

JULY 10, 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, July 10, 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
Acting County Manager Leslie Johnson
County Attorney Tyrone Wade
Clerk to the Board Janice S. Paige

Absent: None

-INFORMAL SESSION-

Commissioners Dunlap 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: 18-4779, 18-4784, 18-4792, 10-4793, 18-4796, 18-4805, 18-4806, 18-4811, 18-4813, 18-4818, and 18-4829.

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STAFF BRIEFINGS

18-4832 COMMUNITY RESOURCE CENTER TARGET ACQUISITIONS

The Board received as information a briefing on Community Resource Center Target Acquisitions from Dennis LaCaria, Senior Assistant to the County Manager.

The presentation addressed the following areas and what's next:

- North Tryon Community Resource Center (CRC)
- West Boulevard CRC
- South Boulevard CRC
- Beatties Ford Road CRC

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

Commissioners Dunlap and Ridenhour entered the meeting during the presentation.

Comments

Commissioner Clarke commented on the noise from the scrapyard operation in the West Boulevard CRC target area, which was addressed.

Commissioner Leake asked about the location of C.W. Williams Health Clinic, which was addressed.

Commissioner Leake expressed the community's concern regarding the railroad in the West Boulevard CRC target area and how sitting rail cars block traffic for hours. She asked would that be addressed, the response was yes.

Commissioner Clarke asked about the future of Donald Ross Road, which was addressed.

Commissioner Leake commented on the availability of land off Wilkinson Boulevard and asked had other parcels been considered. *Sr. Assistant to the County Manager LaCaria said yes and elaborated on why the parcels addressed were selected.*

Commissioner Leake asked about the relocation of the Library on West Boulevard, which was addressed.

Commissioner Fuller said he liked the direction staff was taking. He commented on the housing

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component and how partnerships were being built.

This concluded the discussion.

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

REMOVAL OF ITEMS FROM CONSENT

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 move Items 18-4792 Proclamation-Americans with Disabilities Act Awareness Day 2018 and 18-4793 Proclamation-Sanity Not Vanity Day from Consent to the Awards/Recognition section of the agenda.

Request to add an item to the agenda

Commissioner Puckett addressed the upcoming trip to Austin, Texas by the Mayor of Charlotte and others as it related to the Republican National Convention's consideration of holding its convention in Charlotte.

Motion was made by Commissioner Puckett, seconded by Commissioner James, to add an item to the agenda to consider supporting the efforts of the Charlotte Regional Visitors Authority to bring the Republican National Convention to Charlotte/Mecklenburg County in 2020.

Commissioner Puckett expressed his interest in going. He said it was appropriate for the County to support the effort to bring the convention to Charlotte.

Chair Scarborough concurred with Commissioner Puckett's statement regarding the County expressing its support of the effort.

Commissioner Dunlap said the County had not been asked to get involved, therefore, the County should not get involved. He said the County was not involved from this aspect when the Democratic National Convention was being sought.

Commissioner Dunlap said he was not oppose to any group coming to the area, because it would help the economy.

Commissioner Dunlap said if the Chair and Vice-chair wanted to go to Austin for the

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announcement, they had every right to go as individual commissioners.

Commissioner Puckett said if he went, he would not be going as the Board's representative, only in his capacity as a commissioner.

Commissioner Ridenhour said he was supportive of the convention coming but did not feel it needed to be discussed by the Board.

The vote was then taken on the motion as noted below.

Motion was made by Commissioner Puckett, seconded by Commissioner James and failed 5-4 with Commissioners Cotham, Fuller, James, Puckett, and Scarborough voting yes and Commissioners Clarke, Dunlap, Leake, and Ridenhour voting no, to add an item to the agenda to consider supporting the efforts of the Charlotte Regional Visitors Authority to bring the Republican National Convention to Charlotte/Mecklenburg County in 2020.

Note: It takes a unanimous vote to add an item to the agenda.

CLOSED SESSION

**18-4651 ITEM REMOVED FROM THE AGENDA-CLOSED SESSION-TO PREVENT
DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S.
105-259. (G.S. 143-318.11(A)(1)**

18-4804 ITEM REMOVED FROM THE AGENDA-CLOSED SESSION- LAND ACQUISITION

18-4810 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.

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 Puckett and the Pledge of Allegiance to the Flag; after which, the matters below were addressed.

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AWARDS/RECOGNITION

18-4793 PROCLAMATION - SANITY NOT VANITY DAY (COMMISSIONER COTHAM)

Motion was made by Commissioner Cotham, seconded by Commissioner Ridenhour and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to adopt a Joint Proclamation declaring July 14, 2018 as Sanity Not Vanity Day in Mecklenburg County and the City of Charlotte.

Note: Sanity Not Vanity Day addresses stomping out the negative stigma associated with those having a mental condition; and the community having a healthy conversation with their friends and families about mental health and wellness.

The proclamation was read by Commissioners Cotham and Ridenhour and accepted by Major Dan Johnson from the Sheriff's Office and Fonda (last name not given). Fonda addressed her battle with depression and how she's now giving back and helping others.

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PROCLAMATION
City of Charlotte/Mecklenburg County

WHEREAS, the community becomes more aware of the benefits of exercise when it comes to mental health; and

WHEREAS, the community becomes more aware of the benefits of seeking information when it comes to the facts about mental health and wellness; and

WHEREAS, Sanity Not Vanity Day lets the community see US and not the condition, therefore STOMPING out the negative stigma associated with those having a mental condition; and

WHEREAS, the community starts a healthy conversation with their friends and families about mental health and wellness; and

WHEREAS, the community recognizes that exercising and education work hand in hand towards benefiting individuals and our communities with questions about managing mental health issues and finding helpful resources; and

WHEREAS, we encourage relatives, friends and coworkers of people with mental health issues to seek and implement preventative measures when they recognize signs or problems guiding those in need to appropriate treatment and support services:

NOW, THEREFORE, WE, Vi Alexander Lyles, Mayor of Charlotte, and Ella B. Scarborough, Chair of the Mecklenburg Board of County Commissioners, do hereby proclaim, July 14, 2018 as

“SANITY NOT VANITY DAY”

in Charlotte and Mecklenburg County and commend its observance to all citizens.

WITNESS OUR HANDS and the official Seals of the City of Charlotte and Mecklenburg County.


Vi Alexander Lyles, Mayor
City of Charlotte




Ella B. Scarborough, Chair
Mecklenburg Board of
County Commissioners



**18-4792 PROCLAMATION - AMERICANS WITH DISABILITIES ACT AWARENESS DAY 2018
(CHAIR SCARBOROUGH)**

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 Joint Proclamation declaring July 26, 2018 as Americans With Disabilities Act Awareness Day in Mecklenburg County and the City of Charlotte.

The proclamation was read by Commissioner Leake and accepted by the City of Charlotte's ADA Coordinator Terry Bradley with Charlotte-Mecklenburg Community Relations department. He was joined at the podium by fellow staff members, Lezlie Briggs and Cheryl Harp.

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PROCLAMATION

City of Charlotte/Mecklenburg County

WHEREAS, on July 26, 1990, President George H.W. Bush signed into law the Americans with Disabilities Act (ADA) to ensure the civil rights of people with disabilities. This legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. On July 26, we will celebrate the anniversary of the signing of the ADA; and

WHEREAS, the ADA has expanded opportunities for Americans with disabilities by reducing barriers, changing perceptions, and increasing full participation in community life. However, the full promise of the ADA will only be reached if we remain committed to continue our efforts to fully implement the ADA; and

WHEREAS, the City of Charlotte and Mecklenburg County celebrate and honor the achievements of people with disabilities who live in our community; and

WHEREAS, the City of Charlotte and Mecklenburg County, in partnership with the City of Charlotte ADA Community Network Team, Mecklenburg Advocacy Council for People with Disabilities, and 99 other partners representing various agencies and organizations, have come together to celebrate the Americans with Disabilities Act; and

WHEREAS, on the anniversary of the Americans with Disabilities Act, we the City of Charlotte and Mecklenburg County celebrate and recognize the progress that has been made by reaffirming the principles of equality and inclusion and recommitting our efforts to reach full ADA compliance; and

WHEREAS, we celebrate those positive changes in our community so people with disabilities can be free from negative attitudes and architectural barriers; and

WHEREAS, we honor those businesses in our community for complying with the Americans with Disabilities Act by making their establishments accessible and usable to all patrons with disabilities;

NOW, THEREFORE, WE, the City of Charlotte and Mecklenburg County do hereby reaffirm to continue to work toward full ADA compliance and we, Vi Alexander Lyles, Mayor of Charlotte, and Ella B. Scarborough, Chair of the Mecklenburg Board of County Commissioners, hereby proclaim, July 26, 2018 as

“AMERICANS WITH DISABILITIES ACT AWARENESS DAY”

in Charlotte and Mecklenburg County and commend its observance to all citizens.

WITNESS OUR HANDS and the official Seals of the City of Charlotte and Mecklenburg County.

Vi Alexander Lyles

Vi Alexander Lyles, Mayor
City of Charlotte



Ella B. Scarborough

Ella B. Scarborough, Chair
Mecklenburg Board of County Commissioners



Note: Chair Scarborough took a point of personal privilege to acknowledge the passing of County Manager Diorio's husband, Robert Diorio and extended condolences on behalf of the Board.

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18-4739 CENTRALINA COUNCIL OF GOVERNMENTS RECOGNITION OF MECKLENBURG COUNTY

The Board recognized Jim Prosser, Interim Executive Director, Centralina Council of Governments (COG) for presentation of a Proclamation to Mecklenburg County in recognition of the County's 50 years of partnership with COG.

Note: In 1968, Mecklenburg County became a charter member of Centralina Council of Governments, an organization that works to help communities grow jobs and the economy and control the cost of government. 2018 marks the 50th Anniversary of COG. COG appreciates the County's continued partnership and wanted to express that appreciation in the form of a proclamation.

The Board thanked Mr. Prosser for the recognition.

Commissioner Clarke said COG could play a stronger role when it came to regional planning with additional authorization to do so and a fresh look at its role since its inception.

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CENTRALINA COUNCIL OF GOVERNMENTS

PROCLAMATION

HONORING MECKLENBURG COUNTY

WHEREAS, Mecklenburg County, North Carolina is the state's largest county by population and home to one of the major metropolitan areas in the Southeast; and

WHEREAS, Mecklenburg County is the first county in the state to surpass one million in population; and

WHEREAS, Mecklenburg County is rich in historical, cultural, academic, and entertainment opportunities, making it an optimal environment for living, working, and playing; and

WHEREAS, in 1968, Mecklenburg County became a charter member of Centralina Council of Governments, an organization that works to help communities grow jobs and the economy, control the cost of government, and improve quality of life; and

WHEREAS, each municipality in Mecklenburg County, including Charlotte, Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville, are active members of the organization; and

WHEREAS, Mecklenburg County and Centralina have worked together to support seniors through aging services such as the Regional Ombudsman Program and the Senior Nutrition Program, and address growth-related needs through the Comprehensive Economic Development Strategy and the CONNECT Our Future project; and

WHEREAS, Centralina is proud to have Mecklenburg County as a valued member and looks forward to continuing to partner with the county in addressing the community's needs.

NOW, THEREFORE, BE IT PROCLAIMED, that Centralina Council of Governments dedicates the month of July 2018 to honoring Mecklenburg County, North Carolina for its successes over the years and its collaborative work within the Centralina region.


William Feather, CCOG Chairman

PUBLIC APPEARANCE

18-4808 PUBLIC APPEARANCE

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

Sean Lyons signed up to speak about flood sensors but instead said actions of County employees may result in liability not be covered by insurance. He said only the Board could decide which employees could obtain protection from insurance. He said he decided to inform the Board, rather than being "harassed" by a multitude of employees in Human Resources and the County Manager's Office. Mr. Lyons said it was within the Board's power to "insure the right people."

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APPOINTMENTS

18-4821 APPOINTMENT - JUVENILE CRIME PREVENTION COUNCIL

The vote was taken on the following nominees for appointment to the Juvenile Crime Prevention Council:

Round One

Phyllis Barnette	Commissioner Scarborough
Jessica Davis	Commissioners Cotham, Leake, and Ridenhour
Jana Ellison	Commissioner Puckett
Andrew Knoblich	Commissioner Clarke
Pamela McCarter	Commissioners Dunlap, Fuller, and James

Round Two

Jessica Davis	Commissioners Cotham, Clarke, Leake, Puckett, Ridenhour, and Scarborough
Pamela McCarter	Commissioners Dunlap, Fuller and James

Chair Scarborough announced the appointment of Jessica Davis to the Juvenile Crime Prevention Council for a three- year term expiring June 30, 2021 as a General Public representative.

Note: She replaced Delynn Turner.

18-4797 APPOINTMENTS

BUILDING DEVELOPMENT 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 Michael Stephenson to the Building Development Commission for a three-year term expiring July 31, 2021 as the Charlotte Apartment Association 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 Brandon Brown to

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the Building Development Commission for a three-year term expiring July 31, 2021 as a General Public representative.

Note: He replaced Walter Kirkland.

HISTORIC LANDMARKS 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 Akadius Berry and Laura Hoover to the Historic Landmarks Commission for three-year terms expiring July 31, 2021.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to nominate and appoint Chataqua Ellison to the Nursing Home Community Advisory Committee for a one-year term expiring July 31, 2019.

Note: She replaced Celia Furr.

WOMEN'S ADVISORY BOARD

Commissioner Ridenhour nominated all applicants for appointment consideration to the Women's Advisory Board. They were: Takiyah Amin, Chantia Carter, Maura Chavez, Chataqua Ellison, Lilli Gerardi, Rahdreia Hannibal Hawkins, Tracey Litaker, Lindsay Martell, Kristen Moyer, Shannon Myers, Stacey Sandeford-Lyons, and Suzanne E. Schweikert.

Note: Appointments will occur on August 8, 2018.

18-4826 MEDIC AGENCY BOARD (MECKLENBURG EMS) APPOINTMENT

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 appoint Dr. Gary Little to fill the unexpired term of Dr. Matthew Hanley, expiring December 31, 2019, on the Mecklenburg EMS Agency

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Board as the Atrium Health representative as requested by Atrium Health, formerly Charlotte-Mecklenburg Hospital Authority (CMHA).

Note: In 1996, the Mecklenburg Board of County Commissioners along with County management staff worked with EMS management and leaders in both the medical and business communities to address the needs of the County's EMS department. The Amended and Restated Joint Undertaking Agreement, approved by the Board of County Commissioners in November 2009, states the affairs of the Agency shall be governed by a seven-member Board of Commissioners which shall be appointed by the Mecklenburg County Board of Commissioners as follows:

- a. Three (3) persons shall be Charlotte-Mecklenburg Hospital Authority (CMHA) employees nominated by the CMHA Chief Executive Officer; and*
 - b. Three (3) persons shall be Novant Health Southern Piedmont Region (Presbyterian) employees nominated by the Presbyterian Chief Executive Officer; and*
 - c. One (1) person shall be a County employee nominated by the County Manager.*
- Each Agency Commissioner shall be appointed for a term of three (3) years or until such Commissioner's successor is nominated and appointed. There is no limit to the number of successive terms in which a Commissioner may serve.*

PUBLIC HEARINGS

18-4801 PUBLIC HEARING ON CLOSING OF A PORTION OF RIGHT-OF-WAY FOR SAMPLE ROAD

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 the proposed closing of a portion of right-of-way for Sample Road.

Note: As the current property owner, Mecklenburg County now petitions to close an 11.47-acre portion of the public right-of-way for Sample Road. The portion of said right-of-way currently provides access to the Latta Plantation Nature Preserve. The County is planning to construct a new visitors center closer to Beatties Ford Road. Because this would place the facility outside the existing gate, a new location for the gate is planned along Sample Road to make the new visitors center more secure. Before the gate can be relocated, rights-of-ways must be abandoned and/or closed including the currently petitioned 11.47-acre public right-of-way.

Mecklenburg County Land Use and Environmental Services Agency (LUESA) has determined that in its opinion the closing of the portion of said right-of-way of Sample Road would not deprive

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any individual owning land in the vicinity of said right-of-way of reasonable ingress and egress to their property and would not be contrary to the public interest. LUESA consulted Charlotte-Mecklenburg Planning Department and the Mecklenburg County Fire Marshal's office prior to formulating that opinion. The Charlotte-Mecklenburg Planning Department and the Mecklenburg County Fire Marshal's office reviewed the petition and have no objection to the closing of the portion of said right-of-way of Sample Road. General Statute 153A-241 requires a public hearing and approval of the order for closing by the Board of County Commissioners in order to abandon and close a right-of-way in an unincorporated part of the County. A small portion of Sample Road within the preserve is located within Huntersville's jurisdiction. On June 4, 2018, the Town of Huntersville approved the order to close their portion of said public right-of-way.

No one appeared to speak.

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 the proposed closing of a portion of right-of-way for Sample Road and adopt the Order of Closing for a Portion of Sample Road Right-of-Way.

**MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
ORDER OF CLOSING FOR A PORTION OF SAMPLE ROAD RIGHT-OF-WAY**

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

WHEREAS, the petitioner has requested that an 11.47-acre portion of the right-of-way for Sample Road as shown on the Exhibit A map attached hereto be closed; and

WHEREAS, the Mecklenburg County Land Use and Environmental Services Agency (LUESA) has determined that in its opinion the closing of the portion of said right-of-way would not deprive any individual owning land in the vicinity of said right-of-way of reasonable ingress and egress to their property, and would not be contrary to the public interest; and has determined that the North Carolina Department of Transportation does not maintain said right-of-way of Sample Road; and

WHEREAS, on June 5, 2018, the Mecklenburg Board of County Commissioners declared its intent to close the 11.47-acre portion of right-of-way for Sample Road which is shown on the attached Exhibit A map, and did set a public hearing on the question of whether to close said portion of the right-of-way of Sample Road for 6:30 pm on the 10th day of July, 2018 in the Meeting Chamber, first floor of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, and did instruct the Clerk to the Board to publish a notice of the intent of the Board of County Commissioners to close said portion of the right-of-way, and did instruct LUESA to

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send or have sent copies of the resolution declaring the intent to close said portion of the right-of-way to the owners of the adjoining properties who did not join in the request to have said portion of the right-of-way closed, and to have a notice of public hearing posted in at least two places along said road; and

WHEREAS, N.C.G.S. 153A-241 states the effect of a road closing on adjoining landowners and on public utilities as follows: "Upon the closing of a public road or an easement pursuant to this section, all right, title, and interest in the right-of-way is vested in those persons owning lots or parcels of land adjacent to the road or easement, and the title of each adjoining landowner, for the width of his abutting land, extends to the center line of the public road or easement. However, the right, title or interest vested in an adjoining landowner by this paragraph remains subject to any public utility use or facility located on, over, or under the road or easement immediately before its closing, until the landowner or any successor thereto pays to the utility involved the reasonable cost of removing and relocating the facility"; and

WHEREAS, at said public hearing held on July 10, 2018, the Mecklenburg Board of County Commissioners gave an opportunity to all interested persons to speak on whether the closing of the 11.47-acre portion of right-of-way for Sample Road which is shown on the attached Exhibit A map would be detrimental to the public interest or deprive any individual owning land in the vicinity of said right-of-way of reasonable ingress and egress to their property; now therefore, be it

RESOLVED, that the Mecklenburg Board of County Commissioners has determined and is satisfied that the closing of the 11.47-acre portion of right-of-way for Sample Road as shown on the attached map hereto is not contrary to public interest, and that no individual owning property in the vicinity of said right-of-way would thereby be deprived of reasonable ingress and egress to their property when said right-of-way is abandoned; and be it

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

FURTHER RESOLVED, that the Clerk to the Board of County Commissioners is directed to file a certified copy of this Order for Closing of said right-of-way in the office of the Register of Deeds of Mecklenburg County. The recordation of this Order for Closing shall provide conclusive evidence of the closing of the 11.47-acre portion of right-of-way for Sample Road which as shown on the attached map hereto.

Order recorded in full in Ordinance/Minute Book _____, Document # _____.

18-4825 TEFRA HEARING - CSD PROPERTY, LLC.

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 on a proposed Resolution Approving in Principle the Issuance of Not to Exceed \$15,250,000 of Public Finance Authority Educational Facilities Revenue Bonds (Community School of Davidson Project), Series 2018 for the Benefit of CSD Property, LLC, or an Affiliate.

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Note: CSD Property, LLC (the "Borrower") requested that the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (the "Authority"), issue its tax-exempt and/or taxable Educational Facilities Revenue Bonds (Community School of Davidson Project), Series 2018 (the "Bonds"), in the principal amount not to exceed \$15,250,000 pursuant to a plan of finance for the Project (as defined below):

(a) to finance or reimburse the Borrower for all or a portion of the costs of (i) acquiring an approximately 39-acre tract of land and the constructing and equipping thereon of a turf field for track, soccer, lacrosse and football, tennis courts, baseball fields and related improvements (the "Athletic Facility Project"), (ii) acquiring a fee simple interest in an existing elementary and middle school campus (the "Elementary and Middle School Project"), and (iii) acquiring and installing certain furniture, equipment and tenant improvements at an existing high school campus (the "High School Project" and, together with the Athletic Facility Project and the Elementary and Middle School Project, the Project"),

(b) fund a debt service reserve fund for the Bonds and

(c) pay certain costs of issuing the Bonds.

CSD Property, LLC is using the Wisconsin Public Finance Authority as the issuer of the Bonds because of a desire to have a 30-year maturity on the debt. The North Carolina Capital Facilities Finance Agency, which would be the North Carolina issuer, has a policy which prohibits a bond maturity greater than 20 years. In order to comply with federal tax law, and the code and Authority requirements the Borrower has requested that the Mecklenburg County Board of Commissioners hold a public hearing and approve the Resolution. This approval would 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 would enable the Borrower to comply with federal tax law requirements in order that interest on the Bonds be exempt from federal income tax.

No one appeared to speak.

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 close the public hearing and adopt Resolution Approving in Principle the Issuance of Not to Exceed \$15,250,000 of Public Finance Authority Educational Facilities Revenue Bonds (Community School of Davidson Project), Series 2018 for the Benefit of CSD Property, LLC, or an Affiliate.

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RESOLUTION APPROVING IN PRINCIPLE THE ISSUANCE OF NOT TO EXCEED \$15,250,000 OF PUBLIC FINANCE AUTHORITY EDUCATIONAL FACILITIES REVENUE BONDS (COMMUNITY SCHOOL OF DAVIDSON PROJECT), SERIES 2018 FOR THE BENEFIT OF CSD PROPERTY, LLC, OR AN AFFILIATE THEREOF

WHEREAS, the Board of Commissioners (the “Board of Commissioners”) of Mecklenburg County, North Carolina (the “County”) met in Charlotte, North Carolina, at 5:00 p.m. on the 10th day of July, 2018; and

WHEREAS, the Public Finance Authority (the “Authority”) has tentatively agreed to issue its tax-exempt and/or taxable Educational Facilities Revenue Bonds (Community School of Davidson Project), Series 2018 (the “Bonds”) in one or more series, in an amount not to exceed \$15,250,000, and to lend the proceeds thereof to CSD Property, LLC, a North Carolina limited liability company, or an affiliate thereof (the “Borrower”) to be used to (a) finance or reimburse the Borrower for all or a portion of the costs of (i) acquiring an approximately 39-acre tract of land and the constructing and equipping thereon of a turf field for track, soccer, lacrosse and football, tennis courts, baseball fields and related improvements (the “Athletic Facility Project”), (ii) acquiring a fee simple interest in an existing elementary and middle school campus (the “Elementary and Middle School Project”), and (iii) acquiring and installing certain furniture, equipment and tenant improvements at an existing high school campus (the “High School Project” and, together with the Athletic Facility Project and the Elementary and Middle School Project, the “Project”), (b) fund a debt service reserve fund for the Bonds and (c) pay certain costs of issuing the Bonds; and

WHEREAS, the Elementary and Middle School Project and the Athletic Facility Project will be leased by the Borrower to Community School of Davidson, Inc., a North Carolina nonprofit corporation (the “School”); and

WHEREAS, the High School Project is located at 404 Armour Street, Davidson, Mecklenburg County, North Carolina, the Elementary and Middle School Project is located at 565 Griffith Street, Davidson, Mecklenburg County, North Carolina, and the Athletic Facility Project is located at 13828 Beatties Ford Road in Huntersville, Mecklenburg County, North Carolina; and

WHEREAS, the School will operate a charter school at the Project, and is currently operating its elementary and middle school at the Elementary and Middle School Project and its high school at the location of the High School Project;

WHEREAS, the Borrower will agree to repay the principal of, premium, if any, and interest on the Bonds and the County will have no liability whatsoever for the payment of principal of, premium, if any, or interest on the Bonds, and the Bonds will not affect the County’s debt ratios or legal debt limit and the County will not incur any liability for repayment of the Bonds by approving the Bonds for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, Section 147(f) of the Code requires that any Bonds issued by the Authority for the Project may only be issued after approval of the plan of financing by the Board of Commissioners of the County following a public hearing with respect to such plan; and

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, as amended, 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 the project is to be located; and

WHEREAS, the Borrower has requested that the Board of Commissioners of the County approve the financing of the Project and the issuance of the Bonds in order to satisfy the requirements of Section 66.0304(11)(a) of the

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Wisconsin Statutes, as amended; and

WHEREAS, the Board of Commissioners has today held a public hearing with respect to the issuance of the Bonds to finance, in part, the Project, as evidenced by the Certificate and Summary of Public Hearing attached hereto as Exhibit A; and

WHEREAS, the Bonds shall not be deemed to constitute a debt of the County or a pledge of the faith and credit of the County, but shall be a special limited obligation of the Authority payable solely from the loan repayments to be made by the Borrower to the Authority, and shall contain on the face thereof a statement to the effect that neither the faith and credit nor the taxing power of the County is pledged to the payment of the principal of or interest on the Bonds; and

WHEREAS, because no taxes or other revenues of the County are pledged to pay the Bonds, the staff of the County has made no financial analysis of the Bonds, the Borrower or the Project; and

WHEREAS, the Board of Commissioners has determined that approval of the issuance of the Bonds is solely to satisfy the requirements of Section 147(f) of the Code and Section 66.0304(11)(a) of the Wisconsin Statutes and shall in no event constitute an endorsement of the Bonds or the Project or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the County for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Authority, or to constitute the Bonds or any of the agreements or obligations of the Authority an indebtedness of the County, within the meaning of any constitutional or statutory provision whatsoever;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR MECKLENBURG COUNTY:

1. The proposed financing and refinancing of the acquisition, development, construction and equipping of the Project described above in Mecklenburg County, North Carolina, by the Borrower and the issuance of the Authority's tax-exempt and/or taxable Educational Facilities Revenue Bonds (Community School of Davidson Project), Series 2018 in one or more series, in an amount not to exceed \$15,250,000, therefor are hereby approved for purposes of Section 147(f) of the Code and Section 66.0304(11)(a).

2. This resolution shall take effect immediately.

Resolution recorded In Full in Ordinance/Minute Book _____, Document # _____.

ADVISORY COMMITTEE REPORTS

18-4828 ADULT CARE & NURSING HOME COMMUNITY ADVISORY COMMITTEE ANNUAL REPORT

The Board received as information the Adult Care & Nursing Home Community Advisory Committee Annual Report given by Lindsay Tice, Ombudsman, Centralina Council of Government (COG)-Adult Care Home Community Advisory Committee and Hillary Kaylor, Ombudsman for the Nursing Home Community Advisory Committee.

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Board members asked questions and thanked the representatives for their report.

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

MANAGER'S REPORT

18-4802 SPIRIT SQUARE - REDEVELOPMENT OPTIONS

The Board received as information a presentation on redevelopment options for Spirit Square from Mark Hahn, AIA, Director of Asset and Facility Management.

Note: Redevelopment of the 2-block area bounded by North Tryon, East 8th, North College, and East 6th Streets, known as the 7th & Tryon Vision Plan, will involve the disposition of County property at the corner of 7th and College Streets (i.e., Spirit Square facilities). Fulfilling this Vision Plan will impact the Spirit Square facilities and affect the operations of existing theaters. The presentation addressed options for the extent of Spirit Square facilities to be impacted, including a potential partnership with the adjacent new Main Library project.

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

Comments

Commissioner Dunlap said more information was needed for him to make an informed decision. He asked that when the matter came back to the Board, that an explanation be provided on why the additional space was needed; How did this come up; Who's going to use it and for what purpose; How was it going to be funded; Who's going to maintain it; What's the condition of the current facility.

Commissioner Dunlap said if the funds weren't in the Capital Improvement Plan (CIP), then that meant this project would "jump" ahead of other projects. He said there were other needs and concerns throughout the community.

Commissioner Dunlap said the Board was aware something would have to occur with respect to Spirit Square, but what was presented was something new.

Commissioner James said if he had to select an option, it would be Option B2, primarily because he never understood why Charlotte/Mecklenburg County had the array of theaters that existed. He said all the theaters were basically government owned.

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Commissioner James asked about the Black Box Theater, which was addressed.

Commissioner James said the historical value of the McGlohon Theater should be preserved.

Commissioner James said he wasn't sure about the large pedestrian connection and would need to know more.

Commissioner James asked was this on any capital plan. *The response was no.*

Commissioner James commented on other priorities and expectations of residents in accordance with approved capital improvement plans.

Commissioner James said although his option preference to date would be B2, he had no idea how it would be funded.

Commissioner James said he thought somewhere along the line there was talk about a revenue generating proposal where a developer would build above the facility. *Director Hahn said many studies had been done on this block that did combine facilities. He said in any of the options presented, as much as, half of the block would go toward private sector development.*

Commissioner Fuller commented on concerns expressed by residents often regarding how certain projects take precedent over others.

Commissioner Fuller said he wanted to know the following: How did this project come into being; What's the urgency of the project; When and why was work started on this project; Were there structural issues as to why this can't wait; Where would the money come from if it's not in the CIP; Who's going to "suffer" if funds go to this project.

Commissioner Fuller said he was concerned about the loss of the community space, the gallery, and the theaters.

Commissioner Fuller requested information on the current utilization of Spirit Square.

Commissioner Fuller said a more options were needed. He expressed a desire to maintain the Black Box theater or replace it with something very similar.

Commissioner Fuller asked about future parking in the area.

Commissioner Fuller said he liked the idea of connecting it to the Main Library, as well as, preserving McGlohon Theater.

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Commissioner Fuller asked was there a way to connect, whatever was going to be done with the future development spots with what's being presented in the various options.

Director Hahn addressed the why were we here at this time question and said it was because of where things were with the 7th & Tryon Vision Plan, which impacts Spirit Square, as well as, the plan for a new Main Library. He elaborated.

Commissioner Fuller said perhaps more work was needed with respect to the alignment of the various projects or proposed developments.

Acting County Manager Leslie Johnson commented on the timing of this issue, programming concerns and use of the community space.

Acting County Manager Johnson said the Board was not being asked to take action at this time, however, at a subsequent meeting the Board would be asked to decide on the "A" concept where everything was basically kept in place, or did the Board want something more integrated with the Library and if so, then the County would have to move quickly.

Commissioner Clarke said he favored Option B2.

Commissioner Clarke commented on a recent article he read regarding the apartment vacancy rate in the uptown area, which he said was at 22%. He said a significant portion of the 7th Street Vision planning contemplated high-rise and mid-rise residential units. Commissioner Clarke said because of that, he questioned whether there would be a developer for that at this point and time. He said he didn't know if the task force comprised of the involved property owners had taken that into consideration.

Commissioner Clarke said when the owners meet again, he would like to know their overall view on the viability of the development plan at this time.

Commissioner Clarke asked Director Hahn if he felt Option B2 provided developers with the most flexibility. *The response was yes.*

Commissioner Ridenhour said he echoed Commissioner Dunlap's concerns.

Commissioner Ridenhour said he anticipated receiving something other than, "here's Spirit Square and the options were to tear down the various facilities and rebuild them back." He questioned spending \$30 million, for example, to tear down the Black Box Theater, to rebuild it or to do some of the other proposals.

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Commissioner Ridenhour, with respect to funding, said he was under the impression that the North Tryon project, which had a lot of public owned properties, would be sold, much like with Brooklyn Village and that revenue would be used to build. He said he did not think the County would be “shelling out” \$30 million to redevelop Spirit Square.

Commissioner Ridenhour said his option would be to do nothing and as best, the County could work around what was being done as it related to the Main Library.

Commissioner Ridenhour said he would like to keep the Black Box Theater and supported preserving McGlohon Theater.

Commissioner Ridenhour said this topic was more suitable for discussion at a Budget/Public Policy meeting in order to have a more detailed discussion around this.

Commissioner Ridenhour said with all the questions and comments that had been made, per the presentation, he would not be prepared to receive responses and take action at the same meeting in August.

Commissioner Ridenhour also acknowledged that there were other projects out in the community that needed to be done. He questioned why this project would jump ahead of others that were included in the CIP.

Commissioner Cotham said she concurred with comments made by Commissioners Dunlap and Fuller. She said more information was needed. She asked who was pushing this effort and had it been presented to others in the community.

Director Hahn said the information was being presented in reaction to the redevelopment of the 2-block area bounded by North Tryon, East 8th, North College, and East 6th Streets, known as the 7th & Tryon Vision Plan in terms of a possible response from the County.

Director Hahn said the Library was a partner in this proposal because several of the options included using space on the library site. He said officials at Blumenthal had been communicated with also, but other than those entities, he had not presented this to anyone else. He said no one was “pushing” for anything.

Commissioner Leake asked why did the County need to refurbish Spirit Square; Why should it be kept; and Who was it serving.

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Commissioner Leake commented on other needs in the community, particularly in District 2, which she represented. Commissioner Leake said in light this, she could not support moving forward on this.

Commissioner Puckett said he concurred with Commissioners James and Clarke with respect to Option B2 and addressed some possible adjustments to it, however. *Director Hahn said staff could look to see if there were any phasing opportunities available with Option B2.*

Commissioner Puckett said he was interested in knowing was it possible to look at it from the perspective of what had to be done to go to Option B2 without fully committing to Option B2.

This concluded the discussion. The above was not inclusive of every comment but was a summary.

18-4803 UPDATE ON CENTER CITY REDEVELOPMENT

The Board received an update on Center City Redevelopment from Dennis K. LaCaria, Senior Assistant to the County Manager.

The presentation addressed the following areas and next steps:

- 7th and Tryon
- Brooklyn Village
- 4th and Graham

Note: 7th and Tryon is the name of the two-block redevelopment effort led by Mecklenburg County, the Charlotte-Mecklenburg Library, Bank of America, the Charlotte Housing Authority, and the City of Charlotte. The Board, having authorized participation in this multi-phase process, should receive regular progress updates and ask pertinent questions. The Master Redevelopment Agreement (MRA) by and between Mecklenburg County and BK Partners, LLC memorializes the entire agreement to redevelop the area commonly known as "Brooklyn Village" in the Second Ward of the city of Charlotte. The term sheet laying out the basis for this agreement was adopted by the Board in September 2017. This MRA and its constituent parts and exhibits will govern the actions of all parties. Interlocal agreements by and between the City of Charlotte, the Charlotte Housing Authority, and Mecklenburg County are among the agreements which must be revised and/or adopted in order to complete the MRA. The City of Charlotte wishes to acquire parcels currently owned by Mecklenburg County for assemblage into the planned "Gateway Station" redevelopment. This will be a multi-block, mixed use and mixed income housing project anchored by a relocated Amtrak station. This

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redevelopment effort is supported by state and federal transportation agencies. Mecklenburg County, by conveying its interest in these parcels, will ensure that below market housing will be a part of the redevelopment project. Mecklenburg County will also be compensated at fair market value for the parcels.

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

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 8-1 with Commissioners Clarke, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes and Commissioner Cotham voting no, to adopt the Master Redevelopment Agreement for Brooklyn Village as outlined and authorize the County Manager to negotiate and execute any agreements necessary to the execution of the Redevelopment Agreement.

Comments

Commissioner Ridenhour asked about the City of Charlotte's participation with respect to 4th and Graham as it related to housing units, which was addressed.

Commissioner Ridenhour asked how long it had been since the City of Charlotte was given the opportunity to get on-board with this. *Sr. Assistant to the County Manager LaCaria said since January. He said he believed one of the City's hurdles was that it was pursuing federal dollars for the acquisition, as well as, doing the due diligence that needed to be done.*

Commissioner Ridenhour asked when did the RFP go out and how long had the County been working with the developer. *Sr. Assistant to the County Manager LaCaria said staff had worked with the interested developer for over a year. He said there were earlier conversations that the City was involved in and they had considered some of the work in the Gateway Station being done by the developer, however, there was a change in city staff and leadership. Thus, there was a change in direction on the part of the City relative to the project. Mr. LaCaria said he believed it became a desire of the City, the State, and the railroad to "control their destiny" a little more fully.*

Commissioner Ridenhour expressed concern for having kept the interested developer on hold all this time because now the City was ready to move forward.

Sr. Assistant to the County Manager LaCaria said he kept the interested developer apprised of what was going on.

Commissioner Puckett referenced comments made regarding 7th and Tryon and how there would not be enough money from that to pay for Spirit Square because of the restrictions that

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would be placed on the development. Thus, the County would settle for something perhaps less than fair market value. Commissioner Puckett said in light of that statement, he would like to have an estimate of that delta.

Commissioner Puckett said there would be some who would question whether the County should be in the affordable housing business at all and those who would say the County should have some role in it.

Commissioner Puckett said he wasn't sure if the County should take "the most expensive" land in the county and use it for affordable housing. He said by doing so, the County would be giving up a lot of money that it could use to do other things. He said more affordable housing could be placed blocks away because the land cost would be less.

Sr. Assistant to the County Manager LaCaria said the delta analysis would be done once proposal came in. He noted that what was before the Board was what was developed to have something to go to market with and it reflected the partners involved. He said it was an illustrative concept of how things could work together.

Commissioner James expressed dissatisfaction with the City's delay in responding. Commissioner James said if he had to decide, he would move forward with the interested developer.

Commissioner Dunlap said not all of the housing in the 7th and Tryon Concept was affordable housing. He said affordable housing would work downtown and that it currently existed. He said it's integrated into the regular market place, so you can't tell the difference.

Motion was made by Commissioner Dunlap, seconded by Commissioner Fuller, that pending Charlotte City Council approval, authorize the County Manager to negotiate with the City of Charlotte and execute any agreements necessary to the execution of the Master Redevelopment agreement for the 4th and Graham.

Commissioner Dunlap said he was the first Commissioner to say, "let's work with the interested developer," but now he was willing to work with the City of Charlotte for the "greater good" of the community. He referenced the City's plan for the development of the Gateway Station and how that would benefit the community as a whole.

Commissioner Fuller said items of this nature should be scheduled for Budget/Public Policy meetings to give the Board more time to have an in-depth discussion.

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Commissioner Fuller said the Board needed to think about what it wanted to do with Spirit Square and the implications of that on the 7th and Tryon Vision Plan.

Commissioner Fuller said he wasn't sure if he agreed with Commissioner Puckett, but the Board should give thought to Commissioner Puckett's comments around placing the affordable housing someplace else to get a higher value on the land.

Commissioner Fuller said what was missing from all of this was what was the County trying to accomplish, where was the County trying to go, how many affordable housing units did the County want.

Sr. Assistant to the County Manager LaCaria said minimum housing numbers were mentioned in the RFQ and RFP, with the hope of seeing more.

Commissioner Fuller said he wasn't just referring to the 7th and Tryon Vision Plan but with respect to all development projects the County was embarking on and not just limited to the goal of having affordable housing. He said knowing what the County wanted to achieve overall would help the Board in its decision making.

Commissioner Fuller said he, too, was not pleased with how things had turned out for the interested developer but for the "greater good" of the community and in the spirit of cooperation, he was okay with moving forward with the City of Charlotte.

Commissioner Cotham expressed disappointment with considering the City of Charlotte's offer at this point, in light of the interested developer's good faith effort.

Commissioner Cotham said it should be about providing affordable housing and not how much money the County could possibly receive if the housing was placed somewhere else.

Commissioner Cotham expressed opposition to the Brooklyn Village development.

Commissioner Leake talked about the Brook Hill community and asked what could be done if the County was able to obtain that land.

Commissioner Leake addressed the "economic issue" that existed within Mecklenburg County and the need for "low income" housing.

Chair Scarborough addressed the benefits of mixed use housing.

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Substitute motion was made by Commissioner Ridenhour, seconded by Commissioner James and failed 6-3 with Commissioners Clarke, Dunlap, Fuller, Leake, Puckett, and Scarborough voting no and Commissioners Cotham, James, and Ridenhour voting yes, to move forward with selling the property at 4th and Graham to the interested developer for development as previously outlined.

The vote was then taken on the original motion as noted below.

Motion was made by Commissioner Dunlap, seconded by Commissioner Fuller and carried 6-3 Commissioners Clarke, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes and Commissioners Cotham, James, and Ridenhour voting no, that pending Charlotte City Council approval, authorize the County Manager to negotiate with the City of Charlotte and execute any agreements necessary to the execution of the Master Redevelopment agreement for the 4th and Graham.

This concluded the discussion. The above was not inclusive of every comment but was a summary.

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

DEPARTMENTAL DIRECTORS' MONTHLY REPORTS

18-4799 PROPOSED REVISIONS TO THE PRE-TRIAL RELEASE DECISION MAKING FRAMEWORK (DMF)

Sonya L. Harper, Director, Criminal Justice Services (CJS) addressed proposed revisions to the Pre-trial Release Decision Making Framework (DMF).

Note: The Board of County Commissioners approved the current pre-trial release decision making framework in March 2015. As a result of a recent study, validation of the local use of the Pretrial Services Assessment (PSA) and work among CJS and local criminal justice partners, suggested revisions to the current decision making framework are now required so that local pre-trial release practice is more data driven and in-line with research findings. The proposed revisions were presented to the BOCC at its Public Policy meeting on June 26, 2018. Criminal Justice Services (CJS) and the local criminal justice partners designed a pretrial decision making framework based on risk scoring with the adoption of the Public Safety Assessment (PSA) in 2014.

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The following was covered:

- History of Pretrial Release Decision Making in Mecklenburg County
- Overview of Pretrial Research
- Public Safety Assessment
- Validation Study Results
- Pretrial Supervision
- Revised Decision-Making Framework

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

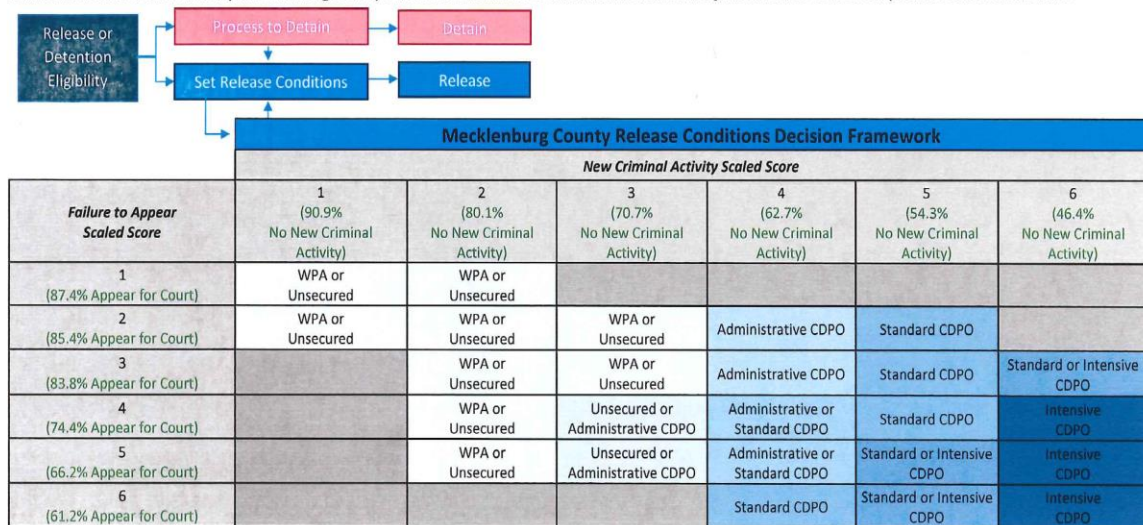
A copy of the Report is on file with the Clerk to the Board.

Motion was made by Commissioner Fuller, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes, to approve proposed revisions to the pre-trial release decision making framework (DMF).

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DRAFT: Mecklenburg County Release Conditions Decision Framework

Mecklenburg County uses a locally validated actuarial tool, the Public Safety Assessment (PSA), to assess a defendant's likelihood of pretrial success along three factors: court appearance, no new criminal activity, and no new violent criminal activity. This information combined with the professional judgement of local criminal justice stakeholders was used to develop Mecklenburg County's Release Conditions Decision Matrix to inform a judicial officer's order for pretrial release conditions.



WPA-Written Promise to Appear; CDPO- Place in the Custody of Designated Person or Organization

Additional Notes:

- ✓ If the person has a NVCA flag = 85.6% No New Violent Criminal Activity
- ✓ Defendant success rates noted in the matrix are from the most recent local validation of the PSA actuarial tool in December 2017.
- ✓ When the judicial official refers a defendant to CDPO, the Pretrial Services Agency will monitor the defendant in accordance with the supervision level listed in this release conditions matrix. Where the release conditions matrix lists two levels of supervision, the Pretrial Services Agency will monitor the defendant at the lower level listed unless otherwise ordered.
- ✓ See Mecklenburg County's Pretrial Services' Directives for a full description of supervision levels and response to compliance and non-compliance protocols.
- ✓ G.S. § 15A-534 (b) sets forth a presumption of release with non-secured conditions.
- ✓ If the judicial officer decides to impose a secured only release condition or house arrest with electronic monitoring, G.S. § 15A-534 (b) allows the local jurisdiction to provide requirements for recording the reasons for doing so. A monetary bail bond may only be forfeited for failing to appear for court, pursuant to G.S. § 15A-544.3.

Draft: Bail Policy Workgroup, May 24, 2018

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STAFF REPORTS & REQUESTS

18-4781 INTERLOCAL AGREEMENT WITH THE CITY OF CHARLOTTE AS IT RELATES TO CF HIPPOLYTA LLC

Peter Zeiler, Director of Economic Development addressed a proposed interlocal agreement with the City of Charlotte as it related to CF Hippolyta, LLC.

Commissioner Ridenhour returned to the dais.

Note: Charlotte Douglas International Airport (CDIA) and the City of Charlotte are entering into an agreement to sell approximately 90 acres of CDIA held land to CF Hippolyta LLC. The property was originally residential land acquired by CDIA through a federal aviation noise mitigation program and is now targeted for commercial redevelopment per CDIA's master plan for its excess land. The subject land is currently in the extra territorial jurisdiction of Charlotte and the large majority of the site assemblage is currently tax exempt. CF Hippolyta LLC intends to construct a commercial warehouse and logistics building of approximately 2,500,000 square feet and cause the creation of approximately \$200,000,000 million in incremental taxable real and personal property at the site along with placing the land back into taxable status. The construction of this facility will require approximately \$13,400,000 in new road construction and existing road improvements. These improvements are to accommodate the projected increased traffic as the land changes use from residential to commercial and to achieve the City of Charlotte's adopted transportation plan for the area. These road improvements will also provide improved access to an additional 54 acres of CDIA held land that is not part of the transaction with CF Hippolyta LLC. In order to expedite the construction of the road work and to achieve economies of scale with the site construction, CF Hippolyta LLC will privately finance and construct the public road improvements. CDIA will use \$4,400,000 of its discretionary funds to reimburse CF Hippolyta LLC at the completion and acceptance of the improvements. Because of the significant taxable investment and the potential to create up to 1,500 new jobs, the City of Charlotte and Mecklenburg County will reimburse any remaining road improvement costs, not to exceed \$9,000,000. The mechanism to finance this reimbursement will be the dedication of 45% of the new, incremental ad valorem taxes created by the facility to be constructed by CF Hippolyta LLC. This mechanism is pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes. Under this Article, the City of Charlotte will enter into an infrastructure reimbursement agreement with CF Hippolyta LLC for the entirety of the \$9,000,000. The City of Charlotte and Mecklenburg County will enter into an interlocal agreement in which the County will remit to the City 45% of the County's incremental ad valorem taxes for a period of no more

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than 10 years, for a total estimated amount of \$5,700,519. Road improvements subj subject to the Interlocal Agreement are:

- Signal and lane improvements to Wilkinson Boulevard from Sears Road west to the Interstate 485 Outer loop access ramps.*
- Realignment of Tuckaseegee Road from Interstate 85 to a new intersection with Wilkinson Boulevard east of its current intersection.*
- Construction of a new road (Todd Road) from the intersection of Wilkinson Boulevard and the Interstate 485 Inner Loop access ramps to the realigned Tuckaseegee Road.*

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

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

- 1) Adopt a Resolution approving an Interlocal Agreement with the City of Charlotte for the reimbursement of public road improvements to be constructed by a private developer in support of new economic development opportunities by committing 45% of the incremental ad valorem taxes created by the project for a period of ten years; and
- 2) Authorize the County Manager to execute a contract for the same, with any necessary or helpful nonmaterial changes.

**MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS
RESOLUTION
APPROVING AN INTERLOCAL AGREEMENT BETWEEN
THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY**

WHEREAS, under Article 20 of Chapter 160A of the North Carolina General Statutes, as amended, cities and counties are authorized to enter into interlocal cooperation undertakings with other local governments for the joint exercise of any power, function, public enterprise, right, privilege, or immunity of local governments in North Carolina; and

WHEREAS, the City of Charlotte (City) has the authority to construct streets and roads (G.S. 160A-296(a)), the City and Mecklenburg County (County) have the authority to enter into infrastructure reimbursement agreements with developers and property owners (SL 2001-329; G.S. 153A-451), and the City has the authority to finance such infrastructure (G.S. 160A-120); and

WHEREAS, the City of Charlotte has entered or will enter into an Infrastructure Reimbursement Agreement with CF Hippolyta Charlotte LLC or their related entities (together, the Developer) pursuant to which the City will reimburse Developer for certain Public Improvements; and

WHEREAS, the Infrastructure Reimbursement Agreement contemplates using specified incremental City and County taxes to fund the reimbursement of the Public Improvements; and

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WHEREAS, the County is willing to contribute specified County incremental taxes to the reimbursement as set forth in the Interlocal Agreement, **now, therefore be it.**

RESOLVED that the Board of County Commissioners does hereby approve the Interlocal Agreement 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 # _____.

COUNTY COMMISSIONERS REPORTS & REQUESTS

18-4822 SELECTION OF NCACC ANNUAL CONFERENCE VOTING DELEGATE

Motion was made by Commissioner Leake, seconded by Commissioner Ridenhour and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to appoint Chair Scarborough as the Board's voting delegate for the 2018 Annual North Carolina Association of County Commissioners (NCACC) Conference to be held in Catawba County, Hickory, N.C., August 23 - 25, 2018 at the Hickory Metro Convention Center.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to appoint Commissioner Fuller as the Board's alternate voting delegate for the 2018 Annual North Carolina Association of County Commissioners (NCACC) Conference to be held in Catawba County, Hickory, N.C., August 23 - 25, 2018 at the Hickory Metro Convention Center.

Note: To participate in the annual election of officers and policy adoption decisions, the Board must officially select someone to serve as the County's voting delegate during the annual business session. An alternate was not required, however, the Board decided to appoint one.

CONSENT ITEMS

Motion was made by Commissioner Dunlap, seconded by Commissioner Puckett and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve the following item(s):

18-4767 DONATION OF FLOOD SENSORS TO MECKLENBURG COUNTY BY U.S. DEPARTMENT OF HOMELAND SECURITY

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Receive 75 flood sensors from the U.S. Department of Homeland Security.

18-4791 INTERLOCAL AGREEMENT WITH THE TOWN OF CORNELIUS FOR STREAM RESTORATION PROJECT

Adopt Resolution authorizing Interlocal Agreement for funding of the Willow Pond Stream Restoration Project.

**MECKLENBURG COUNTY
RESOLUTION AUTHORIZING EXECUTION OF THE
INTERLOCAL AGREEMENT FOR FUNDING OF THE WILLOW POND STREAM RESTORATION
PROJECT BETWEEN MECKLENBURG COUNTY AND THE TOWN OF CORNELIUS**

WHEREAS, N.C. Gen. Stat. § 160A-461, "Interlocal Cooperation Authorized," authorizes units of local governments to enter into agreement with each other in order to execute an undertaking such as the construction of storm water projects by one unit of local government on behalf of another unit of local government; and

WHEREAS, Mecklenburg County and the Town of Cornelius (the "Town") have negotiated the Interlocal Agreement for Funding of the Willow Pond Stream Restoration Project; and

WHEREAS, N.C. Gen. Stat. § 160A-461 requires that such agreement "...shall be ratified by resolution of the governing board of each unit spread upon its minutes"; now, therefore, be it

RESOLVED, by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Interlocal Agreement for Funding of the Willow Pond Stream Restoration Project between Mecklenburg County and the Town in substantially the form attached to this resolution and that this resolution shall be spread upon the minutes.

Resolution recorded in full in Ordinance/Minute Book _____, Document # _____.

18-4794 STORM WATER PROGRAM - FY18 HAZARD MITIGATION FLOODPLAIN ACQUISITION

1. Accept the Offer of Sale of Real Estate from Robert J. & Lynn G. Coleman, owners of property located at 3014 Airlie Street, Charlotte, NC (tax parcel 093-125-16), for \$290,000; and
2. 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

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while enhancing the natural and beneficial functions of the floodplain (creating open space, expanding greenways, constructing wetlands, etc.).

18-4807 CONSTRUCTION MANAGEMENT @ RISK CONTRACTING METHODOLOGY FOR COUNTY PROJECTS

Authorize the use of Construction Management @ Risk (CM @ Risk) contract methodology for the following Capital Improvement Project as the best delivery method for the project:
Mecklenburg County Park and Recreation - American Legion Memorial Stadium.

18-4809 MINUTES

Approve Minutes of Regular meeting held June 5, 2018.

18-4812 TAX REFUNDS

Approve refunds in the amount of \$32,006.93 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. There is no accrued interest.

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

18-4814 ENGINEERING CONSULTANT SELECTION - BUILDING COMMISSIONING SERVICES FOR THE EASTWAY AND NORTHERN REGIONAL RECREATION CENTERS

Authorize the County Manager to negotiate fees and execute contracts with the top ranked firm, Hanson Professional Services Inc. and in the event negotiations with this firm are unsuccessful, approve negotiations with the alternate firm, McCracken Lopez Engineers for the Eastway and Northern Regional Recreation Centers.

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18-4819 MECKLENBURG COUNTY SOLID WASTE FUND TRANSFER

Authorize the transfer of \$450,000 from the Solid Waste Enterprise Fund to the Scrap Tire Special Revenue fund in FY18.

Note: Due to higher expenses for tire recycling incurred in FY2018, the LUESA Solid Waste Management Program is experiencing a shortfall in the Scrap Tire Disposal Special Revenue Fund. To cover the shortfall, Solid Waste is requesting to make a transfer from the 7001 Solid Waste Enterprise Fund to 8512 Scrap Tire Disposal Special Revenue Fund. The amount of the transfer will be \$450,000, which will cover the shortfall amount. LUESA uses an external tire recycling firm, US Tire to process the tires, and approximately 80% of the tire expenses are expected to be reimbursed by the State Tire Recycling Fund.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

18-4779 CONTRACT AWARD - JAIL CENTRAL-CHILLER #2 AND #3 REPLACEMENT PROJECT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to, award a contract to Jeff Hargett Mechanical, Inc. in the amount of \$800,400 for the Jail Central-Chiller #2 and #3 Replacement Project.

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

**18-4784 GRANT APPLICATION - 2018 TARGET COMMUNITY ENGAGEMENT FUNDS
GRANT (SHERIFF'S OFFICE)**

Motion was made by Commissioner Dunlap, seconded by Commissioner Fuller and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to , approve the submittal by the Mecklenburg County Sheriff's Office to apply for a 2018 Target Community Engagement Funds Grant up to \$2,000; and if awarded, recognize, receive, and appropriate the amount awarded.

Note: The Sheriff's Office will use these funds to purchase miscellaneous school supplies for Classroom Central, a local non-profit that collects and distributes school supplies to students and teachers in high-poverty K-12 schools.

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**18-4796 BUDGET AMENDMENT - DEPARTMENT OF SOCIAL SERVICES SPECIAL
ADOPTION PROMOTION FUNDS**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to recognize, receive and appropriate an increase in State Adoption Promotion Funding in the amount of \$36,000.

Note: The purpose of the funds is to enhance and expand adoption services, to secure permanent homes for hard to place children, and to promote public/private partnerships. Allowable uses for these funds include Adoption Services, Adoption Recruitment, Assessment and Training of Adoptive Parents and Post Adoption Case Management. The funds cannot be used to supplement the salaries of current county employees.

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

18-4805 ARCHITECT SELECTION - AMERICAN LEGION MEMORIAL STADIUM

Motion was made by Commissioner Dunlap, seconded by Commissioner Puckett and carried 7-1 with Commissioners Clarke, Cotham, Dunlap, Leake, Puckett, Ridenhour and Scarborough voting yes and Commissioner Fuller voting no, to authorize the County Manager to negotiate fees and execute a contract with Jenkins-Peer Architects for Architectural/Engineering Services for the American Legion Memorial Stadium and in the event negotiations with this firm are unsuccessful, approve negotiations with the alternate firm of Odell.

Commissioner Fuller removed this item from Consent for more public awareness and to express concern regarding the selection of the firms. Mark Hahn, AIA, Director of Asset and Facility Management addressed the selection process.

**18-4806 GRANT APPLICATION - HEALTH PROMOTION/DISEASE PREVENTION (PARK AND
RECREATION)**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve an application for up to \$6,400 for a Health Promotion/Disease Prevention (HPDP) grant from The Area Agency on Aging; and if awarded, recognize, receive and appropriate such funds for the grant period.

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

18-4811 TOWN OF MATTHEWS FUNDING FOR FOUR MILE CREEK GREENWAY

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

- 1) Approve and adopt Resolution Authorizing Execution of the Development and Cooperation Agreement for Four Mile Creek Greenway (South Trade Street Underpass) with the Town of Matthews;
- 2) Recognize, receive and appropriate funding of \$125,000 from the Town of Matthews for the project;
- 3) Commit to using this funding for the required Federal match; and
- 4) Authorize the County Manager to enter into an agreement to accept funds from the Town of Matthews.

**MECKLENBURG COUNTY
RESOLUTION AUTHORIZING EXECUTION OF THE
DEVELOPMENT AND COOPERATION AGREEMENT FOR FOUR MILE CREEK GREENWAY
(SOUTH TRADE STREET UNDERPASS)**

WHEREAS, on March 20, 2018 the Mecklenburg County Board of Commissioners approved moving forward with grant funding from the Charlotte Regional Transportation Planning Organization for the South Trade Street/Four Mile Creek Greenway in Matthews ("Project") which Project will also need Matthews to contribute \$125,000 toward the Project; and

WHEREAS, N.C. Gen. Stat. § 160A-461, "Interlocal Cooperation Authorized," authorizes units of local governments to enter into agreement with each other in order to execute an undertaking such as joint greenway construction funding; and

WHEREAS, Mecklenburg County and the Town of Matthews have negotiated the attached Development and Cooperation Agreement for the Four Mile Creek Greenway (South Trade Street Underpass) that will authorize Matthews to provide \$125,000 to the County and that sets forth the County's obligations with respect to the Project; and

WHEREAS, N.C. Gen. Stat. § 160A-461 requires that such agreement "...shall be ratified by resolution of the governing board of each unit spread upon its minutes"; now, therefore, be it

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RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the DEVELOPMENT AND COOPERATION AGREEMENT FOR FOUR MILE CREEK GREENWAY (SOUTH TRADE STREET UNDERPASS) between the County and the Town of Matthews in substantially the form attached to this resolution and that this resolution shall be spread upon the minutes.

Resolution recorded in full in Ordinance/Minute Book _____, Document # _____.

Commissioner Leake removed this item from Consent for more public awareness and to ask how much had been spent in Matthews in the last five years for recreation facilities.

**18-4813 DONATION OF OUTDOOR PLAY EQUIPMENT FROM THE CAROLINA PANTHERS
(PARK AND RECREATION)**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to recognize and receive a donation of outdoor play equipment as replacement of the existing Play60 equipment at Freedom Park valued at \$225,000 from the Carolina Panthers.

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

**18-4818 CONSTRUCTION CONTRACT - STEVENS CREEK NATURE PRESERVE VISITORS
CENTER**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to award a construction contract to J.M. Cope Construction, Inc. in the amount of \$3,730,792 for construction of a new 11,250 sq. ft. building to be located at the Stevens Creek Nature Preserve (15700 Thompson Road, Mint Hill).

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

18-4829 CHILD SUPPORT REINVESTMENT SPECIAL REVENUE FUND

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

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1. Approve the Child Support Reinvestment Special Revenue Fund Ordinance; and
2. Approve the transfer of the previously deposited Child Support Reinvestment Funds from the General Fund to the Child Support Reinvestment Special Revenue Fund up to 5,871,668.05 which includes \$761,403 previously recognized, received and appropriated.

**MECKLENBURG COUNTY
CHILD SUPPORT REINVESTMENT SPECIAL REVENUE FUND ORDINANCE
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MECKLENBURG COUNTY, NORTH CAROLINA**

Section 1. That for the purpose of holding and accounting for the County's share of Child Support Program reinvestment funds to be used for Child Support program activities as authorized by the Federal Office of Child Support Enforcement and in accordance with regulations contained in OCSE-AT-01-04, there is hereby created the Child Support Reinvestment Special Revenue Fund.

Section 2. The County Director of Finance is authorized to receive and place into this special revenue fund account any funds distributed to Mecklenburg County Child Support Enforcement for the County's share of Reinvestment Incentive Funds as might be received from time to time from Federal and State authorities, and the transfer of any funds previously collected and deposited to the General Fund.

Section 3. The County Director of Finance is also authorized and directed to invest and reinvest funds in the Special Revenue Fund, and to account for said funds to the Mecklenburg County Board of Commissioners in the annual financial report and at such other times as may be requested by the Board of Commissioners.

Section 4. The County Director of Finance shall hold such funds in the above described Special Revenue Fund until such time as expenditures are approved by the Mecklenburg County Board of Commissioners, pursuant to federal and state laws and regulations.

Ordinance recorded in full in Ordinance/Minute Book _____, Document # _____.

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

ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:47 p.m.

Janice S. Paige, Clerk

Ella B. Scarborough, Chair