

December 18, 2018

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

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street, Charlotte, North Carolina at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, December 18, 2018.

ATTENDANCE

Present: Vice Chair Elaine Powell and Commissioners
Patricia "Pat" Cotham, Trevor M. Fuller,
Susan B. Harden, Mark Jerrell, Vilma D. Leake,
Susan Rodriguez- McDowell, and Ella B. Scarborough
County Manager Dena R. Diorio
County Attorney Tyrone C. Wade
Clerk to the Board Janice S. Paige

Absent: Chair George Dunlap

-INFORMAL SESSION-

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

Commissioner Scarborough 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: 18-5059, 18-5067, 18-5070, 18-5074, 18-5094, and 18-5095.

STAFF BRIEFINGS - NONE

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CLOSED SESSION

18-5076 LAND ACQUISITION
18-5077 CONSULT WITH ATTORNEY

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

County Attorney Wade announced the following Land Acquisition matters to be discussed in Closed Session: Tax Parcel(s): 013-024-36, 013-024-37, 013-024-38, 013-024-39, 013-024-12, and 221-511-02.

Motion was made by Commissioner Fuller, seconded by Commissioner Jerrell and carried 7-0 with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, and Powell voting yes, to go into Closed Session for the following purpose(s): Land Acquisition.

The Board went into Closed Session at 5:10 p.m. and came back into Open Session at 5:26 p.m.

Commissioner Scarborough entered the meeting.

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

-FORMAL SESSION-

Vice Chair Powell 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

18-5082 CEREMONIAL GAVEL PRESENTATION TO FORMER CHAIR ELLA B. SCARBOROUGH

Vice Chair Powell recognized County Manager Diorio, who presented Commissioner Ella B. Scarborough with a ceremonial gavel for her service as chair of the Mecklenburg Board of County Commissioners from December 5, 2016 to December 3, 2018 in keeping with the County's tradition.

Commissioners Leake, Cotham, and Vice Chair Powell thanked Commissioner Scarborough for her service to the community as Chair of the County Commission, as well as, all of her service to the community over the years, even prior to becoming a commissioner.

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Commissioner Scarborough thanked the Board for recognizing her in this manner.

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to present Commissioner Ella B. Scarborough with a ceremonial gavel for her service as chair of the Mecklenburg Board of County Commissioners from December 5, 2016 to December 3, 2018.

CLOSED SESSION

18-5076 LAND ACQUISITION – MCMULLEN CONNECTOR GREENWAY

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to authorize the County Manager to negotiate and execute all documents necessary for acquisition of a permanent greenway easement (±8,635 square feet) and a temporary construction easement (±5,848 square feet) on Tax Parcel 221-511-02 from Haverty Furniture Companies, Inc. in the Town of Pineville for a purchase price of \$95,375.

Note: Park and Recreation would like to acquire a permanent greenway easement and a temporary construction easement on Tax Parcel 221-511-02, which is located 11500 Carolina Place Parkway in the Town of Pineville, from Haverty Furniture Companies, Inc. for the future construction of a portion of the McMullen Connector Greenway.

PUBLIC APPEARANCE

18-5073 PUBLIC APPEARANCE

The following persons appeared to speak during the Public Appearance portion of the agenda and addressed the need for affordable housing:

Angie Forde with the Housing Justice Coalition, Sam Todd with Carolina Jews for Justice, Steven Cohen with Greenspon Center for Peace and Social Justice at Queens University, Mary Kelly, and Justin Perry with OneMeck. The following suggestions were made:

- Buyers of County-owned land be required to set aside 20% of the housing units to be built for persons earning 30% or less of the area median income
- Avoid budget cuts to mental health services and other wrap around services

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- Accept requests from those wanting to meet and discuss the issue of affordable housing
- Collaborate with Charlotte City Council and Charlotte Mecklenburg Schools on the issue of affordable housing
- Create a committee to address the issue of affordable housing to determine how land is used, funding, and applying services to the areas in need.
- Discuss and read with the City of Charlotte the housing framework document
- Be proactive, don't wait to be invited to the table
- Read *The Color of Law* by Richard Rothstein

Meg Fencil with Sustain Charlotte asked the Board to support transportation choices. She shared a statement of support titled #GetThereCLT that stated, "I support expanding our transit, bicycle, and pedestrian networks so that all residents can safely and conveniently reach the places they need to go." She said over 2,100 residents had signed their statement of support. It advocates funding to plan and implement: The Charlotte WALKS Pedestrian Plan, the Envision My Ride initiative, completion of projects in the 2030 Transit Corridor System Plan, the Charlotte BIKES Bicycle Plan, Charlotte's commitment to Vision Zero, and completion of the 205-mile County greenway system by 2035.

Ms. Fencil said the statement was shared with Charlotte City Council and the Metropolitan Transit Commission because it involved the support of all three entities.

A copy of the #GetThereCLT statement is on file with the Clerk to the Board.

Gary Marion addressed the need for property clean-up on West Craighead Road. He said the property was located between 1053 West Craighead Road and Drury Drive. He said the property was in dire need of clean-up and had been for over a year. Mr. Marion said he spoke with Chris Hunter with Park and Recreation but was informed that the needed manpower was not available at the time they spoke, which was in September 2018. Mr. Marion resides at 812 West Craighead Road. He said the condition of the property was bringing down property values in the neighborhood. He requested a response as to when the clean-up would occur.

Sheriff Garry McFadden addressed his compensation and requested a response from the County Manager. Sheriff McFadden provided the Board with copies of correspondences that he'd sent to the County Manager regarding his compensation.

Corine Mack signed up to speak but was not able to attend.

Vice Chair Powell thanked everyone for attending and bringing these matters to the attention of the Board.

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APPOINTMENTS

18-5081 TOWN OF DAVIDSON PLANNING BOARD

Motion was made by Commissioner Scarborough, seconded by Commissioner Leake and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to appoint Nora Barger as the Extra Territorial Jurisdiction (ETJ) member of the Town of Davidson Planning Board as recommended by the Town of Davidson Board of Commissioners, per action taken on November 27, 2018, for a three-year term beginning January 1, 2019 through December 31, 2021.

Note: Nora Barger will replace Robert Miller, who resigned.

18-5096 NOMINATIONS/APPOINTMENTS

AUDIT REVIEW COMMITTEE

Motion was made by Commissioner Fuller, seconded by Commissioner Cotham and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to reappoint Alexander Vuchnich to the Audit Review Committee for a three-year term expiring December 31, 2021.

BOARD OF EQUALIZATION AND REVIEW

Commissioner Leake nominated all applicants for appointment consideration to the Board of Equalization and Review Board (BER): Russell Allen, Eric Anderson, Steven Dobbs, Gregory Roberts, and Jeff Scott.

Note: Appointments will occur following an interview of the above nominees by an ad hoc committee of the Board appointed by the Chair. Per Board policy, persons seeking appointment to the Board of Equalization and Review must undergo an interview process.

The following Commissioners volunteered to serve on the Board's Ad Hoc Interview Committee for appointments to the Board of Equalization and Review: Commissioners Cotham, Harden, Leake, and Rodriguez-McDowell.

Note: Appointments will occur on January 15, 2019 or February 5, 2019.

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BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner Cotham, seconded by Commissioner Rodriguez-McDowell and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to nominate and appoint Elizabeth Frere to the Building Development Commission (BDC) as the American Society of Landscape Architects representative to fill an unexpired term expiring July 31, 2020.

Note: Elizabeth Frere will replace Benjamin Simpson, who resigned due to relocation.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The following persons were nominated for appointment consideration to the Charlotte-Mecklenburg Community Relations Committee:

Brooke Adams	by Commissioner Fuller
Delma Kendrick	by Commissioner Leake
Marque Macon	by Commissioner Fuller
Manisha Parekh-Cavendish	by Commissioner Fuller
Micha Simmons	by Commissioner Rodriguez-McDowell

Note: An appointment will occur at the January 15, 2019 meeting.

INFORMATION SERVICE & TECHNOLOGY ADVISORY COMMITTEE

The following persons were nominated for appointment consideration to the Information Service & Technology Advisory Committee:

Walid Omar Hamid	by Commissioner Fuller
Kevin Hayes	by Commissioner Fuller
Hope McKinney	by Commissioner Jerrell

Note: Appointments will occur at the January 15, 2019 meeting.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell

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and Scarborough voting yes, to reappoint Sonja Sanders to the Nursing Home Community Advisory Committee for a three-year term expiring November 30, 2021.

Commissioners Leake, Harden, and Cotham addressed the importance of this committee and encouraged interested citizens to apply.

PARK AND RECREATION COMMISSION

Commissioner Fuller nominated all applicants for the appointment consideration to the Park and Recreation Commission for the South Region 2 slot: Daniel Cook and Mark Loflin.

Note: An appointment will occur at the January 15, 2019 meeting.

SMALL BUSINESS AND ENTREPRENEURSHIP ADVISORY BOARD

Motion was made by Commissioner Jerrell, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to reappoint Sona Oliver to the Small Business and Entrepreneurship Advisory Board for a three-year term expiring June 30, 2021.

Commissioner Fuller nominated all applicants for appointment consideration to the Small Business and Entrepreneurship Advisory Board: Kenneth Fields, Brian James, Matthew King, Latecia Manuel, Raj Parikh, and Florence Wilkins.

Note: Appointments will occur at the January 15, 2019 meeting.

Comments

Commissioner Fuller expressed concern for the number of vacancies. *County Manager Diorio addressed some of the challenges that had occurred with the advisory board.*

Commissioner Leake said she had concerns about the committee expressed to her from persons that had resigned. She said she would share them with the County Manager.

Commissioner Leake noted the Small Business Consortium that she began a few years ago and the success of that initiative. She said participants from the Small Business Consortium plan to come before the Board to share their concerns regarding the Small Business and Entrepreneurship Advisory Board.

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Commissioner Cotham addressed the qualifications as it related to “preference being given to applicants who have recently, are in the process of, or are intimately familiar with the process of starting a new small business or entrepreneurial venture.” Commissioner Cotham said sometimes it was difficult for persons falling into this category to participate because of the time commitment. She suggested adding to the list of qualifications, persons who had owned a small business at some point. Commissioner Cotham said that could possibly increase the applicant pool.

County Manager Diorio said the qualifications were set by the Board and would have to be changed by the Board.

Commissioner Cotham suggested the qualifications be reviewed by the Board’s Economic Development Committee.

Vice Chair Powell asked was a motion required to have the Economic Development Committee review the qualifications. *County Attorney Wade said yes.*

Motion was made by Commissioner Scarborough, seconded by Commissioner Leake and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to review and revise the purpose and qualifications for the Small Business and Entrepreneurship Advisory Board and to refer the matter to the Board’s Economic Development Committee for that purpose and a recommendation back to the Board.

Motion was made by Commissioner Jerrell, seconded by Commissioner Scarborough to reconsider the prior motion regarding the Small Business and Entrepreneurship Advisory Board but was withdrawn after clarity was provided that those nominated would be considered using the qualifications that were in place when they applied.

WOMEN’S ADVISORY BOARD

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

Taisha Abreu	by Commissioner Rodriguez-McDowell
Maura Chavez	by Commissioner Fuller
Jamilah Espinosa	by Commissioner Rodriguez-McDowell
Yolonda Holmes	by Commissioner Fuller
Delma Kendrick	by Commissioner Leake
Alexis Kondratyk	by Commissioner Fuller

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Kristen Moyer

by Commissioner Jerrell

Note: Appointments will occur at the January 15, 2019 meeting.

PUBLIC HEARINGS

18-5064

**MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE
(MCAPCO) REVISIONS**

Motion was made by Commissioner Cotham, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to open the public hearing to receive comments on revisions to the Mecklenburg County Air Pollution Control Ordinance.

Note: Mecklenburg County Air Quality recommends adoption of revisions to MCAPCO in response to changes to state rules and in accordance with state certification requirements and United States Environmental Protection Agency (US EPA) grant requirements. The proposed revisions were provided to the County Attorney, the North Carolina Division of Air Quality, and US EPA for their review. The revisions were approved by the Mecklenburg County Air Quality Commission on August 27, 2018.

June Blotnick with Clean Air Carolinas spoke in support of the proposed ordinance revisions. She addressed things that had been done by Clean Air Carolinas to support having good air quality. She also encouraged the Board to establish a Board committee focusing on the environment.

Peter McGrath, chair of the Air Quality Commission spoke in support of the proposed ordinance revisions and elaborated on the specifics of the revisions.

Commissioner Leake addressed pollution from industries on the West side Charlotte/Mecklenburg County. She specifically mentioned old cars along South Tryon Street across from Southside Homes, a low-income neighborhood. Commissioner Leake said it was not a healthy breathing environment for those residents.

Commissioner Leake said she asked the City of Charlotte to investigate to see if the owners of those properties where the cars were stocked piled were within the law to have that many cars parked there. She also noted the community of Brookhill and the living conditions of that community. Commissioner Leake said clean air should be a focus community-wide and not in certain areas only.

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Mr. McGrath said the issues raised by Commissioner Leake were of upmost importance to the Air Quality Commission and the Air Quality Division. He elaborated briefly on the work of the Air Quality Division.

Vice Chair Powell thanked both speakers for appearing.

Motion was made by Commissioner Fuller, seconded by Commissioner Jerrell and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to close the public hearing on proposed revisions to the Air Pollution Control Ordinance and adopt revisions to the Mecklenburg County Air Pollution Control Ordinance as recommended.

REVISIONS TO THE
MECKLENBURG COUNTY THE AIR POLLUTION CONTROL ORDINANCE

Providing for the administration and enforcement of an Air Pollution Control Program in Mecklenburg County.

Be it ordained by the Mecklenburg County Board of Commissioners acting pursuant to authority delegated to it under North Carolina General Statutes Section 143-215.112, and pursuant to authority granted to it by North Carolina General Statutes Section 130A-39 and 153A-77 that the Mecklenburg County Air Pollution Control Ordinance (hereinafter "MCAPCO") providing for the administration and enforcement of an air pollution control program for the protection of the environment and protection of the public health is hereby amended.

This Ordinance, as amended, shall apply throughout Mecklenburg County, North Carolina, including but not limited to all cities, towns, hamlets and villages, whether incorporated or unincorporated.

SECTION 1: Adoption of County Provisions, Regulations and Procedures of the Air Pollution Control Ordinance

The following regulations and procedures as set forth in the Appendix are hereby adopted, thus becoming a part of MCAPCO as fully as if set out verbatim herein, and any of said regulations previously adopted are replaced thereby:

- 1.5102 "Definitions of Terms"*
- 1.5105 "Delegation of Authority"*
- 1.5111 "General Recordkeeping, Reporting and Monitoring Requirements"*
- 1.5211 "Applicability"*
- 1.5212 "Applications"*
- 1.5213 "Action on Application; Issuance of Permit"*
- 1.5215 "Application Processing Schedule"*
- 1.5231 "Air Quality Fees"*

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1.5232 *"Issuance, Revocation, and Enforcement of Permits"*

2.0101 *"Definitions"*

Copies of the amended portions of the above regulations are in the attached Appendix. The Appendix shows changes with dashed lines through words which have been deleted and with lines under words which have been added.

SECTION 2: Adoption of Certain State Air Pollution Control Regulations By Reference

The following rules and section of rules of the North Carolina Air Quality Rules, 15A NCAC Chapter 2 - Subchapters 2D and 2Q as amended through July 1, 2018, are hereby adopted by reference (pursuant to North Carolina General Statute 143-215.112(c)(1)(d)) thus becoming a part of MCAPCO as fully as if set out verbatim herein and any of said regulations previously incorporated by reference are replaced thereby.

The following changes are from 15A NCAC 2D (Group 1 rules):

- .0201 *"Classification of Air Pollution Sources" (MCAPCO 2.0201)*
- .0202 *"Registration of Air Pollution Sources" (MCAPCO 2.0202)*
- .0302 *"Episode Criteria" (MCAPCO 2.0302)*
- .0303 *"Emission Reduction Plans" (MCAPCO 2.0303)*
- .0304 *"Preplanned Abatement Program" (MCAPCO 2.0304)*
- .0401 *"Purpose" (MCAPCO 2.0401)*
- .0402 *"Sulfur Oxides" (MCAPCO 2.0402)*
- .0404 *"Carbon Monoxide" (MCAPCO 2.0404)*
- .0405 *"Ozone" (MCAPCO 2.0405)*
- .0407 *"Nitrogen Dioxide" (MCAPCO 2.0407)*
- .0408 *"Lead" (MCAPCO 2.0408)*
- .0409 *"PM10 Particulate Matter" (MCAPCO 2.0409)*
- .0410 *"PM2.5 Particulate Matter" (MCAPCO 2.0410)*
- .2001 *"Purpose, Scope and Applicability" (MCAPCO 2.2001)*
- .2002 *"Definitions" (MCAPCO 2.2002)*
- .2003 *"Transportation Conformity Determination" (MCAPCO 2.2003)*

The following changes are from 15A NCAC 2Q (Group 2 rules):

- .0106 *"Incorporation By Reference" (MCAPCO 1.5112)*
- .0107 *"Confidential Information" (MCAPCO 1.5217)*
- .0109 *"Compliance Schedule for Previously Exempted Activities" (MCAPCO 1.5218)*
- .0110 *"Retention of Permit at Permitted Facilities" (MCAPCO 1.5219)*
- .0111 *"Applicability Determinations" (MCAPCO 1.5220)*
- .0112 *"Applications Requiring Professional Engineer Seal" (MCAPCO 1.5233)*
- .0113 *"Notification in Areas Without Zoning" (MCAPCO 1.5216)*
- .0310 *"Permitting of Numerous Similar Facilities" (MCAPCO 1.5221)*
- .0311 *"Permitting of Facilities at Multiple Temporary Sites" (MCAPCO 1.5222)*
- .0313 *"Expedited Application Processing Schedule" (MCAPCO 1.5235)*
- .0315 *"Synthetic Minor Facilities" (MCAPCO 1.5236)*

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.0401	<i>"Purpose and Applicability" (MCAPCO 1.5401)</i>
.0501	<i>"Purpose of Section and Requirement for a Permit" (MCAPCO 1.5501)</i>
.0502	<i>"Applicability" (MCAPCO 1.5502)</i>
.0503	<i>"Definitions" (MCAPCO 1.5503)</i>
.0504	<i>"Option for Obtaining Construction and Operation Permit" (MCAPCO 1.5504)</i>
.0505	<i>"Application Submittal Content" (MCAPCO 1.5505)</i>
.0507	<i>"Application" (MCAPCO 1.5507)</i>
.0508	<i>"Permit Content" (MCAPCO 1.5508)</i>
.0509	<i>"Permitting of Numerous Similar Facilities" (MCAPCO 1.5509)</i>
.0510	<i>"Permitting of Facilities at Multiple Temporary Sites" (MCAPCO 1.5510)</i>
.0512	<i>"Permit Shield and Application Shield" (MCAPCO 1.5512)</i>
.0513	<i>"Permit Renewal and Expiration" (MCAPCO 1.5513)</i>
.0514	<i>"Administrative Permit Amendments" (MCAPCO 1.5514)</i>
.0515	<i>"Minor Permit Modifications" (MCAPCO 1.5515)</i>
.0516	<i>"Significant Permit Modification" (MCAPCO 1.5516)</i>
.0517	<i>"Reopening for Cause" (MCAPCO 1.5517)</i>
.0518	<i>"Final Action" (MCAPCO 1.5518)</i>
.0519	<i>"Termination, Modification, Revocation of Permits" (MCAPCO 1.5519)</i>
.0520	<i>"Certification by Responsible Official" (MCAPCO 1.5520)</i>
.0521	<i>"Public Participation" (MCAPCO 1.5521)</i>
.0522	<i>"Review by EPA and Affected States" (MCAPCO 1.5522)</i>
.0523	<i>"Changes Not Requiring Permit Revisions" (MCAPCO 1.5523)</i>
.0524	<i>"Ownership Change" (MCAPCO 1.5524)</i>
.0525	<i>"Application Processing Schedule" (MCAPCO 1.5525)</i>
.0526	<i>"112(J) Case-By-Case MACT Procedures" (MCAPCO 1.5526)</i>
.0527	<i>"Expedited Application Processing Schedule" (MCAPCO 1.5527)</i>
.0528	<i>"112(G) Case-By-Case MACT Procedures" (MCAPCO 1.5528)</i>

SECTION 3: Codification

In order to further the administration of and compliance with this Ordinance, the Director is hereby authorized and directed to reorganize and codify this Ordinance, as amended, in a logical form and sequence in a single document. In so doing, the Director, at his discretion, shall have the authority:

- a. to set out in full any provisions of the State Air Quality Rules adopted and incorporated herein by reference (including to appropriately "localize" terms in such State Rules to make them applicable at the County level); and/or
- b. to merely cite any applicable State Air Quality Rules by reference, provided the general topic covered by any State Rule so cited by reference is reasonably identified by a heading in the codified version of this Ordinance and a complete copy of such State Air Quality Rules is attached to and made a part of such codified version.

As part of such re-codification, the Director shall make such revisions as are necessary to correct typographical and syntactical errors contained in the Articles amended hereby. Provided, in reorganizing and codifying this Ordinance, as amended, pursuant to this section, the Director shall not have the authority to make any substantive changes to this Ordinance, as amended. In the event of any ambiguity

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in the codified Ordinance or any conflict between the provisions of this Ordinance, as amended, and the provisions of any such codification, the provisions of this amendment as herein enacted shall control.

A copy of the MCAPCO, incorporating the portions amended hereby, as codified, will be kept on file in the Office of the Clerk of the Superior Court of Mecklenburg County, the Office of Mecklenburg County Air Quality, and the Office of the Clerk to the Mecklenburg County Board of Commissioners.

SECTION 4: Effective Date

This amendment and all Regulations referenced herein shall be effective December 18, 2018, except as otherwise provided therein.

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

18-5068

CLOSING OF A PORTION OF RIGHT-OF-WAY FOR FORMER STATESVILLE ROAD

Motion was made by Commissioner Fuller, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to open the public hearing to hear comments with respect to the closing of a portion of right-of-way for former Statesville Road.

Note: On November 7, 2018, the Board of County Commissioners set this public hearing to hear comments with respect to the closing of a portion of right-of-way for former Statesville Road. The property owner has petitioned to close a 3.16-acre portion of right-of-way for former Statesville Road (US Highway 21). The portion of said right-of-way is located between two undeveloped parcels owned by the petitioner. Due to the realignment of Statesville Road near its intersection with I-485, said right-of-way is no longer in public use and not maintained by NCDOT. Reportedly, the parcels will be combined and developed for industrial use.

Mecklenburg County Land Use and Environmental Services Agency has determined that in its opinion the closing of the portion of said right-of-way of former Statesville Road would not deprive any individual owning land in the vicinity of said right-of-way of reasonable ingress and egress to their property and would not be contrary to the public interest. Charlotte-Mecklenburg Planning and the Mecklenburg County Fire Marshal's Office reviewed the petition and had no objection to the closing of the portion of said right-of-way of former Statesville Road.

No one appeared to speak.

Motion was made by Commissioner Leake, seconded by Commissioner Cotham and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-

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McDowell, Powell and Scarborough voting yes, to close the public hearing with respect to the closing of a portion of right-of-way for former Statesville Road.

Motion was made by Commissioner Fuller, seconded by Commissioner Jerrell and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to approve the Order of Closing for the portion of former Statesville Road right-of-way.

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

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

WHEREAS, the petitioner has requested that a 3.16-acre portion of right-of-way for former Statesville Road as shown on the Exhibit A map attached hereto be abandoned and closed; and

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

WHEREAS, on November 7, 2018, the Mecklenburg Board of County Commissioners declared its intent to close the 3.16-acre portion of right-of-way for former Statesville Road which is shown on the attached Exhibit A map, and did set a public hearing on the question of whether to abandon and close said portion of the right-of-way of former Statesville Road for 6:30 pm on the 18th day of December, 2018 in the Meeting Chamber, first floor of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, and did instruct the Clerk to the Board to publish a notice of the intent of the Board of County Commissioners to close said portion of the right-of-way, and did instruct the Mecklenburg County Land Use and Environmental Services Agency to send or have sent copies of the resolution declaring the intent to abandon or close said portion of the right-of-way to the owners of the adjoining properties who did not join in the request to have said portion of the right-of-way abandoned and closed, and to have a notice of public hearing posted in at least two places along said road; and

WHEREAS, N.C.G.S. 153A-241 states the effect of a road closing on adjoining landowners and on public utilities as follows: "Upon the closing of a public road or an easement pursuant to this section, all right, title, and interest in the right-of-way is vested in those persons owning lots or parcels of land adjacent to the road or easement, and the title of each adjoining landowner, for the width of his abutting land,

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extends to the center line of the public road or easement. However, the right, title or interest vested in an adjoining landowner by this paragraph remains subject to any public utility use or facility located on, over, or under the road or easement immediately before its closing, until the landowner or any successor thereto pays to the utility involved the reasonable cost of removing and relocating the facility”; and

WHEREAS, at said public hearing held on December 18, 2018, the Mecklenburg Board of County Commissioners gave an opportunity to all interested persons to speak on whether the closing of the 3.16-acre portion of right-of-way for former Statesville Road which is shown on the attached Exhibit A map would be detrimental to the public interest or deprive any individual owning land in the vicinity of said right-of-way of reasonable ingress and egress to their property; and

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

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

FURTHER RESOLVED, that the Clerk to the Board of County Commissioners is directed to file a certified copy of this Order for Closing of said right-of-way in the office of the Register of Deeds of Mecklenburg County. The recordation of this Order for Closing shall provide conclusive evidence of the closing of the 3.16-acre portion of right-of-way for former Statesville Road which as shown on the attached map hereto.

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

18-5079 BUSINESS INVESTMENT PROGRAM GRANT - HONEYWELL INTERNATIONAL, INC.

Motion was made by Commissioner Fuller, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to open the public hearing to receive comments on a proposed Business Investment Program grant to Honeywell International Inc.

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

Note: Honeywell is a global technology company that provides products, software and control systems across a wide range of industries:

o Aerospace

o Commercial buildings

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- o Healthcare facilities & operations*
- o Commercial building energy solutions*
- o Manufacturing processes*
- o Petrochemicals and refining*
- o Optoelectrical productivity devices*
- o Commercial and passenger vehicle connectivity*

Honeywell is currently headquartered in Morris Plains, NJ and had revenues of \$40.534 billion in revenue in 2017, placing them at #77 on the Fortune 100 list. Honeywell is in the process of spinning off non-core business lines and expanding into new markets, resulting in changing cost structures and space needs. As a result, Honeywell is seeking to occupy a new global headquarters location along with a potential consolidation of their Safety and Productivity Solutions (SPS) group in Fort Mill, SC. Honeywell's proposed project exceeds all BIP large impact criteria and as a Fortune 100 Headquarters location, BIP guidelines call for a negotiated offer.

The Business Investment Grant terms were negotiated with the company in partnership with the City of Charlotte. The proposed County Business Investment Grant is a 15-year, 90% grant with an estimated total amount of up \$28,882,017.

The Board of County Commissioners indicated their intent to approve this grant in a closed session on November 7, 2018.

The Charlotte City Council approved the City's share of the grant of \$17,139,557 at their November 17, 2018 regular business meeting.

The State of North Carolina approved a Job Development Investment Grant of \$56,600,000 at a December 3, 2018 Economic Investment Committee meeting.

Brian Ruddick, Vice President and General Counsel of Safety and Productivity Solutions with Honeywell International, Inc. thanked the Board for its consideration. He said Honeywell looked forward to coming to the community.

Commissioners Fuller expressed support of a grant to Honeywell and addressed the benefits to the community by doing so.

Commissioner Cotham expressed support and encouraged Honeywell to be involved in the community and to partner with non-profits in the community that provide assistance to the disadvantaged.

Commissioner Leake requested information on several matters, some of which was provided and some to be provided at a later date. For example, how many jobs were being transferred, location

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of the headquarters, the types of jobs, job training, and once the company comes, how many Mecklenburg County residents were hired.

Commissioner Leake said her concern was the availability of jobs, especially those that would help persons get out of poverty. She said this was not just applicable to Honeywell but all companies that receive this type of grant.

Commissioner Jerrell asked about the secondary jobs, which was addressed. He also echoed Commissioner Leake's comments regarding people in poverty and their need for upward mobility.

Commissioner Jerrell noted the core values of diversity and inclusion and challenged Honeywell to recognize and tap into the talent that existed in Mecklenburg County; and to partner with the public sector to address some of the issues facing the community, particularly issues for those that were the most vulnerable to help move them out of poverty.

Commissioner Harden said she looked forward to Honeywell's arrival and how this would open up opportunities for women in the community interested in going into STEM fields.

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough and carried 7-1 with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, and Scarborough voting yes and Commissioner Powell voting no, to close the public hearing and adopt a resolution approving a Business Investment Program grant to Honeywell International Inc. for a total estimated amount of \$28,882,017 and authorize the County Manager to negotiate and execute the contract.

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS
RESOLUTION
APPROVING BUSINESS INVESTMENT PROGRAM GRANT
FOR HONEYWELL INTERNATIONAL INC.**

WHEREAS, Honeywell International Inc. is seeking to establish a new global headquarters in Charlotte, NC; and

WHEREAS, the company evaluated sites in Florida, Georgia, South Carolina and Texas; and

WHEREAS, this project as described by the company was determined to meet all of the criteria for a Business Investment Program grant from the County of Mecklenburg, the Board of Commissioners voted its intent to provide a Business Investment Program grant to the company during a closed session meeting on November 07, 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

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include a capital investment of approximately \$300,000,000 and will create 750 new jobs within five years at an average annual salary of approximately \$348,200. The Business Investment Program grant is a 90% grant over 15 years, with an a maximum County Grant amount of \$28,882,017. The grant will be subject to the County's standard contract provisions, including compliance requirements for the company related to job creation targets and clawback provisions; and

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

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

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

ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT

Potential Election Cost as it relates to District 9 Congressional Race

County Manager Diorio asked the Director of Elections Michael Dickerson to share with the Board what the potential cost could be for the County if a new election had to be held with respect to the District 9 Congressional race.

Director Dickerson noted the following:

- To date no determination had been made by the NC Board of Elections regarding whether another election for NC Congressional District 9 would be held.
- If there's a directive to hold another election for NC Congressional District 9, the typical cost was around \$2,500 - \$3,000 per precinct.
- There are 50 NC Congressional District 9 precincts in Mecklenburg County.
- The cost to hold another election for one day would be \$125,000 - \$150,000.
- The cost to do early voting could be around \$100,000. This would be in addition to the election day cost.

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- Per recently approved NC legislation, a primary would also have to be held if a new election was required.
- A second primary would be required if a candidate did not receive 30% or more of the vote.

Comments

Commissioner Harden said one of the most critical roles of local government was the assurance of “fair” elections.

Commissioner Harden said she was willing to do whatever the Board needed to in response to whatever decision was made by the NC. Board of Elections.

Commissioner Leake said the matter concerning the NC Congressional District 9 race was very disturbing. She said for 12 ½ months District 12 went without representation and nothing was said about it. She questioned was it because the majority of District 12 residents were people of color, Blacks.

Commissioner Leake said whether democrat or republican, it shouldn’t matter, what mattered was “doing the right thing for the right people at the right time.”

Commissioner Leake said the Board needed to do a “resolution in support of making sure there’s an election that would bring forth the right person who has warranted it and gotten the right votes” at whatever cost it takes to do so. She said the NC Board of Elections should be held accountable.

Commissioner Fuller said it was clear to him that there was “fraud” in the NC Congressional District 9 election and elaborated. Commissioner Fuller said he was willing to spend whatever amount was necessary for a new election.

Commissioner Jerrell asked how many Mecklenburg County voters were impacted by this. *Director Dickerson said there were about 150,000 registered voters in District 9.*

Commissioner Jerrell said from his view this was an instance of “fraud” and elaborated. He said people had been disenfranchised because of what had happened.

Commissioner Jerrell said he hoped that at some point the Board would adopt a resolution indicating its stance when it came to “fraud” and the “disenfranchisement” of people, regardless of political parties.

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Commissioner Rodriguez-McDowell said “Those who cheat should not win by default. Those who cheat should not get do overs.” She expressed confidence in the Mecklenburg County Board of Elections and Director Dickerson and his staff.

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

Public Engagement in Budget Process

County Manager Diorio said in response to feedback received from Board members regarding public engagement in the budget process, staff did some research around what’s called participatory budgeting to see what other communities were doing to engage the public.

County Manager Diorio said because of timing, options were limited, but that staff could certainly work on other opportunities for fiscal year 2020-2021. In the interim the following suggestions were offered: 1) Hold a public hearing at the January 15, 2019 meeting to receive public input, which would be before the Board’s retreat, 2) conduct an on-line community survey, and 3) seek input from advisory boards, but to keep in mind for many of them their charge was not budget related, so they may not be comfortable in providing information regarding budget priorities. Also, that there were 35 plus advisory boards and for some it may not make sense to include, so perhaps it would be best to carve out a select few.

County Manager Diorio said if the Board was interested in doing some or all of the suggestions, that staff be directed to do so, per a motion from the Board.

Comments

Commissioner Fuller questioned whether it would be better to hold a public hearing after the retreat versus before the retreat. He said if it was held after the retreat, the public would be aware of the Board’s discussion from the retreat and would have something to respond to or react to.

Commissioner Harden said her constituents expressed to her that they felt by the time the budget public hearing was normally held that the agenda was “already set.” She said she understood Commissioner Fuller’s point; however, there were those in the community who were very anxious to have the opportunity to address the Board beforehand.

Commissioner Harden said she liked the idea of having an online community survey and asked that consideration be given to having paper surveys as well for those that may not have online access and/or prefer paper. She said Commissioners could help distribute them.

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County Manager Diorio said copies of the survey would be provided to Commissioners for distribution as they moved through the community and placed at library branches.

Commissioner Jerrell suggested they be placed at recreation centers also.

Commissioner Cotham suggested staff coordinate with the faith community, perhaps through Village Heartbeat and Mecklenburg Ministries, and others to provide them with copies of the survey.

Commissioner Jerrell spoke in support of holding a public hearing on January 15th, the survey tool, as well as, seeking input from advisory boards. He suggested the community survey be used continuously as a data collection tool.

Vice Chair Powell spoke in support of the suggestions for obtaining citizen input. She said, "one of the core responsibilities of elected leaders was to make sure they listened to everyone." She said she was supportive of getting as much citizen input as possible before and after the retreat.

County Manager Diorio said she would go through the list of advisory boards and select those that she felt made sense to reach out to and would provide that list to the Board for awareness and input on any additions to the list.

Motion was made by Commissioner Jerrell, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to direct the County Manager to proceed with holding a public hearing to receive citizen input on budget priorities at the January 15, 2019 Regular meeting, to reach out to advisory boards for input, and to conduct a community online & paper survey to receive citizen input that would continue on an ongoing basis throughout the budget process.

18-5097 POLICY AMENDMENT - STANDARD OPERATING PROCEDURES FOR BOARD COMMITTEES

County Manager Diorio addressed a proposed change to the Board's Policy and Standard Operating Procedures for Board Committees. It was explained that a change was needed in the language to address instances when the composition of the Board was all one party.

The current wording states in pertinent parts:

"In appointing members of standing committees and ad hoc committees, the Board chairman

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will take into consideration the expressed interest of Board members to serve on committees, the expertise of Board members in consideration of the topics addressed by the committees, as well as considerations for balanced political affiliations on the committees. In addition, in appointing members of ad hoc committees, the Board chairman will attempt to balance members' differing views, if known, on the topic assigned to the ad hoc committee."

The recommended change is as follows:

"In appointing Board of County Commission members to standing or ad hoc committees, the Board chairman will take into consideration the expressed interest of Board members to serve on committees, the expertise of Board members on the topics addressed by the committees, as well as considerations for balanced political affiliations when there is more than one political affiliation on the Board of County Commissioners. In addition, in appointing members to ad hoc committees, the Board chairman will attempt to balance members' differing views, if known, on the topic assigned to the ad hoc committee."

Motion was made by Commissioner Fuller, seconded by Commissioner Leake and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to amend the current Mecklenburg Board of County Commissioners Policy and Standard Operating Procedures as recommended as it relates to appointing Board members to serve on Board committees when the Board of County Commissioners (BOCC) is composed of only one political party.

MECKLENBURG BOARD OF COUNTY COMMISSIONERS POLICY AND STANDARD OPERATING PROCEDURES FOR BOARD COMMITTEES

Committee Members and Chair:

"In appointing Board of County Commission members to standing or ad hoc committees, the Board chairman will take into consideration the expressed interest of Board members to serve on committees, the expertise of Board members on the topics addressed by the committees, as well as considerations for balanced political affiliations when there is more than one political affiliation on the Board of County Commissioners. In addition, in appointing members to ad hoc committees, the Board chairman will attempt to balance members' differing views, if known, on the topic assigned to the ad hoc committee."

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

Count Manager Diorio said the other proposed amendment concerning the Board of County Commissioners' Chairman serving as an Ex Officio, Voting Member on Board Committees would be brought back at a later date. She said additional work was needed on staff's part to the proposed language.

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Note: That portion of the policy current reads: "The Mecklenburg Board of County Commissioners' Policy and Standard Operating Procedures for Board Committees states in pertinent parts: "Chairman as Ex Officio, Voting Member: The chairman of the Board will serve as an ex officio, voting member of each committee, with the exception of the Audit Review Committee. The chairman is not counted in determining the number required for a quorum, but will be counted in determining whether a quorum is present."

18-5098

**AMENDMENT TO AUDIT REVIEW COMMITTEE CHARTER AND
RESOLUTION ESTABLISHING THE AUDIT REVIEW COMMITTEE**

County Manager Diorio addressed a proposed change to the Audit Review Committee Charter and the Resolution Establishing the Audit Review Committee. It was explained that a change was needed in the language to address instances when the composition of the Board was all one party.

Currently, the Composition of Committee and Member Selection section of the Audit Review Committee Charter states:

"The Committee will comprise five voting members and two non-voting ex officio members appointed by the Board of County Commissioners according to its appointment process. The five voting members will comprise four members of the Board of County Commissioners, **two from each political party**, and one outside person who has experience in accounting and/or auditing and who is appointed through the advisory board appointment process. Ideally, members on the Committee should possess some understanding of governmental financial reporting and auditing. The County Manager and a staff member designated by the County Manager will serve as the two non-voting ex officio members." The resolution states this as well.

The recommended change is as follows:

"The Committee will be comprised of five voting members and two non-voting ex officio members appointed by the Board of County Commissioners according to its appointment process. The five voting members will be comprised of four members from the Board of County Commissioners, **and to the degree possible, two of whom shall be from different political parties, when the Board of County Commissioners' political composition permits**, and one outside person who has experience in accounting and/or auditing and who is appointed through the advisory board appointment process. Ideally, members on the Committee should possess some understanding of governmental financial reporting and auditing."

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Motion was made by Commissioner Fuller, seconded by Commissioner Leake and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to amend the Audit Review Committee Charter and Resolution Establishing the Audit Review Committee as recommended to address instances when the Board is composed of only one political party.

**MECKLENBURG COUNTY
Audit Review Committee Charter**

COMPOSITION OF COMMITTEE AND MEMBER SELECTION

The Committee will be comprised of five voting members and two non-voting members appointed by the Board of County Commissioners according to its appointment process. The five voting members will be comprised of four members of the Board of County Commissioners, and to the degree possible, two of whom shall be from different political parties, when the Board of County Commissioners political composition permits, and one outside person who has experience in accounting and/or auditing and who is appointed through the advisory board appointment process. Ideally, members on the Committees should possess some understanding of governmental financial reporting and auditing.

**MECKLENBURG COUNTY
RESOLUTION ESTABLISHING AN AUDIT REVIEW COMMITTEE**

WHEREAS, Mecklenburg County is required by North Carolina statutes to have an independent audit of its financials conducted by a Certified Public Accountant; and

WHEREAS, Mecklenburg County has had established for many years an Internal Audit Department; and

WHEREAS, the Government Finance Officers Association (GFOA) has approved a recommended practice for establishing an Audit Committee; and

WHEREAS, the Mecklenburg County Board of County Commissioners has determined that it is desirable to establish an Audit Review Committee as suggested by the GFOA;

NOW, THEREFORE, BE IT RESOLVED that the Mecklenburg County Board of Commissioners establishes an Audit Review Committee (ARC) as follows:

- The primary duty of the ARC is the overseeing of the independent audit, the recommendation for selection of the independent auditor and resolution of audit findings; and
- The ARC shall be provided all final internal audit reports produced by the Internal Audit Department; and

The ARC will be comprised of five voting members and two non-voting ex officio members appointed by the Board of County Commissioners according to its appointment process. The five

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voting members will be comprised of four members from the Board of County Commissioners, and to the degree possible, two of whom shall be from different political parties, when the Board of County Commissioners political composition permits, and one outside person who has experience in accounting and/or auditing and who is appointed through the advisory board appointment process. Ideally, members on the Committee should possess some understanding of governmental financial reporting and auditing.

The County Manager and a staff member designated by the County Manager will serve as the two non-voting ex officio members; and

- The ARC collectively should have expertise and experience in accounting, auditing in financial reporting and internal controls.

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

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

DEPARTMENTAL DIRECTORS' MONTHLY REPORTS

18-5091

DEPARTMENT MANAGEMENT MONTHLY REPORTS

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough and carried 7-0 with Commissioners Cotham, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to receive as information monthly department management reports for December 2018.

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

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

Commissioner Fuller returned to the dais.

STAFF REPORTS & REQUESTS

18- 5085

AUDITOR'S REPORT FOR FISCAL YEAR 2018

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The Board received a report from Daniel T. Gougherty, CPA with Cherry Bekaert, LLP, the County's external auditor on the County's Audit Report for Fiscal Year 2018.

Note: The external audit for fiscal year 2018 was completed. Mr. Gougherty presented the results of the financial and single audits.

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

Comments

Commissioner Fuller noted for more public awareness that per the report, the County had complied in all material respects with respect to its major federal and state programs. He said the report showed how well the County handles its finances and its operations. He thanked County Manager Diorio and staff for the work that they do to ensure this.

Commissioner Leake echoed Commissioner Fuller's comments. She also addressed the importance of conducting audits.

Commissioner Cotham also addressed the importance of audits.

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to receive the report from Cherry Bekaert, LLP, regarding the County's Audit Report for Fiscal Year 2018.

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

COUNTY COMMISSIONERS REPORTS & REQUESTS

18-5089

NCACC LEGISLATIVE GOALS CONFERENCE VOTING DELEGATE

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough and carried 7-0 with Commissioners Cotham, Fuller, Harden, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to select Chair Dunlap as the Board's voting delegate to represent the Board at the NC Association of County Commissioners (NCACC) Legislative Goals Conference, January 10-11, 2019 to be held at the Raleigh Marriott Crabtree Valley in Wake County, 4500 Marriott Drive, Raleigh, NC

Note: Each Board of County Commissioners must designate a commissioner or other official as a voting delegate for the NC Association of County Commissioners (NCACC) 2019 Legislative

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Goals Conference.

18-5092 2019 BOCC MEETING SCHEDULE REVISION

Motion was made by Commissioner Scarborough, seconded by Commissioner Leake and carried 7-0 with Commissioners Cotham, Fuller, Harden, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to amend the 2019 Mecklenburg Board of County Commissioners Meeting Schedule to change the Tuesday, November 12, 2019 Budget/Public Policy Meeting to Wednesday, November 13, 2019 to avoid a scheduling conflict with Charlotte City Council.

Note: The 2019 BOCC Meeting Schedule was originally approved on December 4, 2018.

A copy of the 2019 BOCC Meeting Schedule is on file with the Clerk to the Board.

Commissioner Jerrell returned to the dais.

CONSENT ITEMS

Motion was made by Commissioner Fuller, seconded by Commissioner Leake and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to approve the following item(s):

18-5078 MINUTES

Approve Minutes of Regular meeting held December 4, 2018, Swearing-In Ceremony held December 3, 2018, and Closed Session held November 7, 2018.

18-5080 TAX REFUNDS

1. Approve refunds in the amount of \$55,702.39 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 statewide vehicle tax system.

2. Approve refunds in the amount of \$32,325.13 as statutorily required to be paid as requested by the County Assessor.

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Note: This Board action is necessary to approve tax refunds resulting from clerical errors, audits and other amendments, including revaluation appeals. There is no accrued interest in the \$32,325.13 refunds.

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

18-5083 PUBLIC AUCTION FOR DISPOSAL OF SURPLUS EQUIPMENT

Adopt a resolution authorizing sale of surplus personal property by public auction on January 12, 2019 at 9:00 a.m. at 5550 Wilkinson Blvd, Charlotte, North Carolina.

Note: North Carolina G.S. 160A-270(b) allows the County to sell surplus personal property at public auction upon adoption of a resolution or order authorizing the appropriate official to dispose of the surplus property at public auction. The live auction will be conducted by Rogers Realty and Auction Company Inc

MECKLENBURG COUNTY BOARD OF COMMISSIONERS

Resolution Authorizing Sale of Surplus Personal Property by Public Auction

WHEREAS, North Carolina G.S. 160A-270(b) allows the County to sell surplus personal property at public auction upon adoption of a resolution or order authorizing the appropriate official to dispose of the surplus property at public auction; and

WHEREAS, the County Manager has recommended that the surplus property listed on the attached Exhibit-A should be sold at public auction,

NOW, THEREFORE, BE IT RESOLVED, by the Mecklenburg County Board of Commissioners that the County Manager or her designee is authorized to sell the surplus property described on Exhibit A at public auction on the day of January 12, 2019 at 9:00 am at 5550 Wilkinson Blvd, Charlotte, North Carolina, as per the terms and conditions in accordance with North Carolina G.S. 160A-270(b) and in compliance with County policies. The terms of the sale shall be net cash. The County Manager or her designee is directed to publish at least once and not less than ten (10) days before the date of the auction, a copy of this Resolution or a notice summarizing its content as required by North Carolina General Statute 160A-270(b).

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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18-5059

**BUDGET AMENDMENT - SHERIFF'S OFFICE - U.S. MARSHALS SERVICE
(REVENUE DECREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to rescind August 8, 2018 Board Action to recognize, receive and appropriate \$2,920 from the U.S. Marshals Service, and decrease the Sheriff's Office budget revenues by the same amount.

Note: On August 8, 2018, the BOCC recognized, received and appropriated 2,920 from the U.S. Marshals Service for the purchase of approved equipment, including binoculars, wall height chart and wheelchair scale for the Joint Homeless Sex Offender operation; however, because the purchases were not made by September 30, 2018 in accordance with the Project agreement, the purchases have been disallowed. The Marshals' Office is not able to reimburse the cost because they extend into a different Federal fiscal year, beyond the Project agreement scope. Orders for equipment were cancelled upon notification from the Marshals' Office.

Commissioner Leake removed this item from Consent for more public awareness and clarity. County Manager Diorio addressed this matter.

18-5067

CONSERVATION DECLARATIONS ON COUNTY PROPERTY

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to authorize the County Manager to execute conservation declarations on 19 County properties located along the McDowell Creek Stream Restoration: Tax Parcels: 009-076-60, 009-233-98, 009-051-04, 009-262-98, 009-183-98, 015-091-14, 009-262-99, 009-183-99, 015-091-13, 009-261-98, 009-183-96, 015-091-07, 009-041-03A, 009-181-66, 015-391-98, 119-041-05A, 009-184-56, 009-261-99, 009-061-19.

Commissioner Leake removed this item from Consent for more public awareness and clarity. County Manager Diorio addressed this matter.

18-5070

JUVENILE CRIME PREVENTION COUNCIL FUNDING ALLOCATION

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to approve additional funding allocation as recommended by the

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Juvenile Crime Prevention Council. FY19 funds in the amount of \$147,955 in the following manner:

DASH-Strengthening Families: Additional \$22,573 for total funding amount of \$140,273

DASH Mentoring: Additional \$39,783 for total funding amount of \$150,453

SHIFT Restitution: Additional \$17,488 for total funding amount of \$361,545

Tresports: Additional \$34,721 for total funding amount of \$272,921

YDI Family Life Skills: \$33,390 (New program)

Note: On June 5, 2018, the BOCC approved the FY19 DPS funding allocation for Mecklenburg County in the amount of \$1,415,682. On the same date, the BOCC approved the JCPC's recommended funding allocation plan in the amount of \$1,267,727, providing funding to seven community-based programs who responded and met the requirements to the JCPC's request for proposals for services. The JCPC was now recommending the allocation of the remaining FY19 funds.

Commissioner Leake removed this item from Consent for more public awareness and clarity. County Manager Diorio addressed this matter.

18-5074 GREENWAY AND NATURE PRESERVE DONATION - TORRENCE CREEK

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to authorize the County Manager to negotiate and execute all documents necessary for the donation of the following parcels along Torrence Creek for greenway and nature preserve purposes:

1. A portion of Tax Parcel 017-062-01 (+/- 14.752 acres) from William Glenn Monteith and Don Reid Monteith

2. Tax Parcel 017-062-10 (+/- 16.949 acres) from Theodore C. Dellinger, Johnny Watt Dellinger, Brenda Snipes Dellinger, Daisy Lou Dellinger Cobb, Dana M. Dellinger, Laura Roberta Dellinger, William Joseph Dellinger, Jr., Walter Jason Dellinger, and A. Scott Dellinger.

Note: The above subject properties are being donated to the County in connection with the Stoneybrook Station subdivision that is being developed by Meritage Homes in Huntersville. The subdivision is located off Hambright Road between Statesville and Old Statesville Roads. The properties are along Torrence Creek and will eventually be developed for greenway. Parcel 017-062-01 is home to a large stand of stoneflies. Stoneflies are an indicator of water purity as the insect requires clean, well-oxygenated water to survive. The County's ownership

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of the property will protect it from development; thus, ensuring continued high water quality along this segment of Torrence Creek. Acceptance of the property was supported by the County's current Park and Recreation Master Plan and will provide additional property for greenway purposes, protect local streams and creeks, and preserve wildlife habitat and open space.

Commissioners Leake and Fuller removed this item from Consent for more public awareness and clarity. County Manager Diorio addressed this matter.

18-5094 TEMPORARY CONSTRUCTION EASEMENT - SUGAR CREEK GREENWAY

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to accept donation of a Temporary Construction Easement ("TCE") on a portion of Tax Parcel 143-133-01 from West Tyvola Workforce, LLC and West Tyvola Seniors, LLC to facilitate construction of a future greenway trail to be built as part of Sugar Creek Greenway.

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

18-5095 FEE ORDINANCE CHANGES TO LAND USE AND ENVIRONMENTAL SERVICES TO MEET THE NEW 2018 NORTH CAROLINA FIRE CODE FEE ORDINANCE CHANGES FOR FIRE CODE

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, to adopt a resolution approving amendments/updates to the LUESA Fee Ordinance and the Fire Code Ordinance.

Note: On June 13, 2017, the North Carolina Department of Insurance (NCDI) with the North Carolina Building Code Council (NCBCC) approved the new 2018 North Carolina Building Code. The changes approved by the Building Code Council now require permits to be issued for the following specific uses and functions within the 2018 North Carolina Fire Code. The proposed fees associated with these permits are also noted below. Additional revenue from these fee changes are estimated to be de minimus, given the relative infrequency of these activities.

- *Motor Fuel Dispensing \$ 90*
- *Membrane Structures, Tents and Stages (400 sf or greater) \$180*
- *Carbon Dioxide System (Beverage Dispensing) \$ 90*

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- *Repair Garages and Motor fuel-dispensing facilities \$180*
- *Solar photovoltaic power \$180*
- *Smoke Control or smoke exhausted system installed \$240*
- *Gates and barricades across fire apparatus roads \$180*

Note: This matter will require a second reading, since all nine commissioners were not present. It will be placed on the January 15, 2019 agenda for the second reading.

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

ADJOURNMENT

Motion was made by Commissioner Leake seconded by Commissioner Jerrell and unanimously carried with Commissioners Cotham, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, Powell and Scarborough voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:17 p.m.

Janice S. Paige, Clerk

Elaine Powell, Vice Chair