

**APRIL 2, 2019**

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

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street, Charlotte, North Carolina at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, April 2, 2019.

**ATTENDANCE**

**Present:** Chair George Dunlap and Commissioners  
Patricia "Pat" Cotham, Trevor M. Fuller,  
Susan B. Harden, Mark Jerrell, Vilma D. Leake,  
Elaine Powell, 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:** None

---

**-INFORMAL SESSION-**

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

**REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) to be removed from Consent and voted upon separately. The items identified were Items: 19-5237, 19-5301, 19-5306, 19-5316, 19-5323, 19-5324, and 19-5327.

**STAFF BRIEFING**

**19- 5314      REQUEST FOR REFUND OF INTEREST PAID ON PROPERTY TAXES**

The Board considered a request from Neill J. Pollock for refund of taxes (interest).

**APRIL 2, 2019**

*Note: NCGS 105-381 provides that a taxpayer may request a release or refund of taxes imposed through a clerical error, or if the tax is an illegal tax, or was levied for an illegal purpose.*

*Note: Requests for refunds of less than \$100 may be delegated by the Board to the County Finance Officer, Manager, or Attorney. This request for refund exceeds \$100.*

County Attorney Wade presented the matter to the Board. The following was noted:

- By letter dated January 30, 2019, attorney Peter N. Carlino, on behalf of his client, Neill J. Pollock, requested a refund of interest paid related to tax bills for his property located at 11711 Coddington Ridge Drive, Charlotte, NC 28214 (tax parcel 031-223-61).
- Mr. Pollock contends that interest charged to his account was due to a clerical error in the billing process.
- The clerical error that Mr. Pollock refers to in his request was an error made by a closing attorney related to tax parcel 031-223-58, located at 11677 Coddington Ridge Drive owned by Ms. Victoria Koester.
- The error was not on the part of the Tax Office.
- When Ms. Koester purchased her house in 2005, the closing attorney used the wrong parcel number on the Deed of Trust.
- Ms. Koester's property was not updated by Land Records to indicate that she was the new owner, thus it remained in the previous owner's name (Portrait Homes).
- As a result, from 2007 through 2017, Ms. Koester's mortgage company collected escrow payments from Ms. Koester and submitted those payments to the Office of the Tax Collector referencing the tax bills for Mr. Pollock's property, and in turn, her tax bills went to Portrait Homes. However, since Portrait Homes was in bankruptcy, the tax payments for Ms. Koester's property were not collected.
- In September 2018, Ms. Koester discovered that there was a property tax lien on her property at 11677 Coddington Ridge Drive for more than \$24,000.
- She contacted the Office of the Tax Collector with proof that her mortgage company had been making the tax payments.
- The Office of the Tax Collector confirmed that her escrow payments had been submitted and applied to Mr. Pollock's tax bills.
- Mr. Pollock was contacted by the Office of the Tax Collector about the issue and notified that the payments were going to be correctly applied to Ms. Koester's property (the correct parcel).
- Pursuant to NCGS 105-394, the Office of the Tax Collector corrected the tax payment issue and applied the payments to Ms. Koester's tax bills.
- This action resulted in taxes being owed on Mr. Pollock's property dating back to 2007.
- The tax bills on Mr. Pollock's property for years 2007-2017 totaled \$24,844.09.

**APRIL 2, 2019**

- Mr. Pollock paid that sum on January 31, 2019 and requested that the interest totaling \$9,326.01 be refunded to him on the basis that if there had not been an error in the tax billing process, he would have paid his taxes each year without incurring the interest.

The Office of the Tax Collector recommended the Board deny Mr. Pollock's refund request for the following reasons:

- The "clerical error" in the billing process was due to errors made by Ms. Koester's closing attorney when the wrong tax parcel was included in the closing documents.
- Mr. Pollock did not have a mortgage on his property, yet his tax bills were being paid each year by a mortgage escrow account.
- Mr. Pollock did not investigate why someone else was paying his tax bills.
- Pursuant to NCGS 105-348, an owner of real property is charged with notice of taxes due on the property, even if the owner does not have actual notice.
- This unusual circumstance where a mortgage company paid taxes on the wrong parcel went on for 10 years.
- The Office of the Tax Collector believes that the request does not meet the clerical error definition in the NCGS 105-381.

Motion was made by Commissioner Fuller, seconded by Commissioner Leake and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to deny the request of Neill J. Pollock for refund of taxes (interest) as recommended by staff and instruct the County Attorney to inform Mr. Pollock of the denial.

#### **CLOSED SESSION**

**19-5304      CONSULT WITH ATTORNEY**

**19-5313      LAND ACQUISITION**

Prior to going into Closed Session County Attorney Wade announced the following Land Acquisition matter to be discussed in Closed Session: Tax Parcel(s): 017-051-09.

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

***The Board went into Closed Session at 5:24 p.m. and came back into Open Session at 5:45 p.m.***

APRIL 2, 2019

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

**-FORMAL SESSION-**

*Chair Dunlap called this portion of the meeting to order and Commissioner Jerrell 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**

**19-5319 ORDER OF THE HORNET INDUCTION OF ANTHONY HAMILTON (SPONSOR: COMMISSIONER FULLER)**

Chair Dunlap acknowledged the presence of Grammy Award-winning R&B artist, songwriter, and record producer, Anthony Hamilton. It was noted that Mr. Hamilton would be inducted into the Order of the Hornet at tonight's meeting.

Chair Dunlap called on Commissioner Fuller to introduce Mr. Hamilton.

*Note: The Order of the Hornet was established in 1972. It is bestowed by the Board of County Commissioners on persons who have displayed valor or high order of service uniquely and specifically, to the citizens of Mecklenburg County. This is the highest honor bestowed by the Board. The Order of the Hornet was founded in the spirit of the early Mecklenburg patriots who signed the Mecklenburg Declaration of Independence on May 20, 1775, and proclaimed the County's freedom from Britain more than a year before the U.S. Declaration of Independence was signed. Those early patriots valiantly fought for their independence during the Revolution and gave Lord Cornwallis such difficulties during his occupation of Charlotte that he termed the town a "hornet's nest" of rebellion. Because Anthony Hamilton reflects the honor, strength, and fierce American patriotism that so stung Lord Cornwallis, he is being recommended for membership in the Order of the Hornet.*

*Anthony Hamilton is a Grammy Award-winning R&B artist, songwriter, and record producer, and a native Charlottean. Not only has he made a name for himself in the entertainment industry, he's also been a great humanitarian. He's been determined to alleviate that which causes others to struggle by giving back. According to Mr. Hamilton, giving back makes his day, and it makes his day even better, when he gives back in the city/county he loves, Charlotte/Mecklenburg, NC.*

*Mr. Hamilton has visited and given financial support to the Men's Shelter of Charlotte, the Salvation Army Center of Hope and A Child's Place. He has given efforts to food drives with*

**APRIL 2, 2019**

*the Second Harvest Food Bank; supported the Gift of Adoption Fund; mentored youth to teach them real-life lessons; recently paid for groceries for customers at a local Wal-Mart; gave away free tickets for Aretha Franklin's "Amazing Grace" Documentary and hosted the movie screening at Northlake AMC Theatres. He also gave away free tickets to the public and hosted a private screening for the Oscar winning film "Green Book" at the Epicentre. Mr. Hamilton served as the Ambassador of Charlotte during the 2019 NBA All-Star Weekend; where he sang the National Anthem. In May, he will be the headline act for the Charlotte Shout Festival on Thursday, May 9, 2019.*

*For these and other acts of kindness and generosity, too numerous to list, Anthony Hamilton is more than deserving to be inducted for membership into the Mecklenburg County Order of the Hornet.*

*Mr. Hamilton is the first person in the entertainment industry to receive the Order of the Hornet.*

All Commissioners, including Chair Dunlap, expressed thanks to Mr. Hamilton for all that he had done and continued to do for the community.

Motion was made by Commissioner Fuller, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes to induct Anthony Hamilton into the Mecklenburg County Order of the Hornet, the highest honor bestowed by the Mecklenburg Board of County Commissioners.

Mr. Hamilton thanked the Board for recognizing him in this manner.

## **19-5302 PUBLIC APPEARANCE**

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

Tera Long addressed the need for a mental health facility. She asked the Board to support an idea that had been mentioned by Sheriff McFadden regarding a vacant building he had that could be converted into a mental health facility; but would need funding for staffing and other resources. She addressed the need for mental health services by many who were incarcerated.

Ms. Long also spoke on behalf of Health Care Justice NC. She said Wendell Potter was coming to speak on April 12 at Queens University. She said the event was free and open to the public. She invited Commissioners to attend.

**APRIL 2, 2019**

*Note: Mr. Potter is a nationally known author of “Deadly Spin: An insurance Company Insider Speaks Out On How Corporate PR is Killing Health Care and Deceiving Americans.” Mr. Potter will speak at Queens University at Noon; UNC-Charlotte at 3:30 p.m.; and Trinity Presbyterian Church at 6:30 pm.*

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

Sam Spencer addressed the need for affordable housing. He asked the Board to review the affordable housing framework and policy recommendations adopted by the Planning Commission, as well as, recommendations from other groups, when determining what role, the County can play in this process. He also asked the Board to consider using a portion of the extra quarter cent sales tax that the Board has authority to pass for affordable housing.

James B. Lee III registered to speak but was not present.

## **APPOINTMENTS**

**19-5299      APPOINTMENTS**

### **BOARD OF EQUALIZATION AND REVIEW**

Commissioner Jerrell, chair of the Board’s Ad Hoc Interview Appointment Committee for the Board of Equalization and Review, presented the Committee’s recommendation for appointment. The other Committee members were Commissioners Leake, Cotham, and Harden. The Committee recommended the appointment of Zanthia Hastings.

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

The vote was taken on the following nominees for appointment to the Board of Equalization and Review:

Eric Anderson	None
Emmitt Butts	None
Zanthia Hastings	Commissioner(s) Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough.

Chair Dunlap announced the appointment of Zanthia Hastings to the Board of Equalization and Review to fill an unexpired term expiring March 31, 2022.

**APRIL 2, 2019**

*Note: She will replace Gregory Roberts.*

**CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE**

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Community Relations Committee:

Brooke Adams	None
Daniel Estevez	None
Marque Macon	None
Elyas Mohammed	None
Yvette Townsend-Ingram	Commissioner(s) Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough.

Chair Dunlap announced the appointment of Yvette Townsend-Ingram to the Charlotte-Mecklenburg Community Relations Committee to fill an unexpired term expiring September 30, 2019.

*Note: She will replace Kwesi Nichols.*

**WASTE MANAGEMENT ADVISORY BOARD**

The vote was taken on the following nominees for appointments to the Waste Management Advisory Board:

Catherine Carter	Commissioner(s) Cotham, Dunlap, Fuller, Harden, Jerrell, Powell, Rodriguez-McDowell and Scarborough
Lindsay Martell	Commissioner(s) Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell and Scarborough.

Voting Ceased

Elyas Mohammed	None
----------------	------

Chair Dunlap announced the appointments of Catherine Carter and Lindsay Martell to the Waste Management Advisory Board for three-year terms expiring March 31, 2022.

**APRIL 2, 2019**

*Note: They will replace Rita Plyler and Louis Watts.*

**19-5325          NOMINATIONS/APPOINTMENTS**

**DOMESTIC VIOLENCE ADVISORY BOARD**

The following persons were nominated for appointment consideration to the Domestic Violence Advisory Board:

Brittany Hammonds	by Commissioner Rodriguez-McDowell
Ashley Owen	by Commissioner Powell

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to nominate and appoint Brittany Hammonds and Ashley Owen to the Domestic Violence Advisory Board to fill unexpired terms expiring April 30, 2021.

*Note: They will replace Ryan Loughheed and Wanda McWilliams.*

**HUMAN RESOURCES ADVISORY COMMITTEE**

Motion was made by Commissioner Scarborough, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to reappoint Magaliz Giraud to the Human Resources Advisory Committee to fill her unexpired term expiring June 30, 2021.

*Note: Magaliz Giraud was removed because of attendance but asked to be considered for reappointment.*

**INFORMATION SERVICES AND TECHNOLOGY COMMITTEE**

The following persons were nominated for appointment consideration to the Information Services and Technology Committee by Commissioner Fuller: Chemere Davis, Elyas Mohammed, and Jesse Newsom.



**APRIL 2, 2019**

Motion was made by Commissioner Fuller, seconded by Commissioner Jerrell and failed 8-1 with Commissioners Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, and Commissioner Cotham voting no, to nominate and appoint Chemere Davis, Elyas Mohammed, and Jesse Newsom to the Information Services and Technology Committee for unexpired terms, expiring February 28, 2021.

*Note: Board Policy requires a unanimous vote in order for persons to be nominated and appointed at the same meeting. The matter will be placed on the April 16, 2019 agenda for reconsideration. A unanimous vote will not be required at that time, only a majority vote.*

**PARK AND RECREATION COMMISSION**

The following person was nominated for appointment consideration to the Park and Recreation Commission by Commissioners Fuller and Jerrell: Alesha Brown.

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell and Scarborough voting yes, to close nominations.

Motion was made by Commissioner Fuller, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to nominate and appoint Alesha Brown to the Park and Recreation Commission as the Central Region 1 representative to fill an unexpired term expiring June 30, 2019.

*Note: She will replace Mary Foxx Johnson.*

**19-5306      PROCLAMATION: PARTNERSHIPS: IMPROVING OUR COMMUNITIES MONTH  
(CHAIR DUNLAP)**

Chair Dunlap read a joint proclamation recognizing April as "Partnerships: Improving Our Communities Month" in Charlotte and Mecklenburg County.

*Note: Mecklenburg County and the City of Charlotte are demonstrating the importance that partnerships have to the quality of life of our community. The two organizations are working with the Housing Opportunity Foundation and its Realtor® members on several significant community projects in recognition of the annual, nationally-recognized Realtors® Care on*

**APRIL 2, 2019**

*April 5, 2019. The Realtors® Care Day project will be conducted on 14 properties and is conducted in partnership with the City of Charlotte Neighborhood & Business Services Department, the City of Charlotte Code Enforcement, Mecklenburg County Code Enforcement, the Mecklenburg County Park and Recreation Department, and the regional Habitat for Humanity organizations.*

It was the consensus of the Board to adopt the proclamation recognizing April as "Partnerships: Improving Our Communities Month" in Charlotte and Mecklenburg County.

The proclamation was received Ed Baesel, who is the Realtors® Care Day Chair and Thomas Shoupe, the Housing Opportunity Foundation Committee Chair.

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

APRIL 2, 2019

**PROCLAMATION**  
**City of Charlotte/Mecklenburg County**

**WHEREAS**, provision and sustainability of fair, safe and affordable housing opportunities for all citizens of the City of Charlotte and Mecklenburg County is an important objective of the Charlotte Regional Realtor® Association and its charitable non-profit arm, the Housing Opportunity Foundation; and

**WHEREAS**, the Realtor® industry is working to create a community where all housing needs are met and accomplishes this vision through the ongoing mission of the Housing Opportunity Foundation; and

**WHEREAS**, the Housing Opportunity Foundation and its Realtor® members are celebrating April as National Fair Housing Month and has marked this month with significant community contributions as a result of the annual, nationally recognized Realtors® Care Day project to be held on April 5, 2019; and

**WHEREAS**, the Realtors® Care Day project will be conducted on 14 properties and is conducted in partnership with the City of Charlotte Neighborhood & Business Services Department, the City of Charlotte Code Enforcement, Mecklenburg County Code Enforcement, the Mecklenburg County Park and Recreation Department and the regional Habitat for Humanity organizations; and

**WHEREAS**, the 2019 project will include critical exterior repairs and assistance with 'new builds', as well as repair and renovation projects at three community projects: the east campus of The Harvest Center (formerly Jackson Park Ministries), the Pine Valley Community Center, and Pine Valley pocket park; and

**WHEREAS**, the Realtor® industry values giving back through its charitable efforts that contribute to the health of our city and region, and encourages others to develop partnerships that lend themselves to the creation of a stronger community:

**NOW, THEREFORE, WE**, Vi Alexander Lyles, Mayor of Charlotte, and George Dunlap, Chairman of the Mecklenburg Board of County Commissioners, do hereby proclaim April 2019 as

**"PARTNERSHIPS: IMPROVING OUR COMMUNITIES MONTH"**

in appreciation of the many ways that the Realtor® industry has improved Charlotte neighborhoods and continues its commitment to all citizens.

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

  
Vi Alexander Lyles, Mayor  
City of Charlotte



  
George Dunlap, Chair  
Mecklenburg Board of  
County Commissioners



**19-5316 PROCLAMATION - ALCOHOL AWARENESS MONTH (CHAIR DUNLAP)**

Motion was made by Commissioner Scarborough, seconded by Commissioner Cotham and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to adopt a proclamation declaring April 2019 as Alcohol Awareness Month in Mecklenburg County.

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

The resolution was read by Commissioner Powell and received by Michael Pella with Anuvia Prevention & Recovery Center.

APRIL 2, 2019



## **PUBLIC HEARINGS**

### **19-5298      TEFRA HEARING: ALLIANCE PREPARATORY SCHOOLS, INC D/B/A MALLARD CREEK STEM ACADEMY**

A regular meeting of the Board of Commissioners of the County of Mecklenburg, North Carolina (the "Board") was held in the Charlotte-Mecklenburg Government Center, Meeting Chamber, Lobby Level, 600 East Fourth Street, Charlotte, North Carolina, at 6:00 p.m. on April 2, 2019, after proper notice, and was called to order by the Chairman.

At 6:55 p.m., the Chairman announced that 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, a public authority existing under the laws of the State of Wisconsin (the

APRIL 2, 2019

"*Authority*"), of its Education Revenue Bonds (Mallard Creek STEM Academy) Series 2019 (the "*Bonds*"), in an aggregate principal amount not to exceed \$28,000,000, the proceeds of which will be loaned to Mallard Creek STEM Academy, LLC (the "*Borrower*"), a North Carolina limited liability company, of which Alliance Preparatory Schools, Inc. dba Mallard Creek STEM Academy (the "*Lessee*"), a North Carolina nonprofit corporation and an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, is the sole member, for the purpose of

(a) financing the acquisition of existing charter school facilities currently being leased by the Lessee located at 9142 Browne Road, Charlotte, North Carolina 28269, in the County of Mecklenburg, including but not limited to the acquisition of approximately 28.6 acres of land, a two-story building containing approximately 36,000 square feet, a gymnasium containing approximately 9,000 square feet, and a two-story building containing approximately 21,000 square feet from which the Lessee operates the public charter school known as Mallard Creek STEM Academy (the "*Project*");

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

(c) paying all or a portion of the costs of issuance of the Bonds.

The Project is located at 9142 Browne Road, Charlotte, North Carolina 28269, in the County of Mecklenburg. The Project will be owned by the Borrower and leased and operated by the Lessee.

On March 26, 2019, a notice of public hearing was published in *The Charlotte Observer*, a copy of the affidavit of publication being attached, 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 and operator of the facilities and the location of the facilities, among other things.

Motion was made by Commissioner Scarborough, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to open the public hearing.

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]**

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. The Chairman of the Board determined that no other persons who wished to speak at the public hearing were found.

**APRIL 2, 2019**

After the Board had heard all persons who had requested to be heard, Commissioner Scarborough moved that the public hearing be closed. The motion was seconded by Commissioner Fuller and was unanimously adopted.

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

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG,  
NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS  
EDUCATION REVENUE BONDS (MALLARD CREEK STEM ACADEMY) SERIES 2019 IN AN  
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$28,000,000**

**WHEREAS**, Alliance Preparatory Schools, Inc. dba Mallard Creek STEM Academy (the "*Lessee*"), a North Carolina nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "*Code*"), has requested that the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (the "*Authority*"), issue its Education Revenue Bonds (Mallard Creek STEM Academy) Series 2019, in one or more series (the "*Bonds*"), in an aggregate principal amount not to exceed \$28,000,000, and loan the proceeds thereof to Mallard Creek STEM Academy, LLC (the "*Borrower*"), a North Carolina limited liability company of which the Lessee is the sole member, for the following purposes:

(a) financing the acquisition of existing charter school facilities currently being leased by the Lessee located at 9142 Browne Road, Charlotte, North Carolina 28269, in the County of Mecklenburg, including but not limited to the acquisition of approximately 28.6 acres of land, a two-story building containing approximately 36,000 square feet, a gymnasium containing approximately 9,000 square feet, and a two-story building containing approximately 21,000 square feet from which the Lessee operates the public charter school known as Mallard Creek STEM Academy (the "*Project*");

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

(c) paying all or a portion of the costs of issuance of the Bonds.

**WHEREAS**, the proceeds of the Bonds will be used by the Borrower to acquire the Project, which will then be leased by the Borrower to and operated by the Lessee;

**WHEREAS**, pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the area in which the Project is located, after a public hearing held following reasonable public notice;

**APRIL 2, 2019**

*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;

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

*WHEREAS*, the Borrower has requested that the Board approve the Authority's issuance of the Bonds and the financing of the Project located within the County in order to satisfy the requirements of Section 147(f) of the Code;

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

*BE IT RESOLVED* by the Board as follows:

**Section 1.** Pursuant to and in accordance with the requirements of Section 147(f) of the Code and Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement, the Board hereby approves (a) the Authority's issuance of the Bonds in an aggregate principal amount not to exceed \$28,000,000 and (b) the financing of the Project located in the County.

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

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

On motion of Commissioner Scarborough, seconded by Commissioner Fuller, the foregoing resolution entitled "RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS EDUCATION REVENUE BONDS (MALLARD CREEK STEM ACADEMY) SERIES 2019 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$28,000,000" was duly adopted by the following vote:

**APRIL 2, 2019**

AYES: Commissioners Patricia “Pat” Cotham, George Dunlap, Trevor M. Fuller, Susan B. Harden, Mark Jerrell, Vilma D. Leake, Elaine Powell, Susan Rodriguez-McDowell, and Ella B. Scarborough

NAYS: NONE

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

### **ADVISORY COMMITTEE REPORTS**

#### **19-5297      WOMEN’S ADVISORY BOARD ANNUAL REPORT**

The Board received as information the Women's Advisory Board Annual Report.

Zhiviaga Williams, Women’s Advisory Board, Chairman gave the report.

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

Comments

Commissioner Leake thanked the Women’s Advisory Board for their work. She asked about their meeting schedule, which was shared.

Commissioner Leake encouraged participation on the advisory board, in light of the turnover that occurs. She suggested thought be given to how the members can become a more unified board with the goal of bettering things for women in the community. She encouraged men to apply as well.

Commissioner Jerrell, in response to the needs expressed by the Women’s Advisory Board in their report regarding funding, asked that those needs be provided to the County Manager, so the Board could then respond.

*Note: In its report the Women’s Advisory Board expressed the need for miscellaneous items such as a table runner.*

Commissioner Powell thanked the Women’s Advisory Board for their work. She echoed Commissioner Jerrell’s comment regarding being able to assist advisory boards with their needs to carry out their mission. Commissioner Powell said she was aware that typically



**APRIL 2, 2019**

advisory boards weren't funded, but that it was important for the Board to know of any challenges advisory boards were experiencing.

Commissioner Fuller asked was there a process for advisory boards to request funding.

County Manager Diorio said advisory board requests should be made through the department that was supporting them. County Manager Diorio said to date, funding had never been provided to advisory boards.

Chair Dunlap said this issue had been raised before. He echoed County Manager Diorio's comment that advisory boards should submit their requests to the department that worked with them. He advised the Women's Advisory Board to submit their request to the Community Support Services Department and that the County Manager be copied.

Commissioner Fuller asked was there a formal process for advisory boards to be aware of.

Clerk to the Board Janice S. Paige shared with the Board, Section 9 of the Board's Appointment Policy that addressed this issue.

**Section 9. BOCC Appointment Policy**  
**Committee Funding**

*No Committees can independently raise or solicit funds. If any Advisory Board has a legitimate need, they must go through their aligned Department to request funding. The business reason must align with Department priorities, and will come from the aligned Department's budget.*

This concluded the discussion.

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

Chair Dunlap thanked the Women's Advisory Board for their report.

**MANAGER'S REPORT - NONE**

**DEPARTMENTAL DIRECTORS' MONTHLY REPORTS - NONE**

**STAFF REPORTS & REQUESTS - NONE**

APRIL 2, 2019

**COUNTY COMMISSIONERS REPORTS & REQUESTS**

**19-5321      RESOLUTION IN SUPPORT OF THE EQUAL RIGHTS AMENDMENT (ERA)  
(COMMISSIONER HARDEN)**

Motion was made by Commissioner Harden, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell and Scarborough voting yes, to adopt a Resolution in Support of the Equal Rights Amendment (ERA).

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS  
RESOLUTION IN SUPPORT OF THE EQUAL RIGHTS AMENDMENT TO THE  
CONSTITUTION OF THE UNITED STATES OF AMERICA**

**WHEREAS**, SB184 and HB271 were introduced in the North Carolina General Assembly, (ERA ratification bills) on March 5th and 6th, 2019 and co-sponsored by a significant majority of the Mecklenburg County Delegation; and

**WHEREAS**, the United States Constitution does not explicitly guarantee that all rights are held equally by all citizens without regard to sex; and

**WHEREAS**, On March 22, 1972, the Equal Rights Amendment was passed by the U.S. Senate and sent to the states for ratification; the Amendment was to provide for the legal equality of the sexes and prohibit discrimination on the basis of sex; and

**WHEREAS**, women continue to confront a lack of political parity, workplace discrimination, health care inequities, disparate rates of poverty, sexual assault and domestic violence; and

**WHEREAS**, women play a critical role in the Mecklenburg County economy, supporting families, education, nonprofits, and communities; and

**WHEREAS**, according to *The Status of Women in North Carolina* report, commissioned by the North Carolina Council for Women and Youth Involvement in 2018, women are 35% more likely to live below the poverty line than men; women overall in Mecklenburg County earn 73 cents for every dollar earned by men; 52% of the Mecklenburg County population are women; and Mecklenburg County supports equality for all its residents; and

**WHEREAS**, according to a report from the Mecklenburg County Women's Advisory Board, the wage disparity costs the average American woman and her family \$700,000 to \$2 million in lost wages over their working lifetimes; and

**APRIL 2, 2019**

**WHEREAS**, North Carolina will make history by being the 38th state to ratify the Equal Rights Amendment, which is a demonstration by the State of North Carolina of its commitment to equality and fairness; **NOW, THEREFORE**,

**BE IT RESOLVED**, that the Mecklenburg County Board of Commissioners supports the ratification of the Equal Rights Amendment to the United States Constitution as proposed by Congress on March 22, 1972.

The resolution was read by Commissioner Harden.

*Note: Prior to the above vote, the following persons spoke in support of the resolution: Jane Whitley, Chair of the Mecklenburg County Democratic Party, Melba Evans with the National Organization of Women, Cate Stadelman with the League of Women Voters and Leigh Altman with the Democratic Women of Mecklenburg County.*

***A copy of handouts from the speakers is on file with the Clerk to the Board.***

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

#### **CONSENT ITEMS**

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

**19-5290          BUDGET AMENDMENT - COMMUNITY SUPPORT SERVICES (CSS) (REVENUE INCREASE)**

Recognize, receive and appropriate additional revenue in the amount of \$15,358, which will be received from Cardinal Innovations for Community Support Services (CSS) Substance Use Program's Medicaid and State billing.

**19-5300          BOARD OF EQUALIZATION AND REVIEW TERMS**

Approve changing the term expiration date for all members of the Board of Equalization and Review to end March 31st of the given year in which the term expires, instead of April 16<sup>th</sup>.

**APRIL 2, 2019**

*Note: The Tax Assessor recommended this change to better coincide with the annual startup of the Board of Equalization and Review work, which is usually April 1st. If approved, the Clerk will make the necessary adjustments to each member's term.*

**19-5303       MINUTES**

Approve Minutes of Regular meeting held March 19, 2019.

**19-5307       TEMPORARY EASEMENT CONVEYANCE - NORTH PRONG CLARKE CREEK**

Authorize the County Manager to convey a temporary construction easement ( $\pm$  0.09 acres) to TF Walden, LP on County owned Tax Parcel 019-441-11 for the construction of natural surface greenway trails along North Prong Clarke Creek.

**19-5309       EASEMENT ACQUISITION - MALLARD CREEK GREENWAY**

Authorize the County Manager to negotiate and execute all documents necessary for acquisition of a permanent greenway easement ( $\pm$ 0.0270 acres) on Tax Parcel 047-412-06 from Caroland Development, LLC as receiver for Countryside Montessori School for Mallard Creek Greenway for a purchase price of \$485.

**19-5310       TEMPORARY EASEMENT CONVEYANCE - HUNTINGTOWNE FARMS PARK**

1. Authorize the County Manager to convey a temporary access easement ( $\pm$  0.3 acres) to Blythe Development Company on County owned Tax Parcel 173-254-16 for the construction of the City of Charlotte's Lilly Mill Storm Drainage Improvement and Stream Enhancement Project; and
2. Recognize, receive and appropriate \$15,852.15 from Blythe Development Company to contribute to the repaving of the parking lot at the end of Ramblewood Lane in Huntingtowne Farms Park.

**APRIL 2, 2019**

**19-5311      ENGINEER SELECTION, MECKLENBURG COUNTY SOLID WASTE**

Authorize the County Manager to negotiate a fee and execute contracts with CDM Smith, HDR Inc, SCS Engineers and Smith & Garner for Engineering Services for Mecklenburg County Solid Waste Services.

**19-5312      TAX REFUNDS**

1. Approve refunds in the amount of \$3,374.63 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 \$383,765.72 as statutorily required to be paid as requested by the County Assessor

*Note: This Board action is necessary to approve tax refunds resulting from clerical errors, audits and other amendments, including revaluation appeals. There is an estimated accrued interest of \$1,347.26 included in the \$383,765.72 refunds.*

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

**19-5315      INFORMATION SERVICES & TECHNOLOGY ADVISORY COMMITTEE  
CHARTER/BYLAWS REVISIONS**

Approve Revisions to the Information Services & Technology Advisory Committee (ISTAC) Charter/Bylaws.

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

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

---

**APRIL 2, 2019**

**19-5237          GRANT APPLICATION: NC HUMAN TRAFFICKING COMMISSION - HUMAN TRAFFICKING COLLABORATION**

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to:

- 1) Affirm submission of a grant application for a total of \$80,680 for the term of January 1, 2019 - December 31, 2019 to the North Carolina Human Trafficking Commission in support of a Human Trafficking Collaboration; and
- 2) Recognize, receive and appropriate awarded grant funds

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

**19-5301          SET PUBLIC HEARING ON ASSESSMENT FOR STREET IMPROVEMENTS - HEARTHSTONE SUBDIVISION**

Motion was made by Commissioner Leake, seconded by Commissioner Rodriguez-McDowell and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to:

- 1) Accept a petition for a Special Assessment for Street Improvements in the Hearthstone Subdivision; and
- 2) Adopt a Preliminary Assessment Resolution setting a public hearing for May 21, 2019 at 6:30 p.m. to receive citizen input with respect to the Hearthstone Subdivision Preliminary Assessment Resolution.

Commissioner Leake removed this item from Consent for more public awareness and clarity. Director of Land Use & Environmental Services, Ebenezer Gujjarlapudi addressed this item.

**MECKLENBURG COUNTY  
BOARD OF COMMISSIONERS  
PRELIMINARY ASSESSMENT RESOLUTION FOR  
STREET IMPROVEMENTS IN HEARTHSTONE SUBDIVISION**

**APRIL 2, 2019**

**WHEREAS**, North Carolina General Statutes Section 153A-185 allows counties to make special assessments against benefited property within the county for all or part of the costs of constructing, reconstructing, extending, or otherwise building or improving roadways; and

**WHEREAS**, property owners whose properties abut directly on the following roadways: Bards Court, Carding Place and a section of Tatting Road from west of Butter Churn Lane to its end, all located in the Hearthstone Subdivision which is located off of Tilley Morris Road in the southeastern area of unincorporated Mecklenburg County, petitioned the County on February 21, 2019 to bring these roadways up to North Carolina Department of Transportation (NCDOT) paved subdivision roadway standards; and

**WHEREAS**, the NCDOT has agreed to complete the required repairs to bring the streets described above to within the NCDOT's standard during a repaving project scheduled for the Hearthstone Subdivision for the not to exceed cost of \$38,398.62; and

**WHEREAS**, one hundred percent (100%) of the property owners owning one hundred percent (100%) of the front footage of the parcels on the following roadways: Bards Court, Carding Place and a section of Tatting Road from west of Butter Churn Lane to its end, have agreed to a special assessment and will share the cost according to the amounts shown on the attached petition for street improvements; and

**WHEREAS**, the basis for assessment will be one hundred percent (100%) of the County's payment to the NCDOT to construct the improvements to the following roadways: Bards Court, Carding Place and a section of Tatting Road from west of Butter Churn Lane to its end, the total to be divided by all of the properties benefitting from the improvements according to the amounts shown on the attached petition; and

**WHEREAS**, the proposed terms of payment of the assessment are such that each property owner may pay the total apportioned property share or will be assessed annually at a rate of four percent (4%) interest over five (5) consecutive years for their portion of the cost of the project; now, therefore, be it

**RESOLVED**, by the Mecklenburg County Board of Commissioners that Mecklenburg County fund the property owners' cost of the construction of the roadway improvements on the assessment basis, pursuant to the procedure specified herein, and as required by G.S 153A-190 and G.S. 153A-191, and does hereby schedule a public hearing on May 21, 2019 at 6:30 p.m., or as soon thereafter as the agenda allows on the Preliminary Assessment in the Meeting Chamber of the Charlotte-Mecklenburg Government Center (600 E. Fourth Street, Charlotte, North Carolina), and does hereby instruct the Clerk to the Board of Commissioners to cause to be published at least ten (10) days prior to the date of the hearing in a newspaper of general

**APRIL 2, 2019**

circulation in the County that this Preliminary Assessment Resolution has been adopted, that the Preliminary Assessment Resolution is available for inspection in the Clerk's office, and that a public hearing on the Preliminary Assessment Resolution will be held at the time and place specified herein. The LUESA Project Manager is hereby instructed to mail or cause to be mailed a copy of this Preliminary Assessment Resolution by first-class mail to each property owner on the following roadways: Bards Court, Carding Place and a section of Tatting Road from west of Butter Churn Lane to its end, as shown on the County tax records at least ten (10) days before the date set for the public hearing, and further, to certify to the Board of County Commissioners that the Resolutions were mailed by first class mail, and the date on which they were mailed.

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

**19-5323      RE-ALLOCATION OF FY18 CARRYFORWARD FUNDING (SHERIFF'S OFFICE)**

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to approve the re-allocation of funding in the amount of \$24,200 for the purchase of laptops and other equipment and supplies for the Sheriff's Community Engagement Team.

*Note: At the regular meeting June 19, 2018, the Board of County Commissioners approved the carry forward funding of \$24,200 from fiscal year 2018 to FY 2019 to purchase and train staff to utilize 2 UAV Drones to provide additional perimeter security at the Jail North campus. After further discussions related to the Drone purchase, the Sheriff's Office re-considered the Drone purchase and determined that having the drones would not replace the perimeter checks that occur on scheduled intervals at the Jail North campus or take the place of staff ensuring security at the facility. The Sheriff's Office requested that the \$24,200 for the drones be reallocated for the purchase of laptops and other equipment and supplies deemed appropriate for the Sheriff's newly created Community Engagement Team.*

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



**APRIL 2, 2019**

**19-5324      GRANT APPLICATION: FY2019-2020 JCPC ALTERNATIVES TO COMMITMENT PROGRAMS**

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to:

- 1) Approve submission of a grant application for state funding in the amount of \$100,000 to the N.C. Department of Public Safety, Division of Adult Correction and Juvenile Justice, FY2019-2020 JCPC Alternatives to Commitment Programs; and
- 2) If awarded, recognize, receive, and appropriate funds for the amount awarded for the duration of the grant period.

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

Commissioner Leake and Jerrell removed this item from Consent for more public awareness and clarity. They asked for information on the number of people that would be impacted if the grant was received.

Director of Criminal Justice Services Sonya Harper addressed this item.

**19-5327      SOLE SOURCE PURCHASE -- SHERIFF'S OFFICE LIVESCAN SYSTEM**

Motion was made by Commissioner Leake, seconded by Commissioner Powell and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to:

- 1) Approve the purchase of the IDEMIA Livescan System without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(e)(6); and
- 2) Approve a contract with IDEMIA for the purchase of a Livescan system from approved 2018 Justice Assistance Grant (JAG) funds (RFBA 18-5001).

**APRIL 2, 2019**

*Note: \*Sole sourcing is necessary because there is only one supply source. IDEMIA is the owner of the software and design, sole developer and sole provider for the Automated Fingerprint Identification System (AFIS). The proposed IDEMIA Workstation upgrades are specifically designed to work with the existing AFIS located at North Carolina Department of Public Safety (NC DPS).*

*As the manufacturer of the existing NC DPS AFIS subsystem, software applications, and Workstations, only IDEMIA can provide the Workstation upgrades with the required hardware/software and support. Furthermore, all of our current AFIS machines are supported by maintenance agreements with IDEMIA and the new machines are replacing machines that will no longer be supported on the State of NC platform after next month.*

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

**19-5313      LAND ACQUISITION - CHARLOTTE-MECKLENBURG SCHOOLS**

Motion was made by Commissioner Fuller, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to approve a purchase price of \$370,000 for Charlotte-Mecklenburg Board of Education to purchase Tax Parcel 017-051-09 (+/- 0.59 acres) in the Town of Huntersville from Salem L. Carriker and Adam Carriker future planning and construction purposes.

*Note: Commissioner Leake noted that she was voting in support of the request reluctantly. She said was concerned that the property may end up being used for Charter Schools.*

**ADJOURNMENT**

Motion was made by Commissioner Scarborough, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:15 p.m.

---

Janice S. Paige, Clerk

---

George Dunlap, Chair