

INFORMAL SESSION

CALL TO ORDER - 5 PM - CH-14

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session on Tuesday, January 7, 2020 at 5:16 p.m. in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center with Chair Dunlap presiding.

Present: Chair George Dunlap
Commissioner Patricia "Pat" Cotham
Commissioner Trevor M. Fuller
Commissioner Susan Harden
Commissioner Mark Jerrell
Commissioner Vilma D. Leake
Commissioner Elaine Powell
Commissioner Susan Rodriguez-McDowell
Commissioner Ella B. Scarborough

REMOVAL OF ITEMS FROM CONSENT

The following agenda item(s) were identified by Commissioners to be removed from the Consent agenda for clarity, comment, public awareness and/or to be voted upon separately:

- 19-5877 by Commissioner Leake
- 19-5880 by Commissioner Leake
- 19-5883 by Commissioner Jerrell
- 19-5891 by Commissioners Jerrell and Leake
- 19-5899 by Commissioner Leake
- 19-5900 by Commissioners Jerrell and Leake

STAFF BRIEFINGS - None

CLOSED SESSION

19-5887: Closed Session

A motion was made by Commissioner Scarborough, seconded by Commissioner Jerrell, and carried unanimously to Go into Closed Session to Consult with Attorney and Discuss Land Acquisition.

RECESS

The Board went into Closed Session at 5:17 p.m. and came back into Open Session at 5:49 p.m. The Informal Session recessed at 5:51 p.m. The Board then proceeded to the Meeting Chamber for the Formal Session.

FORMAL SESSION

CALL TO ORDER - 6 PM - MEETING CHAMBER

The Board of Commissioners of Mecklenburg County, North Carolina met in Formal Session on Tuesday, January 7, 2020 at 6:01 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center with Chair Dunlap presiding.

AWARDS/RECOGNITION - None

PUBLIC APPEARANCE

19-5892: Public Appearance

The following speaker(s) appeared to speak during the Public Appearance portion of the

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agenda on the following topics:

- Ashley Seguin - Selwyn Elementary School Parents Need Answers from CMS
- Omolola Campbell - Selwyn Elementary School Parents Need Answers from CMS
- Burr Farrar - Selwyn Elementary School Parents Need Answers from CMS

APPOINTMENTS

19-5878: Appointments

Information Services and Technology Advisory Committee

A vote was taken on the following nominees for one appointment for an unexpired term expiring February 28, 2021:

- Travis Burgess: Commissioner Cotham, Commissioner Fuller, Commissioner Leake, Commissioner Powell, and Commissioner Scarborough
- Steve Wainstead: No vote was taken since the previous nominee received a majority of votes.

Chair Dunlap announced the appointment of Travis Burgess.

19-5882: Nominations/Appointments

Air Quality Commission

The following board members were removed for not meeting attendance requirements; both have requested reinstatement to the advisory board to complete their terms expiring August 31, 2020 and August 31, 2022:

- Jeff Baker
- Aaron Levy

The Board discussed reinstating board members that have been removed for failure to adhere to established attendance requirements.

Commissioner Leake said that members should adhere to the attendance policy. If members request reinstatement, they should provide information about why they were unable to meet attendance requirements.

Commissioner Rodriguez-McDowell said that the Board entrusted the advisory boards to assist in decision-making. She said the Chair of the Air Quality Commission provided a letter recommending reinstatement of both members.

Chair Dunlap said there is nothing that precluded the members from reapplying and going through the appointment process again.

Commissioners Cotham said these members could go back and reapply if interested. If members do not show up for advisory board meetings, they cannot provide assistance to the Board. She said that the Board should establish more criteria for the requirements.

Commissioner Jerrell said the Board should not mandate more stringent requirements for a volunteer service to the community. The Board should exercise more grace to gain a better understanding of the life circumstances that could potentially happen. He said he respected the point that people can reapply and go back through the process; but the Board should look at the recommendations from those existing committees.

Commissioner Cotham said this had come up before and in prior years the Board had heard from the members as to why they failed attendance and they had been reappointed. In this instance, the Board received no explanation.

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Commissioner Fuller said over the past few meetings, the Board had shown some hostility towards people that want to serve on committees. He said if the Board wanted people to perform volunteer service, the Board should encourage it. The Board should refrain from passing of judgement of people. He said the Board should look for more volunteer service from the community and the Board should exhibit a tone that is more welcoming. However, members must have some common courtesy; if a member has been removed from a board for attendance, that member should provide this Board with reasons for not adhering to established attendance requirements.

Commissioner Powell said she served on advisory boards for 19 years. She said it is a volunteer position in most cases, so the Board should exhibit grace and respect for privacy. Members may not want to share why they could not attend a meeting. She said she could understand both sides of the debate, but the Air Quality Commission members in question have already served for a number of years without any attendance problems. This is the first time they have not met attendance requirements. She said she was glad the Board was having a discussion about the value of advisory boards.

Commissioner Harden said that she hoped the members reapply if the Board decided not to reinstate them. She said there would be two additional vacancies on the Commission and urged the public to apply to serve on this commission.

Chair Dunlap said the Board had been very lenient; there had not been one person that came to the Board and provided a reason that was not reinstated. He asked the other Commissioners to be consistent, if they voted to reinstate members to this Commission, they should do so for other boards.

A motion was made by Commissioner Leake and seconded by Commissioner Fuller to deny the reinstatement of Jeff Baker and Aaron Levy to the Air Quality Commission. The motion carried by the following vote:

Yes: Commissioner Cotham, Commissioner Dunlap, Commissioner Fuller, Commissioner Harden, Commissioner Leake and Commissioner Scarborough

No: Commissioner Jerrell, Commissioner Powell and Commissioner Rodriguez-McDowell

Historic Landmarks Commission

The following board member was removed for not meeting attendance requirements; he has requested reinstatement to the advisory board to complete his term expiring July 31, 2020:

- Brian Clarke

Commissioner Leake spoke against reinstatement.

Commissioner Rodriguez-McDowell spoke in favor of reinstatement.

A motion was made by Commissioner Leake to deny reinstate to Brian Clarke.

Without a second, the motion was not considered.

A motion was made by Commissioner Powell and seconded by Commissioner Scarborough to reinstate Brian Clark to the Historic Landmarks Commission.

The motion carried by the following vote:

Yes: Commissioner Fuller, Commissioner Jerrell, Commissioner Harden, Commissioner Powell, Commissioner Rodriguez-McDowell and Commissioner Scarborough

No: Commissioner Dunlap, Commissioner Cotham and Commissioner Leake

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Park and Recreation

The following board member was removed for not meeting attendance requirements; he has requested reinstatement to the advisory board to complete his term expiring June 30, 2020:

- Rufus Kearney

Commissioner Jerrell said that Mr. Kearney was at the meeting. Commissioner Jerrell said he wanted to advocate for the reinstatement of Mr. Kearney. Mr. Kearney provided a letter of explanation and the Chair of the advisory board also provided a recommendation.

A motion was made by Commissioner Jerrell, seconded by Commissioner Fuller, and carried unanimously to reinstate Rufus Kearney to the Park and Recreation Commission.

Chair Dunlap said the Board recognized there were some issues with the process. He said he appointed an ad hoc committee that would study the issues. The following Commissioners were appointed to serve on the committee: Commissioners Cotham, Jerrell, Leake, and Rodriguez-McDowell, who would serve as Chair. It would also include the Clerk to the Board.

PUBLIC HEARINGS - 6:30 PM

19-5885: Budget Public Hearing - FY2020-2021

A motion was made by Commissioner Fuller, seconded by Commissioner Leake, and carried unanimously to open the budget public hearing for the FY2021 budget.

The following speakers addressed the Board on the following topics:

- Victoria Robinson - Meck Pre-K
- Lindsey Garner - Meck Pre-K
- James Lee - Funding for those at risk of being homeless
- Stephanie Watts - Meck Pre-K
- Mary Kelly - Establishing a Reinvestment Fund (handout is on file with Clerk's Office)
- MaryBeth Simon - Meck Pre-K
- Felicia Perkins - Meck Pre-K
- Trinisha Dean - Meck Pre-K
- Tina Katsanos - Climate Change Education and Mitigation
- Peter Engels - Funding for parks and recreation
- Tommy Nichols - Funding for the arts
- Carmella Jarvi - Funding for the arts
- Jessica Finkel - Climate Change Mitigation
- Blanche Penn - Displacement in our Community
- Wendy Hickey - Funding for the arts
- Emily Stevens - Prosperity Village Operating Budget
- Darlene Heater - Funding for parks
- Belinda Alexander - Funding for the Arts and Science Council
- Dean Cikins - Access to Care
- Becky Schultz - Funding for arts
- Toni Tupponce - Funding for arts

Note: Robert Drakeford was registered to speak but did not appear; he did provide a handout regarding library funding that is on file with the Clerk's Office.

A motion was made by Commissioner Leake, seconded by Commissioner Scarborough, and carried unanimously to close the public hearing.

ADVISORY COMMITTEE REPORTS - None

MANAGER’S REPORT

19-5853: Purchase of North Carolina State Board of Elections Approved Voting Equipment

Dena Diorio, County Manager, introduced Michael Dickerson, Director of the Mecklenburg County Board of Elections, to provide a presentation on the procedure for procurement of voting systems.

The following speaker(s) addressed the Board regarding this agenda item:

- Marilyn Marks – in opposition

Commissioners made comments about the agenda item and asked questions which were addressed by staff.

A motion was made by Commissioner Leake and seconded by Commissioner Scarborough to authorize the County Manager to negotiate and execute a contract with Election System & Software (ES&S), a State-approved voting equipment provider, for the acquisition of 2400 ExpressVote Ballot Marking Devices and 350 DS-200 Precinct Ballot Tabulators and related equipment and maintenance of said equipment at prices guaranteed in response to the State RFP.

The motion carried by the following vote:

Yes: Commissioner Cotham, Commissioner Dunlap, Commissioner Fuller, Commissioner Jerrell, Commissioner Harden, Commissioner Leake, Commissioner Rodriguez- McDowell and Commissioner Scarborough

No: Commissioner Powell

Note: Before any election equipment can be used in North Carolina elections, it must be certified by the N.C. State Board of Elections (SBE). This ensures that voting systems remain reliable, accurate, user-friendly, accessible to persons with disabilities, and capable of secure operation. G.S. §163-165.7(a): states that only voting systems certified by the SBE in accordance with state law and the SBE certification program shall be permitted for use in elections in North Carolina.

In December 2019 the current voting machines were decertified by the state and beginning in 2020 the new voting systems must produce a paper ballot. On August 23, 2019, the State Board of Elections certified three new voting systems: Clear Ballot: ClearVote 1.4; Elections Systems & Software (ES&S): EVS 5.2.2.0 and EVS 5.2.4.0 (12/13/19); and Hart InterCivic: Verity Voting 2.2.

Under G.S.163-37 and 165.8 the Board of County Commissioners, with the approval of the County Board of Elections, may adopt and acquire only a voting system of a type, make and model certified by the State Board. A county Board of Commissioners “shall appropriate reasonable and adequate funds necessary for the legal functions of the county board of elections.”

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

DEPARTMENTAL DIRECTORS' MONTHLY REPORTS - None

STAFF REPORTS & REQUESTS - None

COUNTY COMMISSIONERS REPORTS & REQUESTS

19-5870: Board Committees Affirmation

A motion was made by Commissioner Leake, seconded by Commissioner Fuller, and carried unanimously to (A) reaffirm the following Board committees for calendar year

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2020: 1. Economic Development Committee; 2. Health and Human Services Committee; 3. Intergovernmental Relations Committee; 4. Performance Review Committee; 5. Audit Review Committee; 6. Environmental Stewardship Committee; and (B) receive as information, the Board Liaison Assignments as assigned by Chair Dunlap.

Note: The Board's Policy and Standard Operating Procedures for Board Committees states that at its first regular meeting in January each year, the Board will establish, reaffirm or dissolve standing committees as determined by a majority vote of the Board. The policy also states the Board Chairman will appoint members and the chairs of the standing committees for one-year terms, or until the Board reaffirms or dissolves the standing committee. The Board's Chair also appoints members of the Board to serve as liaisons to various internal and external committees. Board approval is not required.

Copies of the documents are on file with the Clerk to the Board.

CONSENT ITEMS

A motion was made by Commissioner Fuller, seconded by Commissioner Scarborough, and carried unanimously to approve the following Consent items:

19-5888: Architect/ Engineer Selection – Mecklenburg County Detention Centers – Modernization Project

Authorize the County Manager to negotiate fees and execute a contract with HDR for Architectural and Engineering Services for the Detention Centers Modernization Project. In the event negotiations with HDR are unsuccessful, approve negotiations with the alternate firm.

Note: An architectural firm is being selected to design the Modernization Project for Detention Center-Central (801 E. 4th Street) and Detention Center-North (5235 Spector Drive). This modernization project includes, but is not limited to, roof replacements, mechanical and plumbing systems replacements (air handlers, cooling towers, boilers, water heaters, pumps, etc.), front lobby restroom renovations, locker room renovations, finish replacement (flooring, painting, ceiling tiles), and housing pod renovations.

19-5889: Set Public Hearing - Closing a Portion of Rights-of-way for Lahaina Lane and Ogden Lane

(A) Set a public hearing for February 18, 2020 to hear all interested parties who appear and wish to be heard with respect to the closing of a portion of rights-of-way for Lahaina Lane and Ogden Lane and direct the Clerk to the Board to publish the required notice of public hearing; and, (B) adopt a resolution declaring its intent to close a portion of Lahaina Lane and Ogden Lane.

Note: The current property owner, Mattamy Carolina Corporation has petitioned to close a 1.51- acre portion of the public right-of-way for Lahaina Lane and Ogden Lane in the unincorporated area of Mecklenburg County. The portion of said right-of-way is located through the current and future development of the Ridgewater Subdivision Phase 4. As part of the development of Phase 4, the gravel roads will be abandoned and residents currently using these roads will have ingress and egress through the new paved roads of the approved subdivision. NCDOT informed the petitioner on March 22, 2019 that the portion of rights-of-way petitioned to be closed are not State maintained.

General Statute § 153A-241 requires the Board of County Commissioners to adopt a resolution declaring its intent to close a public road in the unincorporated part of the County and call a public hearing. Attached as Exhibit A (consisting of “Map 1” and four depictions of the current rights-of-way for Lahaina Lane and Ogden Lane and the portion petitioned to be closed.). Attached as Exhibit B is the recorded plat of Ridgewater Phase 4 Map A. Attached as Exhibit C is the proposed replacement ROW for the portion petitioned for abandonment and closing. Proposed improvements to Lahania Lane and Ogden Lane and replacement ROW are to be built pursuant to the Charlotte Subdivision Ordinance requirements. The Order for Closing will be recorded only after Charlotte-Mecklenburg

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Planning Department approves the replacement ROW as shown on Phase 4 Map B. Once closed, the 1.51-acre portion of former the right-of-way will become vested in the adjacent parcels owed by the petitioner.

Mecklenburg County Land Use and Environmental Services Agency has determined that in its opinion the closing of the portion of said right-of-way of a portion of Lahaina Lane and Ogden Lane will not deprive any individual owning land in the vicinity of said right-of-way of reasonable ingress and egress to their property and would not be contrary to the public interest.

Charlotte-Mecklenburg Planning and the Mecklenburg County Fire Marshal's Office reviewed the petition and have no objection to the closing of the requested portion of said right-of-way. Charlotte-Mecklenburg Planning also verified that the residents in the area that are currently utilizing these roads have safe ingress and egress to State maintained roads.

Resolution recorded in full in Minute Book 48-A, Document #107.

19-5890: Health Department Amended Fee Schedule

Amend the FY2020 Adopted Public Health Department Fee Schedule to add a new fee of \$17.40 for the Flucelvax influenza vaccine in the Immunization Program.

Note: The Mecklenburg County Health Department offers the new egg-free flu vaccine as an option to the regular flu vaccine. This vaccine is given to clients ages 4 years and older who have an egg-allergy. The cost of the vaccine is \$17.40 per dose.

19-5893: Minutes

Approve Minutes of the Budget/ Public Policy Meeting held October 22, 2019 and the Regular Meeting held December 17, 2019.

19-5894: Donation - Long Creek Greenway

Accept donation of Tax Parcel 031-421-99 (+/- 0.029 acres), 031-421-97 (+/- 3.518 acres), 031-421-96 (+/- 5.663 acres), 031-421-95 (+/- 5.6 acres), 033-181-96 (+/- 7.76 acres), totaling +/- 22.57 from North Carolina Department of Transportation (NCDOT) along Long Creek for future greenway purposes.

19-5897: Tax Refunds

Approve tax refunds with interest in the amount of \$49,608.44 as statutorily required to be paid, as requested by the County Assessor.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

19-5877: Grant Application - Office on Violence Against Women (OVM) - Justice for Families 2020

A motion was made by Commissioner Leake, seconded by Commissioner Scarborough, and carried unanimously to (1) approve submission of renewal grant application to the U.S. Department of Justice Office of the U.S. Department of Justice Office on Violence Against Women for the Justice for Families Program for up to \$550,000 over three years to enhance operations of the Supervised Visitation Safe Exchange Center and provision of civil legal assistance for victims of domestic violence; and, (2) if awarded, recognize, receive and appropriate the award amount to the grant fund within Community Support Services.

Note: The Supervised Visitation and Safe Exchange Center, which opened in November 2014, provides a secure environment for exchange or supervised visits between children and their parents when there has been domestic violence in the home. The Center, which was created via a partnership between Mecklenburg County, the 26th Judicial District, and

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Safe Alliance, increases safety for adult and child victims of domestic violence while decreasing opportunities for further abuse before, during and after services. This grant will fund a court liaison position that works towards increasing the immediacy of court referrals for visitation. In addition, the grant will fund civil legal assistance in custody cases for the non-offending parent.

19-5880: Budget Amendment – Land Use & Environmental Services Agency – Revenue Increase

A motion was made by Commissioner Leake, seconded by Commissioner Scarborough, and carried unanimously to amend the 2019-2020 Annual Budget Ordinance to recognize, receive and appropriate an increase of \$25,000 from the State Air Quality Gasoline Tax to the General Fund (0001) within the Land Use and Environmental Services Agency.

Note: Mecklenburg County Air Quality requested to recognize additional state air quality gasoline tax revenue to be used for installation of fencing and electrical service at air monitoring sites. This funding will be specifically designated for local air quality programs.

19-5883: Donation - Vocational Skills Funds from Lowe's of Charlotte - Sheriff's Office

A motion was made by Commissioner Fuller, seconded by Commissioner Scarborough, and carried unanimously to accept the donation of a \$14,000 Lowe's gift card to the Mecklenburg County Sheriff's Office in the Special Revenue Fund (8251) and authorize use of the donation to provide starter employment kits for graduating construction and electrical vocational students.

Note: Lowe's Community Relations is working on a special project with the Mecklenburg County Sheriff's Office (MCSO) Vocational Program to provide a \$14,000 store gift card to provide starter employment kits for graduating construction and electrical vocational students in support of the Sheriff's Office National Center for Construction Education and Research (NCCER) construction skills program. The construction skills program provides residents the opportunity to obtain a five-year national NCCER certification once they have demonstrated competency in the nine modules associated with the curriculum. Participants must demonstrate and apply skills in basic safety, construction math, power and hand tools, construction drawings, etc. and pass each module exam before obtaining their NCCER certification. The gift card provided by Lowe's will allow MCSO to purchase needed supplies and equipment that supports participants' employment after graduation. The donation will be received to and spent from the Special Revenue Fund (8251).

19-5891: Atlantic Coastal Conference (ACC) Football Official Donation

A motion was made by Commissioner Leake, seconded by Commissioner Fuller, and carried unanimously to amend the 2019-2020 Annual Budget Ordinance to recognize, receive and appropriate an increase of \$3,765 from the ACC to the General Fund (0001) within Park and Recreation.

Note: The Atlantic Coast Conference (ACC) is a collegiate athletic conference located in the Southern United States. The ACC Football Official has made a monetary donation to Park and Recreation in the amount of \$3,765 to be used for the purchase of equipment or programming to help kids within the community understand the fundamentals of football.

19-5899: Grant Application - DSS: FY 19-20 NCDOT Rural Operating Assistance Program (ROAP)

A motion was made by Commissioner Leake, seconded by Commissioner Scarborough, and carried unanimously to (A) affirm the Certified Statement for the FY2020 Rural Operating Assistance Program in Mecklenburg County; (B) approve the application for the North Carolina Department of Transportation's Rural Operating Assistance Program (ROAP) Grant for Fiscal Year 2019-2020 in Mecklenburg County Department of Social Services; and (C) amend the 2019-2020 Annual Budget Ordinance to recognize, receive

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and appropriate an increase of \$92,498 from the State to the General Fund (0001) within the Department of Social Services.

Note: Annually, the Mecklenburg County Department of Social Services submits a Rural Operating Assistance Program (ROAP) grant application. This NCDOT grant provides funding for transportation services to elderly and disabled citizens, Work First clients requiring transitional employment transportation services, and the general public living outside the urban area boundary and not in the metropolitan boundary of Mecklenburg County and does not have a human service agency or organization paying for their transportation. The Mecklenburg Transportation System (MTS) of DSS' Services for Adults Division operates this program.

The Elderly and Disabled Transportation Assistance Program (EDTAP) allocation was \$342,265 and did not have a County match. This was an increase of \$49,545 above FY20 budgeted amount. The Elderly & Disabled Transportation Assistance Program (EDTAP) provides operating assistance for the public transportation of elderly and disabled citizens.

The Employment Transportation Program (ETP) allocation was \$254,770 and did not have a County match. The allocation was \$34,624 above the FY20 budgeted amount. The Employment Transportation Assistance Program provides operating assistance for the public transportation of persons with employment related transportation needs.

The Rural General Public Program (RGP) allocation was \$54,601 with a required County match of ten percent. This was an increase of \$8,329 over the FY20 budgeted amount. The County match was included in the FY20 DSS Budget. The Rural General Public (RGP) Program provides operating assistance for the public transportation of persons living in non-urban areas of Mecklenburg County.

Resolution recorded in full in Minutes Book 48-A, Document #108.

19-5900: Juvenile Crime Prevention Council (JCPC) – Raise the Age Expansion Funds

A motion was made by Commissioner Leake, seconded by Commissioner Jerrell, and carried unanimously to (1) recognize, receive and appropriate FY20 NC Department of Public Safety for Raise the Age expansion State funds in the amount of \$381,715 in the General Grant Fund (G001) for the Criminal Justice Services Department; and (2) approve FY20 Raise the Age expansion funding allocation plan as recommended by the Mecklenburg County Juvenile Crime Prevention Council.

Note: The Mecklenburg County Juvenile Crime Prevention Council received an additional \$381,715 in FY20 funding from the North Carolina Department of Public Safety. These funds are being allocated by the State to support programming associated with Raise the Age.

Commissioner Leake said she wanted to view the JCPC Budget.

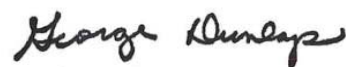
Chair Dunlap said that he signed letters to remove five members from this board for not meeting attendance requirements.

ADJOURNMENT

With there being no further business to come before the Board, Chair Dunlap declared the meeting adjourned at 9:05 p.m.



Emily A. Kunze, Clerk



George Dunlap, Chair