not known; and that it was not fair to the County Manager, staff or to the citizen requesting information. He said staff should be given time to research and provide a "correct" response.

Commissioner Dunlap said the Board's policy should either restrict comments from being made until an adequate response was provided or there shouldn't be any restrictions on commenting.

Commissioner Dunlap said the intent was not to restrict anyone from speaking because being an elected representative of the public gave one the "right" to speak. He said the Board "tries to operate with a sense of decorum and with rules that everyone can abide by."

Commissioner Fuller said he was accused of violating the policy once when he commented on an issue that had been brought forth during Public Appearance. He said currently there was nothing in the policy prohibiting Board members from engaging in discussion amongst themselves regarding something that was addressed by Public Appearance speakers. He said the policy only addressed dialogue with speakers and at that time, he was not engaging in dialogue with the speaker.

Commissioner James said discussing a possible policy change was not in order because the matter was not on the agenda.

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Chair Scarborough concurred and discussion of the matter ended.

## **APPOINTMENTS**

### **18-4632      NOMINATIONS/APPOINTMENTS**

#### **Citizen's Capital Budget 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 William Rakatansky to the Citizen's Capital Budget Advisory Committee to fill an unexpired term expiring July 31, 2019.

*Note: He replaced Suresh Vottikonda who resigned.*

#### **Women's 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 Samantha Abt-Bumgarner, Kimberly Caldwell, Simone Hunter, Melissa Lefko, Arlean Love, Jodie Ohr and Zhiviaga Williams to the Women's Advisory Board for three-year terms expiring April 30, 2021.

## **PUBLIC HEARINGS**

### **18-4637      PUBLIC HEARING - BUSINESS INVESTMENT GRANT: ERNST & YOUNG US, LLP**

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 open the public hearing to receive comments on a proposed Business Investment Program grant to Ernst & Young US, LLP [EY-US].

No one appeared to speak.

*Note: Ernst & Young US, LLP [EY-US] is a subsidiary of E & Y, an international professional services firm headquartered in London, England and is one of the "Big Four" accounting firms. EY-US has over 231,000 employees in 700 offices in 150 countries. EY-US has 71,000 employees,*

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*including 872 employees in its Uptown Charlotte location. E& Y is establishing a global network of a limited number of innovation centers [WaveSpaces] that will provide cross discipline intelligence and experience, to focus on helping clients meet disruptive technologies head on, including:*

- *Artificial intelligence*
- *Robotics Process Automation*
- *Blockchain*
- *Data analytics*
- *Digital Customer Experience*

*The 15 existing WaveSpaces serve large geographic regions and generate significant client travel. The proposed WaveSpace center will be the fifth in the U.S. and will serve as a regional Southeast Financial Services and National Energy Innovation Wavespace Hub. Core employee disciplines will include: Forensic investigation; Disputes data analytics; Digital development; Robotics. EY-US proposed project meets all the following Business Investment Program guidelines for a five-year grant, specifically:*

*A taxable investment of \$8,200,000 to be completed in the next Five years.*

*- Creation of 375 new jobs with an average wage of \$84,414 (which is equal to 170% of the average for the Charlotte-Gastonia-Rock Hill M.S.A.).*

*- There is competition for this project from Atlanta, Georgia and New York, New York.*

*- EY has existing facilities and employees in Charlotte, making it eligible for an additional 2 years of term*

*- Because Project Wave will serve clients nationally that will travel to Mecklenburg and is competitive with 2 other states, it does not meet the professional services exclusion test The Business Investment Program grant is a 50% grant over 5 years, with an estimated total amount of up to \$146,173.*

*The general terms and condition of this grant include:*

*- A portion of the grant must be repaid if the company moves this investment from Charlotte within 5 years of the end of the grant term.*

*- Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.*

*- All property taxes due from the company must be paid before a grant payment is made.*

***A copy of the report is on file with the Clerk to the 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 close the public hearing on a proposed Business Investment Program grant to Ernst & Young US, LLP [EY-US] and adopt a resolution approving a Business Investment Program grant to [EY-US] for a total estimated amount of \$146,173 and authorize the County Manager to negotiate and execute the contract.

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RESOLUTION APPROVING BUSINESS INVESTMENT PROGRAM GRANT  
FOR ERNST & YOUNG US, LLP**

**WHEREAS, Ernst & Young US, LLP** is seeking to establish a regional Southeast Financial Services and National Energy Innovation Wavespace Hub in Charlotte, NC; and

**WHEREAS,** the company evaluated sites in Atlanta, Georgia and New York, New York; and

**WHEREAS,** this project as described by the company was determined to meet all of the criteria for a Business Investment Program grant from the County of Mecklenburg, the Board of Commissioners voted its intent to provide a Business Investment Program grant to the company during a closed session meeting on January 03, 2018 and as authorized by the Board, the County communicated this information to the company; and

**WHEREAS,** taking into consideration the Board's stated intent to make an economic development grant, the company subsequently decided to expand in Charlotte. The project will include a capital investment of approximately \$8.2 million and will create 375 new jobs within five years at an average annual salary of approximately \$84,414. The Business Investment Program grant is a 50% grant over 5 years, with an estimated total amount of up to \$146,173. The grant will be subject to the County's standard contract provisions, including compliance requirements for the company related to job creation targets and clawback provisions; and

**WHEREAS,** Mecklenburg County Board of Commissioners has determined that this grant will provide new employment, new taxable property and new economic activity within the County, now, therefore, be it

**RESOLVED** that the Board of County Commissioners does hereby approve the Business Investment Program grant and Economic Development grant as described above, and authorizes the County Manager to execute a contract for the same, with any necessary or helpful nonmaterial changes.

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

**ADVISORY COMMITTEE REPORTS**

**18-4610 DOMESTIC VIOLENCE ADVISORY BOARD 2018 ANNUAL REPORT**

The Board received as information the Domestic Violence Advisory Board annual report.

The report was presented by Neil Bloomfield, Chair and Lauren Egleston, Vice-Chair of the Domestic Violence Advisory Board.



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*Note: The Domestic Violence Advisory Board (DVAB) has been charged with reporting to the Board of County Commissioners and City Council about the state of Domestic Violence in our community. The DVAB has met with providers, advocates, and DV survivors to gather information to prepare its annual report. The DVAB has identified gaps and developed recommendations that require support from the BOCC and the City Council.*

The following recommendations were made by the DVAB:

Rental Subsidy – Provide a rental subsidy to survivors of domestic violence to allow those that have longer term housing needs—without the need for a secure facility—the opportunity to move out of the DV Shelter and prevent others from being turned away when their needs are the most critical.

Domestic Violence Advocate at the Salvation Army – Fund a position to provide services to survivors of domestic violence that wind up seeking temporary housing services outside of the DV shelter. We have seen a particular need for this at the Salvation Army shelter where survivors of domestic violence receive assistance but not services targeted to their needs as survivors of domestic violence.

Additional Personnel to Assist with the E-Filing Initiative – Provide funding to the Mecklenburg County Clerk of Court to retain at least one additional resource to assist in the processing of protective orders and domestic violence matters more generally to address the additional demands in converting records to an electronic format and addressing the expected continuing increase in survivors seeking protective orders as the electronic filing initiative expands within the county.

Outreach and Prevention Position for Community Support Services – Fund a position within Community Support Services (“CSS”) focused on outreach and prevention of domestic violence.

Monitoring for the Implementation of Strangulation Training – Require the monitoring of the implementation of the Training Institute’s Strangulation Prevention training program to make sure that the important lessons provided by this program are implemented throughout the county.

It was stated these recommendations were an effort to improve the services provided in the community. It’s believed these recommendations should be funded in addition to—not in replace of—the existing services for survivors of domestic violence.

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

Comments

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Commissioner Leake requested information on 1) the role of the Sheriff's Office as it relates to the issue of domestic violence, 2) whether persons referenced in the report that received services were residents of Mecklenburg County, 3) are those committing the violence residents of Mecklenburg County, and 4) was there collaboration with CMS staff such as counselors, psychologist, or nurses to address this issue.

She encouraged collaboration with CMS and communication with parents.

Commissioner Fuller spoke in support of the committee's recommendations, but not necessarily the dollar amounts associated with the recommendations.

Commissioner Fuller asked about advisory board membership issues, the mechanism for tracking the County's responsiveness to the recommendations, and electronic filings, all were addressed.

Commissioner Clarke thanked the presenters for the detailed report.

Commissioner Ridenhour asked about the recommendation regarding additional personnel to assist with electronic filing in the Clerk of Court's Office, which was addressed.

Commissioner Ridenhour asked had the Clerk of Court's request been received prior to the presentation. *County Manager Diorio said yes and that it would be responded to during the budget process.*

Commissioner Ridenhour asked about the County's process for responding to recommendations received from advisory boards. He used as an example, the advisory board's recommendation that a position be funded in the County's Community Support Services department. He asked had the recommendation been presented to the department and subsequently in their budget request. *County Manager Diorio said the recommendation was not presented to the department for inclusion in its budget request.*

County Manager Diorio said she was aware of some, but not all, of the recommendations that were brought forth. She said now that she's aware of them, they would be reviewed.

Commissioner Puckett addressed the need for a Magistrate's Office in the northern part of the County and the status of that effort. He encouraged the presenters to continue to help with that effort.

Commissioner Cotham asked about the advisory board's interaction with victims, which was addressed.

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Commissioner Cotham asked about their work with 50C Orders, if any. *The response was that the focus had been on 50B Orders.*

Commissioner Cotham asked that consideration be given to including 50C Orders, as well.

Commissioner Cotham asked were there other groups in the community that interacted with victims, which was addressed.

Commissioner Cotham suggested the various groups meet jointly occasionally.

Commissioner Leake said everyone was not technology savvy, especially seniors, therefore information should be accessible to all and in layman's terms.

Commissioner Dunlap said he would like to know how staff and management responded or would respond to recommendations received from advisory boards or anyone appearing before the Board with recommendations or a request. He said if there was a mechanism in place for responding, how could the Board be informed of those responses.

Commissioner Dunlap commented on the need for a Magistrate's Office in the northern part of the County.

This concluded the discussion.

Chair Scarborough thanked the presenters.

**18-4631      CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE ANNUAL REPORT**

The Board received the Charlotte-Mecklenburg Community Relations Committee (CRC) annual report.

The report was presented by Patricia Albritton, Chair of the CRC and Willie Ratchford, Executive Director.

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

Comments

Commissioner Dunlap asked Director Ratchford to address who's a citizen of Charlotte/Mecklenburg County. *The response was there were two types of people in*

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*Charlotte/Mecklenburg County, citizens and residents. Director Ratchford said everyone was a resident, but not everyone was a citizen. He said anyone living in Charlotte/Mecklenburg documented as a citizen of the United States was a citizen and not just a resident.*

Commissioner Dunlap said he asked because recently there had been a lot of discussion regarding 287(g) and whether persons being impacted were citizens or residents.

Commissioner Dunlap said it was helpful for people to understand the difference between being a citizen and a resident.

Commissioner Dunlap asked had consideration been given to having community meetings around the issue of 287(g). *Director Ratchford said his department was contacted by several groups desiring that type of dialogue. He said something would probably be scheduled in the next three-six months.*

Commissioner Leake asked what could be done to get “beyond yesterday” in order to make the community a “livable” place for everyone. She said a lot of the problems that existed years ago, existed today, housing, education, and economics.

Commissioner Cotham commented on their American with Disabilities Act work. She said she’d heard from a lot of disabled individuals who were finding it difficult to get around the city because of all the construction that was taking place. She asked if the CRC addressed those types of concerns. *The response was yes and that staff, including the Department of Transportation were in the process of addressing those concerns.*

Commissioner Cotham asked that the Board be informed of the outcome of addressing those concerns.

Director Ratchford said the CRC also received complaints about bicycles located around the city being left on the sidewalk, thus interfering with passage.

Commissioner Cotham said she was concerned that persons riding those community bikes were not wearing helmets, which was a safety concern. Commissioner Cotham asked that the CRC look into that concern, as well.

This concluded the discussion.

Chair Scarborough thanked the presenters for the report. She noted that she served on the CRC years ago.

**MANAGER'S REPORT**

**18-4633      FY18 TECHNOLOGY RESERVE FUNDING REQUEST**

The Board received a report from Keith Gregg, Chief Information Officer regarding a FY18 Technology Reserve Funding Request.

The following was noted:

- Securing the business platform is a key objective of Mecklenburg County's Information Technology Services (ITS) strategic business plan.
- After the December cyber incident, ITS implemented new security policies and practices and amended its strategic plan to improve system performance and increase the protection of County data.
- The revised plan accelerates the delivery of projects to address the ever-increasing cyber security threats and other risks to County systems.
- For FY18, ITS has identified a need for an additional \$2.3 million to fund projects that will strengthen HIPAA (Health Insurance Portability and Accountability) and PCI (Payment Card Industry) compliance, improve its ability to monitor security threats, reduce exposure to unsecured connections and unauthorized system access, prevent release of sensitive data during public information requests, and to improve employee awareness and response to email phishing and other cyber threats.
- The funds will enable ITS to begin the following projects in FY18:
  - Security information and event management (SIEM) tool replacement
  - Data backup & recovery appliance replacement
  - Phishing alert & training system
  - Network vulnerability scanning
  - Network monitoring licenses
  - Network access controllers
  - Multifactor authentication
  - Active directory hardening
  - Public records request tool
  - Text messaging archiving
- FY18 one-time funding of \$2,307,000 will be transferred from General Fund (0001) fund balance to the Technology Reserve Fund (9009) and appropriated for use either in the current or subsequent fiscal years for purposes as described in the Technology Reserve Fund Ordinance.

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

Comments

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Commissioner Dunlap asked to what degree had the information presented been shared with the Information Technology Advisory Committee. *Director Gregg said the presentation had not been shared with the Committee at this point. Director Gregg said he thought it was appropriate to bring it to the Board first. Director Gregg said the information provided to the Board at its Budget Retreat in January relating this issue had been shared with the Committee.*

Commissioner Dunlap said he asked because of concerns expressed to him by members of the Committee regarding their role as an advisory committee to the department. He said many of them felt the committee should be helping staff develop some of the things being presented to the Board because of their information technology experience. He said many of them felt different decisions could possibly be made were they allowed to provide input.

Commissioner Dunlap said he was also trying to figure out what the proper role of the committee was.

Commissioner Dunlap said the Committee would like to be involved on the front end, rather than on the back end with staff just informing them of decisions made.

Commissioner Dunlap asked how safe and to what degree should information shared with the Board be shared with the public, which was addressed.

Commissioner Dunlap said he'd liked to hear about some of the in-depth technical issues in Closed Session.

Commissioner Leake said it was the County Manager who was responsible for holding the Information Technology department director and his staff accountable and not the advisory committee. She said staff were the experts.

Commissioner Dunlap said the Board was responsible for appointing members to the Information Technology Committee and that the committee was made up of experts in the field. Commissioner Dunlap said they understand the County has the ultimate say. He said the Committee wanted to be more helpful and engaged with staff.

Commissioner Fuller asked about the Committee's review of the plan presented. *Director Gregg said it was not reviewed by the Committee.*

Commissioner Fuller questioned why the matter was not presented to the Committee for input, prior to being presented to the Board.

Commissioner Fuller said he was not questioning staff's expertise, but had a problem with the

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process. Commissioner Fuller said input or a response from the Committee to staff's request would have been preferred, because of the amount of the request. He said that's what the Committee was for.

County Manager Diorio said every year at budget time the Board was asked to approve a technology reserve budget totaling around \$15 million that does not go through the IT committee.

Commissioner Fuller said the point he was making was that if there's an advisory committee in place, they should be used.

County Manager Diorio said the Committee was used when it was felt they were needed. She said this was a budgetary matter. County Manager Diorio said not every decision made was taken to a committee.

Commissioner Fuller said considering the amount of the request, it should have gone to the Committee.

Director Gregg said he'd never shared a financial recommendation with the Committee but if that's the direction the Board wanted him to follow, he would.

Commissioner Ridenhour said he concurred with Commissioner Dunlap regarding the need to discuss certain technical matters in Closed Session for security reasons.

Commissioner Ridenhour said with respect to the advisory committee, what was presented by staff was not something that had to go through the committee. He said what was presented was fundamental to the department's operations, the "nuts and bolts, must haves."

Commissioner Clarke said the security of the County's information technology system was the greatest risk the County was faced with.

Commissioner Clarke said he was supportive of having advisory committees but not everything had to be ran by them. He said it would be a "nightmare" for the IT Department if it had to run everything by their advisory committee. He said the department needed to be able to move quickly when deemed necessary, because of the nature of its work.

Commissioner Clarke said he was supportive of moving forward and encouraged Director Gregg to share the information with the advisory committee for its input.

Commissioner Clarke said advisory board members should communicate with all Commissioners regarding their concerns and not just a few.

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Commissioner Cotham spoke in support of moving forward. Commissioner Cotham said she was supportive of having advisory boards but did not feel everything had to be ran by them, especially in this area.

Commissioner James asked about the funding associated with text messages, which was addressed.

Commissioner James said some committees were involved in with budget matters, such as the Citizens Capital Budget Advisory Committee.

Commissioner James said generally technical committees advise on technical matters and not budget matters. Commissioner James said he was not opposed to the advisory committee providing advice, but cyber security matters must be confidential.

Commissioner James said the recommendation from staff was reasonable and he would support it.

Commissioner James said it was not necessary to “mandate” oversight by the advisory committee because that would “bog” the budget process down.

Commissioner Puckett addressed the value of advisory committees but said in this instance, it wasn’t necessary that they be directly involved because of the nature of the request.

County Manager Diorio read into the record the purpose of the committee which was “the Information Services & Technology Committee will serve as an advisory group to the Board of County Commissioners and will review plans at a conceptual level for major new automated systems. The Committee also validates the processes associated with implementation of automation plans and monitors the implementation of major automation projects.”

Motion was made by Commissioner Ridenhour, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to appropriate \$2,307,000 from General Fund balance to the technology reserve fund to accelerate the delivery of information technology security projects.

#### **DEPARTMENTAL DIRECTORS’ MONTHLY REPORTS**

**18-4626      DEPARTMENT MANAGEMENT MONTHLY REPORTS**



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The Board received as information monthly department management reports for April 2018.

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

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

**18-4627      FEATURE DEPARTMENT/AGENCY PRESENTATION: LAND USE AND ENVIRONMENTAL SERVICES AGENCY**

The Board received a presentation from the Land Use and Environmental Services Agency Director Ebenezer Gujjarlapudi, on the latest efforts underway within the department.

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

**Comments**

Commissioner Leake brought to Director Gujjarlapudi's attention, a concern raised by one of her constituents, Tammy Hill, regarding storm water issues in her community. *Director Gujjarlapudi said he was familiar with Ms. Hill and that his staff was working with her regarding her concerns.*

Commissioner Leake also addressed a constituent concern regarding trash and debris being left on property in the extra territorial jurisdiction of the County in District Two. *Director Gujjarlapudi said he would get the name of the constituent from Commissioner Leake and follow up.*

Commissioner Clarke asked about ozone levels, which was addressed.

Commissioner Dunlap asked about the impact of the federal government rolling back regulations, as it related to ozone levels. *Director Gujjarlapudi said there were no federal or state regulations regarding emissions. He said fuel economy was what was regulated and he elaborated on the County's efforts.*

Chair Scarborough thanked Director Gujjarlapudi for his report.

**STAFF REPORTS & REQUESTS - NONE**

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**COUNTY COMMISSIONERS REPORTS & REQUESTS**

**18-4630      AUDIT REVIEW COMMITTEE ANNUAL REPORT & RECOMMENDATIONS  
(COMMISSIONER JAMES)**

Commissioner James, Chair of the Board's Audit Review Committee, presented the Committee's annual report. He confirmed that all the responsibilities outlined in the Audit Review Charter had been carried out. The Board was asked to consider extending the County's contract with Cherry Bekaert, LLC by one-year.

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

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to receive and accept the annual report from the Audit Review Committee; and approve a one-year extension of the Audit contract with Cherry Bekaert, LLC.

**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):**

**18-4586      INSURANCE REIMBURSEMENTS**

Recognize, receive and appropriate insurance reimbursement funds in the amount of \$7,349 for Asset and Facility Management and \$9,299 for Park and Recreation.

*Note: The County received insurance proceeds based on claims for stolen and damaged items in the departments identified. This Board action provides authority to use the funds for replacement of these items.*

**18-4607      APPOINTMENT OF REVIEW OFFICERS**

Amend "Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office pursuant to N.C.G.S. 47-30.2" to designate Brenda Linker, Bruce Cookson, and Aaron Tucker as Review Officers and to delete Jennifer Sandoval and Alexander Rodriguez.

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**AMENDMENT TO RESOLUTION DESIGNATING REVIEW OFFICERS  
TO REVIEW EACH MAP AND PLAT RECORDED IN THE  
REGISTER OF DEEDS OFFICE PURSUANT TO N.C.G.S. 47-30.2**

**WHEREAS**, on September 16, 1997 the Mecklenburg County Board of Commissioners adopted a resolution entitled "Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2"; and

**WHEREAS**, the Resolution has been amended multiple times to accommodate additions and deletions; and

**WHEREAS**, the Mecklenburg County Board of Commissioners now desires to amend the Resolution to make additional modifications. Now, therefore,

**BE IT RESOLVED** by the Mecklenburg County Board of Commissioners that the Resolution adopted on September 16, 1997, as amended on prior occasions, be amended and the same hereby is further amended as follows:

1. Brenda Linker, Bruce Cookson, Aaron Tucker are hereby designated as Review Officers in addition to those persons so designated in the Resolution of September 16, 1997, and other appointees as amended on prior occasions; thus, the Resolution is accordingly amended to add these names.
2. Jennifer Sandoval shall be deleted from the Resolution adopted on December 20, 2016; Alexander Rodriguez shall be deleted from the Resolution adopted on October 21, 2008.

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

**18-4617      CONTRACT AWARD - ELEVATOR MODERNIZATION PROJECT**

Award a contract to Carolina Elevator Service Inc. in the amount of \$1,089,810.49 for the Judge Clifton E. Johnson Building, the County and Courts Office Building (CCOB), and the Former Civil Courts Building, Elevator Modernization Project.

**18-4619      MINUTES**

Approve Minutes of Regular meeting held April 3, 2018 and March 20, 2018 and Closed Session held April 3, 2018.

**18-4621      STORM WATER PROGRAM - FY18 HAZARD MITIGATION FLOODPLAIN  
ACQUISITION**

Accept the Offer of Sale of Real Estate from IH3 Property North Carolina, LLP, owner of

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property located at 6220 Colchester Place, Charlotte, NC (tax parcel 173-071-07), for \$320,000; and authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

*Note: Since late 1999, Mecklenburg County has used local storm water fee revenue to acquire property that will minimize the risk of potential loss of life and property damage from flooding while enhancing the natural and beneficial functions of the floodplain (creating open space, expanding greenways, constructing wetlands, etc.).*

**18-4628      TAX REFUNDS**

1. Approve refunds in the amount of \$9,518.56 for registered motor vehicles as statutorily required to be paid as requested by the County Assessor.

*Note: This Board action was 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 \$7,763.23 as statutorily required to be paid as requested by the County Assessor.

*Note: This Board action was necessary to approve tax refunds resulting from clerical errors, audits and other amendments, including revaluation appeals. There is no accrued interest related to these refunds.*

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

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**18-4611      CHARLOTTE-MECKLENBURG SCHOOLS LEASE OF PROPERTY - SKY NC, LLC**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to adopt a resolution entitled "Mecklenburg County Board of Commissioners Resolution Authorizing Charlotte-Mecklenburg Board of Education to Negotiate and Execute Lease with Sky NC, LLC" for the eLearning Academy and other general use for CMS.

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*Note: North Carolina G.S. 115C-530 stipulates that operational leases of real and personal property for use as school buildings or facilities for three years or greater must be approved by a resolution adopted by the local board of county commissioners. Terms of the agreement are as follows:*

*Location - 744 Tyvola Road, Charlotte, NC 28217*

*Total Square Footage - Approximately 7,979 SF*

*Lease Term - Five (5) Years with option to renew for additional five years*

*Rent - Annual rent in Year 1 shall be \$10/SF with annual renewals to be no more than 3%*

*Other - Landlord is responsible for maintenance of the location. Utilities will be paid by the Landlord. Minimal upfit to be the responsibility of CMS and is anticipated to include data and furniture.*

**MECKLENBURG COUNTY  
BOARD OF COMMISSIONERS  
RESOLUTION AUTHORIZING CHARLOTTE-MECKLENBURG  
BOARD OF EDUCATION TO NEGOTIATE AND EXECUTE A LEASE WITH  
SKY NC, LLC.**

**WHEREAS**, Charlotte-Mecklenburg Board of Education has submitted a request to the Mecklenburg County Board of County Commissioners to authorize Charlotte-Mecklenburg Schools to negotiate and execute a lease to be used for the eLearning Academy or other general office use for CMS; and

**WHEREAS**, Charlotte-Mecklenburg Schools finds that the proposed lease space at 744 Tyvola Road will adequately meet its needs; and

**WHEREAS**, Charlotte-Mecklenburg Schools has agreed to the following proposed business terms:

Location 744 Tyvola Road, Charlotte, NC 28217

Total Square Footage Approximately 7,979 SF

Lease Term Five (5) Years with option to renew for additional five years

Rent Annual rent in Year 1 shall be \$10/SF with annual renewals to be no more than 3%

Other Landlord is responsible for maintenance of the location. Utilities will be paid by Landlord. Minimal up-fit to be responsibility of CMS and is anticipated to include data and furniture.

**WHEREAS**, pursuant to G.S. 115C-530 the Board of County Commissioners has determined that it would be in the public interest for it to authorize Charlotte-Mecklenburg Schools to negotiate and execute a lease for the eLearning Academy or other general office use for CMS at 744 Tyvola Road; now, therefore, be it

**RESOLVED** that the Mecklenburg County Board of Commissioners does hereby authorize the Charlotte-Mecklenburg Board of Education, or its designee, to negotiate and execute a formal lease extension agreement with Sky NC, LLC consistent with the business terms outlined above.

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

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

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**18-4612      CHARLOTTE-MECKLENBURG SCHOOLS LEASE OF PROPERTY - ALDERSGATE  
UNITED METHODIST RETIREMENT COMMUNITY, INC.**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to adopt a resolution titled "Mecklenburg County Board of Commissioners Resolution Authorizing Charlotte-Mecklenburg Board of Education to negotiate and execute lease with Aldersgate United Methodist Retirement Community, Inc." for the Garinger FOCUS Academy and other general office use for CMS.

*Note: North Carolina G.S. 115C-530 stipulates that operational leases of real or personal property for use as school buildings or facilities for three years or greater must be approved by a resolution adopted by the local board of county commissioners. Terms of the agreement are as follows:*

*Location - 3400 Shamrock Drive, Charlotte, NC*

*Total Square Footage - Approximately 20,000 SF*

*Lease Term - Ten (10) Years*

*Rent - Years 1 - 10: \$0*

*Other - Tenant is responsible for utilities and maintenance on the property. Tenant will Upfit the building for its use.*

**MECKLENBURG COUNTY  
BOARD OF COMMISSIONERS  
RESOLUTION AUTHORIZING CHARLOTTE-MECKLENBURG  
BOARD OF EDUCATION TO NEGOTIATE AND EXECUTE A LEASE WITH  
ALDERSGATE UNITED METHODIST RETIREMENT COMMUNITY, INC.**

**WHEREAS**, Charlotte-Mecklenburg Board of Education has submitted a request to the Mecklenburg County Board of County Commissioners to authorize Charlotte-Mecklenburg Schools to negotiate and execute a lease to be used for the Garinger FOCUS Academy or other general office use for CMS; and

**WHEREAS**, Charlotte-Mecklenburg Schools finds that the proposed lease space at 3400 Shamrock Drive will adequately meet its needs; and

**WHEREAS**, Charlotte-Mecklenburg Schools has agreed to the following proposed business terms:

Location 3400 Shamrock Drive, Charlotte, NC

Total Square Footage Approximately 20,000 SF

Lease Term Ten (10) Years

Rent Years 1 – 10: \$0

Other Tenant is responsible for utilities and maintenance of the property.

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Tenant will upfit the building for its use.

**WHEREAS**, pursuant to G.S. 115C-530 the Board of County Commissioners has determined that it would be in the public interest for it to authorize Charlotte-Mecklenburg Schools to negotiate and execute a lease for the Garinger FOCUS Academy or other general office use for CMS at 3400 Shamrock Road; now, therefore, be it

**RESOLVED** that the Mecklenburg County Board of Commissioners does hereby authorize The Charlotte-Mecklenburg Board of Education, or its designee, to negotiate and execute a formal lease extension agreement with Aldersgate United Methodist Retirement Community, Inc. consistent with the business terms outlined above.

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

Commissioner Leake removed this item from Consent for more public awareness. Peggy Hays with Charlotte-Mecklenburg Schools addressed the request.

Commissioner Leake requested information on the Board of Directors for Aldersgate United Methodist Retirement Community, Inc.

**18-4613      DECLINE RIGHT OF FIRST REFUSAL - CHARLOTTE-MECKLENBURG SCHOOLS  
LEASE AGREEMENT - MIDWOOD INTERNATIONAL & CULTURAL CENTER, LLC**

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to decline the County's statutory right of first refusal for a five-year lease extension with subsequent automatic year to year renewals for up to five years after the initial lease extension term of the Charlotte-Mecklenburg Schools lease to Midwood International & Cultural Center, LLC.

*Note: North Carolina General Statute (NCGS) 115C-518(a) requires local school boards of education to give local boards of county commissioners the first opportunity to acquire any school owned real estate that is proposed for disposal. To comply with this statute, CMS must offer the above lease space to the County prior to entering into a lease agreement with Midwood International & Cultural Center. The BOCC previously declined its statutory right of first refusal on April 19, 2011. Terms of the agreement are as follows:*

*Location - 1817 Central Avenue, Charlotte, NC 28205*

*Property - Building and land on which it is located are shown on Exhibit A of the Lease*

*Extended Lease Term - Continued occupancy until June 15, 2023 with automatic annual*

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*renewals until June 15, 2028 unless terminated by either party with one-year notice or default. After the initial lease extension term (after June 16, 2023), landlord or tenant can terminate with one year's written notice.*

*Rent - Tenant shall pay \$35,000 per year in monthly installments with no escalations.*

*Tenant will pay utilities and daily maintenance.*

*Capital Improvements - Landlord and tenant will each set aside \$20,000 per year for potential repairs deemed to be "Needed Capital Improvements" as defined in the lease amendment. Needed Capital Improvements beyond the funds in the accounts shall be shared between the parties. At the termination of the lease, each party will be able to retain by remaining balance in the fund.*

*Other - All other terms and conditions of the current lease remain in full force and effect.*

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

**18-4614      DECLINE RIGHT OF FIRST REFUSAL - CHARLOTTE-MECKLENBURG SCHOOLS  
LEASE AGREEMENT - CROWN CASTLE TOWERS 06-2 LLC**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to decline the County's statutory right of first refusal for a five-year extension of the current lease term of the Charlotte-Mecklenburg Schools with Crown Castle Towers 06-2 LLC for cell towers at Jay M. Robinson Middle School and Myers Park High School.

*Note: North Carolina General Statute (NCGS) 115C-518(a) requires local school boards to give local boards of county commissioners the first opportunity to acquire any school owned real estate that is proposed for disposal. The BOCC previously declined its statutory right of first refusal on August 14, 2012. To comply with this statute, CMS must offer the above cell tower sites to the County prior to entering into a lease extension with Crown Castle Towers 06-LLC. The terms of both agreements are as follows:*

*Locations - Jay M. Robinson MS - 5925 Ballantyne Commons Parkway, Charlotte, NC and Myers Park HS - 2322 Colony Road, Charlotte, NC*

*Extended Lease Term - Current lease term for each lease will be extended to continue until March 31, 2023*

*Other - All other terms and conditions of the current Lease remain in full force and effect.*

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



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**18-4616      BUDGET AMENDMENT - HEALTH DEPARTMENT (REVENUE  
INCREASE\DECREASE)**

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

1. Recognize, receive, and appropriate an increase in other revenue of \$100,013 from the Susan G. Komen Foundation, to remain available until expended; and

*Note: The Mecklenburg County Health Department has been awarded funding from the Susan G. Komen Foundation for the period of April 1, 2018 through March 31, 2019. This funding will augment the funding we currently receive from the state to provide breast and cervical cancer screenings for uninsured women. These funds will support:*

- Continuation of the Person to Person Program to provide screening mammograms and diagnostic services for low-income women, uninsured/underinsured women.*
- Providing access for more eligible minority women residing in Mecklenburg County.*
- Providing outreach and education focused on breast health and access to available resources.*

2. Recognize, receive, and appropriate a net decrease in revenue in the amount of \$142,005. (The net decrease is to reflect actual state and federal funding changes.)

*Note: During the fiscal year, the Health Department receives notification of modified funding for programs within the department from NC Division of Public Health. The decrease of state and federal allocations is \$142,005.*

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

**18-4624      CAPITAL RESERVE EXPENDITURE REQUEST - PHASE II - ELON PARK SYNTHETIC  
TURF   REPLACEMENT (PARK AND RECREATION)**

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve expenditure of \$1,214,252 to replace synthetic turf fields at Elon Park.

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

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

**18-4629      GRANT APPLICATION: FY2018-2019 JCPC ALTERNATIVES TO COMMITMENT PROGRAMS**

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Cotham, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve submission of a grant application for state funding in the amount of \$100,000 to the N.C. Department of Public Safety, Division of Adult Correction and Juvenile Justice, FY2018-2019 JCPC Alternatives to Commitment Programs; and if awarded, recognize, receive, and appropriate funds for the amount awarded for the duration of the grant period.

*Note: The requested funding will allow Mecklenburg County Criminal Justice Services to deliver comprehensive case management and supportive services to juvenile offenders, ages 16 years of age and above, returning to Mecklenburg County following release from a North Carolina Youth Development Center or other community placement. Primary support services include pre- and post-release planning with juvenile and family members; completion of primary education and support secondary education; specific vocational skills training, employment readiness and retention skills training; and job placement assistance.*

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

***Commissioner Dunlap returned to the dais.***

**18-4644      REQUEST FOR PROPOSAL - CARDINAL INNOVATIONS HEALTHCARE**

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve submission of a Request for Proposal (RFP) to Cardinal Innovations Healthcare to receive funds up to \$1.5 million for capital, equipment, and/or programmatic needs; and if awarded, recognize, receive, and appropriate such funds in the General Fund, to be available for the duration of the program period.

*Note: Mecklenburg County is requesting funding through the Cardinal Innovations Healthcare Community Reinvestment Program to develop and open a Psychiatric Residential Treatment Facility (PRTF) for female adolescents, in partnership with an identified child mental health provider [subcontract] in the community. The PRTF will provide non-acute inpatient facility care for NC Medicaid (Medicaid) beneficiaries who have mental illness, possible concomitant mild intellectual challenges or a substance use disorder, and need 24-hour supervision and gender-*

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*specific specialized intervention. This 6-bed facility will serve females between 13 and 21 years of age. The funding will be used to retrofit an existing facility for this population, as well as, to engage in consultation and evaluation from best practice experts.*

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

County Manager Diorio addressed the request.

The following comments were made prior to the above vote:

Commissioner Leake asked about the site for the facility. *County Manager Diorio said staff had a site in mind but would need the grant money to pursue it.*

Commissioner Leake asked that the Board receive periodic reports regarding this if the grant was received.

Commissioner James asked for clarity on the amount of potential funding from Cardinal, which was addressed. *County Manager Diorio noted that it was a competitive process.*

Commissioner James asked about Cardinal's reasoning for doing this. *County Manager Diorio said it was her understanding that it was being done as a "good gesture" because of the issues they had with the prior CEO and his severance package, which was the same amount of money.*

Commissioner James asked would this be an annual grant or one-time. *County Manager Diorio said it would be one-time funding.*

Commissioner James asked if the County would build a facility. *County Manager Diorio said no, that an existing facility would be up-fitted that a contractor had available. She said if awarded the grant dollars would be for start-up costs and after that, it was felt the receipt of Medicaid and other state revenue would pay for the on-going cost associated with running the facility.*

Commissioner Leake asked would it be a 24 hours facility. *The response was yes.*

Commissioner Fuller asked who would manage the Medicaid dollars, which was addressed.

Chair Scarborough asked would the County be liable. *County Manager Diorio said it would be structured such that it would be fully funded by state and federal dollars, as well as, with the startup funding from Cardinal.*

Commissioner Leake asked who would staff the facility. *The response was the contractor.*

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Commissioner Dunlap asked was there a contingency plan if the County did not receive the grant from Cardinal. *County Manager Diorio said there was no contingency plan. She said it was a service that was needed in the community and staff was hopeful that the grant would be received.*

Commissioner Fuller asked was the contractor's contract with the County. *The response was that the contract would be with the County for the beds, as done by the County with other providers.*

Commissioner Fuller asked would any County funding be needed. *County Manager Diorio said none was anticipated based on the way it would be structured, but if that were to change, staff would come back to the Board and address that issue.*

## **ADJOURNMENT**

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:47 p.m.

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Janice S. Paige, Clerk

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Ella B. Scarborough, Chair