

**MAY 15, 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, May 15, 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-**

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

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

**REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) to be removed from Consent and voted upon separately. The items identified were 18-4685 Budget Amendment-DSS (Revenue Increase/Decrease, 18-4687 Construction Manager at Risk Selection-Northern Regional Recreation Center, and 18-4712 Proclamation-Mecklenburg Declaration of Independence Day.

**STAFF BRIEFINGS – None**

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**CLOSED SESSION**

**18-4660      LAND ACQUISITION**

**18-4683      CONSULT WITH ATTORNEY**

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

Prior to going into Closed Session County Attorney Wade announced the following Land Acquisition matters to be discussed in Closed Session: Tax Parcel(s): 071-143-25 and 071-131-44.

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, James, Leake, Puckett, and Scarborough voting yes, to go into Closed Session for the following purpose: Land Acquisition.

***The Board went into Closed Session at 5:21 p.m. and came back into Open Session at 5:30 p.m.***

Motion was made by Commissioner Puckett, seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, James, Leake, Puckett, and Scarborough voting yes, to move Items 18-4712 Proclamation-Mecklenburg Declaration of Independence Day and 18-4713 Proclamation-North Carolina Military Veteran's Hall of Fame Weekend from the Consent section of the Agenda to the Awards/Recognition section.

***Commissioners Ridenhour and Fuller entered the meeting.***

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

**-FORMAL SESSION-**

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

**AWARDS/RECOGNITION**

**18-4712      PROCLAMATION - MECKLENBURG DECLARATION OF INDEPENDENCE DAY  
(COMMISSIONER RIDENHOUR)**

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Motion was made by Commissioner Ridenhour, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to adopt a proclamation designating May 18, 2018 as "Mecklenburg Declaration of Independence Day in Mecklenburg County" in commemoration of the signing of the Mecklenburg Declaration of Independence on May 20, 1775.

*Note: The proclamation was read by Commissioner Ridenhour.*



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**18-4713 PROCLAMATION - NORTH CAROLINA MILITARY VETERAN'S HALL OF FAME WEEKEND (COMMISSIONER FULLER)**

Motion was made by Commissioner Fuller, 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 designating May 19, 2018 as "North Carolina Military Veteran's Hall of Fame Weekend" in Mecklenburg County, commending the North Carolina Military Hall of Fame and Sergeant First Class David Eugene Broadie.

*Note: The proclamation was read by Commissioner Fuller and received by Sergeant First Class David Eugene Broadie.*



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**PUBLIC APPEARANCE**

**18-4703 PUBLIC APPEARANCE**

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

**APPOINTMENTS**

**18-4684 NOMINATIONS/APPOINTMENTS**

**ABC 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 Earle Leake to the Alcoholic Beverage Control Board for a three-year term expiring June 30, 2021.

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 reappoint Earle Leake as Chairman of the Alcoholic Beverage Control Board for the duration of his term, expiring June 30, 2021.

**CPCC Board of Trustees**

Commissioner Dunlap nominated Arthur Griffin for appointment consideration to the Central Piedmont Community College Board of Trustees.

There were no other nominees.

*Note: This is one of several boards that require an interview process of those nominated by an Ad Hoc Committee of the Board appointed by the Chair.*

*The following Commissioners volunteered to serve on the Ad Hoc Advisory Committee: Commissioners Fuller, Cotham, and Leake. Chair Scarborough selected Commissioner Leake to serve as chairman of the ad hoc committee.*

*The appointment will occur at the Board's meeting on June 5 or June 19, 2018 depending upon when the interview is held.*

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**Historic Landmarks Commission**

Commissioner Dunlap nominated Akadius Berry for appointment consideration to the Historic Landmarks Commission.

There were no other nominees.

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to nominate and appoint Akadius Berry to the Historic Landmarks Commission to fill an unexpired term expiring July 31, 2018.

*Note: He replaced Mark Miller.*

**Juvenile Crime Prevention**

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 reappoint Darryl Johnson to the Juvenile Crime Prevention Council for a three-year term expiring May 30, 2021 as the faith community representative.

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 Colleen Mullan to the Juvenile Crime Prevention Council to fill an unexpired term expiring June 30, 2019 as the juvenile defense attorney representative.

*Note: She replaced Mitchell Feld.*

**Nursing Home Community**

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 Monique Cartwright to the Nursing Home Community Advisory Committee for a three-year term expiring March 31, 2021.

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**Planning Commission**

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 Bolyn McClung (Board of Education representative) and Nasif Majeed to the Charlotte/Mecklenburg Planning Commission for three-year terms expiring June 30, 2021.

The following persons were nominated for appointment consideration:

Manuel Betancur	by Commissioner Clarke
Richard Black	by Commissioner Ridenhour
Melissa Lefko	by Commissioner James
Rajahm Sellers	by Commissioner Ridenhour

*Note: This is one of several boards that require an interview process of those nominated by an Ad Hoc Committee of the Board appointed by the Chair.*

*The following Commissioners volunteered to serve on the Ad Hoc Advisory Committee: Commissioners Fuller, Cotham, and Leake. Chair Scarborough selected Commissioner Leake to serve as chairman of the ad hoc committee.*

*The appointment will occur at the Board's meeting on June 5 or June 19, 2018 depending upon when interviews are held.*

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

**Women's Advisory Board**

Commissioner Dunlap nominated Gail Johnson for appointment consideration to the Women's Advisory Board.

There were no other nominations.

Motion was made by Commissioner Fuller, 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 Gail Johnson to the Women's Advisory Board to fill an unexpired term expiring April 30, 2021.

*Note: She replaced Simone Hunter.*



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**PUBLIC HEARINGS**

**18-4688      TEFRA HEARING - ACTS RETIREMENT-LIFE COMMUNITIES, INC.**

TEFRA public hearing on the proposed financing by ACTS Retirement-Life Communities, Inc.

*Note: To comply with federal tax law, and the code and Public Finance Authority's statutory requirements, the Borrower has requested that the Mecklenburg County Board of Commissioners hold a public hearing and approve a resolution. This approval will not make the County responsible in any way for the Bonds or the Project financed with bond proceeds. Hosting the public hearing and approving the issuance of the Bonds are merely ministerial acts that will enable the Borrower to comply with federal tax law requirements in order that interest on the Bonds be exempt from federal income tax.*

Commissioner Jim Puckett introduced the following resolution, a copy of which had been distributed to each Commissioner and the title of which appeared on the agenda:

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS ACTS RETIREMENT LIFE COMMUNITIES, INC. OBLIGATED GROUP, SERIES 2018 BONDS IN ONE OR MORE SERIES (THE "BONDS"), IN AN AMOUNT NOT TO EXCEED \$97,000,000

WHEREAS, ACTS Retirement-Life Communities, Inc. ("Borrower") has requested that the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (the "Authority"), issue its ACTS Retirement Life Communities, Inc. Obligated Group, Series 2018 Bonds, in one or more series (the "Bonds"), in an aggregate principal amount not to exceed \$97,000,000, and loan proceeds of the Bonds to the Borrower.

WHEREAS, the Bonds are expected to be issued by the Authority pursuant to 66.0304 of the Wisconsin Statutes, as amended, and the Authority will loan not to exceed \$97,000,000 of the proceeds from the sale of the Bonds to the "Borrower" identified below and used to finance (i) the current refunding, refinancing and/or restructuring of all or a portion of a revolving line of credit issued by Bank of America to the Borrower; (ii) the current refunding, refinancing and/or restructuring of all or a portion of a construction loan made by Branch Banking and Trust Company for certain properties located in North Carolina (collectively, the "Bonds to be Refunded") and, (iii) financing or



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refinancing (including reimbursement) the costs of acquisition, construction, equipping and improvement of existing and additional facilities at the properties of the Borrower, including the financing of some or all of the costs of issuance, reserve funds (if any), and capitalized interest (if any), including, without limitation, miscellaneous capital improvements and renovations and the acquisition of capital equipment, including, but not limited to, renovations and upgrades to residential living units, health care facilities and common areas, the acquisition of new plant equipment , and other facility enhancements, including specifically central facility and auditorium renovations and dining/cafe enhancements, the replacement and expansion of the existing skilled nursing facility and renovation/conversion of the existing skilled nursing facility to assisted living units. The projects financed or refinanced by the Bonds to be Refunded included costs of the acquisition, construction, equipping and improvement of existing and additional facilities at some or all of the continuing care retirement communities and other facilities owned and operated by the Borrower as described below. All the projects to be financed or refinanced as described herein are collectively referred to herein as the "Project").

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

*WHEREAS*, pursuant to Section 147(f) of the Code and Treasury Regulations Section 5f. 103- 2(f), as amended (collectively, " *Federal Tax Requirements*") and pursuant to Section 66.0304(1l)(a) of the Wisconsin Statutes and Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority dated as of September 28, 2010 (collectively, "*Authority Requirements*"), prior to their issuance and after a public hearing held following reasonable public notice, the Bonds are required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the area in which the Project is located;

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

*WHEREAS*, the Borrower has requested that the Board approve the Authority's issuance of the Bonds and the refinancing and financing of the Project

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located within the County in order to satisfy the requirements Federal Tax Requirements and the Authority Requirements; and

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

*Note: No one appeared to speak.*

*BE IT RESOLVED* by the Board as follows:

*Section 1.* Pursuant to and in satisfaction of the requirements of the Federal Tax Requirements and the Authority Requirements, the Board hereby approves (a) the Authority's issuance of the Bonds in an aggregate principal amount of not to exceed \$97,000,000, and (b) the financing of the Project located in the County.

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

*Section 3.* This resolution is effective immediately on its passage.

On motion of Commissioner Jim Puckett seconded by Commissioner Bill James, the foregoing resolution entitled "RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS ACTS RETIREMENT LIFE COMMUNITIES, INC. OBLIGATED GROUP, SERIES 2018 BONDS IN ONE OR MORE SERIES (THE "BONDS"), IN AN AMOUNT NOT TO EXCEED \$97,000,000" was duly adopted by the following vote:

AYES: Commissioners Patricia "Pat" Cotham, George Dunlap, Trevor M. Fuller, Bill James, Vilma D. Leake, Jim Puckett, Matthew Ridenhour, and Ella B. Scarborough

NAYS: None

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

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**18-4691      TEFRA HEARING - SOUTHMINSTER, INC., RETIREMENT COMMUNITY**

TEFRA public hearing on the proposed financing by Southminister, Inc., Retirement Community.

*Note: To comply with federal tax law public hearings and approval requirements, the Borrower has requested that the Mecklenburg County Board of Commissioners hold a public hearing and approve a Resolution. This approval will not make the County responsible in any way for the Bonds or the Project financed with bond proceeds. Hosting the public hearing and approving the issuance of the Bonds are merely ministerial acts that will enable the Borrower to comply with federal tax law requirements in order that interest on the Bonds be exempt from federal income tax.*

WHEREAS, at 6:30 p.m., the Chair announced that the Board of Commissioners (the "Board") for the County of Mecklenburg, North Carolina (the "County") would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance of one or more series of revenue bonds (the "Bonds") to be issued by the Public Finance Authority (the "Authority") in an aggregate principal amount not to exceed \$150,000,000;

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 8-0 with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to open the public hearing.

WHEREAS, the Bonds are expected to be issued pursuant to Section 66.0304 of the Wisconsin Statutes, as amended, by the Authority, a commission organized under and pursuant to the provisions of Section 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, as amended, and the proceeds from the sale of the Bonds will be loaned to Southminister, Inc., a North Carolina nonprofit corporation (the "Borrower"), and used to (a) pay, or reimburse the Borrower, for all or a portion of the costs of acquiring, improving, constructing and equipping independent living, assisted living and health care facilities at the Borrower's continuing care retirement community known as Southminister, including, but not limited to, (i) constructing and equipping of two new "Terrace" buildings, which will include 66 independent living units, (ii) constructing and equipping of a five-level replacement health care center, which will initially include 60 nursing beds, 25 assisted living beds, new common areas for dining, library and events, new office and storage space, a kitchen expansion and underground parking, (iii) relocating and constructing a new loading dock for the facility and (iv) renovating the prior health care center to provide for 23 independent living units (collectively, the "Project"), (b) refund existing indebtedness of the Borrower, the proceeds of which were used to pay a portion of the costs of the Project, (c) pay interest accruing on the Bonds during construction of the Project, (d) fund a debt service reserve

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fund for the Bonds and (e) pay certain fees and expenses incurred in connection with the sale and issuance of the Bonds;

WHEREAS, the Project is or will be owned and operated by the Borrower and is located on the Borrower's campus at 8919 Park Road, Charlotte, Mecklenburg County, North Carolina 28210-7610;

WHEREAS, the Bonds will be special limited obligations of the Authority payable solely from the loan repayments to be made by the Borrower to the Authority, and certain funds and accounts established by the bond indenture for the bonds;

WHEREAS, the principal of, premium, if any, and interest on the Bonds will not constitute an indebtedness or liability of the County, the State of North Carolina or any political subdivision of the State of North Carolina, or a charge against their general credit or any taxing powers;

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Authority must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries a project is located, which with respect to the Project is the County of Mecklenburg, North Carolina;

WHEREAS, the Borrower has requested that the Board approve the financing of the Project, and the issuance of the Bonds in an amount not to exceed \$150,000,000 in order to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "Joint Exercise Agreement"), and Section 66.0304(11)(a) of the Wisconsin Statutes;

WHEREAS, on April 27, 2018 a notice of public hearing was published in The Charlotte Observer, setting forth a general, functional description of the type and use of the facilities to be financed, the maximum principal amount of the Bonds, the initial owner, operator or manager of the facilities and the location of the facilities, among other things;

WHEREAS, the Chair acknowledged due publication of the notice of public hearing in a newspaper with a general circulation in said County and directed the Clerk to the Board of County Commissioners to attach the affidavit showing publication in said paper on a date at least fourteen (14) days prior to the date hereof as Exhibit A hereto;

WHEREAS, the names, address and testimony of the persons who were present and who offered comments on the proposed issuance of the Bonds or who responded in writing to the notice of public hearing are set forth in Exhibit B attached hereto; **N/A**

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WHEREAS, the purpose of the above-described public hearing is to satisfy the public approval requirement of Section 147(f) of the Code, in order to qualify the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code; and

WHEREAS, the Chair of the Board inquired elsewhere in and around the meeting room to determine whether there were any other persons who wished to speak at the public hearing and the Chair of the Board determined that no other persons who wished to speak at the public hearing were found.

After the Board had heard all persons who had requested to be heard, Commissioner Jim Puckett moved that the public hearing be closed. The motion was seconded by Commissioner Bill James and adopted 8-0 with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to close the public hearing.

Thereupon, Commissioner Jim Puckett introduced the following resolution, the title of which was read and a copy of which had been distributed to each Commissioner:

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLEBURG, NORTH CAROLINA, APPROVING THE ISSUANCE OF NOT TO EXCEED \$150,000,000 OF TAX-EXEMPT BONDS TO BE ISSUED BY THE PUBLIC FINANCE AUTHORITY ( THE "AUTHORITY) TO FINANCE CERTAIN COSTS OF VARIOUS RETIREMENT FACILITIES PROJECTS FOR THE BENEFIT OF SOUTHMINSTER, INC.**

BE IT RESOLVED by the Board of Commissioners (the "Board") for the County of Mecklenburg, North Carolina (the "County") as follows:

Section 1. For the purpose of qualifying the interest on the proposed issuance of one or more series of revenue bonds (the "Bonds") for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code"), the Board hereby approves the issuance of the Bonds by the Public Finance Authority for the benefit of Southminster, Inc. (the "Borrower") for the purpose of providing funds to (a) finance all or a portion of the costs of acquiring, improving, constructing and equipping independent living, assisted living and health care facilities at the Borrower's continuing care retirement community known as Southminster, including, but not limited to, (i) constructing and equipping of two new "Terrace" buildings, which will include 66 independent living units, (ii) constructing and equipping of a five-level replacement health care center, which will initially include 60 nursing beds, 25 assisted living beds, new common areas for dining, library and events, new office and storage space, a kitchen expansion and underground

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parking, (iii) relocating and constructing a new loading dock for the facility and (iv) renovating the prior health care center to provide for 23 independent living units (collectively, the "Project") and (b) refund existing indebtedness of the Borrower, the proceeds of which were used to pay a portion of the costs of the Project, provided that in no event shall the County, the State of North Carolina (the "State"), or any political subdivision thereof, be liable for such Bonds nor shall the Bonds constitute a debt of the County, the State, or any political subdivision thereof. It is the purpose and intent of the Board that this resolution constitute approval of the issuance of the Bonds by the applicable elected representative of the "Project Jurisdiction" for the Project, which is the governmental unit having jurisdiction over the area in which the Project is located, in accordance with Section 147(f) of the Code, Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010.

Section 2. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Jim Puckett, seconded by Commissioner Bill James, the foregoing resolution entitled "RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED \$150,000,000 OF TAX-EXEMPT BONDS TO BE ISSUED BY THE PUBLIC FINANCE AUTHORITY TO FINANCE CERTAIN COSTS OF VARIOUS RETIREMENT FACILITIES PROJECTS FOR THE BENEFIT OF SOUTHMINSTER, INC." was adopted by the following vote:

AYES: Commissioners Patricia "Pat" Cotham, George Dunlap, Trevor M. Fuller, Bill James, Vilma D. Leake, Jim Puckett, Matthew Ridenhour, and Ella B. Scarborough

NAYS: None

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

**18-4698 PUBLIC HEARING ON PROPOSED ABOLISHMENT OF CURRENT COUNTY-WIDE LAW ENFORCEMENT SERVICE DISTRICT**

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 8-0 with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to the open public hearing to receive public comments on the proposed abolishment of the current county-wide Law Enforcement Service District.

*Note: As part of creating the six (6) proposed new law enforcement service districts on May 1, 2018, the current county-wide law enforcement service district must be abolished effective the end of the current fiscal year, June 30, 2018. The Board is required to hold a public hearing*

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*before adopting a resolution abolishing the current county-wide law enforcement service district.*

No one appeared to speak.

***Commissioner Clarke returned to the dais.***

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 1) acknowledge receipt of finding that the existing county-wide Law Enforcement Service District does not have outstanding bonds or notes issued to finance projects in the district; 2) to close the public hearing on the proposed abolishment of the current county-wide Law Enforcement Service District; and 3) adopt a resolution abolishing the current countywide Law Enforcement Service District, effective June 30, 2018, titled: "Mecklenburg County Board of Commissioners Resolution to Abolish the Current County-Wide Law Enforcement Service District."

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS RESOLUTION  
TO ABOLISH THE CURRENT COUNTY-WIDE  
LAW ENFORCEMENT SERVICE DISTRICT**

**WHEREAS**, in 1996 the Board of Commissioners created a single law enforcement service district (LESD) for the entire unincorporated area of Mecklenburg County, to allow a tax levy for law enforcement services just in those areas, to pay the City of Charlotte for providing law enforcement services pursuant to an interlocal agreement 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 an "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 by the Board of Commissioners at its April 18, 2017 meeting, effective June 30, 2018; and

**WHEREAS**, the County has, or will have, interlocal agreements with municipalities for the provision of law enforcement services to cover all the extraterritorial jurisdiction (ETJ) areas of the County; and

**WHEREAS**, since the costs for providing law enforcement services under each agreement may result in a different law enforcement service district tax rate being charged in each different ETJ area over time, the Board of County Commissioners approved separate LESDs for each of the six (6) ETJ areas on May 1, 2018. The six (6) LESDs include the ETJ areas of: the City of Charlotte and the Towns of Davidson, Mint Hill, Huntersville, Cornelius and Pineville; and

**WHEREAS**, the County has no outstanding bonds or notes issued to finance projects in the single, County-wide LESD for the entire unincorporated area of Mecklenburg County, and there is no longer a need for the current County-wide LESD; now, therefore, be it



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**RESOLVED** that the Mecklenburg County Board of Commissioners does hereby abolish the County-wide LESD, in favor of the six (6) new LESDs, to become effective July 1, 2018.

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

**ADVISORY COMMITTEE REPORTS – NONE**

**MANAGER'S REPORT**

**18-4708      RAISE THE AGE UPDATE**

The Board received as information an update on the Raise the Age legislation, which was given by Sonya L. Harper, Director of Criminal Justice Services.

*Note: The Juvenile Justice Reinvestment Act passed June 2017 and will go into effect December 1, 2019. Youth age 17 and younger will remain in Juvenile Court except:*

- *In cases with prior convictions in District or Superior Court*
- *A-G felonies will be mandatory transfers to Superior Court following Grand Jury indictment or finding of probable cause.*

The update covered:

- Current and Projected Volume in Mecklenburg County
- Implementation Concerns
- Impact on Youth-Serving Resources
- Projected Impacts to the County

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

Comments

Commissioner Fuller asked about state funding, which was addressed.

Commissioner Fuller asked about the various positions and the funding of them, which was addressed.

Commissioner Fuller asked about the number of juveniles from Mecklenburg County that were being sent to other counties for detention purposes. *Director Harper said in FY17, 229 were sent.*

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Commissioner Fuller asked if a juvenile facility was needed in Mecklenburg County. *County Manager Diorio said no.*

County Manager Diorio said at one time there was a juvenile detention facility in Mecklenburg County but it was closed. County Manager Diorio said it would behoove the County to see what would occur in Rockingham County where other capacity might exist before deciding to do something within the County.

County Manager Diorio said counties were required to provide space for state agencies, therefore, the County would have to ensure that the positions associated with this had sufficient space, which would be a cost to the County.

Director Harper clarified that the facility in Rockingham County was a youth development center, which was different from a detention facility.

Commissioner Fuller said at some point thought needed to be given to how youth were affected as a result of being transported back and forth.

Commissioner Fuller questioned whether Raise the Age would result in any savings.

Director Harper said Raise the Age was a good idea. She said the key would be making sure appropriate services and other things were in place, which would be where savings would come into play. She said the juvenile justice system was very focused on rehabilitation and keeping kids diverted from the adult system.

Commissioner James asked for clarity regarding what occurs currently when a juvenile was arrested, which was addressed. *It was noted that youth were currently being sent to a detention facility in Cabarrus County as the first option.*

Commissioner James said the issue of detention for juveniles was a state issue.

Commissioner James commented on the County's history of having a juvenile facility, Gatling. He said it was counterproductive.

Commissioner James said he would be support of the State building a juvenile detention facility in Mecklenburg County. He said the County tried several times in the past to get the state to do so, but they showed no interest.

Commissioner James said he would not be supportive of the County building a facility.

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Commissioner James asked about the total of juveniles, as it related to this matter, statewide and locally. *Director Harper said she would get that information.*

Commissioner James asked about staffing needs going forward, which was addressed.

Commissioner Dunlap expressed concern from the projected numbers listed in the presentation regarding Current & Projected Volume. He said the numbers didn't appear to add up. *Director Harper addressed how the projections were determined.*

Commissioner Dunlap said he was concerned also regarding whether there would be any cost savings as a result of the legislation.

Commissioner Dunlap suggested the Board be provided a matrix as it related to the placement of youth.

Commissioner Leake asked what was being done to deter this type of behavior. She commented on the responsibility of parents and how they should be held accountable for the behavior of their children.

Commissioner Leake said she wanted to know what had been done in the last five years to make a difference in the lives of children where it was known when they were third graders that they might end up in the legal system. Where were they five years ago and where are they now.

Commissioner Cotham also expressed concern regarding cost savings. She said a lot of the data from other states that had this type of legislation showed cost savings.

Commissioner Cotham said she hoped some youth would be released to their families rather than being sent out of the County to a facility.

Commissioner Cotham echoed also that this was a state issue.

Chair Scarborough thanked Director Harper for the report. She commented on the responsibility of parents.

This concluded the discussion.

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

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**18-4710 DEVELOPMENT UPDATE**

The Board received information related to on-going Mecklenburg County development initiatives, which was given by Dennis K. LaCaria, Senior Assistant to the County Manager.

The update addressed:

- 7th and Tryon
- Brooklyn Village
- 4th and Graham; and
- What's Next

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

Comments

Commissioner Dunlap asked about the City of Charlotte's timeline for responding back to the County regarding the 4<sup>th</sup> and Graham site. *County Manager Diorio said the County had been going back and forth with the City of Charlotte (City) regarding a letter of intent, but the County was unable to get a firm commitment from the City.*

County Manager Diorio said everything the City wanted the County to do was non-binding and there were no plans on the City staff's part to take anything to City Council until late fall.

County Manager Diorio said the City did not have their funding in place.

County Manager Diorio said at this point, having given the City ample time, the County was ready to move forward with the potential buyer.

Commissioner Leake said she was not opposed to what was being presented but expressed disappointment that no development was being planned for the Beatties Ford Road corridor, the Five Points area. She said it about being "fair" with the process.

Commissioner Leake said a better job needed to be done to make sure development occurs on the west side

Commissioner Fuller asked about 7<sup>th</sup> and Tryon and was the plan to have a master developer. *The response was yes.*

County Manager Diorio noted that for 7<sup>th</sup> and Tryon there were five property owners involved and everyone would have to agree at the end to move forward.

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Commissioner Leake asked which property owner was putting up the most money. *The response was the Housing Authority, because they owned the most property. The County was second, Bank of America third, the Library fourth, and the City fifth.*

Commissioner Fuller asked would there be an agreement amongst the property owners. *County Manager Diorio said that was one of things that would be discussed going forward.*

Commissioner Fuller commented on 4<sup>th</sup> and Graham and expressed dissatisfaction with the City having asked the County to hold off on moving forward, yet, to date, the City still had no plan or anything to offer to the County. He said this was an opportunity for partnership that the City missed.

Commissioner Dunlap with respect to 7<sup>th</sup> and Tryon, said if a master developer was used then everyone would be aware of the plan for their respective property and each should be able to use their own developer and construction company, if they chose to do so. He said he'd seen it done with other large developments throughout the community. He said the project would probably get done quicker if done this way.

Senior Assistant to the County Manager LaCaria addressed why staff structured it as presented.

This concluded the discussion.

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

## **DEPARTMENTAL DIRECTORS' MONTHLY REPORTS**

### **18-4709      DEPARTMENT MANAGEMENT MONTHLY REPORTS**

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

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

Commissioner Puckett asked about the decrease in Public Health's immunization clinic visits and the reference to refugee visits, which was addressed by Health Director Gibbie Harris.

Commissioner Puckett highlighted for the public's awareness work that was being done with respect to the Child Development Community Policing Program.

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Commissioner Leake asked about the Health Department's role when it came to the cleanliness of schools. She referenced a recent News report regarding maintenance conditions at Olympic High School. She also asked how often were school cafeterias inspected by the Health Department.

Health Director Harris said schools were inspected once a year, however, anytime a complaint was received, the inspector would go back out to the school.

Health Director Harris said the County's authority was limited when it came to schools. She said the County had authority to inspect and make recommendations to the Board of Education as to how they could improve.

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

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

**18-4702      FEATURE DEPARTMENT/AGENCY PRESENTATION: MECKLENBURG EMERGENCY MEDICAL SERVICES AGENCY (MEDIC)**

The Board received a presentation from MEDIC Executive Director Joe Penner.

The presentation addressed MEDIC's current Agency performance, value delivered to the community and challenges on which the Agency was working to address.

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

Comments

Commissioner Dunlap acknowledged the week of May 21, 2018 as EMS Week.

Commissioner Ridenhour asked about frequent users of EMS and if there was data regarding who they were and how many times they've used the service.

Commissioner Ridenhour said he was interested in knowing whether frequent users were contributing to the increase in calls for service.

Director Penner said data was available and he'd be happy to meet with Commissioner Ridenhour to go over it.

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Commissioner Puckett commented on the dispatch unit and what an “amazing” operation it was. He said it would be great if there was a video available that residents could access to see what a great job was being done and how it was being done.

Commissioner Fuller echoed Commissioner Puckett’s remarks regarding the availability of a video, so the public could see what great things were occurring and how their tax dollars were being used.

Commissioner Leake thanked Medic for all they do.

Commissioner Cotham thanked Medic, as well, for all that they do.

Chair Scarborough thanked Medic and noted when she personally had to use their services.

#### **STAFF REPORTS & REQUESTS**

***Commissioner Clarke returned to the dais.***

#### **18-4689      ONE NORTH CAROLINA FUND CONTRACTS**

Peter Zeiler, Director, Economic Development Office addressed One North Carolina Fund contracts.

*Note: On May 16, 2017, the Board of County Commissioners approved a seven (7) year, ninety (90%) Business Investment Program grant with Oerlikon Metco (US) Inc. Oerlikon Metco will create \$57.5 million in new taxable investments and ninety-three (93) new jobs at an average annual salary of \$93,011 in an advanced manufacturing and engineering facility in the Town of Huntersville. The State of North Carolina recognized the significant impact of this project in helping establish Mecklenburg County as a North America hub in the emerging additive manufacturing industry and authorized a One North Carolina Fund grant of \$1,000,000 and community college training funds of \$129,500. The One North Carolina Fund Grants function as local match programs and it’s their legislative design and intent that local governments must serve as the conduit for the grant to be disbursed to the grantee. The NC Department of Commerce is unable to disburse the funds as they do in other state incentive programs. The local disbursement methodology requires two agreements to be executed: one is a Local Government Grant Agreement which governs how the grant funds will be disbursed to the local government and the subsequent obligation to disburse funds to the Grantee; the second agreement is a Company Performance Agreement between the local government and the*



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*Grantee which establishes criteria for payment and mechanism for the local government to recoup funds in the event of its failure to maintain required investment, job, and salary obligations. The NC Department of Commerce has completed the contracts and now seeks execution of the agreements by Mecklenburg County and Oerlikon Metco.*

**Comments**

Commissioner Dunlap asked if there was a clawback provision on the part of the County and/or state. *The response was yes.*

Commissioner Fuller asked was the \$1 million to be dispersed all state dollars. *The response was yes and that the County was just the pass-through agency.*

Commissioner Puckett spoke in support of the request. He commented on this new type of advanced technology in manufacturing and how great it was.

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:

- 1) Approve One North Carolina Grant Fund Disbursement Methodology Resolution;
- 2) Authorize the County Manager to execute a Local Government Grant Agreement with the North Carolina Department of Commerce;
- 3) Authorize the County Manager to execute a Company Performance Agreement with Oerlikon AM US, Inc. and Oerlikon Metco (US) Inc.; and
- 4) Recognize, receive and appropriate up to \$1,000,000 to be dispersed to grantee under terms of the grant.

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS RESOLUTION APPROVING BUSINESS INVESTMENT PROGRAM GRANT FOR OERLIKON AM US, INC. AND OERLIKON METCO (US) INC.**

**WHEREAS, Oerlikon AM US, Inc. and Oerlikon Metco (US) Inc.** are establishing a new manufacturing and research and development center in Huntersville, NC; and

**WHEREAS,** On May 16, 2017, the Board of County Commissioners approved a seven (7) year, ninety (90%) Business Investment Program grant with Oerlikon Metco (US) Inc. As a condition of the Grant, Oerlikon Metco will create \$57.5 million in new taxable investments and ninety-three (93) new jobs at an average annual salary of \$93,011 in an advanced manufacturing and engineering facility in the Town of Huntersville; and

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**WHEREAS**, The State of North Carolina recognized the significant impact of this project in helping establish Mecklenburg County as a North American hub in the emerging additive manufacturing industry and authorized a One North Carolina Fund grant of \$1,000,000 and community college training funds of \$129,500; and

**WHEREAS**, The One North Carolina Fund Grant functions as local match program and its legislative design and intent is that local governments must serve as the conduit for the grant to be disbursed to the grantee; and

**WHEREAS**, The local disbursement methodology requires two agreements to be executed: one is a Local Government Grant Agreement which governs how the grant funds will be disbursed to the local government and the subsequent obligation to disburse funds to the Grantee; the second agreement is a Company Performance Agreement between the local government and the Grantee which establishes criteria for payment and mechanism for the local government to recoup funds in the event of its failure to maintain required investment, job, and salary obligations; and

**WHEREAS**, The NC Department of Commerce has completed the contracts and now seeks execution of the agreements by Mecklenburg County and Oerlikon Metco; now therefore be it

**RESOLVED** that the Board of County Commissioners does hereby approve the Local Government Grant Agreement and Company Performance Agreement as described above, and authorizes the County Manager to execute any and all contracts for the same, with any necessary or helpful nonmaterial changes.

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

**COUNTY COMMISSIONERS REPORTS & REQUESTS - NONE**

**CONSENT ITEMS**

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

**18-4682        MINUTES**

Approve Minutes of Regular meetings held May 1, 2018 and April 17, 2018.

**18-4686        CAPITAL RESERVE EXPENDITURE REQUESTS - GOLF COURSES (PARK AND RECREATION)**

Approve expenditure of \$975,000 from the Consolidated Golf Capital Reserve Account for repairs to the following golf courses:

**MAY 15, 2018**

- 1) \$ 30,000 - Harry L. Jones, Sr. Golf Course
- 2) \$390,000 - Sunset Hills Golf Course
- 3) \$355,000 - Charles T. Myers Golf Course
- 4) \$200,000 - Dr. Charles L. Sifford Golf Course.

**18-4692          SET PUBLIC HEARING - STORM WATER FEE - CITY OF CHARLOTTE'S MINOR SYSTEM RATES**

Set a public hearing on June 5, 2018 for proposed changes in the Minor System component of the City of Charlotte's Storm Water Services fees at 6:30 p.m. or as soon thereafter as the agenda allows.

**18-4694          TAX REFUNDS**

1. Approve refunds in the amount of \$9,472.42 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 \$18,807.62 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 \$665.80.*

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

**18-4697          TRANSFER OF FUNDS FROM THE SOLID WASTE ENTERPRISE FUND TO THE SOLID WASTE MANAGEMENT FACILITIES CAPITAL RESERVE FUND**

1. Amend the 2001 Solid Waste Management Facilities Capital Reserve Fund Ordinance to allow the transfer of funds from the Solid Waste Enterprise Fund as needed; and
2. Approve the FY18 transfer of \$2,406,090 from the Solid Waste Enterprise Fund to the Solid Waste Management Facilities Capital Reserve Fund.

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**MECKLENBURG COUNTY, NORTH CAROLINA  
SOLID WASTE MANAGEMENT FACILITIES  
CAPITAL RESERVE FUND ORDINANCE**

BE IT ORDAINED BY THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS THIS  
THE 15th DAY OF MAY 2018:

The ordinance is amended by amending Section 3. such that the amended ordinance shall read  
as follows:

Section 1. The purpose of the Solid Waste Management Facilities Capital Reserve Fund is to  
provide moneys to fund solid waste management facility improvements and maintenance and for  
the acquisition of necessary equipment for use in connection therewith.

Section 2. Funds appropriated will remain appropriated until expended for the purposes stated in  
Section 1.

Section 3. That it is estimated that revenue in the amount of \$2,406,090 is available from the  
Solid Waste Enterprise Fund. Additional funds will be appropriated as needed into this Capital  
Reserve Fund.

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

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**18-4685      BUDGET AMENDMENT - DSS (REVENUE INCREASE/DECREASE)**

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:

A. Reduce Low-Income Energy Assistance Program (LIEAP) federal revenue in the amount of  
\$1,894,116; and

B. Reduce Smart Start Child Care Subsidy Program state revenue in the amount of \$2,883,373;  
and

C. Reduce Child Day Care Subsidy Program federal and state revenue in the total amount of  
\$25,201,373; and

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D. Recognize, receive, and appropriate Smart Start Subsidy Administration state revenue in the amount of \$40,102.

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

**18-4687          CONSTRUCTION MANAGER AT RISK SELECTION - NORTHERN REGIONAL  
RECREATION CENTER**

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 authorize the County Manager to negotiate a fee and execute contracts with Edison Foard/Wharton-Smith for Pre-Construction and Construction Management at Risk services for the Northern Regional Recreation Center, and in

the event negotiations with this firm are unsuccessful, approve negotiations with the second ranked firm, Edifice.

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

**ADJOURNMENT**

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, that there being no further business to come before the Board that the meeting be adjourned at 8:45 p.m.

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Janice S. Paige, Clerk

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Ella B. Scarborough, Chair