

January 4, 2017

**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 Wednesday, January 4, 2017.

**ATTENDANCE**

**Present:** Chair Ella B. Scarborough and Commissioners  
Dumont Clarke, Patricia "Pat" Cotham, George Dunlap,  
Trevor M. Fuller, Bill James, Vilma D. Leake, Jim Puckett,  
and Matthew Ridenhour  
County Manager Dena R. Diorio  
County Attorney Marvin A. Bethune  
Clerk to the Board Janice S. Paige

**Absent:** None

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**-INFORMAL SESSION-**

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

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

**REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) 17-3713 to be removed from Consent and voted upon separately.

**CLOSED SESSION**

**17-3720      CONSULT WITH ATTORNEY**  
**17-3739      BUSINESS LOCATION AND EXPANSION**

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Cotham, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to go into Closed Session for the following purposes: Consult with Attorney and Business Location and Expansion.

*The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 6:27 p.m. Commissioner Dunlap was present when the Board came back into Open Session. He entered the meeting during Closed Session.*

**STAFF BRIEFINGS - RESCHEDULED**

**17-3735      MEETING PROTOCOL**

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*Note: The Board addressed Closed Session matters prior to Staff Briefings and because of limited time upon coming out of Closed Session, it was the consensus of the Board to reschedule the Staff Briefings matter to the next Regular meeting, January 18, 2017.*

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

**-FORMAL SESSION-**

*Chair Scarborough called this portion of the meeting to order and gave the invocation which was followed by the Pledge of Allegiance, and introductions; after which, the matters below were addressed.*

**AWARDS/RECOGNITION**

**17-3732 ORDER OF THE HORNET INDUCTION: FELICIA MCADOO (COMMISSIONER LEAKE)**

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough, voting yes, to induct Felicia McAdoo into the Mecklenburg County Order of the Hornet.

*Note: The Order of the Hornet was established in 1972. It is bestowed by the Board of County Commissioners on persons who have displayed valor or high order of service uniquely and specifically to the citizens of Mecklenburg County. This is the highest honor bestowed by the Board. The Order of the Hornet was founded in the spirit of the early Mecklenburg patriots who signed the Mecklenburg Declaration of Independence on May 20, 1775, and proclaimed the County's freedom from Britain more than a year before the U.S. Declaration of Independence was signed. Those early patriots valiantly fought for their independence during the Revolution and gave Lord Cornwallis such difficulties during his occupation of Charlotte that he termed the town a "hornet's nest" of rebellion. Because Felicia McAdoo reflects the honor, strength, and fierce American patriotism that so stung Lord Cornwallis, she was recommended for membership in the Order of the Hornet. Felicia McAdoo is a former Chief Deputy Sheriff of Mecklenburg County with thirty years of service in the Mecklenburg County Sheriff's Office. She retired on November 30, 2016 and was the agency's highest ranking officer. She began her career with the Sheriff's Office in 1986 as a security officer and progressed through every level of supervision, i.e., Sergeant, Lieutenant, Captain, Major, Detention Commander and finally Chief Deputy in 2008. She is a graduate of the Administrative Officer's Management Program at North Carolina State University and has a degree in Human Services from Wingate University. She is a member of the American Correctional Association, National Sheriff's Association, North Carolina Sheriff's Association, and North Carolina Jail Administrators Association. She has served as a mentor for Mecklenburg County's Leadership Education and Development program and the National Association of Black Public Administrators. She chaired the Sheriff's Employee of the Month Committee and is a Police Activities League board member and a member of the Charlotte-Mecklenburg Opportunity Task Force. Former Chief McAdoo was named the 2012 Employee of the Year for Mecklenburg County. In the same year, she received the Distinguished Service Award from the NAACP. In 2015 she was recognized and awarded as "A Phenomenal Woman" by the For Sister's Only Organization and V101.9 FM. She is a native of Charlotte. She and her husband Julius are the proud parents of three children.*

Sheriff Irwin Carmichael congratulated former Chief McAdoo.

Commissioners expressed thanks to former Chief McAdoo for her service to the community.

Former Chief McAdoo thanked the Board for bestowing this honor upon her.

**PUBLIC APPEARANCE**

**17-3718 PUBLIC APPEARANCE**

No one appeared to speak during the Public Appearance portion of the agenda.

**APPOINTMENTS**

**17-3731 APPOINTMENTS**

**HUMAN RESOURCES ADVISORY COMMITTEE**

The vote was taken on the following nominees for appointment consideration to the Human Resources Advisory Committee:

|                    |   |
|--------------------|---|
| Theodore Edwards   | None  |
| Carole Isom-Barnes | Commissioners Clarke, Dunlap, Fuller, James, Puckett, and Scarborough |
| Jacqueline Moss    | Commissioners Cotham and Ridenhour                                    |

Chair Scarborough announced the appointment of Carole Isom-Barnes to the Human Resources Advisory Committee to fill an unexpired term expiring June 30, 2017.

*Note: Commissioner Leake did not vote.*

*Note: She replaces Catherine Keown who resigned.*

**PUBLIC HEARINGS**

**17-3726 CONSTRUCTION BID WITHDRAWAL REQUEST**

Motion was made by Commissioner Puckett, seconded by Commissioner Fuller and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to open the public hearing to receive comments on Eagle Wood's request to withdraw its bid on the Mecklenburg County West Branch Rocky River Greenway.

*Note: The withdrawal of bids is covered by GS 143-129.1. The statute allows a bid to be withdrawn without the bidder forfeiting the bidder's bid bond if the low bidder can present credible evidence that a substantial error exists in the bid and that it was clerical in nature as opposed to a judgment error. Eagle Woods' request states that the clerical error occurred by inadvertently not filling in a unit price line item or leaving the line item blank. The omission resulted in Eagle Wood's bid being more than \$152,000 dollars less than its stated total cost amount or extension. The omission resulted in a substantially lower cost than the actual cost that Eagle Wood needed to perform the work. Eagle Wood's original bid proposal form credibly demonstrates the omission of the unit priced line item.*

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to close the public hearing on Eagle Wood's request to withdraw its bid and adopt a resolution approving Eagle Wood's request to withdraw its bid on the Mecklenburg County West Branch Rocky River Greenway.

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**MECKLENBURG COUNTY BOARD OF COMMISSIONERS  
RESOLUTION  
APPROVING EAGLE WOOD, INC.  
REQUEST TO WITHDRAW BID  
ON MECKLENBURG COUNTY BUNDLED PARK PROJECTS**

**WHEREAS**, Mecklenburg County's Asset and Facility Management requested bids for the Mecklenburg County W. Branch Rocky River Greenway; and

**WHEREAS**, on December 16, 2016 morning, Eagle Wood, Inc., submitted a unit priced bid proposal and all completed bonding and forms at the public bid opening; and

**WHEREAS**, Wirth and Associates, Inc., after reviewing all bid proposal forms and the unit price extensions of all bids, determined that Eagle Wood, Inc. omitted a single line item cost; and

**WHEREAS**, per the language stated in the bid specifications, in case of error in the listed extension on a bid proposal form, the unit price shall govern rather than the extension, also known as total cost; and

**WHEREAS**, Eagle Wood, Inc.'s corrected extension resulted in the lowest total cost, \$1,732,591.50, a discrepancy which was more than \$152,000 dollars less than Eagle Wood, Inc's original total cost amount; and

**WHEREAS**, on December 16, 2016 afternoon, Wirth and Associates, Inc. informed Eagle Wood, Inc. of its line item omission and the corrected total cost per the language stated in the bid specifications; and

**WHEREAS**, as allowed by G.S. 143-129.1, within 72 hours after the opening of the bid, Eagle Wood, Inc. presented Mecklenburg County with a written request to withdraw its bid due to a clerical error by inadvertently omitting a unit cost line item on the bid proposal form that constituted a substantial error; and

**WHEREAS**, employees of Mecklenburg County's Asset and Facility Management have reviewed the original work papers, and have determined that such documents constitute credible evidence that the mistake was clerical in nature as opposed to a judgment error, and was actually due to an unintentional omission made directly in the compilation of the bid proposal form original work papers, which unintentional omission can be clearly shown by objective evidence drawn from inspection of the bid proposal form and the original work papers, and that the Eagle Wood, Inc. bid was submitted in good faith; and

**WHEREAS**, as required by G.S. 143-129.1, the Mecklenburg County Board of Commissioners held a hearing on January 4, 2017 on the request by Eagle Wood, Inc. that it be allowed to withdraw its bid for Mecklenburg County W. Branch Rocky River Greenway; and

**WHEREAS**, after considering information presented by employees of Mecklenburg County Asset and Facility Management, and such additional information as has been presented during the hearing held on January 4, 2017, the Mecklenburg County Board of Commissioners has determined that Eagle Wood, Inc. has fulfilled the requirements stated in G.S. 143-129.1 for withdrawal of a bid; now, therefore, be it

**RESOLVED** that the Mecklenburg County Board of Commissioners has determined and does hereby hold that Eagle Wood, Inc. has presented credible evidence that meets the requirements stated in G.S. 143-129.1 for withdrawal of a bid in that its corrected extension price bid was based upon a mistake which was clerical in nature as opposed to a judgment error, was actually due to an unintentional omission made directly in the compilation of the bid proposal form and original work papers, which substantial omission can be clearly shown by objective evidence drawn by inspection of the bid proposal form and original work papers, which mistake constitutes a substantial error, and that the bid was submitted in good faith; and be it further

**RESOLVED** that Eagle Wood, Inc. is allowed to withdraw its bid without forfeiture of its bid security; and be it further

**RESOLVED** that the Clerk to the Board shall provide to Eagle Wood, Inc. within five (5) days of the date of this hearing, a copy of this Resolution, which Resolution shall constitute a written ruling allowing the request to withdraw a bid.

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

**ADVISORY COMMITTEE REPORTS - NONE**

**MANAGER'S REPORT - NONE**

**DEPARTMENTAL DIRECTORS' MONTHLY REPORTS - NONE**

**STAFF REPORTS & REQUESTS – NONE**

***Commissioner Clarke left the meeting and was absent for the remainder of the meeting.***

**COUNTY COMMISSIONERS REPORTS & REQUESTS**

**17-3722      2017 BOARD COMMITTEES (CHAIR SCARBOROUGH)**

Motion was made by Commissioner Puckett, seconded by Commissioner Cotham and carried 8-0 with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to re-affirm the following Board committees for calendar year 2017:

- 1) Economic Development Committee
- 2) Health and Human Services Committee
- 3) Intergovernmental Relations Committee
- 4) Performance Review Committee
- 5) Audit Review Committee

Secondly, to affirm the Boards Ad Hoc Advisory Boards Comprehensive Review Committee to be chaired by Commissioner Dunlap.

*Note: The Board's Policy and Standard Operating Procedures for Board Committees states at its first regular meeting in January each year, the Board will establish, re-affirm or dissolve standing committees as determined by a majority vote of the Board. It was recommended that the Board re-affirm the above listed committees. 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 re-affirms or dissolves the standing committee.*

***A list of the committee memberships is on file with the Clerk to the Board.***

**17-3734      AUDIT REVIEW COMMITTEE APPOINTMENTS**

Motion was made by Commissioner Puckett, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to appoint to the Audit Review Committee for two-year terms expiring December 31, 2018, Commissioners Bill James (Committee Chair), Pat Cotham, George Dunlap, and Matthew Ridenhour and staff ex-officio representatives, County Manager Dena R. Diorio and Assistant County Manager Mark Foster.

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

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nonvoting ex-officio members. The current outside appointee is Alexander Vuchnich, appointed by the Board on April 7, 2015. His term expires December 31, 2018.

#### CONSENT ITEMS

**Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 8-0 with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve the following item(s):**

**17-3714 BUDGET AMENDMENT – LUESA (REVENUE INCREASE)**

Recognize, receive and appropriate a revenue increase of \$315,000 from Arterra- Birkdale, LLC and Lexon Insurance Company as part of a default of bond obligation related to Birkdale Grove Subdivision in the Town of Huntersville to FY17 Permitting & Compliance Bond Budget (Unit 3090) and carry forward the unspent balance until project is completed.

*Note: A letter was sent to both Arterra-Birkdale, LLC and Lexon Insurance Company on March 18, 2014 declaring that they were in default of their bond obligations by not constructing improvements for Birkdale Grove Subdivision per the approved plans and the Town of Huntersville Subdivision Ordinance. The defaulted bond funds (\$315,000) were received by the County on December 7, 2016. Pursuant to the terms of the defaulted bond, Mecklenburg County will use the funds from the bond to complete the subdivision repairs according to the approved plans and the Town of Huntersville Subdivision Ordinance. The funds will be limited to paying for costs of repairs, including reimbursement to Mecklenburg County for any and all expenses which may have incurred after the default such as construction expenses, staff time and attorney fees related to the project.*

**17-3716 INSURANCE REIMBURSEMENTS**

Recognize, receive and appropriate insurance reimbursement funds of \$8,758 for Asset and Facility Management, \$349 for Sheriff's Office and \$16,996 for Park and Recreation.

*Note: The County received insurance proceeds based on claims for stolen and damaged items in the departments identified. This Broad action provides authority to use the funds for replacement of these items.*

**17-3719 MINUTES**

Approve Minutes of Regular meeting held December 20, 2016.

**17-3729 CONSTRUCTION CONTRACT – WEST BRANCH ROCKY RIVER GREENWAY**

Award a construction contract to J.D. Goodrum Company, Inc. in the amount of \$1,732,777 for construction needs for the West Branch Rocky River Greenway to include the construction of approximately 1.5 miles of new paved trail, asphalt repair and overlay, one pedestrian bridge, and other various site improvements.

**17-3730 CONSTRUCTION CONTRACT – 3RD STREET LINEAR PARK**

Award a construction contract to Balfour Beatty Construction in the amount of \$1,698,787 for the construction of the 3<sup>rd</sup> Street Linear Park located at 303 S. Church Street.

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**17-3751 BOCC 2017 ANNUAL MEETING SCHEDULE AMENDMENT**

Amend the Board's 2017 Meeting Schedule to change the first day of the Board's annual retreat from January 25, 2017 to January 26, 2017.

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

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**17-3713 JUSTICE FOR FAMILIES 2017 GRANT APPLICATION**

Motion was made by Commissioner Leake, seconded by Commissioner Puckett and carried 8-0 with Commissioners Cotham, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to:

- 1) Approve submission of renewal grant application for up to \$550,000 over three years to the U.S. Department of Justice Office on Violence Against Women to enhance operations of the Supervised Visitation Safe Exchange Center and provision of civil legal assistance for victims of domestic violence;
- 2) Recognize, receive and appropriate funds for the amount awarded for the duration of the grant period; and
- 3) If awarded, authorize one grant-funded position in the Community Support Services Department - Prevention, Intervention and Services Division: 1 Senior Social Worker (annual market rate is \$54,664).

*Note: The Supervised Visitation and Safe Exchange Center, 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 Safe Alliance, increases safety for adult and child victims of domestic violence while decreasing opportunities for further abuse before, during and after services. If this grant is funded, a court liaison position will be created that increases the immediacy of court referrals for visitation. In addition, the grant will fund civil legal assistance in custody cases for the non-offending parent.*

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

**ADJOURNMENT**

Motion was made by Commissioner Puckett, seconded by Commissioner James carried 8-0 with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:45 p.m.

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Janice S. Paige, Clerk

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Ella B. Scarborough, Chair