

**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, October 2, 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 C. Wade
Clerk to the Board Janice S. Paige

Absent: None

-INFORMAL SESSION-

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

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

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) to be removed from Consent and voted upon separately. The items identified were: 18-4935, 18-4938, 18-4944, 18-4946, and 18-4965.

STAFF BRIEFINGS - NONE

CLOSED SESSION

18-4939 LAND ACQUISITION
18-4943 CONSULT WITH ATTORNEY

Prior to going into Closed Session, County Attorney Wade announced the following Land Acquisition matters to be discussed in Closed Session: Tax Parcels 06906621 and 20523103.

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

The Board went into Closed Session at 5:13 p.m. and came back into Open Session at 6:35 p.m.

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

Commissioner Fuller was absent when the Board came back into Open Session. He left during Closed Session and was absent until noted in the minutes.

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 and gave the invocation which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

AWARDS/RECOGNITION – NONE

PUBLIC APPEARANCE

18-4941 PUBLIC APPEARANCE

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

Blanche Penn, Iyanna Fleming (tenant), Jeffrey White (tenant), Apryl Lewis, and Jessica Moreno addressed unhealthy living conditions at Lake Arbor Apartments, including the presence of mole. They provided a handout of photos as examples. The following was noted: 1) that the landlord had not been responsive; 2) residents had not been invited to take part in discussions between the landlord and his attorneys regarding how to address the issue; 3) concerns had also been expressed to Charlotte City Council; and 4) legislation was needed to prevent landlords from operating in this manner.

They asked Commissioners to visit the complex to see the conditions first hand and to give whatever support they could to get this matter resolved.

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

Comments

County Manager Diorio shared an update with the Board received from the City of Charlotte regarding this matter. The following was noted:

Lake Arbor Apartments is a privately owned, 296-unit apartment complex with numerous housing code enforcement cases.

- Since the city's involvement with Lake Arbor began several months ago, 56 housing units have been brought into compliance.
- There are 267 active, open cases being monitored by Code Enforcement.
- As of Sept. 28, Housing and Neighborhood Services has inspected all Lake Arbor units (both occupied and not occupied) and is working with the apartment complex owner to bring units into compliance.
- The property owner has committed to presenting a corrective action plan to City staff on October 9, 2018. At that time, they will be able to determine a timeline for bringing the open code cases into compliance.
- Currently all "48 hour" code enforcement violations, which are violations that must be brought into compliance within 24 hours or emergency housing have been addressed.
- The second priority is to close all remaining Code Enforcement violations using a building-by-building systematic strategy to efficiently and effectively bring all units into compliance.
- The third priority is to continue addressing daily maintenance issues.
- Eleven open code cases are currently in Environmental Court, scheduled for Nov. 6.
- Eight households have been referred to housing support organization Community Link to receive Emergency Housing Relocation assistance, with seven of those households relocating to another location.
- One household refused the location assistance, citing that they want to remain at Lake Arbor.
- Most recently, on Sept. 21, Code Enforcement, 311, CMPD, Solid Waste and other Community Partners participated in a resource fair to assist the Lake Arbor Community.
- Code Enforcement, Community Relations, Legal Aid of the Southern Piedmont and other community stakeholders met with Lake Arbor residents on Aug. 25 at the Tuckaseegee Recreation Center to listen to their concerns and provide fair housing information and other resource information as well as a timeline for achieving maximum code.

A copy of the update received from the City is on file with the Clerk to the Board.

Commissioner Ridenhour asked was there anything the County could do from a public health perspective perhaps when it came to inspections by a health inspector. He said if not, perhaps that was something to be considered for a future legislative agenda item.

County Manager Diorio said she didn't think there was any legislative authority that existed for public health inspectors to inspect residential units. She asked Public Health Director Gibbie Harris to comment.

Director Harris said the County did not have legislative authority over apartment complexes. She said the authority that existed for the County had to do with hotels. She said there was

some minimal authority when there were “significant” health issues, that weren’t being addressed by the responsible party, but it was very limited.

Commissioner Ridenhour said he would like to see information on what the County could possibly do to get additional legislative authority to address these types of matters for the well-being of the public’s health.

Commissioner Clarke asked was it true that the owners of private property under state law had a lot of protections and rights of appeal. *County Attorney Wade said that was correct.*

Commissioner Clarke said legislators had come down on the side of property owners, more so, than on the side of code enforcement, tenants, and residents.

Commissioner Leake expressed concern for the property owner’s disengagement with the tenants. Commissioner Leake said the property owner lived out of state, but a local law firm served as their representative.

Commissioner Leake said there were other neighborhoods with unhealthy living conditions that needed addressing, as well, because of the failure of landlords to maintain their properties. She said City inspectors were aware of this.

Commissioner James said Commissioner Ridenhour’s suggestion about seeking additional legislative authority had come up in the past, including by him. Commissioner James said the County was told by the legislature that it could not have authority over apartments, which was defined as anything rented weekly or more. He said the only authority the County had was over any establishment that rented “by the night.”

Commissioner James said he brought the issue up, when there was a bed bug issue a few years ago at some of the weekly motels that were considered apartments, even though their signage said motel.

Commissioner James said the issue of trying to seek additional authority was ignored by both political parties.

Commissioner Fuller returned to the meeting.

Commissioner Cotham expressed concern for this issue and referenced past issues that were finally addressed because of more public attention. She said it was a City of Charlotte issue, but support could be given by continuing to raise the issue publicly.

Commissioner Dunlap said per the Board’s rules regarding Public Appearance, the discussion that had taken place should not have. He said the Board should be consistent, rather than, allowing public appearance discussion on the part of Commissioners, sometimes and other times not. He suggested the matter be taken to a Board committee for review.

Nancy Carter, former Charlotte City Councilmember and Melissa Patton, Executive Director of Sustainable Foothills and Carolina Land and Lake RCND, asked the Board to support a resolution endorsing the proposed educational enhancement of the Mountain Island Education State Forest. Below is a copy of the resolution offered to the Board for consideration.

*Resolution Offered to the Mecklenburg Board of County Commissioners
October 2, 2018*

Whereas the health, education and wellbeing of our residents are of primary concern, the Mecklenburg Board of County Commissioners recognizes that educating children and adults to the benefits of clean water, forested land and protection of our natural resources advances all of these concerns,

Whereas Mountain Island is the water source for Mecklenburg and much of the surrounding area is protected land,

Whereas Mountain Island Educational State Forest consists of 2,000 acres leased to the North Carolina Forest Service where an environmental education center is currently funded to more than \$4,000,000 by the North Carolina Legislature,

Whereas the construction so funded will open this area to visitors, facilitate public awareness of our water source, wildlife, and forest land and be managed and maintained by the North Carolina Forest Service,

Whereas partners endorsing this project include the North Carolina Department of Agriculture and Consumer Services, the North Carolina Forest Service, Gaston and Lincoln counties, Gastonia, Charlotte City Council, the Carolina Land and Lakes Resource Development and Conservation Council, the North Carolina Association of Soil and Water Conservation Districts, the North Carolina Foundation for Soil and Water Conservation and the Mecklenburg County Soil and Water Conservation District,

Therefore be it resolved that the Mecklenburg Board of County Commissioners join with partners and its residents to endorse the proposed educational enhancement of the Mountain Island Education State Forest and its opening to the public.

APPOINTMENTS

18-4950 APPOINTMENTS

PLANNING COMMISSION

Commissioner Clarke, Chair of the Board's Ad Hoc Appointment Committee for the Planning Commission, presented the Committee's recommendation for appointment. The other members of the committee were Commissioners Leake, Puckett, and Ridenhour.

The committee voted unanimously to recommend the appointment of Douglas Welton to fill an unexpired term expiring June 30, 2021.

The other nominees were: Manuel Betancur, Richard Black, and Claire Fallon.

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to appoint Douglas Welton to the Planning Commission to fill an unexpired term expiring June 30, 2021.

Note: He replaced Nasif Majeed.

PUBLIC HEARINGS

18-4937 BUSINESS INVESTMENT GRANT: YOKOHAMA CORPORATION OF NORTH AMERICA

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to open the public hearing to receive comments on a proposed Business Investment Program grant to Yokohama Corporation of North America (Yokohama).

Director of Economic Development Peter Zeiler presented this matter to the Board.

No one appeared to speak.

Note: Yokohama is a Japanese tire manufacturer currently celebrating its 100th anniversary with annual sales in excess of \$5.5 billion. Yokohama products are available across all market segments such as SUVs, light vehicles and commercial trucks. Yokohama's North American Headquarters is in Santa Ana, California and the company has major manufacturing plants in West Point, Mississippi and Salem, Virginia. Yokohama is seeking to establish a North American Technical Center to guide development and industrialization of North American and international tire products.

- *The site would consist of:*
 - *10,000 square feet of office*
 - *15,000 square feet of lab and testing space*
- *Staffing lines will include:*
 - *Engineering and development*
 - *Testing and analysis*
 - *Clerical*
- *Yokohama currently has 15 staff located in Mecklenburg County that would transfer to the final location chosen by Yokohama.*

Yokohama's proposed project meets all the following Business Investment Program guidelines for a five-year grant, specifically:

- A taxable investment of \$3.85 million to be completed in the next three years.
- Creation of 45 new jobs with an average wage of \$86,000.
- There is competition for this project from Greenville South Carolina and Stow, Ohio.
- Expansion of an existing operation in Mecklenburg County.

The Business Investment Program grant is a 50% grant over 5 years, with an estimated total amount of up to \$106,877.

The general terms and conditions of this grant include:

- A portion of the grant must be repaid if the company moves this investment from Charlotte within 5 years of the end of the grant term.
- Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
- All property taxes due from the company must be paid before a grant payment is made.

The Board of County Commissioners indicated their intent to approve this grant in a closed session on February 20, 2018.

In an open session meeting on September 17, 2018, the Town of Cornelius approved a Business Investment Program grant of \$59,348.

Motion was made by Commissioner Dunlap, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to close the public hearing and adopt a resolution approving a Business Investment Program grant to Yokohama for a total estimated amount of \$106,877 and authorize the County Manager to negotiate and execute the contract.

**MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
RESOLUTION
APPROVING BUSINESS INVESTMENT PROGRAM GRANT
FOR YOKOHAMA CORPORATION OF NORTH AMERICA**

WHEREAS, Yokohama Corporation of North America is seeking to establish a new operations center in Cornelius, NC; and

WHEREAS, the company evaluated sites in Greenville, South Carolina and Stow, Ohio; and

WHEREAS, this project as described by the company has been determined to meet all of the criteria for a Business Investment Program grant from the Town of Cornelius and the County of Mecklenburg. The Board of Commissioners voted its intent to provide a Business Investment Program grant to the company during a closed session meeting on February 20, 2018 and as authorized by the

Board, the County communicated this information to the company; and

WHEREAS, taking into consideration the Board's stated intent to make an economic development grant, the company subsequently decided to expand in Charlotte. The project will include a capital investment of approximately \$3.85 million and will create 45 new jobs within five years at an average annual salary of approximately \$86,000. The Business Investment Program grant is a 50% grant over 5 years, with an estimated total amount of up to \$106,877. The grant will be subject to the County's standard contract provisions, including compliance requirements for the company related to the job creation targets and clawback provisions; and

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

RESOLVED that the Board of County Commissioners does hereby approve the Business Investment Program Grant 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 # _____.

18-4940 STREET LIGHTING FINAL ASSESSMENTS

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:

A) Acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all property owners in the Capps Hollow, Cardinal Woods and Cardinal Woods Estate, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions; and to

B) Open the Public Hearing on Assessment Rolls for Mecklenburg County's participation in the Street Lighting Assessment project for the Capps Hollow, Cardinal Woods and Cardinal Woods Estate, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions.

Note: Mecklenburg County participates in an assessment program to provide street lighting in order to increase safety in subdivisions. Homeowners in these subdivisions went through a rigorous petition process that qualified the subdivisions for funding in the form of a loan for the installation and operation of street lights. Homeowners are in turn assessed for these costs until the subdivisions are incorporated into the city limits. The public hearing is required by General Statutes and allows property owners in these subdivisions to comment on the street lighting assessments for operating costs paid during the fiscal year 2018.

Commissioner Dunlap asked about the process when there's been a change in property owners, which was addressed by Dave Canaan with the Land Use and Environmental Services Agency (LUESA).

No one from the public 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 and adopt Final Assessment Resolution for Capps Hollow, Cardinal Woods and Cardinal Woods Estate, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions.

**FINAL ASSESSMENT ROLL RESOLUTION
STREET LIGHTING ASSESSMENT PROJECT
CAPPS HOLLOW SUBDIVISION
OPERATION COSTS FY 2018**

WHEREAS, the Mecklenburg Board of County Commissioners has adopted a street lighting assessment program pursuant to North Carolina law; and

WHEREAS, the economical traditional street lighting fixtures have been installed and are being operated on streets in the Capps Hollow Subdivision; and

WHEREAS, the Mecklenburg Board of County Commissioners adopted Final Assessment Resolutions on this project on September 2, 1997, and November 6, 2002, approving both projects for Sections 1 & 2 and requesting that Duke Power Company install and operate the economical traditional street lighting fixtures on all streets in the Capps Hollow Subdivision and that the monthly charges would be paid to Duke Power Company by Mecklenburg County, and that the operating cost would be assessed to the property owners by Mecklenburg County; and

WHEREAS, Mecklenburg County has paid a total of \$2,046.65 to Duke Power Company for charges incurred for the operation of these street lights in the Capps Hollow Subdivision during the 2018 Fiscal Year plus \$300 in legal and other costs for a total of \$2,346.65 spent for the operation of the street lights in the Capps Hollow Subdivision during the 2018 Fiscal Year; and

WHEREAS, the basis for assessment will be 100 percent (100%) of the property owner's share of the total cost to operate the street lights during the 2018 Fiscal Year, plus other costs as described in Section 153A-193 of the General Statutes of North Carolina, said total cost to be apportioned equally to each parcel of land on said streets; and

WHEREAS, the proposed terms of payment of the assessment are such that each property owner must pay the total per lot share upon receipt of an assessment from Mecklenburg County, plus 8% per annum rate of interest if payment is not received by the due date as indicated on each individual assessment; and

WHEREAS, the proposed term of payment for each property owner's portion of the cost of said

work must be paid by direct payment to Mecklenburg County; and

WHEREAS, the Mecklenburg County Land Use and Environmental Services Agency has prepared the Final Assessment Roll on a map showing each lot assessed, the basis for assessment, the amount assessed against each lot, and the name of the owner of each lot as shown on the Mecklenburg County tax record, which Final Assessment Roll is attached hereto and incorporated herein by reference; and

WHEREAS, after notice was duly given, a public hearing was held on October 02, 2018 at 6:30 p.m. for the purpose of confirmation, modification, or annulment of the Preliminary Assessment Roll; and

WHEREAS, there being no changes or annulment made of the Preliminary Assessment Roll, the same is hereby confirmed by this resolution.

NOW, THEREFORE, BE IT, RESOLVED, that the Mecklenburg Board of County Commissioners does adopt this Final Assessment Roll Resolution on the Street Lighting Assessment Project for the operation of the street lighting fixtures during the 2018 Fiscal Year in the Capps Hollow Subdivision, and requests the Mecklenburg County Land Use and Environmental Services Agency to prepare the necessary documents for transmittal to the County Tax Collector's Office to provide for the collection from the property owners for the cost of the operation of the street lighting fixtures during the 2018 Fiscal Year which is \$2,346.65.

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

**FINAL ASSESSMENT ROLL RESOLUTION
STREET LIGHTING ASSESSMENT PROJECT
CARDINAL WOODS SUBDIVISION AND CARDINAL WOODS ESTATE
OPERATION COSTS FY 2018**

WHEREAS, the Mecklenburg Board of County Commissioners has adopted a street lighting assessment program pursuant to North Carolina law; and

WHEREAS, twenty-four acorn street lighting fixtures have been installed and are being operated on streets within the Cardinal Woods Subdivision and Cardinal Woods Estate; and

WHEREAS, the Mecklenburg Board of County Commissioners adopted a Final Assessment Resolution on this project on October 20, 1998, approving the project and requesting that Duke Power Company install and operate the acorn street lighting fixtures on the streets in the Cardinal Woods Subdivision and Cardinal Woods Estate, and providing that the monthly charges would be paid to Duke Power Company by Mecklenburg County, and that the operating costs would be assessed to the property owners by Mecklenburg County; and

WHEREAS, Mecklenburg County has paid a total of \$5,876.03 to Duke Power Company for the monthly operation costs incurred for these street lighting fixtures in the Cardinal Woods Subdivision and Cardinal Woods Estate during the 2018 Fiscal Year and has incurred \$300 in legal and other costs for a total of \$6,176.03 spent for the operation of these acorn street lighting fixtures in the Cardinal Woods Subdivision and Cardinal Woods Estate during the 2018 Fiscal Year; and

OCTOBER 2, 2018

WHEREAS, the basis for assessment will be 100% of the property owner's share of the total costs to operate these street lighting fixtures during the 2018 Fiscal Year plus other costs as described in Section 153A-193 of the General Statutes of North Carolina, said total cost to be apportioned equally to each parcel of land on the streets in the Cardinal Woods Subdivision and Cardinal Woods Estate where the acorn street lighting fixtures are located; and

WHEREAS, the proposed terms of payment of the assessment are such that each property owner must pay the total per lot share upon receipt of an assessment from Mecklenburg County, plus 8% per annum rate of interest if payment is not received by the due date as indicated on each individual assessment; and

WHEREAS, the method of payment for each property owner's portion of the cost of said operation must be paid by direct payment to Mecklenburg County; and

WHEREAS, the Mecklenburg County Land Use and Environmental Services Agency has prepared the Final Assessment Roll and a map showing each lot assessed, the basis for assessment, the amount assessed against each lot and the name of the owner of each lot as shown on the Mecklenburg County tax record, which Final Assessment Roll and map are attached hereto and incorporated herein by reference; and

WHEREAS, after notice was duly given, a public hearing was held on October 02, 2018 at 6:30 p.m. for the purpose of confirmation, modification, or annulment of the Preliminary Assessment Roll; and

WHEREAS, there being no changes or annulment made of the Preliminary Assessment Roll, the same is hereby confirmed by this resolution.

NOW, THEREFORE, BE IT, RESOLVED, that the Mecklenburg Board of County Commissioners does adopt this Final Assessment Roll Resolution on the Street Lighting Assessment Project for the operation of the street lighting fixtures during the 2018 Fiscal Year in the Cardinal Woods Subdivision and Cardinal Woods Estate, and requests the Mecklenburg County Land Use & Environmental Services Agency to prepare the necessary documents for transmittal to the County Tax Collector's Office to provide for the collection from the property owners for the cost of the operation of the street lighting fixtures during the 2018 Fiscal Year which is \$6,176.03.

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

**FINAL ASSESSMENT ROLL RESOLUTION
STREET LIGHTING ASSESSMENT PROJECT
HEARTHSTONE SUBDIVISION
OPERATION COSTS FY 2018**

WHEREAS, the Mecklenburg Board of County Commissioners has adopted a street lighting assessment program pursuant to North Carolina law; and

WHEREAS, the special street lighting fixtures have been installed and are being operated on all of the streets in the Hearthstone Subdivision; and

WHEREAS, the Mecklenburg Board of County Commissioners adopted a Final Assessment

OCTOBER 2, 2018

Resolution on this project on January 19, 1993, approving the project and requesting that Duke Power Company install and operate the street lighting fixtures on all streets in the Hearthstone Subdivision and that the monthly charges would be paid to Duke Power Company by Mecklenburg County, and that the operating cost would be assessed to the property owners by Mecklenburg County; and

WHEREAS, Mecklenburg County has paid a total of \$2,471.93 to Duke Power Company for charges incurred for the operation of these street lights in the Hearthstone Subdivision during the 2018 Fiscal Year plus \$300 in legal and other costs for a total of \$2,771.93 spent for the operation of the street lights in the Hearthstone Subdivision during the 2018 Fiscal Year; and

WHEREAS, the basis for assessment will be 100 percent (100%) of the property owner's share of the total cost to operate the street lights during the 2018 Fiscal Year, plus other costs as described in Section 153A-193 of the General Statutes of North Carolina, said total cost to be apportioned equally to each parcel of land on said streets; and

WHEREAS, the proposed terms of payment of the assessment are such that each property owner must pay the total per lot share upon receipt of an assessment from Mecklenburg County, plus 8% per annum rate of interest if payment is not received by the due date as indicated on each individual assessment; and

WHEREAS, the method of payment for each property owner's portion of the cost of said work must be paid by direct payment to Mecklenburg County; and

WHEREAS, the Mecklenburg County Land Use & Environmental Services Agency has prepared the Final Assessment Roll on a map showing each lot assessed, the basis for assessment, the amount assessed against each lot, and the name of the owner of each lot as shown on the Mecklenburg County tax record, which the Final Assessment Roll is attached hereto and incorporated herein by reference; and

WHEREAS, after notice was duly given, a public hearing was held on October 02, 2018 at 6:30 p.m. for the purpose of confirmation, modification or annulment of the Preliminary Assessment Roll; and

WHEREAS, there being no changes or annulment made by the Preliminary Assessment Roll, the same is hereby confirmed by this resolution.

NOW, THEREFORE, BE IT, RESOLVED, that the Mecklenburg Board of County Commissioners does adopt this Final Assessment Roll Resolution on the Street Lighting Assessment Project for the operation of the street lighting fixtures during 2018 Fiscal Year in the Hearthstone Subdivision, and requests the Mecklenburg County Land Use & Environmental Services Agency to prepare the necessary documents for transmittal to the County Tax Collector's Office to provide for the collection from the property owners for the cost of the operation of the street lighting fixtures during the 2018 Fiscal Year, which is \$2,771.93.

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

**FINAL ASSESSMENT ROLL RESOLUTION
STREET LIGHTING ASSESSMENT PROJECT
McGINNIS VILLAGE SUBDIVISION
OPERATION COSTS FY 2018**

WHEREAS, the Mecklenburg Board of County Commissioners has adopted a street lighting assessment program pursuant to North Carolina law; and

WHEREAS, the economical traditional street lighting fixtures have been installed and are being operated on all of the streets in the McGinnis Village Subdivision; and

WHEREAS, the Mecklenburg Board of County Commissioners adopted a Final Assessment Resolution on this project on October 5, 1999, approving the project and requesting that Duke Power Company install and operate the economical traditional street lighting fixtures on all of the streets in the McGinnis Village Subdivision and that the monthly charges would be paid to Duke Power Company by Mecklenburg County, and the operating costs would be assessed to the property owners by Mecklenburg County; and

WHEREAS, Mecklenburg County has paid a total of \$3,281.17 to Duke Power Company for charges incurred for the operation of these street lights in the McGinnis Village Subdivision during the 2018 Fiscal Year plus \$300 in legal and other costs for a total of \$3,581.17 spent for the operation of the street lights in the McGinnis Village Subdivision during the 2018 Fiscal Year; and

WHEREAS, the basis for assessment will be 100 percent (100%) of the property owner's share of the total cost to operate the street lights during the 2018 Fiscal Year, plus other costs as described in Section 153A-193 of the General Statutes of North Carolina, said total cost to be apportioned equally to each parcel of land on said streets; and

WHEREAS, the proposed terms of payment of the assessment are such that each property owner must pay the total per lot share upon receipt of an assessment from Mecklenburg County, plus 8% per annum rate of interest if payment is not received by the due date as indicated on each individual assessment; and

WHEREAS, the method of payment for each property owner's portion of the cost of said work must be paid by direct payment to Mecklenburg County; and

WHEREAS, the Mecklenburg County Land Use & Environmental Services Agency has prepared the Final Assessment Roll on a map showing each lot assessed, the basis for assessment, the amount assessed against each lot, and the name of the owner of each lot as shown on the Mecklenburg County tax record, which the Final Assessment Roll is attached hereto and incorporated herein by reference; and

WHEREAS, after notice was duly given, a public hearing was held on October 02, 2018 at 6:30 p.m. for the purpose of confirmation, modification or annulment of the Preliminary Assessment Roll; and

WHEREAS, there being no changes or annulment made of the Preliminary Assessment Roll, the same is hereby confirmed by this resolution.

NOW, THEREFORE, BE IT, RESOLVED, that the Mecklenburg Board of County Commissioners

does adopt this Final Assessment Roll Resolution on the Street Lighting Assessment Project for the operation of the street lighting fixtures during the 2018 Fiscal Year in the McGinnis Village Subdivision, and requests the Mecklenburg County Land Use & Environmental Services Agency to prepare the necessary document for transmittal to the County Tax Collector's Office to provide for the collection from the property owners for the cost of the operation of the street lighting fixtures during the 2018 Fiscal Year which is \$3,581.17.

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

**FINAL ASSESSMENT ROLL RESOLUTION
STREET LIGHTING ASSESSMENT PROJECT
MOUNTAIN POINT SUBDIVISION
OPERATION COSTS FY 2018**

WHEREAS, the Mecklenburg Board of County Commissioners has adopted a street lighting assessment program pursuant to North Carolina law; and

WHEREAS, the acorn street lighting fixtures have been installed and are being operated on all of the streets in the Mountain Point Subdivision; and

WHEREAS, the Mecklenburg Board of County Commissioners adopted a Final Assessment Resolution on this project on February 3, 1998, approving the project and requesting that Duke Power Company install and operate the acorn street lighting fixtures on all streets in the Mountain Point Subdivision and that the monthly charges would be paid to Duke Power Company by Mecklenburg County, and that the operating cost would be assessed to the property owners by Mecklenburg County; and

WHEREAS, Mecklenburg County has paid a total of \$6,119.28 to Duke Power Company for charges incurred for the operation of these street lights in the Mountain Point Subdivision during the 2018 Fiscal Year plus \$300 in legal and other costs for a total of \$6,419.28 spent for the operation of the street lights in the Mountain Point Subdivision during the 2018 Fiscal Year; and

WHEREAS, the basis for assessment will be 100 percent (100%) of the property owner's share of the total cost to operate the street lights during the 2018 Fiscal Year plus other costs as described in Section 153A-193 of the General Statutes of North Carolina, said total cost to be apportioned equally to each parcel of land on said streets; and

WHEREAS, the proposed terms of payment of the assessment are such that each property owner must pay the total per lot share upon receipt of an assessment from Mecklenburg County, plus 8% per annum rate of interest if payment is not received by the due date as indicated on each individual assessment; and

WHEREAS, the proposed term of payment for each property owner's portion of the cost of said work must be paid by direct payment to Mecklenburg County; and

WHEREAS, the Mecklenburg County Land Use & Environmental Services Agency has prepared the Final Assessment Roll on a map showing each lot assessed, the basis for assessment, the amount assessed against each lot, and the name of the owner of each lot as shown on the Mecklenburg County tax record, which the Final Assessment Roll is attached hereto and incorporated herein by reference; and

OCTOBER 2, 2018

WHEREAS, after notice was duly given, a public hearing was held on October 02, 2018 at 6:30 p.m. for the purpose of confirmation, modification, or annulment of the Preliminary Assessment Roll; and

WHEREAS, there being no changes or annulment made of the Preliminary Assessment Roll, the same is hereby confirmed by this resolution.

NOW, THEREFORE, BE IT, RESOLVED, that the Mecklenburg Board of County Commissioners does adopt this Final Assessment Roll Resolution on the Street Lighting Assessment Project for the operation of the street lighting fixtures during the 2018 Fiscal Year in the Mountain Point Subdivision, and requests the Mecklenburg County Land Use & Environmental Services Agency to prepare the necessary documents for transmittal to the County Tax Collector's Office to provide for the collection from the property owners for the cost of the operation of the street lighting fixtures during the 2018 Fiscal Year which is \$6,419.28.

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

**FINAL ASSESSMENT ROLL RESOLUTION
STREET LIGHTING ASSESSMENT PROJECT
MOUNTAIN POINT ESTATES SUBDIVISION
OPERATION COSTS FY 2018**

WHEREAS, the Mecklenburg Board of County Commissioners has adopted a street lighting assessment program pursuant to North Carolina law; and

WHEREAS, the acorn street lighting fixtures have been installed and are being operated on all of the streets in the Mountain Point Estates Subdivision; and

WHEREAS, the Mecklenburg Board of County Commissioners adopted a Final Assessment Resolution on this project on February 1, 2000, approving the project and requesting that Duke Power Company install and operate the acorn street lighting fixtures on all streets in the Mountain Point Estates Subdivision and that the monthly charges would be paid to Duke Power Company by Mecklenburg County, and that the operating cost would be assessed to the property owners by Mecklenburg County; and

WHEREAS, Mecklenburg County has paid a total of \$2,100.04 to Duke Power Company for charges incurred for the operation of these street lights in the Mountain Point Estates Subdivision during the 2018 Fiscal Year plus \$300 in legal and other costs for a total of \$2,400.04 spent for the operation of the street lights in the Mountain Point Estates Subdivision during the 2018 Fiscal Year; and

WHEREAS, the basis for assessment will be 100 percent (100%) of the property owner's share of the total cost to operate the street lights during the 2018 Fiscal Year plus other costs as described in Section 153A-193 of the General Statutes of North Carolina, said total cost to be apportioned equally to each parcel of land on said streets; and

WHEREAS, the proposed terms of payment of the assessment are such that each property owner must pay the total per lot share upon receipt of an assessment from Mecklenburg County, plus 8% per annum rate of interest if payment is not received by the due date as indicated on each individual assessment; and

WHEREAS, the proposed term of payment for each property owner's portion of the cost of said work must be paid by direct payment to Mecklenburg County; and

WHEREAS, the Mecklenburg County Land Use & Environmental Services Agency has prepared the Final Assessment Roll on a map showing each lot assessed, the basis for assessment, the amount assessed against each lot, and the name of the owner of each lot as shown on the Mecklenburg County tax record, which the Final Assessment Roll is attached hereto and incorporated herein by reference; and

WHEREAS, after notice was duly given, a public hearing was held on October 02, 2018 at 6:30 p.m. for the purpose of confirmation, modification, or annulment of the Preliminary Assessment Roll; and

WHEREAS, there being no changes or annulment made of the Preliminary Assessment Roll, the same is hereby confirmed by this resolution.

NOW, THEREFORE, BE IT, RESOLVED, that the Mecklenburg Board of County Commissioners does adopt this Final Assessment Roll Resolution on the Street Lighting Assessment Project for the operation of the street lighting fixtures during the 2018 Fiscal Year in the Mountain Point Estates Subdivision, and requests the Mecklenburg County Land Use & Environmental Services Agency to prepare the necessary documents for transmittal to the County Tax Collector's Office to provide for the collection from the property owners for the cost of the operation of the street lighting fixtures during the 2018 Fiscal Year which is \$2,400.04.

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

**FINAL ASSESSMENT ROLL RESOLUTION
STREET LIGHTING ASSESSMENT PROJECT
ROYAL OAKS SUBDIVISION
OPERATION COSTS FY 2018**

WHEREAS, the Mecklenburg Board of County Commissioners has adopted a street lighting assessment program pursuant to North Carolina law; and

WHEREAS, twenty-four acorn street lighting fixtures have been installed and are being operated on the streets within the Royal Oaks Subdivision; and

WHEREAS, the Mecklenburg Board of County Commissioners adopted a Final Assessment Resolution on this project on February 6, 1996, approving the project and requesting that Duke Power Company install and operate the acorn street lighting fixtures on the streets in the Royal Oaks Subdivision and that the monthly charges would be paid to Duke Power Company by Mecklenburg County, and that the operating costs would be assessed to the property owners by Mecklenburg County; and

WHEREAS, Mecklenburg County has been billed a total of \$3,302.24 to Duke Power Company for the monthly operation costs incurred for these street lighting fixtures in the Royal Oaks Subdivision during the 2018 Fiscal Year and has incurred \$300 in legal and other costs for a total of \$3,602.24 spent for operation of these street lighting fixtures in the Royal Oaks Subdivision during the 2018 Fiscal Year; and

WHEREAS, the basis for assessment will be 100 percent (100%) of the property owners share of the total cost to operate these street lighting fixtures during the 2018 Fiscal Year, plus other costs as described in Section 153A-193 of the General Statutes of North Carolina, said total cost to be apportioned equally to each parcel of land on said streets; and

WHEREAS, the proposed terms of payment of the assessment are such that each property owner must pay the total per lot share upon receipt of an assessment from Mecklenburg County, plus 8% per annum rate of interest if payment is not received by the due date as indicated on each individual assessment; and

WHEREAS, the method of payment for each property owner's portion of the cost of said work must be paid by direct payment to Mecklenburg County; and

WHEREAS, the Mecklenburg County Land Use & Environmental Services Agency has prepared the Final Assessment Roll on a map showing each lot assessed, the basis for the assessment the amount assessed against each lot, and the name of the owner of each lot as shown on the Mecklenburg County tax record, which the Final Assessment Roll is attached hereto and incorporated herein by reference; and

WHEREAS, after notice was duly given, a public hearing was held on October 02, 2018 at 6:30 p.m. for the purpose of confirmation, modification or annulment of the Preliminary Assessment Roll; and

WHEREAS, there being no changes or annulment made of Preliminary Assessment Roll, the same is hereby confirmed by this resolution.

NOW, THEREFORE, BE IT, RESOLVED, that the Mecklenburg Board of County Commissioners does adopt this Final Assessment Roll Resolution on the Street Lighting Assessment Project for the street lighting operation costs during 2018 Fiscal Year in the Royal Oaks Subdivision and requests the Mecklenburg County Land Use & Environmental Services Agency to prepare the necessary documents for transmittal to the County Tax Collector's Office to provide for the collection from the property owners of these operation costs which is \$3,602.24.

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

**FINAL ASSESSMENT ROLL RESOLUTION
STREET LIGHTING ASSESSMENT PROJECT
SPICEWOOD SUBDIVISION
OPERATION COSTS FY 2018**

WHEREAS, the Mecklenburg Board of County Commissioners has adopted a street lighting assessment program pursuant to North Carolina law; and

WHEREAS, the special street lighting fixtures have been installed and are being operated on all of the streets in the Spicewood Subdivision; and

WHEREAS, the Mecklenburg Board of County Commissioners adopted a Final Assessment Resolution on this project on October 5, 1992, approving the project and requesting that Duke Power Company install and operate the street lights on all streets in the Spicewood Subdivision and that the monthly charges would be paid to Duke Power Company by

Mecklenburg County, and that the operating cost would be assessed to the property owners by Mecklenburg County; and

WHEREAS, Mecklenburg County has paid a total of \$1,731.86 to Duke Power Company for charges incurred for the operation of these street lights in the Spicewood Subdivision during the 2018 Fiscal Year plus \$300 in legal and other costs for a total of \$2,031.86 for the operation of the street lights in the Spicewood Subdivision during the 2018 Fiscal Year; and

WHEREAS, the basis for assessment will be 100 percent (100%) of the property owner's share of the total cost for the operation of the street lights during the 2018 Fiscal Year, plus other costs as described in Section 153A-193 of the General Statutes of North Carolina, said total cost to be apportioned equally to each parcel of land on said streets; and

WHEREAS, the proposed terms of payment of the assessment are such that each property owner must pay the total per lot share upon receipt of an assessment from Mecklenburg County, plus 8% per annum rate of interest if payment is not received by the due date as indicated on each individual assessment; and

WHEREAS, the method of payment for each property owner's portion of the cost of said work must be paid by direct payment to Mecklenburg County; and

WHEREAS, the Mecklenburg County Land Use & Environmental Service Agency has prepared the Final Assessment Roll on a map showing each lot assessed, the basis for assessment, the amount assessed against each lot, and the name of the owner of each lot as shown on the Mecklenburg County tax record, which the Final Assessment Roll is attached hereto and incorporated herein by reference; and

WHEREAS, after notice was duly given, a public hearing was held on October 02, 2018 at 6:30 p.m. for the purpose of confirmation, modification or annulment of the Preliminary Assessment Roll; and

WHEREAS, there being no changes or annulment made of the Preliminary Assessment Roll, the same is hereby confirmed by this resolution.

NOW, THEREFORE, BE IT, RESOLVED, that the Mecklenburg Board of County Commissioners does adopt this Final Assessment Roll Resolution on the Street Lighting Assessment Project for the operation of the street lighting fixtures during the 2018 Fiscal Year in the Spicewood Subdivision, and requests the Mecklenburg County Land Use and Environmental Services Agency to prepare the necessary documents for transmittal to the County Tax Collector's Office to provide for the collection from the property owners for the cost of the operation of the street lighting fixtures during the 2018 Fiscal Year which is \$2,031.86.

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

18-4945 NCDOT URBAN GRANT 5307 APPLICATION

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 NCDOT Urban Grant 5307 grant application.

Commissioner Puckett read the following statement:

Voluntary Title VI Public Involvement

Title VI of the Civil Right's Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency's federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project. The North Carolina Department of Transportation wishes to clarify that this information gathering process is completely voluntary and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document. The completed forms will be held on file at the North Carolina Department of Transportation. For Further information regarding this process please contact Shantray Dickens the Title VI Manager at telephone number 919.508.1896 or email at sddickens@ncdot.gov. After you complete this form, please fold it and place it inside the designated box on the registration table. Thank you for your cooperation.

Note: Annually, the Mecklenburg County Department of Social Services requests a public hearing to receive comments regarding the FY20 Urban Grant. This grant provides funding for the operating and capital requirements of the Mecklenburg County Department Social Services' Mecklenburg Transportation System (MTS) Unit of the Services for Adults Division. This grant is to provide financial assistance for the support of public transportation services in urbanized areas. This includes planning activities, administrative needs, purchase of capital equipment or facilities to assist in the provision of transit services in urban areas of Mecklenburg County. The Charlotte Area Transit System is the designated recipient of Section 5307 funds in the Charlotte Regional Transportation Planning Organization (CRPTO). A formula was developed to share the funding with all eligible transit operators in the CRPTO. The North Carolina Department of Transportation's Public Assistance Division (NCDOT PTD) will be the direct recipient for the transit operators in NC which includes MTS.

Director of Social Services Peggy Eagan addressed the matter.

No one from the public 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 and approve submission of the North Carolina Department of Transportation's 5307 Urban Transportation Grant for Fiscal Year 2019-2020 by adopting the Public Transportation Program Resolution FY 2020 Resolution.

PUBLIC TRANSPORTATION PROGRAM RESOLUTION

FY 2020 RESOLUTION

Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

Applicant seeking permission to apply for Public Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may apply for funding for “purchase-of-service” projects under the Section 5310 program.

WHEREAS, Mecklenburg County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

NOW, THEREFORE, be it resolved that the County Manager of Mecklenburg County Board of Commissioners is hereby authorized to submit grant application (s) for federal and state funding in response to NCDOT’s calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

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

18-4947 TEFRA HEARING – TRINITY EPISCOPAL SCHOOL

The Chairman held the public hearing described below and introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by its title:

RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED \$2,500,000 OF THE PUBLIC FINANCE AUTHORITY EDUCATION FACILITIES REVENUE BONDS (TRINITY EPISCOPAL SCHOOL), SERIES 2018

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 open the public hearing.

WHEREAS, at 6:00 P.M. or as soon thereafter as the agenda allowed, the Chairman announced that the Board of Commissioners (the “Board”) would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by the Public Finance Authority (the “Authority”), a unit of government and a body corporate and politic of the State of Wisconsin, of not exceeding \$2,500,000 of its Education Facilities Revenue Bonds (Trinity Episcopal School), Series 2018 (the “Bonds”);

WHEREAS, the Authority will loan the proceeds of the Bonds to Trinity Episcopal School, a North Carolina nonprofit corporation (the “Borrower”) and the Borrower will use the proceeds of the loan from the Authority for the purpose of financing the costs of acquiring, constructing, equipping and improving and operating, as applicable, land and buildings used or to be used by the Corporation as school facilities located and to be located at 750 East 9th Street, Charlotte, North Carolina (the “Project”);

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 the project is located (the “Project Jurisdiction”);

WHEREAS, the Borrower has requested that the Board approve the financing of the Project and the issuance of the Bonds in order to satisfy the public approval requirement of Section 147(f) of 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 September 18, 2018, a notice of public hearing has been 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 names, address and testimony of the persons who were present and who offered comments on the proposed issuance of the Bonds or who responded in writing to the notice of public hearing are as follows: **None**.

WHEREAS, the Chairman 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 Chairman of the Board determined that no other persons who wished to speak at the public hearing were found; and

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; and

WHEREAS, the purpose of the above-described public hearing and this resolution is to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (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;

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

Section 1. For the sole purpose of qualifying 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, the Board hereby approves the issuance of the Bonds by the Authority for the purpose of providing funds to finance the Project, provided that in no event shall Mecklenburg County, the State of North Carolina or any political subdivision thereof be liable for such Bonds nor shall the Bonds constitute a debt of Mecklenburg County, the State of North Carolina 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, 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 and Section 66.0304(11(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.

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

Motion was made by Commissioner Puckett, seconded by Commissioner James, to adopt RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED \$2,500,000 OF THE PUBLIC FINANCE AUTHORITY EDUCATION FACILITIES REVENUE BONDS (TRINITY EPISCOPAL SCHOOL), SERIES 2018, the motion was adopted by the following vote:

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

NAYS: None

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

ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

18-4970 REVISED MECKLENBURG COUNTY DEBT POLICY

Finance Director Sarah Lyberg addressed a revised County Debt Policy.

Note: The Mecklenburg County Debt Policy was last updated in 2014. Since then, there have been new tax laws, economic shifts, and updates to debt policy best practices. Staff presented a revised Mecklenburg County Debt Policy to the Board of Commissioners at the September 25, 2018 Budget/Public Policy Meeting. Based on BOCC feedback from that meeting, a final Revised Mecklenburg County Debt Policy was presented for approval.

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

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

Motion was made by Commissioner James, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, and Scarborough voting yes, to approve the revised Mecklenburg County Debt Policy to remain aligned with Best practices.

Table of Contents

Introduction.....	1
Long-Term Debt Instruments.....	2
Short-Term Debt Instruments.....	3
Internal Financing	3
Other Financing Options	4
County Debt Policy	4
Purposes for Debt Issuance	5
Debt Structure	5
Debt Ratios	5
Debt Management Policies	6
Refinancing of Outstanding Debt.....	7
Credit Enhancement	8
Administration and Implementation.....	8
Capital Planning and Debt Determination	8
Debt Service Fund.....	9
Pay-As-You-Go Funding	9
Issuance of Debt	9
Legality	10
Interest Rate Exchange Agreements.....	10
Continuing Disclosure and Relationships with Other Interested Parties	10
Investment of Bond Proceeds.....	11
Arbitrage Rebate Reporting	11
Attachment I: Interest Rate Exchange Agreement Policy.....	12

Introduction

The Debt Policy guides the issuance and repayment of debt in support of effective and efficient financial management. A debt policy establishes the parameters for issuing and managing debt. It also provides guidelines regarding the timing and purposes for which debt may be issued, the types of permissible debt, and the methods of sale that may be used.

The Debt Policy is used in conjunction with the County’s operating and capital budgets, Capital Improvement Program (CIP), and other financial policies. The Debt Policy:

- Enhances the quality of decisions;
- Documents the decision-making process;
- Identifies objectives for staff to implement;
- Demonstrates a commitment to long-term financial planning objectives; and
- Factors positively in private sector credit rating agencies’ review of the County’s credit policy.

The Debt Policy below reflects private sector credit rating agency guidance and criteria for highly-rated jurisdictions, the Local Government Commission (LGC) and best practices as outlined by the Government Finance Officers Association.

Long-Term Debt Instruments

General Obligation Bonds: General obligation (“GO”) bonds are secured by a promise to levy taxes in an amount necessary to pay debt service—principal and interest due each fiscal year. General obligation bonds are backed by the full faith and credit of the County. These bonds are either authorized by a referendum, or through a non-voted (two-third’s) authorization by the governing body. The authority for non-voted authorization allows governments to issue up to two-thirds of the previous year’s net debt reduction without a referendum.

Revenue Bonds: Revenue bonds are repaid from pledged revenues generated by debt-financed asset, or by the operating system of which that asset is a part.

Special Obligation Bonds: Special obligation bonds are bonds that are payable from the pledge of revenues other than locally-levied taxes. Examples include beer and wine tax or enterprise revenues.

Installment Financing/Limited Obligation Bonds (LOB): These are alternative financing methods that do not require voter approval.

Installment financing can take several forms. An Installment Purchase Contract is an agreement in which equipment or property is acquired, and repaid over a period, with or without interest. This type of structure can be used to finance a wide-range of capital projects and equipment purchases.

Limited obligation bonds or certificates of participation are bonds that are issued to finance a project or asset. Revenues resulting from the operation or lease of the project are pledged to repay the debt.

Short-Term Debt Instruments

Generally, a government issues long-term debt based on when the bond proceeds are needed to begin construction on capital projects. However, other borrowing instruments may be more efficient and cost effective under specific circumstances. The County may consider short-term financing options, such as those outlined below, where such financing provides an efficient and effective means of financing. The County may consider other short-term or variable rate borrowing structures not listed below, including but not limited to, floating rate notes and variable rate demand bonds. The County will evaluate such options taking into account the projects being financed, the expected timing of cashflows and funding needs, the County's overall financial position, and current market conditions, among other factors.

Bond Anticipation Notes: Bond anticipation notes are short-term obligations issued in advance of a larger, future bond issue. In certain circumstances, it may be appropriate for the County to issue short-term obligations to provide interim or bridge financing for a project with the intention of refinancing the notes with long-term debt or retiring the notes with other funds.

Commercial Paper: Commercial Paper ("CP") is a short-term obligation with maturities ranging from 1 to 270 days. The County may consider utilizing CP as interim financing during the design and/or construction period to take advantage of typically lower interest rates at the short-term end of the yield curve. Once a capital project is completed, the County may recommend refunding CP with debt instruments.

Draw-Down Facility: A draw-down facility is a loan placed with a bank with a stated maximum balance and term, similar to a line of credit. As the County spends money on a capital project, the County would "draw" funds on the facility increasing the outstanding loan balance. The County would pay interest primarily on the "drawn" balance of the loan

— not the maximum balance. This type of facility can be used to minimize initial interest costs prior to the project being completed.

Internal Financing

Another financing option the County may consider is internal financing, which is the use of internal sources (Pay-as-you-go "PAYGO") to finance capital improvement projects or other purchases in place of third-party financing, such as pay as you go ("PAYGO"). The County will evaluate the use of internal financing where it offers economic and/or administrative efficiencies. Any internal financing structured as debt, such as a loan to the Solid Waste Enterprise Fund, will be repaid in full with interest and may not be forgiven except with the written authorization of the Director of Finance and the County Manager. All loans will be required to pay a rate of interest, which will be established by the Director of Finance and the County Manager at the time of execution.

Other Financing Options

The list above is not an exhaustive list of options available to the County. The County will evaluate other financing options, their legality under state statutes, and whether use of any such instrument would result in improved financing results for the County.

County Debt Policy

- a. Debt shall not be used to finance ongoing operational expenses.
 - b. Any debt issued shall not have a maturity date beyond the useful life of the asset being acquired or constructed by the debt proceeds.
 - c. The County shall establish an affordable debt level to preserve credit quality and ensure sufficient revenue is available to pay annual debt service. This will be balanced against the County's need to maintain its infrastructure and manage growth.
 - d. The County will use appropriate debt instruments to provide funding for capital assets at the lowest cost with minimal risk. The County will monitor its debt positions to maintain the lowest effective cost.
 - e. The County will, at all times, manage its debt and sustain its strong financial position, including healthy reserves, to seek and maintain the highest credit rating possible.
-

- f. The County will maintain a Debt Service Fund to provide dedicated funding and management of general debt issuances and expenditures.
- g. The County shall utilize pay-as-you go and other alternative sources of funding for capital projects to minimize debt levels. To have an effective pay-as-you-go program, at least one funding source must be identified that is consistent, reliable, and large enough to provide for capital needs in an amount that reduces dependency on debt.

Purposes for Debt Issuance

The County may issue debt to acquire or construct capital assets including land, buildings, machinery, equipment, technology, furniture, fixtures and any other eligible expenses specifically indicated in the Capital Improvement Policy. When feasible, debt issuance will be pooled together to minimize issuance expense. The County will prepare and adopt a Capital Improvement Program (CIP) to identify and establish an orderly plan to meet the County's infrastructure needs. The CIP will also identify all financing sources and the related debt service impact.

Debt Structure

Debt will be paid off in a timeframe that is less than or meets the useful life of the asset or project acquired through the financing. The life of the debt, interest mode, and principal maturity schedule make up the structure of the debt. This debt could be general obligation, revenue or special obligation bonds or limited obligation bonds or short-term instruments, or installment financing.

The County may consider various financing techniques, including fixed or variable interest rate debt, and interest rate swap agreements or derivatives to minimize costs and risk over the life of the issue. The County will review any such proposed structure with its financial advisors and legal counsel to determine if the use of any swap or derivative is appropriate and warranted given the potential benefit, costs, risks, and objectives. The County will evaluate the use of swaps or derivatives based on market conditions. The County will limit the issuance of variable rate debt to help maintain the County's "AAA" credit ratings. The County's long-term variable rate debt ratio limit is 15% of total outstanding debt. The County shall not pursue swaps, derivatives, variable rate debt, or other structures for speculation.

Debt Ratios

The County shall abide by the following debt ratios:

- Direct Debt as a Percentage of Assessed Valuation
This ratio measures direct debt levels, debt issued by Mecklenburg County, against the property tax base which generates the tax revenues that are the main source of debt repayment. The ceiling for this ratio is 1.75%
- Direct Debt per Capita
This ratio measures the burden of direct debt placed on the population supporting the debt. This measure will not exceed \$2,000.
- General Debt Service as a percentage of Operational Expenditures
This ratio reflects the County's budgetary flexibility to adapt spending levels and respond to economic condition changes. This ratio is targeted at a level of 17%.
- Ten-year Payout Ratio
This ratio reflects the amortization of the County's outstanding debt. A faster payout is considered to be a positive credit attribute. The County will maintain a floor for its ten-year payout of 64.0%.

In addition, the County will monitor the following debt ratios, which are impacted by external partners and economic trends.

- Overall Debt as a Percentage of Assessed Valuation
This ratio measures debt levels against the property tax base which generates the tax revenues that are the main source of debt repayment. The county will manage within a ceiling of 4.0% for this ratio.
 - Overall Debt per Capita
This ratio measures the burden of debt placed on the size of the population supporting the debt and includes debt issued by municipalities within the County. It is widely used by rating analysts as a measure of an issuers' ability to repay debt. This measure will not exceed \$4,000.
-

These ratios will be calculated and reported each year in conjunction with the capital budget process, the annual financial audit and as needed for fiscal analysis. The county will also manage debt within parameters of related financial policies, including the General Fund Balance Policy.

Debt Management Policies

- a. The County will issue debt only for purposes of constructing or acquiring capital assets and for making major renovations to existing capital assets.
- b. The County shall not construct or acquire a public facility if it is unable to adequately provide for the subsequent annual operation and maintenance costs of the facility.
- c. The County will ensure that adequate systems of internal controls exist, to provide reasonable assurance as to compliance with applicable laws, regulations, and covenants associated with outstanding debt.
- d. The County will limit the use of Installment Financings, such as LOBs, to circumstances that require immediate action, or where there is a potential for significant benefit to the county.
- e. The County will manage debt issuance to comply with the adopted debt limits and other financial policies and will evaluate such limits at least every five years.
- f. The County will attempt to structure debt in the best and most appropriate manner, consistent with the financial policies of the County.
- g. The County will monitor its outstanding debt in relation to existing conditions in the debt market and will refund any outstanding debt when sufficient cost savings can be realized or evaluate the use of interest rate swap agreements to achieve cost savings.
- h. The County will utilize the Debt Service Fund to manage debt issuances and to make debt service and capital expenditures more *budget neutral* and intentional.
- i. To reduce the impact of capital programs on future years, the County will fund a portion of its CIP on a pay-as-you-go basis by:
 - Appropriating a minimum amount of the property tax rate for capital projects, e.g., three cents or a proportional amount following revaluation of assessed property values;
 - Appropriating proceeds from all county land sales for capital projects.

Pay-as-you-go funding will save money by eliminating interest expense on the funded projects. Pay-as-you-go capital appropriations improve financial flexibility in the event of sudden revenue shortfalls or emergency spending.

Refinancing of Outstanding Debt

The County in conjunction with its Financial Advisor will monitor the municipal bond market for opportunities to obtain interest savings by refunding outstanding debt. Current refundings of existing fixed rate debt will generally be considered when net present value savings meet or exceed 3% of the refunded par amount.

Additionally, the County may consider refinancing existing debt for reasons other than to achieve interest savings, including but not limited to mitigating risks associated with the County's debt portfolio.

Taxable advance refundings, synthetic refinancing opportunities, and other alternative structures will be evaluated on a case-by-case basis and must be determined to be in the best interest of the County by the Director of Finance and the County Manager.

The County will attempt to coordinate refunding transactions with the issuance of new debt to leverage combined issuance costs and create administrative efficiencies.

Credit Enhancement

Credit enhancements (letters of credit, liquidity providers, bond insurance, etc.) may be used to improve the overall cost of funds on a debt financing, mitigate potential risks to the County, or for other reasons deemed appropriate by the Finance Director and the County Manager. The County's Financial Advisor will provide an analysis establishing the additional value any credit enhancement.

Administration and Implementation

The County Manager and the Director of Finance are responsible for the administration and issuance of debt including the completion of specific tasks and responsibilities included in this policy. The County will evaluate the debt policy at least every five years.

Capital Planning and Debt Determination

The Mecklenburg County Capital Improvement Program (CIP) comprises the financing, acquisition, development, and implementation of improvement projects for the County's fixed assets. The CIP is a comprehensive five-year plan for land acquisition, and the development, modernization, or replacement of county-owned facilities, infrastructure, and equipment.

The Citizens Capital Budget Advisory Committee (CCBAC) is appointed by the Board of County Commissioners (BOCC) to review and make recommendations regarding proposed capital projects.

The County Manager and Director of Finance review, evaluate, and recommend capital projects for all functional areas through the CIP process. The BOCC adopts capital project ordinances to authorize projects in the CIP, and any amendments for capital plan updates. The BOCC also approves the capital budget to provide funding through the budget process. Available pay-as-you-go funding and debt issuance is allocated to fund the CIP, consistent with the Debt policy.

Where appropriate and consistent with the Debt Policy, the County will utilize the non-voted (two-thirds) bond authorization for bonds to fund projects, such as government facilities.

The County may use a combination of bonds and Installment Financings to finance capital assets. Installment Financings do not require voter approval but do require collateral as security.

Any capital item that has not been included in the CIP or capital budget process, but because of its critical or emergency nature, or is mandated immediately by either State or Federal requirements, will be considered for financing by installment purchase contract.

Debt Service Fund

The Debt Service Fund is established to provide separate dedicated funding for debt service management. The Debt Service Fund will be used to facilitate the payment of principal and interest for the County's general debt service and assist in the continued compliance with adopted debt policies. Annually, the County will appropriate to the Debt Service Fund a set tax rate through the annual budget process but be no lower than a minimum of nineteen cents of the property tax rate, or proportional amount as adjusted for revaluation of assessed property values. Funds appropriated can only be utilized for debt service or pay-as-you-go capital in the current or subsequent fiscal years. Accumulated fund balance should be limited to two years' non-property tax revenue. After the fund balance goal has been reached in the Debt Service Fund, a portion of the funds appropriated to the Debt Service Fund may be reallocated for use in pay-as-you-go capital funding.

Pay-As-You-Go Funding

To reduce the impact of capital programs on future years, the County will fund a portion of its approved CIP on a pay-as-you-go basis, by annually appropriating three cents of the property tax rate, or proportional amount as adjusted for revaluation of assessed property tax values. In addition, proceeds from all County land sales will be appropriated for approved CIP projects. These revenue sources will allow additional funding for CIP projects, and reduce the County's dependence on borrowing.

Issuance of Debt

The scheduling and amount of bond sales and installment purchase transactions will be recommended by the Director of Finance and the County Manager. The BOCC must approve the sale. These decisions will be based upon the identified cash flow requirements for each project to be financed, market conditions, and other relevant factors including the debt ratios. If the cash requirements for capital projects are minimal in any given year, the County may choose not to issue debt. Instead, the County may fund up-front project costs and reimburse these costs when financing is arranged. In these circumstances, the County will take steps required to reimburse itself in accordance with IRS guidelines.

Debt service for each issue will be structured with a goal to level out the county's total debt service payments over the life of the debt portfolio and minimize the interest payments over the life of the issue. Structuring must take into consideration current market conditions and practices in the municipal finance market.

Method of Sale: There are four primary methods of issuing debt obligations: competitive sale, negotiated sale, private placement and bank loan. In a competitive sale, underwriters submit sealed bids and the underwriter or underwriting syndicate with the most favorable bid (as defined in the Notice of Sale), is awarded the bonds. In a negotiated sale, the underwriter or underwriting syndicate is selected by the County. The interest rates and underwriter's discount are negotiated, and the bonds are sold to investors during an order period. In a private placement, the County hires a placement agent to place a debt obligation with a specific investor or group of investors. A bank loan is a debt obligation sold directly to a bank or group of banks.

Generally, new fixed rate general obligation bond sales are required to be conducted on a competitive basis by the Local Government Commission (LGC), a division of the Office of the State Treasurer. Refunding Bonds and all other types of securities can be sold using a method of sale selected by the County. Variable rate bonds, revenue and special obligation bonds and Installment Financings will be sold on a negotiated basis with the underwriter selection determined through a competitive process. Underwriter(s) will be selected for each issue based on the experience and expertise necessary for that issue.

Legality

The County must receive an opinion acceptable to the market from a nationally recognized law firm that each financing transaction complies with applicable law and all agreements in connection with any financing are legal, valid and binding obligations of the County.

Interest Rate Exchange Agreements

Interest Rate Exchange Agreement shall mean a written contract entered into in connection with the issuance of County debt or in connection with County debt already outstanding with a counterparty to provide for an exchange of payments based upon fixed and/or variable interest rates. The County will govern the use of Interest Rate Exchange Agreements by the policy described in Attachment I to this debt management policy.

Continuing Disclosure and Relationships with Other Interested Parties

The County is committed to full and complete primary and secondary financial disclosure to interested parties including state and national regulators as well as those in the underwriting market, institutional investors, rating agencies and other market participants to enhance the marketability of the County's bonds. It will provide on-going disclosure information to established national information repositories and maintain compliance with disclosure standards promulgated by state and national regulatory

October 2, 2018

agencies. The County will maintain good communications with investors and bond rating agencies to inform them about the County's financial position making the County's Comprehensive Annual Financial Report (CAFR), operating and capital improvements Budget and other required documents easily accessible.

Investment of Bond Proceeds

The County will invest its bond proceeds in compliance with North Carolina statutes, any restrictions within the related bond documents, and in compliance with the County's investment policy. Additionally, the County will invest the proceeds of any tax-exempt bond issue in compliance with IRS or other federal rules and regulations.

Arbitrage Rebate Reporting

The County will comply with all arbitrage rebate requirements as established by the Internal Revenue Service and all disclosure requirements established by the Securities and Exchange Commission. This effort includes tracking investment earnings on bond proceeds, calculating rebate payments in compliance with the tax law and remitting rebatable earnings to the federal government in a timely manner in order to preserve the tax exempt status of the County's outstanding debt issues.

Amended by the Board of County Commissioners, February 15, 2003 Amended by the Board of County Commissioners, April 15, 2003 Amended by the Board of County Commissioners, September 3, 2003 Amended by the Board of County Commissioners, November 5, 2008 Amended by the Board of County Commissioners, June 5, 2012 Amended by the Board of County Commissioners, May 20, 2014 Amended by the Board of Commissioners,

Attachment I: Interest Rate Exchange Agreement Policy

Mecklenburg County Interest Rate Exchange Agreement Policy

This policy will govern the use by Mecklenburg County (the "County") of Interest Rate Exchange Agreements. "Interest Rate Exchange Agreement" shall mean a written contract entered into in connection with the issuance of County debt or in connection with County debt already outstanding with a counterparty to provide for an exchange of payments based upon fixed and/or variable interest rates. The failure by the County to comply with any provision of this policy will not invalidate or impair any Interest Rate Exchange Agreement.

The Conditions Under Which Interest Rate Exchange Agreements May Be Entered Into

Purposes

Interest Rate Exchange Agreements may be used for the following purposes only to:

- a. achieve significant savings as compared to a product available in the bond market if the use of derivatives helps to achieve diversification of a particular bond offering;
- b. enhance investment returns within prudent risk guidelines;
- c. prudently hedge risk in the context of a particular financing or the overall asset/liability management of the County;
- d. incur variable rate exposure within prudent guidelines;
- e. achieve more flexibility in meeting overall financial objectives than available in conventional markets; and
- f. accomplish a financial objective not otherwise obtainable using traditional financing methods.

Legality

October 2, 2018

The County must receive an opinion acceptable to the market from a nationally recognized law firm that the Interest Rate Exchange Agreement is a legal, valid and binding obligation of the County and entering into the transaction complies with applicable law.

Speculation

Interest Rate Exchange Agreements shall not be used for speculative purposes. Associated risks will be prudent risks that are appropriate for the County to take.

Methods by Which Such Contracts Shall be Solicited and Procured

In general, the County should procure Interest Rate Exchange Agreements by competitive bidding. The County shall determine which parties it will allow to participate in a competitive transaction. The County has the right to accept matching bids to diversify counterparty risk or reward firms for ideas and work performed. The parameters for the bid must be disclosed in writing to all potential bidders.

Notwithstanding the above, the County may procure Interest Rate Exchange Agreements by negotiated methods when the County makes a determination that, due to the size or complexity of a given swap, a negotiated transaction would result in the most favorable pricing and terms or innovation.

To facilitate the procurement of Interest Rate Exchange Agreements, the County will engage an independent financial advisory firm to assist in the price negotiations, in the development of terms and in risk assessment. The County shall obtain an independent opinion that the terms and conditions of the Interest Rate Exchange Agreement reflect a fair market value of such agreement as of the date of its execution.

Form and Content of Interest Rate Exchange Agreements

To the extent possible, the Interest Rate Exchange Agreements entered into by the County shall contain the terms and conditions set forth in the International Swap and Derivatives Association, Inc. ("ISDA") Master Agreement, including any schedules and confirmation. The schedule should be modified to reflect specific legal requirements and business terms desired by the County.

The County shall consider including provisions that permit the County to assign its rights and obligations under the Interest Rate Exchange Agreement and to optionally terminate the agreement at its market value at any time. In general, the counterparty shall not have the right to optionally terminate an agreement.

Events of Default

Events of default of a counterparty shall include the following:

- a. failure to make payments when due;
- b. material breach of representations and warranties;
- c. illegality;
- d. failure to comply with downgrade provisions; and/or
- e. failure to comply with any other provisions of the agreement after a specified notice period.

The County will have the right to terminate the agreement upon an event of default by the counterparty. Upon such termination, the counterparty will be the "defaulting party" for purposes of calculating the termination payment owed.

Aspects of Risk Exposure Associated with Such Contracts

Before entering into an Interest Rate Exchange Agreement, the County shall evaluate all the risks inherent in the transaction. These risks to be evaluated could include:

- a. counterparty risk – the risk of a payment default on a swap by an issuer's counterparty;

October 2, 2018

- b. termination risk – the risk that a swap has a negative value and the issuer owes a breakage fee if the contract has to be terminated;
- c. rollover risk – the risk of a failed remarketing or auction with respect to any variable rate bonds associated with a swap; or the risk that an issuer cannot secure a cost-effective renewal of a letter or line of credit;
- d. basis risk - the risk that floating rate cash flow streams may diverge from each other;
- e. tax event risk – the risk that the spread between taxable and tax-exempt rates will change as a result of changes in income tax laws or other conditions; and
- f. amortization risk – the risk that the amortization of the swap will not be fully integrated with the amortization of the underlying bonds.

The County shall endeavor to diversify its exposure to counterparties. To that end, before entering into a transaction, it should determine its exposure to the relevant counterparty or counterparties and determine how the proposed transaction would affect the exposure. The exposure should not be measured solely in terms of notional amount, but also how changes in interest rates would affect the County's "Value at Risk" exposure for outstanding agreements.

Counterparty Selection Criteria

The County may enter into an Interest Rate Exchange Agreement if the counterparty has at least two long term unsecured credit ratings in the AA category from Fitch, Moody's, or S&P, and the counterparty has demonstrated experience in successfully executing Interest Rate Exchange Agreements. If after entering into an agreement the ratings of the counterparty are downgraded below the ratings required, then the agreement shall be subject to termination unless (a) the counterparty provides either a substitute guarantor or assigns the agreement, in either case, to a party meeting the rating criteria reasonably acceptable to the County or (b) the counterparty (or guarantor) collateralizes the Interest Rate Exchange Agreement in accordance with the criteria set forth in this Policy and the Interest Rate Exchange Agreement.

Provisions for Collateralization

Should the rating of the counterparty, or if secured, the entity unconditionally guaranteeing its payment obligations not satisfy the requirements of the Counterparty

Selection Criteria, then the obligations of the counterparty shall be fully and continuously collateralized by (a) direct obligations of, or obligations the principal and interest on which are guaranteed by, the United States of America or (b) direct obligations of U.S. Agencies and such collateral shall be deposited with the County or an agent thereof. The specific collateral requirements for each Interest Rate Agreement shall be set forth in the corresponding swap documentation.

Long-Term Implications

In evaluating a transaction involving the use of Interest Rate Exchange Agreements, the County shall review long-term implications associated with entering into Interest Rate Exchange Agreements, including costs of borrowing, historical interest rate trends, variable rate capacity, credit enhancement capacity, opportunities to refund related debt obligations and other similar considerations.

Methods to be Used to Reflect Such Contracts in the County's Financial Statements The County shall reflect the use of Interest Rate Exchange Agreements on its financial statements in accordance with generally accepted accounting principles.

Monitoring

The County shall monitor the performance of Interest Rate Exchange Agreements and may employ a financial advisor to assist in evaluating the effectiveness of its Agreements. A written report, provided at a minimum quarterly, shall include at least:

- a. preparing a description of each contract, including a summary of its terms and conditions, the notional amount, rates, maturity and other provisions thereof;

October 2, 2018

- b. determining any amounts which were required to be paid and received, and that the amounts were paid and received;
- c. determining that each counterparty is in compliance with its rating requirements;
- d. determining that each counterparty is in compliance with the downgrade provisions, if applicable (See Counterparty Selection Criteria);
- e. assessing the counterparty risk, termination risk, basis risk and other risks, which shall include the marked to market value for each counterparty and relative exposure compared to other counterparties and a calculation of the County's Value at Risk for each counterparty; and
- f. determining, at least quarterly, that all posted collateral, if required, has a net market value of at least the collateral in the Interest Rate Agreement.

Policy Recorded in full in Ordinance/Minute Book _____, Document # _____.

DEPARTMENTAL DIRECTORS' MONTHLY REPORTS - NONE

STAFF REPORTS & REQUESTS

Commissioner Ridenhour returned to the dais.

**18-4963 RESOLUTION SUPPORTING LEGISLATION TO STUDY HOMESTEAD ACT
THRESHOLDS AND NEEDS RELATED TO ALL COMMUNITIES IN NC**

Commissioner Fuller presented the Board's Intergovernmental Relations Committee, which he chairs, recommendation to adopt a resolution supporting and advocating for legislation directing a review and analysis of the NC Homestead Act.

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

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 resolution titled Resolution Supporting Legislation to Study Homestead Act Thresholds and Needs Related to all Communities in NC as recommended by the Board's Intergovernmental Relations Committee and submit it to the North Carolina Association of County Commissioners for its 2019 legislative agenda for consideration.

Note: Prior to the above vote, Commissioner Puckett suggested adding a statement asking that it also be considered to have differentiated eligibility limits to reflect local economic variances.

October 2, 2018

Commissioner Fuller said the idea was to not direct what the outcome of the study should be, but to outline the issues and ask that the matter be studied.

**MECKLENBURG COUNTY BOARD
OF COMMISSIONERS
RESOLUTION SUPPORTING LEGISLATION TO STUDY HOMESTEAD ACT
THRESHOLDS AND NEEDS RELATED TO ALL COMMUNITIES IN NORTH CAROLINA**

WHEREAS, the need for senior citizens to have the opportunity “to age at home” and have affordable housing is critical; and

WHEREAS, on Sept. 20, 2016, Mecklenburg County applied for the World Health Organization’s status of “Age-Friendly” by joining the AARP Network of Age-Friendly Communities; and

WHEREAS, the Center for Disease Control defines aging in place as “the ability to live in one’s own home and community safely, independently, and comfortably, regardless of age, income, or ability level”; and

WHEREAS, the increasing contributions of older adults to economic, social and cultural development is a valuable resource for our County and State; and

WHEREAS, the U.S. Census Bureau estimates that nearly 23 percent of North Carolina’s population will be 60 and older by the year 2030, an increase of more than 26 percent from 2012; and

WHEREAS, in 2017 the median income for the elderly in the United States was 40.9% less than individuals below 65 years of age; and

WHEREAS, the largest numbers of homeless individuals in North Carolina live in the urban centers with the highest rates of homelessness occurring in the western more rural counties; and

WHEREAS, North Carolina allows a low-income homestead tax exemption in the amount of either \$25,000, or 50% of the appraised home value (whichever is greater) for qualifying individuals that are at least 65 years of age or totally and permanently disabled; and

WHEREAS, the qualifying Annual Income Eligibility Limit is set every year by the NC Department of Revenue. The limit for 2017 was \$29,600 for income received from all sources during the calendar year 2016; and

WHEREAS, there are counties in North Carolina with higher costs of living where the median income for individuals 65 and older is above the threshold but is still an amount that makes paying property taxes burdensome thereby decreasing opportunities for senior citizens to qualify for the exemption and denying them the opportunity to age in place by staying in their homes and communities; and

October 2, 2018

WHEREAS, legislation directing a thorough review and analysis of the Homestead Act to include state officials and local government officials, would support efforts to alleviate homelessness and support the growing population of older adults in North Carolina:

NOW therefore be it

RESOLVED, that the Mecklenburg Board of County Commissioners supports and advocates for legislation directing a review and analysis of the North Carolina Homestead Act that includes state and local government officials to assess the needs of all counties in North Carolina.

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

COUNTY COMMISSIONERS REPORTS & REQUESTS

18-4962 BROADCAST OF MEETINGS ON FACEBOOK (COMMISSIONER RIDENHOUR)

Commissioner Ridenhour asked the Board to consider livestreaming/broadcasting all meetings of the Board on Facebook to further enhance the County's current social media efforts to provide information to the public in as many ways as possible.

Motion was made by Commissioner Ridenhour, seconded by Commissioner Puckett, to direct staff to begin livestreaming/broadcasting all meetings of the Board on Facebook.

County Manager Diorio asked that staff be allowed time to report back on this matter. She asked Nicole Nolen from Public Information to comment on this, which she did.

Commissioner James said it may require a different type of platform based on the types of meetings held by the Board.

Substitute motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to table consideration of livestreaming/broadcasting all meetings of the Board on Facebook until the next meeting, which would give staff time study the request and report back.

CONSENT ITEMS

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 approve the following item(s):

18-4929 LAND ACQUISITION – SOUTH PRONG CLARKE CREEK GREENWAY

Authorize the County Manager to negotiate and execute all documents necessary for the donation of a portion of Tax Parcel 021-211-01 (±1.38 acres) from The Hills Bowman, LLC.

Note: The subject property is being donated to the County as part of the land transaction related to a proposed single-family neighborhood development in Huntersville. Acquisition of this property is consistent with the County's Greenway Master Plan. South Prong Clarke Creek Greenway is a planned greenway in Huntersville on the County's Greenway Master Plan that is anticipated to extend from Clarke Creek near the Skybrook neighborhood to Huntersville-Concord Road at build-out and will be approximately 3 miles long. The trail will connect residential neighborhoods to David B. Waymer Aeromodeller Park, as well as, to Clarke Creek Greenway which will eventually terminate at the Cabarrus County line.

18-4942 MINUTES ITEM REMOVED

18-4948 TAX REFUND

1. Approve refunds in the amount of \$8,203.23 for registered motor vehicles as statutorily required to be paid as requested by the County Assessor.

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 \$8,929.06 and interest as statutorily required to be paid as requested by the County Assessor.

Note: This Board action is necessary to approve tax refunds resulting from clerical errors, audits and other amendments, including revaluation appeals. Accrued interest is estimated to be \$8.23.

October 2, 2018

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

**18-4957 SET PUBLIC HEARING ON AMENDMENTS TO THE MECKLENBURG COUNTY
FLOODPLAIN REGULATIONS**

Set a public hearing to be held at the October 16, 2018 Board meeting to receive comments on proposed revisions to the Mecklenburg County Floodplain Regulations with the intent to adopt the proposed revisions following the public hearing.

Note: The Federal Emergency Management Agency (FEMA) has completed revisions to the Flood Insurance Rate Maps (FIRMs) for a portion of Mecklenburg County. The FIRMs show property most susceptible to flooding, and are used by staff to regulate development, and by FEMA and homeowners for flood insurance purposes. The revised FIRMs become effective on November 16, 2018. This date is mandated by FEMA and all jurisdictions impacted by the new maps (Mecklenburg, Charlotte, Cornelius, Huntersville, Davidson, and Mint Hill) must amend their floodplain ordinance to include this date prior to November 16, 2018. This action is required in order for Mecklenburg County to remain a participating community in the National Flood Insurance Program (NFIP). Participation in NFIP makes federally-backed flood insurance available to property owners within Mecklenburg County. The State of North Carolina issued a new Model Floodplain Ordinance Template in 2017 for use by communities that included several required changes and some recommended changes. County staff evaluated the changes and (at the recommendation of the Storm Water Advisory Committee, SWAC) formed a stakeholders group to review the updated ordinance proposed by staff. Staff updated the Floodplain Ordinance (using the City of Charlotte ordinance as an example) and on June 29, 2018, the Stakeholders unanimously endorsed the proposed changes to the ordinance. On July 19, 2018, SWAC unanimously endorsed the updated ordinance and on July 20, 2018, the State floodplain agency (North Carolina Department of Public Safety, NCDPS) reviewed the updated floodplain ordinance and deemed it compliant with the NFIP requirements. County staff also proposed some changes to bring the County's ordinance up-to-date with Floodplain Ordinances for the City and Towns. The County Attorney has reviewed and approved the proposed Mecklenburg County Floodplain Regulations. The Mecklenburg County Floodplain Regulations apply to only approximately one square mile of land within unincorporated Mecklenburg County that lies outside of the planning jurisdictions (and associated floodplain regulations) of the City of Charlotte and the six towns. Floodplains make up less than 50 acres of the land regulated by the Mecklenburg County Floodplain Regulations.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

18-4935 CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FY2018-2019 BUDGET

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

Note: The Board of Education was requested approval of changes in the CMS allocation of the County appropriation by purpose and function of the amount included in the FY2019 Adopted Budget Ordinance approved by the Board of County Commissioners (BOCC) on June 19, 2018. As part of the adopted FY2019 County budget, the BOCC approved a total operating funding level of \$459,864,612 for CMS. The BOCC is required to approve any reallocation of funds submitted by the Board of Education (BOE) that exceeds ten percent within the purpose/function code categories of the approved County appropriation. The purpose/function code allocation in the County's budget ordinance is a placeholder based on a proportional allocation of funds while CMS determines how it will actually allocate all available funds (e.g., State, Federal). Also, as a follow up to the June 12 public policy workshop, CMS adopted budget includes a 3% pay increase for all non-certified staff including teacher assistants, custodians, child nutrition, maintenance, trades, and central office staff as initially planned in the proposed budget.

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

It was noted by some Commissioners, a desire to meet with the Board of Education in advance of budget season. Commissioner Dunlap said he thought a meeting would even take place before the Board of Education started spending bond dollars. He said he had questions regarding some of the projects.

County Manager Diorio said she wasn't aware of the desire to meet regarding the spending of CMS bond dollars.

Commissioner Dunlap said he would follow up with staff regarding his questions.

18-4938 BUDGET AMENDMENT – SHERIFF'S OFFICE (REVENUE INCREASE)

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

October 2, 2018

Scarborough voting yes, to recognize, receive and appropriate \$1,333.04 from Meridian Management Corporation.

Note: Meridian Management Corporation is reimbursing the Sheriff's Office for damages sustained while attempting to fix a leak in the Courts. The wrong water line was cut, resulting in water damage to computer equipment. Funds received will be used to replace the damaged equipment.

Commissioner Leake removed this item from Consent for more public awareness. Commissioner Leake also requested information on the number of computers damaged.

18-4944 BUDGET AMENDMENT – HEALTH DEPARTMENT (REVENUE INCREASE)

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 recognize, receive, and appropriate an increase in Federal revenue of \$13,440;

Note: The North Carolina Division of Public Health (DPH) awards the Health Department funding to support federal and state programs. During the fiscal year, the Health Department receives notification of modified funding for programs within the Department from DPH. The increase of \$13,440 to federal revenue is in the WIC Client Services program. The increase of \$3,603 to state revenue is in the Campus Safe Spaces programs.

Recognize, receive, and appropriate an increase in state revenue of \$3,603 to reflect actual state and federal funding modifications and an increase in federal revenue of \$100,000.

Note: The primary goal of the PrEP Project is to work with HIV prevention partners of the Communicable Disease Branch, community-based organizations, local health departments and health care providers in order to provide PrEP services for eligible persons at high risk for HIV with a focus on men who have sex with men (MSM) particularly young African American MSM. The North Carolina Division of Public Health (DPH) has awarded the Health Department \$100,000 in funding to support this project to improve access to PrEP for eligible persons at high risk for HIV.

Commissioners Leake and Fuller removed this item from Consent for more public awareness and clarity. Public Health Director Gibbie Harris addressed this item.

Commissioner Fuller left the dais and was absent for the remainder of the meeting.

October 2, 2018

18-4946 DUKE ENERGY LIGHTING SERVICE CONTRACT – CORDELIA PARK INDOOR SHELTER

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve a 10-year contract with Duke Energy at \$83.70 per month to provide path lighting along the sidewalk associated with the newly constructed indoor shelter at Cordelia Park.

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

18-4965 ALCOHOLIC BEVERAGE CONTROL (ABC) BOARD CEO SALARY APPROVAL

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve the salary for the Alcoholic Beverage Control Board CEO, Jason Hughes, as requested and approved by the ABC board, in the amount of \$185,203.00 effective July 1, 2018.

Note: State Statute requires the approval by the board of county commissioners as the appointing authority for the Mecklenburg County ABC Board. Article 7. Local ABC Boards. § 18B-700. Appointment and organization of local ABC boards. Subsection: (g1) Compensation of General Managers of Local Boards. The salary authorized for the general manager, as defined in G.S. 18B-101, of a local board shall not exceed the salary authorized by the General Assembly for the clerk of superior court of the county in which the appointing authority was originally incorporated unless such compensation is otherwise approved by the appointing authority. The local board shall provide the appointing authority's written confirmation of such approval to the Commission. Any change in compensation approved by the appointing authority shall be reported to the Commission in writing within 30 days of the effective date of the change. The general manager of a local board may receive any other benefits to which all employees of the local board are entitled. The salary authorized for other employees of a local board may not exceed that of the general manager.

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

ADJOURNMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner Pucket and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Leake, Puckett, Ridenhour and Scarborough voting

October 2, 2018

yes, that there being no further business to come before the Board that the meeting be adjourned at 8:38 p.m.

Janice S. Paige, Clerk

Ella B. Scarborough, Chair