

SEPTEMBER 17, 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, September 17, 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: 19-5643, 19-5651, 19-5656, 19-5660, and 19-5668.

STAFF BRIEFINGS -NONE

CLOSED SESSION

**19-5682 PERSONNEL MATTER
19-5655 CONSULT WITH ATTORNEY
19-5658 LAND ACQUISITION**

SEPTEMBER 17, 2019

19-5675 BUSINESS LOCATION AND EXPANSION

Prior to going into Closed Session County Attorney Wade announced the following Land Acquisition matters to be discussed in Closed Session: Tax Parcel(s): 031-152-14, 031-152-15, 031-152-16, 031-152-17, 053-241-01, 053-241-02, 053-242-03, 053-242-05 (which shall be deemed to include 053-242-05A and 053-242-05B).

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 go into Closed Session for the following purpose(s): Personnel Matter, Consult with Attorney, Land Acquisition, and Business Location and Expansion.

The Board went into Closed Session at 5:10 p.m. and came back into Open Session at 5:55 p.m.

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 move Item 19-5703-Proclamation-Constitution Week from Consent to Awards/Recognition.

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

Chair Dunlap took a "Point of Personal Privilege" to acknowledge a "unity letter" that was recently published in the local paper, "signed by thousands of citizens of Mecklenburg County" supporting the work of the current Board and opposing racism. He said those that signed the letter were in agreement with the Board that racism was not good for the community and that they "reject people who are of that frame of mind."

Note: The letter was done in light of recent letters received by some African American elected and appointed officials from an anonymous writer that was full of racist comments.

Chair Dunlap thanked the community for its support of the Board and for taking a stand against racism.

SEPTEMBER 17, 2019

19-5682 PERSONNEL MATTER – COUNTY MANAGER FY20 WORKPLAN

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 the County Manager's FY 20 Workplan as discussed in Closed Session.

Commissioner Leake expressed thanks to County Manager Diorio for her leadership and management of the County's operations. She said County Manager Diorio was "Strong and Powerful Sister" that gets the job done. Commissioner Leake asked that the minutes reflect her statement.

19-5658 LAND ACQUISITION CATAWBA RIVER PROPERTY ON RIVERSIDE DRIVE AND ON MOORES CHAPEL LOOP

Motion was made by Commissioner Scarborough, seconded by Commissioner Powell and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to authorize the County Manager to negotiate and execute all documents necessary for acquisition of Tax Parcels 031-152-14, 031-152-15, 031-152-16, and 031-152-17 (+/- 1.185 acres) in the extra-territorial jurisdiction of the City of Charlotte from Courtney G. Jones for a purchase price of \$110,000.

Note: The property is located on a tributary of the Catawba River and is entirely within the floodplain. Acquisition of these parcels will remove the potential of development in an area that has experienced significant damage from recent and past flooding.

Motion was made by Commissioner Powell, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to authorize the County Manager to negotiate and execute all documents necessary for acquisition of Tax Parcels 053-241-01, 053-241-02, 053-242-03, 053-242-05 (which shall be deemed to include 053-242-05A and 053-242-05B) totaling +/- 7.158 acres in the extra-territorial jurisdiction of the City of Charlotte from Burns Family Properties, LLC for a purchase price of \$683,000.

Note: Acquisition of this property will provide increased access to Catawba River for County residents.

AWARDS/RECOGNITION

SEPTEMBER 17, 2019

19-5669 2019 NACO ACHIEVEMENT AWARDS

The Board recognized the County's 2019 NACo (National Association of Counties) Achievement Awards winners.

Danny Diehl, Director of Public Information presented the winning programs.

Note: County staff won 16 NACo awards this year for a variety of programs. Eight were recognized at the September 4, 2019 meeting. The remaining eight winners were recognized at tonight's meeting as noted below.

Those recognized at tonight's meeting were:

- 1. Department of Community Resources – Community Resources Center*
- 2. Finance/LUESA GIS – Capital Improvement Plan Story Map for Transparency and Community Engagement*
- 3. LUESA Storm Water Services- Scoop the Poop*
- 4. Park and Recreation – Paralympic Youth Goalball*
- 5. Park and Recreation – Vocational Skills Horticulture Program*
- 6. Park and Recreation – Plant 4 Change*
- 7. Public Health Department – Edible Landscape Project*
- 8. Public Health Department – A Novel Model of collaboration to increase availability of pre-exposure prophylaxis (PrEP) to uninsured individuals*

A description of the winning programs is on file with the Clerk to the Board.

19-5703 PROCLAMATION - 2019 CONSTITUTION WEEK

Motion was made by Commissioner Powell, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to adopt a Proclamation declaring September 17-23, 2019, as Constitution Week in Mecklenburg County.

The proclamation was read by Chair Dunlap and received by a representative for the N.C. District III, Daughters of the American Revolution. *(Name was not given.)*

Note: September 17th marks the 232nd anniversary of the signing of the U.S. Constitution by the Constitutional Convention. The N.C. District III, Daughters of the American Revolution respectfully requested that the proclamation be done to commemorate the celebration of Constitution Week for Mecklenburg County. Constitution Week is celebrated each year from September 12th through September 23rd. Public Law 915 guarantees the issuing of a

SEPTEMBER 17, 2019

proclamation each year by the President of the United States of America designating September 17th through 23rd as Constitution Week.



PUBLIC APPEARANCE

19-5653 PUBLIC APPEARANCE

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

Lloyd Scher, a former County Commissioner asked the Board to consider taking action to ban the sale of bullets for AK-47 and AR15 weapons. He said there was no N.C. law preventing the sale of these type bullets. He noted N.C. Ammo Laws: The State of N.C. prohibits the possession and sale of Teflon-coated bullets. He said beyond that there were no known

SEPTEMBER 17, 2019

unusual ammo laws in the state of N.C.; the state does not require a license to purchase ammo. He said federal laws still apply.

Former Commissioner Scher said this was one way to combat the issue of gun violence in the community.

A copy of Former Commissioner Scher's statement is on file with the Clerk to the Board.

Dumont Clarke, a former County Commissioner asked the Board to consider holding a discussion around steps that could be taken to address protecting people from heat related illnesses. He said Charlotte/Mecklenburg County had experienced 65 days of 90+ degrees in temperature. He said a slowly developing weather event was occurring because of the extreme heat and that it would result in a public health crisis if not addressed.

James Lee registered to speak but was not present.

APPOINTMENTS

19-5641 NOMINATIONS/APPOINTMENTS

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

Motion was made by Commissioner Scarborough, seconded by Commissioner Rodriguez-McDowell and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell and Scarborough voting yes, to reappoint Yvette Townsend-Ingram to the Charlotte-Mecklenburg Community Relations Committee for a three-year term expiring September 30, 2022.

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

Alexandra Alfaro	by Commissioner Rodriguez-McDowell
Sonya Black	by Commissioner Cotham
Daniel Estevez	by Commissioner Powell
Micha Simmons	by Commissioner Rodriguez-McDowell

Note: An appointment will occur at the October 1, 2019 meeting.

GROUNDWATER ADVISORY COMMITTEE

SEPTEMBER 17, 2019

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell and Scarborough voting yes, to reappoint Ralph Roberts as the General Public/Well Owner representative to the Groundwater Advisory Committee for a three-year expiring July 31, 2022.

Note: Mr. Roberts served two full consecutive terms, but was willing to serve another term since there were no applicants for the General Public/Well Owner slot.

WOMEN'S ADVISORY BOARD

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough to nominate and appoint Sonya Black and Katelyn Hogan to the Women's Advisory Board as recommended by the Women's Advisory Board, however, a vote was not taken because other applicants were nominated as noted below.

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

Sonya Black	by Commissioner Leake
Katelyn Hogan	by Commissioner Leake
Alexis Kondratyk	by Commissioner Jerrell
Marci Parrott	by Commissioner Powell

Note: An appointment will occur at the October 1, 2019 meeting.

PUBLIC HEARINGS

19-5664 TEFRA HEARING: CORVIAN COMMUNITY SCHOOL, INC.

At 6:50 p.m., 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 open a TEFRA public hearing and receive comments on the proposed financing by Corvian Community School, Inc.

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 "*Authority*"), of its Education

SEPTEMBER 17, 2019

Revenue Bonds (Corvian Community School) Series 2019 (the "*Bonds*"), in an aggregate principal amount not to exceed \$30,000,000, the proceeds of which will be loaned to CCSSH, LLC (the "*Borrower*"), a North Carolina limited liability company whose sole member is Corvian Community School, Inc. (the "*Corporation*"), a North Carolina nonprofit corporation and an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "*Code*"), for the purpose of

(a) financing or refinancing, including through reimbursement, the acquisition, construction, improvement, and equipping of land and certain charter school facilities of the Borrower and the Corporation, including but not limited to (i) acquiring the approximately 10.02 acres of land and structure located thereon at 4119 Johnston Oehler Road, Charlotte, North Carolina 28269 (the "*Land*"), the Borrower's and the Corporation's elementary school facilities consisting of one approximately 29,169 square foot building and approximately 17.01 acres of land located at 9501 David Taylor Drive, Charlotte, North Carolina 28262 (the "*Elementary School*") and middle school facilities consisting of one approximately 35,800 square foot building and approximately 14.47 acres of land located at 4125 Johnston Oehler Road, Charlotte, North Carolina 28269; (ii) constructing, improving, and equipping a multi-purpose synthetic turf athletic field and track with lighting and 400-seat stadium seating and an approximately 1,700 square foot press box and fieldhouse building on the Land; and (iii) painting and repairing and renovating flooring, walls, and HVAC equipment in the Elementary School ((a)(i) through (iii), together, the "*Project*");

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

(c) funding capitalized interest on all or a portion of the Bonds during all or a portion of the construction of the Project; and

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

The Project is or will be located at 4119 Johnston Oehler Road, Charlotte, North Carolina 28269, 9501 David Taylor Drive, Charlotte, North Carolina 28262, and 4125 Johnston Oehler Road, Charlotte, North Carolina 28269. The Project is or will be owned by the Borrower and leased to and operated by the Corporation.

On September 10, 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 or refinanced, the maximum principal amount of the Bonds, the initial owner and operator of the facilities and the location of the facilities, among other things.

The names, address and testimony of the persons who were present and who offered

SEPTEMBER 17, 2019

comments on the proposed issuance of the Bonds or who responded in writing to the notice of public hearing are as follows: Rebecca Chapin with McGuire Woods, Legal Counsel for Corvian Community School, Stacey Haskell, Executive Director of Corvian Community School, and Stephanie Cook, Corvian's Director of Marketing and Fundraising were present in support of the request and addressed questions from Board members.

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.

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

Commissioner Fuller 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 (CORVIAN COMMUNITY SCHOOL) SERIES 2019 IN AN
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000**

WHEREAS, Corvian Community School, Inc. 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 (Corvian Community School) Series 2019 (the "*Bonds*"), in an aggregate principal amount not to exceed \$30,000,000, and loan the proceeds thereof to Corvian Community School, Inc. or a limited liability company the sole member of which is Corvian Community School, Inc. (the "*Borrower*") for the following purposes:

(a) financing or refinancing, including through reimbursement, the acquisition, construction, improvement, and equipping of land and certain charter school facilities of the Borrower and the Corporation, including but not limited to (i) acquiring the approximately 10.02 acres of land and structure located thereon at 4119 Johnston Oehler Road, Charlotte, North Carolina 28269 (the "*Land*"), the Borrower's and the Corporation's elementary school facilities consisting of one approximately 29,169 square foot building and approximately 17.01 acres of land located at 9501 David Taylor Drive, Charlotte, North Carolina 28262 (the "*Elementary School*") and middle school facilities consisting of one approximately 35,800 square foot building and approximately 14.47 acres of land located at 4125 Johnston Oehler Road, Charlotte, North Carolina 28269; (ii) constructing, improving, and equipping a multi-purpose synthetic turf athletic field and track with lighting and 400-seat stadium seating and an approximately 1,700 square foot press box and fieldhouse building on the Land; and (iii) painting and repairing and renovating flooring, walls,

SEPTEMBER 17, 2019

and HVAC equipment in the Elementary School ((a)(i) through (iii), together, the "*Project*");

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

(c) funding capitalized interest on all or a portion of the Bonds during all or a portion of the construction of the Project; and

(d) paying all or a portion of the costs of issuance of the Bonds; and

WHEREAS, the Elementary School and the Middle School are currently owned by unrelated third parties and are currently leased to and operated by the Corporation. The Project is or will be owned by the Borrower and leased to and operated by the Corporation; and

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; and

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; and

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; and

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

WHEREAS, the Borrower has requested that the Board approve the financing or refinancing 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; and

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

SEPTEMBER 17, 2019

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 \$30,000,000 and (b) the financing or refinancing 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 Corporation with respect to the Bonds or the Project.

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

On motion of Commissioner Fuller, seconded by Commissioner Leake, 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 (CORVIAN COMMUNITY SCHOOL) SERIES 2019 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000" was duly adopted by the following vote:

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

Extracts/Resolution recorded in full in Minute/Ordinance Book 48-A, Document # 77.

19-5674 TEFRA HEARING: MOUNTAIN ISLAND DAY COMMUNITY CHARTER SCHOOL PROJECT

At 6:52 p.m., 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 open TEFRA public hearing and receive comments on the proposed financing of Mountain Island Day Community Charter School Project.

The Chairman announced that the Board would proceed to hold a public hearing and would

SEPTEMBER 17, 2019

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 "*Authority*"), of its Education Revenue Bonds (Mountain Island Day Community Charter School) Series 2019 (the "*Bonds*"), in an aggregate principal amount not to exceed \$24,000,000, the proceeds of which will be loaned to Mariner Foundation (the "*Borrower*"), 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*"), for the purpose of

(a) financing the acquisition, construction, renovation, improvement, and equipping of certain land and charter educational facilities of Mountain Island Day Community Charter School (the "*Lessee*"), a North Carolina nonprofit corporation and an organization described in Section 501(c)(3) of the Code, and the Borrower to be leased to the Lessee for use as a charter school known as "Mountain Island Day Community Charter School," including but not limited to (i) the acquisition of approximately 0.66 acres of land and structure located thereon at 6231 Paw Creek Road, Charlotte, North Carolina 28214, and (ii) the acquisition of approximately 22.9 acres of land and a two-story approximately 46,000 square foot building located at 1209 Little Rock Road, Charlotte, North Carolina 28214, and the construction, improvement, and equipping of a two-story approximately 56,000 square foot building, athletic fields and related equipment, in each case to be located thereon (the "*Project*");

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

(c) paying capitalized interest on the Bonds; and

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

The Project is located at 6231 Paw Creek Road and 1209 Little Rock Road, Charlotte, North Carolina 28214, in the County of Mecklenburg. The Project will be owned by the Borrower and leased to and operated by the Lessee.

On September 10, 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 Project to be financed, the maximum principal amount of the Bonds, the initial owner and operator of the Project and the location of the Project, among other things.

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: Rebecca Chaffin with McGuire Woods, LLP, Legal Counsel for Mountain Island Day Community Charter School and Tom Winstead, Mountain Island Day

Community Charter School Dean of Operations were present in support of the request and

SEPTEMBER 17, 2019

addressed questions from Board members.

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.

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. Commissioner Scarborough 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 (MOUNTAIN ISLAND DAY COMMUNITY CHARTER SCHOOL)
SERIES 2019 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$24,000,000**

WHEREAS, Mountain Island Day Community Charter School (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 (Mountain Island Day Community Charter School) Series 2019, in one or more series (the "*Bonds*"), in an aggregate principal amount not to exceed \$24,000,000, and loan the proceeds thereof to Mariner Foundation (the "*Borrower*"), a North Carolina nonprofit corporation and an organization described in Section 501(c)(3) of the Code, for the following purposes:

(a) financing the acquisition, construction, renovation, improvement, and equipping of certain land and charter educational facilities of the Lessee and the Borrower to be leased to the Lessee for use as a charter school known as "Mountain Island Day Community Charter School," including but not limited to (i) the acquisition of approximately 0.66 acres of land and structure located thereon at 6231 Paw Creek Road, Charlotte, North Carolina 28214, and (ii) the acquisition of approximately 22.9 acres of land and a two-story approximately 46,000 square foot building located at 1209 Little Rock Road, Charlotte, North Carolina 28214, and the construction, improvement, and equipping of a two-story approximately 56,000 square foot building, athletic fields and related equipment, in each case to be located thereon (the "*Project*");

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

(c) paying capitalized interest on the Bonds; and

(d) paying all or a portion of the costs of issuance of the Bonds; and

SEPTEMBER 17, 2019

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

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; and

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; and

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

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; and

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, all of which govern the Authority; and

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

WHEREAS, the Bonds shall not be deemed to constitute a debt of the County or a pledge of the faith and credit of the County, but shall be special limited obligations of the Authority payable solely from the loan repayments to be made by the Borrower to the Authority, and shall contain on the face thereof a statement to the effect that neither the faith and credit nor the taxing power of the County is pledged to the payment of the principal of or interest on the Series 2019 Bonds;

BE IT RESOLVED by the Board as follows:

Section 1. Pursuant to and in accordance with the requirements of Section 147(f) of the

SEPTEMBER 17, 2019

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 \$24,000,000 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 (MOUNTAIN ISLAND DAY COMMUNITY CHARTER SCHOOL) SERIES 2019 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$24,000,000" was duly adopted by the following vote:

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

Extracts/Resolution recorded in full in Minute/Ordinance Book 48-A, Document # 78.

19-5676 BUSINESS INVESTMENT GRANT: COLUMBUS MCKINNON CORPORATION

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 open a public hearing to receive comments on a proposed Business Investment Program grant to Columbus McKinnon Corporation.

Peter Zeiler, Director of Economic Development presented the request.

Note: Columbus McKinnon Corporation is a leading worldwide designer, manufacturer and marketer of motion control products, technologies, systems and services that efficiently and ergonomically move, lift, position and secure materials. Columbus McKinnon is headquartered in Buffalo, New York and has two facilities in North Carolina: Duff-Norton, located in Mecklenburg County, and North American Crane, located in Anson County.

SEPTEMBER 17, 2019

Columbus McKinnon is seeking to establish a new state of the art research and development global headquarters which will employ engineering personnel resources and testing lab software, hardware and equipment and develop automation and control solutions for the global Columbus McKinnon Enterprise. The project is anticipated to create new technologies which will drive new sales and markets for the company.

Columbus McKinnon Corporation has announced its intent to locate the global research and development headquarters in Charlotte in leased office space and in the existing Duff Norton facility. Columbus McKinnon also considered expanding its current sites in New York and in Charleston, South Carolina.

Columbus McKinnon Corporation's proposed headquarters project meets all the following grant guidelines for a five-year, 50% Business Investment Grant, specifically:

- A taxable investment of \$3,140,000 to be completed in the next five years*
- Creation of 25 new jobs with an average wage of \$118,600 (which is equal to 232% of the average for the Charlotte-Gastonia-Rock Hill M.S.A.).*
- There is competition for this project from New York and South Carolina.*
- The project is an expansion of an existing industry in Mecklenburg.*

The general terms and condition of this grant include:

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

The Board of County Commissioners indicated their intent to approve this grant in a closed session on August 7, 2019.

Charlotte City Council indicated their intent to approve the City's share of the grant at their August 26, 2019 closed session.

The State of North Carolina approved committing \$1,000 - \$1,200 in training support per new position created on March 11, 2019.

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

No one appeared to speak, however, Director Zeiler acknowledged the presence of Steve Babcock, Chief Procurement Officer for Columbus McKinnon Corporation in the audience. Mr. Babcock thanked the Board for its support of their request.

SEPTEMBER 17, 2019

Commissioner Fuller, chair of the Board's Economic Development Committee said the Committee voted to recommend approval to the full Board of a Business Investment Program Grant to Columbus McKinnon Corporation and moved that the Board do so.

Chair Dunlap called for a vote on the motion by Commissioner Fuller, to close the public hearing and adopt a resolution approving a Business Investment Program grant to Columbus McKinnon Corporation for a total amount not to exceed \$62,234 and authorize the County Manager to negotiate and execute the contract, the motion carried 8-1 with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell and Scarborough voting yes and Commissioner Powell voting no.

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS
RESOLUTION
APPROVING BUSINESS INVESTMENT PROGRAM GRANT
FOR COLUMBUS MCKINNON CORPORATION**

WHEREAS, **Columbus McKinnon Corporation** is seeking to establish a new global research and development center in Charlotte, NC; and

WHEREAS, the company evaluated sites in Buffalo, NY and Charleston, SC; 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 August 7, 2019 and as authorized by the Board, the County communicated this information to the company; and

WHEREAS, taking into consideration the Board's stated intent to make an economic development grant, the company subsequently decided to expand in Charlotte. The project will include a capital investment of approximately \$3.14 million and will create 25 new jobs within five years at an average annual salary of approximately \$118,600. The Business Investment Program grant is a 50% grant over 5 years, with an estimated total amount of up to \$62,234. 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, the 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 Mecklenburg Board of County Commissioners does hereby approve the Business Investment Program grant and Economic Development grant as described above, and

SEPTEMBER 17, 2019

authorizes the County Manager to execute a contract for the same, with any necessary or helpful nonmaterial changes.

Resolution recorded in full in Minute/Ordinance Book 48-A, Document #79.

ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT

19-5646 COMMUNITY VIOLENCE/COMMUNITY SAFETY PRESENTATION

The Board received a presentation from Gibbie Harris, Health Director, on the Proposal to Address Community Violence/Community Safety in Mecklenburg County. She was assisted by Dr. Alisahah Cole, Community Impact Officer, Atrium Health.

Note: The Mecklenburg County Health Department is collaborating with Atrium Health, the community's trauma center to utilize a public health approach to address community violence and community safety. The presentation included available data and a framework for the development and implementation of a plan for Mecklenburg County.

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

Comments

Chair Dunlap thanked Health Director Harris and Dr. Cole for the report. He also acknowledged the presence of Dr. Dave Jacobs (Trauma Surgeon) from Atrium Health as well.

Chair Dunlap said this was just the beginning with respect to ways the County could assist with combating the issue of violence in the community. He said the Board would be looking to staff to assist the Board with developing policies, processes, and procedures to help address violence in the community.

Commissioner Harden addressed the homicide rate and posed the question, "Do we love our children?" She said the answer was yes and that the Board "must act."

Commissioner Harden asked would additional information be ready in time for the Board's retreat. *Health Director Harris said staff should be able to provide a recommended framework for moving forward.*

SEPTEMBER 17, 2019

Commissioner Rodriguez-McDowell noted the leading causes of violent deaths. She said she liked the suggestion made by former County Commissioner Lloyd Scher regarding banning the sale of certain bullets.

Commissioner Leake said this was an issue the Board's Health and Human Services Committee, which she chaired, had been discussing, so she's glad to see this.

Commissioner Fuller said as a nation, too many mass shootings had occurred. He said something must be done. He said he liked the idea of this issue being looked at as a "public health issue," because it was.

Commissioner Jerrell said what stood out to him the most in the report was the number of firearms deaths by race. He asked if there were immediate actions that could be taken while data was being gathered to share at the Board's retreat.

Commissioner Cotham commented on the long term impact on individuals and families that had experienced violence. She said this was definitely a community problem.

Commissioner Cotham said it was her understanding that Atrium Health did not hire individuals with a criminal record. She asked that they reconsider that policy. *Dr. Cole said she would share that concern.*

Commissioner Powell echoed also that this was a community problem. She said everyone needed to work together to address this issue and that it should not be a political issue.

Commissioner Powell posed the question of what could be done to create places for people to feel safe. She said she was hopeful after receiving the report.

Chair Dunlap said at the end of this process the Board would probably have to take a stand on some things. He noted that financial institutions could prohibit guns in their buildings and that department stores were beginning to do same thing. He said at some point, the Board would need to revisit discussion around banning weapons on County property. He said this issue was discussed years ago but the support to do so at that time was not there.

Chair Dunlap said this issue should be looked at from a comprehensive standpoint. He said violence was a public health problem, but that guns was still an issue. He said no one was talking about taking anyone's gun, but rather, about "responsible gun ownership and what a responsible gun owner should be doing."

Chair Dunlap said the County should continue to look for ways to keep youth engaged in positive things. He said the successful passage of the proposed sales and use tax

SEPTEMBER 17, 2019

referendum on the ballot in November would assist with this because it would provide opportunities for youth to be involved with the Arts.

Chair Dunlap said he looked forward to additional conversations around this issue. He said he wanted staff to explore all ways whereby the County could address the issue of community violence.

19-5684 PROCEDURE FOR THE PURCHASE OF NEW VOTING SYSTEM

The Board received an update on the procedure to purchase new voting equipment and systems.

Michael Dickerson, Director of Elections gave the update.

Note: Before any piece of election equipment can be used in North Carolina elections, it must be certified by the N.C. State Board of Elections. This ensures that voting systems remain reliable, accurate, user-friendly, accessible to persons with disabilities, and capable of secure operation.

On August 23, 2019 the North Carolina State Board of Elections met and certified 3 vendors' voting systems for use in North Carolina. Prior to approving the adoption of any new voting system by the Board of County Commissioners, the County Board of Elections must witness a demonstration of the voting systems. The current voting system will be decertified on December 1, 2019.

To comply with the legal requirement, the following steps are to be followed:

Step 1: Witness a demonstration of the certified type of voting systems. The demonstration will be organized as part of a public meeting with invitations sent to the Board of County Commissioners, the County Manager, the County Attorney, and the political parties in the county.

Step 2: A preliminary recommendation will be made to the Board of County Commissioners as to which type of voting system should be acquired by the county.

Step 3: The County Board of Elections must instruct the County Board of Elections staff to test the proposed voting system in at least one precinct. The voting system test must take place during an election.

- *County Board of Elections staff must notify State Board voting systems staff of its intent to test the recommended voting system.*

SEPTEMBER 17, 2019

- *The voting systems election management system and the components of the system must undergo Logic & Accuracy testing prior to use in the test election.*
- *After completing canvass, the county board of elections must determine that the recommended voting system has met the requirements for voting in that county.*

Step 4: Obtain State Board approval to replace the current voting system. The County Board of Elections cannot replace any voting system, or any portion thereof, without approval of the State Board.

Step 5: Make a final recommendation to the Board of County Commissioners. The Board of Commissioners can decline to adopt or acquire any voting system recommended by the County Board of Elections, but it cannot adopt and acquire a voting system that has not been approved by the County Board of Elections. The public contracting and procurement statutes do not apply to the purchase of a certified voting system.

Along with the final recommendation, the County Board of Elections must submit the proposed vendor contract to the State Board of Elections for review and approval.

An invitation was sent to the Board of Commissioners from the Mecklenburg County Board of Elections to witness a demonstration of the recommended type of voting system, plus at least one other certified type of voting system. Demonstrations will occur on September 23rd at the Valerie C Woodard Center, from 9am-11am, 1pm-3pm and 7pm-9pm.

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

Comments

Chair Dunlap asked would Elections be able to ensure that the equipment couldn't be compromised. Chair Dunlap said he also received a call from the N.C. NAACP President concerned that Mecklenburg County might use electronic voting. He asked would a public hearing be held regarding the equipment. *Director Dickerson said the equipment would not have internet access or telephone lines access. He said that was prohibited in NC law.*

Director Dickerson explained how the current process worked, which he was very secure. He said the new equipment would be as well.

Director Dickerson said the Board of Elections was already receiving public comment regarding new equipment. He said the State would not certify a piece of equipment that didn't work and that he was confident in the State system.

SEPTEMBER 17, 2019

Director Dickerson said he had no idea at this point what his board, the Board of Elections, would recommend for its equipment choice. He said he was sure that the Board of Elections would hear from residents all across the County.

Commissioner Harden asked could the Board of County Commissioners “compel” or request the Board of Elections to have a public hearing. *Director Dickerson said the Board of Elections would be meeting on September 27, 2019 at 1:00 p.m. at the Board of Elections Office and that the meeting was open to the public.*

Commissioner Harden said the public may not be able to attend a meeting at 1:00 p.m. and asked was there another way they could share their concerns, perhaps by email. *Director Dickerson said the public was welcomed to email the Elections Office. He said any emails received would be shared with the Board of Elections.*

Commissioner Rodriguez-McDowell asked were the equipment demonstrations open to the public. *The response was yes.*

Chair Dunlap asked could the Board of County Commissioners hold its own public hearing regarding new voting equipment. *County Attorney Wade said the Board could hold a public hearing if it liked, however, the final decision was that of the State Board of Elections.*

Commissioner Rodriguez-McDowell shared with Director Dickerson that folks in her very own precinct were concerned about “voter intimidation.” She said there was a plan to write a letter to the Board of Elections to see what could be done to prevent this.

Chair Dunlap asked the County Manager to ensure that information regarding the equipment demonstration sessions was well publicized for the public’s awareness.

Commissioner Leake complimented Director Dickerson on how his office operated. She noted concern, however, for any equipment coming out of Alabama.

Commissioner Leake asked about the cost of the voting machines and how many would be purchased. *Director Dickerson said at this point he could not specifically say what the cost would be. He said it would depend upon the type of equipment selected and that decision had not been made.*

Director Dickerson said he wanted to make sure that whatever equipment was purchased that “it’s reliable to the voter, reliable to the ADA community and something that guarantees that what you put in is going to be exact.”

Commissioner Fuller said he’d often wondered why there wasn’t a national voting system.

SEPTEMBER 17, 2019

Commissioner Fuller asked if the Elections Office worked with the County's IT Department when it came to security matters. *Director Dickerson said yes, some but that they worked with the State and Homeland Security, as well. He said the majority of their security, however, came through the State, since all of their information was through a statewide Election Information Management System. He said all NC counties have to be a part of that system.*

Commissioner Fuller said voters had expressed concern regarding possible equipment tampering on the part of manufactures. He asked Director Dickerson to comment. *Director Dickerson said that was a question that could be asked at the equipment demonstrations. He said the manufactures would be present to address any questions or concerns.*

Commissioner Fuller asked for clarity on the process for obtaining new equipment and who makes the final decision, which was addressed.

Commissioner Powell encouraged the County's PI Department to get the message out to the public regarding the equipment demonstration sessions. She said she would hope that someone would be there to capture public feedback.

Director Dickerson noted that the State sought public feedback prior to narrowing the three equipment choices down. He said the State had also publicized the demonstration sessions that would be taking place in the County on September 23rd.

Commissioner Jerrell asked Director Dickerson to comment on the impact of the voting system change, which he did.

Commissioner Jerrell said educating the community on the new equipment was going to be critical. He suggested to the County Manager that perhaps PI could produce a training video, similar to the animated style of video that Lawrence Corley with PI did for the budget process.

Commissioner Jerrell thanked Director Dickerson for the good work that he and his staff do on a daily basis.

Chair Dunlap thanked Director Dickerson for the report.

DEPARTMENTAL DIRECTORS' MONTHLY REPORTS

SEPTEMBER 17, 2019

19-5387 DEPARTMENT MANAGEMENT MONTHLY REPORTS

The Board received as information monthly department management reports for September 2019.

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.

19-5395 SEPTEMBER FEATURE DEPARTMENT/AGENCY PRESENTATION: HUMAN RESOURCES

The Board received the September Featured Department of the Month presentation, County Human Resources.

Paula Herman, Director of Human Resources, gave the report.

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

Comments

Commissioners thanked Director Herman for the report and complimented her on the progress that had been made to date.

Commissioner Jerrell shared that one concern he continued to hear from the community was the County's lack of follow-up with applicants. *Director Herman said the forthcoming new system would provide that follow-up.*

Commissioner Cotham asked for information regarding Human Resources staff professional development and how many were certified and in what areas. *Director Herman said she would provide that information.*

Commissioner Leake said she also had heard concerns regarding Human Resources responsiveness.

Commissioner Leake said diversity was important when it came to the County's workforce, with the understanding of course that individuals need to be capable of doing the job.

SEPTEMBER 17, 2019

Commissioner Rodriguez-McDowell said she liked the dashboard that was covered in the report. She said she'd like to know more about upward mobility.

Commissioner Harden said she loved the branding efforts. She asked Director Herman what concerned her most. *Director Herman said wondering would the County have the talent bank it needed. She said there needs to be a plan for "pipeline development," which they would be working on developing.*

Chair Dunlap said training opportunities were needed to equip and allow people to move up in the organization.

This concluded the discussion.

STAFF REPORTS & REQUESTS – NONE

COUNTY COMMISSIONERS REPORTS & REQUESTS - NONE

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):

**19-5654 MINUTES
ITEM WAS REMOVED FROM THE AGENDA**

**19-5663 LANDSCAPE ARCHITECT SELECTION - MECKLENBURG COUNTY PARKS FY 2019-
FY 2023 CAPITAL IMPROVEMENT PLAN (CIP)**

Authorize the County Manager to negotiate fees and execute contracts with selected firms listed in this action item for landscape architecture and engineering services for the Mecklenburg County Parks as authorized in the FY 2019 - FY2023 Capital Improvement Plan, including Druid Hills Neighborhood Park, Ezell Farms Community Park, and Eastfield Regional Park, and in the event negotiations with any of the selected firms are unsuccessful, to approve negotiations with the alternate firms listed below.

Druid Hills Neighborhood Park

SEPTEMBER 17, 2019

Selected Firm: Alfred Benesch & Company
Alternate Firm: Kimley-Horn

Ezell Farms Community Park

Selected Firm: Stimmel Associates
Alternate Firm: Design Workshop

Eastfield Regional Park

Selected Firm: Design Workshop
Alternate Firm: Stimmel Associates

**19-5665 STORM WATER PROGRAM - HAZARD MITIGATION CATAWBA RIVER
FLOODPLAIN ACQUISITION**

1. Accept the Offer of Sale of Real Estate from Kenneth & Wilma Morgan, owners of property located at 925 Riverside Drive, Charlotte, NC (tax parcel 031-151-05), for \$230,960; and
2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to use the structure for training exercises.

Note: This acquisition is being done through the County's Hazard Mitigation Program. The goal of the Program is to minimize the risk of potential loss of life and property damage from flooding while enhancing the natural and beneficial functions of the floodplain (creating open space, expanding greenways, constructing wetlands, etc.)

19-5671 TAX REFUNDS

1. Approve refunds in the amount of \$24,240.73 for registered motor vehicles as statutorily required to be paid as requested by the County Assessor; and

Note: This Board action is necessary to approve registered motor vehicle tax refunds resulting from clerical errors, value changes and appeals processed in the statewide vehicle tax system.

2. Approve refunds in the amount of \$2,881.33 as statutorily required to be paid as requested by the County Assessor.

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

SEPTEMBER 17, 2019

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

19-5643 JAIL HEALTH MEDICAL PLAN

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 adopt the revised Jail Health Medical Plan as required by G. S. 153A-225.

Note: Any jurisdiction that operates a local confinement facility is required to develop a plan for providing medical care for resident detainees in the facilities. G.S. 153A-225 requires that the plan be adopted by the governing body. The Board of County Commissioners adopted the last plan in 2012. The Jail Health Medical Plan is designed to protect the health and welfare of resident detainees and to avoid the spread of contagious diseases. It provides for medical supervision of resident detainees and emergency medical care to the extent necessary for their health and welfare. It also provides for the protection, examination and treatment of resident detainees who are infected with tuberculosis or other communicable diseases. The revised plan was developed in coordination with the Sheriff's Office Medical Provider and the Health Director and has been deemed adequate to protect the health and welfare of the resident detainees.

Commissioners Leake and Rodriguez-McDowell removed this item from Consent for more public awareness and clarity. Rachel Vanhoy with the Sheriff's Office addressed this matter.

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

19-5651 GRANT APPLICATION - NC VOLKSWAGEN SETTLEMENT PROGRAM FUNDING

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

A. Approve submission of a grant application for up to \$1.5 million in North Carolina Volkswagen Settlement Program funding to support County vehicle replacement projects and installation of electric vehicle charging infrastructure;

SEPTEMBER 17, 2019

B. Upon award of grant, recognize, receive and appropriate the awarded amount to multi-year grant fund G001; and

C. Authorize the County Manager to execute grant-related activities including purchasing equipment and reimbursing departments with grant funds.

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

19-5656 BREATHING ROOM - IMPROVING AIR QUALITY BEYOND THE OZONE HEALTH STANDARD

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 adopt the Breathing Room strategies and timeline.

Note: Despite dramatic improvements in local air quality over the last decade, there are still a few days each year when the Charlotte region experiences poor air quality. That's why Mecklenburg County Air Quality Initiated Breathing Room, in partnership with the N.C. Division of Air Quality and the U.S. Environmental Protection Agency (EPA). The goal is to take proactive steps to reduce ozone-forming air pollution and put "breathing room" between our local air quality data and the health standard for ozone.

Breathing Room drew ideas for improving air quality from existing stakeholder-developed plans, like LivableMeck and the Air Quality Commission Review of Air Quality. Staff then sought community input on how to prioritize these voluntary and incentive-based ways to reduce air pollution. Community input, along with information about grant funding and policy priorities, was used to create a "Path Forward", a list of strategies we will pursue to improve local air quality.

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

A copy of the Breathing Room Strategies & Associated Action document is on file with the Clerk to the Board.

19-5660 TRANSFER OF LAND DEVELOPMENT BONDS TO TOWN OF HUNTERSVILLE

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

SEPTEMBER 17, 2019

Powell, Rodriguez-McDowell, and Scarborough voting yes, to authorize the County Manager to Assign Land Development Bonds in the amount of \$509,000, Secured by Cash, to the Town of Huntersville and to transfer the related Cash Security to the Town of Huntersville in accordance with the June 2019 Amendment to Land Development Services Interlocal Cooperation Agreement with the Town of Huntersville.

Note: LUESA - Storm Water Services provides Land Development services on behalf of the six Towns. These services include enforcement of the Town's zoning, subdivision, water quality, planning, floodplain and other ordinances.

In March 2018, the Town of Huntersville Board of Commissioners instructed Town staff to initiate discussions with the County on the potential for the Town to assume the responsibility of providing Land Development services. The County was informed that the Town's reasons for assuming responsibility for providing these services were to create a one-stop shop; increase the Town's control and ownership to match the Town's accountability for roads, sidewalks, street trees, etc.; and enhance the ability of the Town to adjust fees. Since March 2018, Town and Storm Water staff have resolved most of the issues for a successful transition of Land Development services to the Town effective July 1, 2019. The County and the Town amended the Interlocal Agreement to proceed with the transition at their respective board meetings on June 18, 2019 and June 17, 2019.

This Action Item is an administrative matter related to the transition of services to the Town. LUESA currently holds the following four (4) Land Development Bonds Secured by Cash for projects in Huntersville or its ETJ:

\$58,000 Cash Bond from RHGC Huntersville LLC for Huntersville Dialysis Davita, Inc. Project.

\$154,000 Cash Bond from NLBP Phase One, LLC for North Lake Business Park Project.

\$290,000 Cash Bond from Keffer Properties Limited Partnership for Property of Keffer Properties Project.

\$7,000 Cash Bond from Wesley Community Development for Methodist Conference Center The Park Project.

LUESA requests the Board of County Commissioners to authorize the County Manager to assign all of Mecklenburg County's interests in the aforesaid Cash Bonds to the Town of Huntersville, and to transfer the \$509,000 in funds that the County holds to the Town in accordance with the assignments.

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

ASSIGNMENT OF
LAND DEVELOPMENT BOND
SECURED BY CASH
[Huntersville Dialysis Davita]

This Assignment of Land Development Bond is made and entered into effective

SEPTEMBER 17, 2019

July 1, 2019 between Mecklenburg County and its Land Use and Environmental Services Agency (“LUESA”) and the Town of Huntersville (“Town”).

WHEREAS, LUESA is the Obligee or Beneficiary of a Land Development Bond, dated October 5, 2015 from RHGC Huntersville, LLC for the Project known as Huntersville Dialysis Davita, Inc., which bond is secured by \$58,000 in funds being held by Mecklenburg County; and

WHEREAS, as of July 1, 2019, the Town is responsible for administering the ordinances for which the Land Development Bond was given, including the administration of the aforesaid bond.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein, Mecklenburg County and its Land Use and Environmental Services Agency hereby ASSIGNS and TRANSFERS to the Town of Huntersville any and all rights, title, interest and obligations of Mecklenburg County and LUESA in the aforesaid Land Development Bond effective July 1, 2019. Mecklenburg County agrees to transfer to the Town all funds being held as security for the aforesaid bond.

The Town of Huntersville hereby accepts the ASSIGNMENT and TRANSFER and, upon receipt of the funds, the Town releases Mecklenburg County and its Land Use and Environmental Services from any and all claims, demands or obligations arising out of, or related in any way to the aforesaid Land Development Bond.

ASSIGNMENT OF
LAND DEVELOPMENT BOND
SECURED BY CASH
[North Lake Business Park]

This Assignment of Land Development Bond is made and entered into effective July 1, 2019 between Mecklenburg County and its Land Use and Environmental Services Agency (“LUESA”) and the Town of Huntersville (“Town”).

WHEREAS, LUESA is the Obligee or Beneficiary of a Land Development Bond, dated November 3, 2009 from NLBP Phase One, LLC for the Project known as North Lake Business Park, which bond is secured by \$154,000 in funds being held by Mecklenburg County; and

WHEREAS, as of July 1, 2019, the Town is responsible for administering the ordinances for which the Land Development Bond was given, including the administration of the aforesaid bond.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein, Mecklenburg County and its Land Use and Environmental Services Agency hereby ASSIGNS and TRANSFERS to the Town of Huntersville any and all rights, title, interest and obligations of Mecklenburg County and LUESA in the aforesaid Land Development Bond effective July 1, 2019. Mecklenburg County agrees to transfer to the Town all funds being held as security for the aforesaid bond.

The Town of Huntersville hereby accepts the ASSIGNMENT and TRANSFER and, upon receipt of the funds, the Town releases Mecklenburg County and its Land Use and Environmental Services from any and all claims, demands or obligations arising out of, or related in any way to the aforesaid Land Development Bond.

SEPTEMBER 17, 2019

**ASSIGNMENT OF
LAND DEVELOPMENT BOND
SECURED BY CASH
[Keffer Properties]**

This Assignment of Land Development Bond is made and entered into effective July 1, 2019 between Mecklenburg County and its Land Use and Environmental Services Agency (“LUESA”) and the Town of Huntersville (“Town”).

WHEREAS, LUESA is the Obligee or Beneficiary of a Land Development Bond, dated June 17, 2015 from Keffer Properties Limited Partnership for the Project known as Property of Keffer Properties, which bond is secured by \$290,000 in funds being held by Mecklenburg County; and

WHEREAS, as of July 1, 2019, the Town is responsible for administering the ordinances for which the Land Development Bond was given, including the administration of the aforesaid bond.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein, Mecklenburg County and its Land Use and Environmental Services Agency hereby ASSIGNS and TRANSFERS to the Town of Huntersville any and all rights, title, interest and obligations of Mecklenburg County and LUESA in the aforesaid Land Development Bond effective July 1, 2019. Mecklenburg County agrees to transfer to the Town all funds being held as security for the aforesaid bond.

The Town of Huntersville hereby accepts the ASSIGNMENT and TRANSFER and, upon receipt of the funds, the Town releases Mecklenburg County and its Land Use and Environmental Services from any and all claims, demands or obligations arising out of, or related in any way to the aforesaid Land Development Bond.

**ASSIGNMENT OF
LAND DEVELOPMENT BOND
SECURED BY CASH
[Methodist Conference Center The Park]**

This Assignment of Land Development Bond is made and entered into effective July 1, 2019 between Mecklenburg County and its Land Use and Environmental Services Agency (“LUESA”) and the Town of Huntersville (“Town”).

WHEREAS, LUESA is the Obligee or Beneficiary of a Land Development Bond, dated July 19, 2018 from Wesley Community Development for the Project known as Methodist Conference Center The Park, which bond is secured by \$7,000 in funds being held by Mecklenburg County; and

WHEREAS, as of July 1, 2019, the Town is responsible for administering the ordinances for which the Land Development Bond was given, including the administration of the aforesaid bond.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein, Mecklenburg County and its Land Use and Environmental Services Agency hereby ASSIGNS and TRANSFERS to the Town of Huntersville any and all rights, title, interest and obligations of Mecklenburg

SEPTEMBER 17, 2019

County and LUESA in the aforesaid Land Development Bond effective July 1, 2019. Mecklenburg County agrees to transfer to the Town all funds being held as security for the aforesaid bond.

The Town of Huntersville hereby accepts the ASSIGNMENT and TRANSFER and, upon receipt of the funds, the Town releases Mecklenburg County and its Land Use and Environmental Services from any and all claims, demands or obligations arising out of, or related in any way to the aforesaid Land Development Bond.

Assignment Documents recorded in full in Minute/Ordinance Book 48-A, Document #80.

19-5668 DEPARTMENT OF SOCIAL SERVICES (DSS) MECKLENBURG TRANSPORTATION SYSTEM (MTS) SYSTEM SAFETY PROGRAM PLAN AND TITLE VI PLAN

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 the revised Mecklenburg County Transportation System's Safety Plan and operational policy that addresses the required six core elements of the safety plan;
- 2) Approve the revised Mecklenburg County Transportation System's Title VI Plan; and
- 3) Allow DSS/MTS with support from the Transportation Advisory Board to make revisions to the plan as needed.

Commissioners Leake and Rodriguez-McDowell removed this item from Consent for more public awareness and clarity.

A copy of the Plans are on file with the Clerk to the Board.

ADJOURNMENT

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, that there being no further business to come before the Board that the meeting be adjourned at 9:28 p.m.

SEPTEMBER 17, 2019

Janice S. Paige, Clerk

George Dunlap, Chair