

February 7, 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 Tuesday, February 7, 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 Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: County Manager Dena R. Diorio

-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) 17-3754, 17-3768, 17-3773, 17-3776, 17-3779, 17-3780, 17-3784, & 17-3788 to be removed from Consent and voted upon separately.

STAFF BRIEFINGS

17-3770 MEETING PROTOCOL

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The Board received a briefing from County Attorney Bethune on meeting protocol as it related to public speaking/engagement at meetings and handling disruptions.

A copy of a handout from County Attorney Bethune is one file with the Clerk to the Board.

CLOSED SESSION

17-3787 CONSULT WITH ATTORNEY

Motion was made by Commissioner Puckett, seconded by Commissioner Leake 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 purpose: Consult with Attorney.

The Board went into Closed Session at 5:17 p.m. and came back into Open Session at 5:23 p.m.

Commissioner Dunlap was present when the Board came back into Open Session. He entered the meeting during Closed Session.

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

AWARDS/RECOGNITION – NONE

PUBLIC APPEARANCE

17-3785 PUBLIC APPEARANCE

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

Marques Fitch with the American Heart Association and Rev. Jordan Boyd, Rockwell A.M.E. Zion Church and Thereasea Elder on behalf of Village HeartBeat, noted that February was Heart Awareness Month. They also addressed and asked for the Board's continued support of Village HeartBeat. Village HeartBeat is a collaborative program organized to reduce risk-factors associated with cardiovascular disease through African American and Hispanic/Latino faith-

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based organizations in Charlotte. It is a Mecklenburg County Health Department initiative started by Cheryl Emanuel, a Health Manager at the Health Department.

Richard Shaw spoke in opposition to the planned Linda Lake neighborhood park and asked for a 90 day delay.

A copy of a handout from Mr. Shaw is on file with the Clerk to the Board.

Deborah Stevenson commended the Sheriff's Office for educating the public through its Citizens Academy. Ms. Stevenson said the program offers detailed information about laws and procedures relating to the Sheriff's Office role in law enforcement, the jails and in the court system. Ms. Stevenson, a graduate of the program, recommended citizens, community & business leaders and candidates for office, take advantage of this learning opportunity.

Kenny Fillmore and Shawn Greeson signed up to speak but did not appear.

Donna Dunlap, CEO of Big Brothers Big Sisters of Greater Charlotte, addressed the "Year in Review" of Big Brothers Big Sisters of Greater Charlotte.

Commissioner Ridenhour asked if Mr. Shaw could be referred to staff, since he'd appeared on several occasions regarding Linda Lake park.

Commissioner Dunlap said he was present when the community voted overwhelmingly in support of the Linda Lake park. He said Park and Recreation was moving forward with what the community wanted.

APPOINTMENTS - NONE

PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT- NONE

DEPARTMENTAL DIRECTORS' MONTHLY REPORTS - NONE

STAFF REPORTS & REQUESTS

17-3767 CODE ENFORCEMENT UPDATE

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The Board received an update on the efforts that were being undertaken by the County to enhance Land Use & Environmental Services Agency (LUESA) - Code Enforcement's customer service, permitting and inspection process.

LUESA Director Ebenezer Gujjarlapudi gave the update.

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

Comments

Commissioner Puckett asked about the additional positions, the funding of those positions, and the recruitment schedule for filling the positions, which was addressed.

Commissioner Clarke asked about the new model of delivery and whether a stress test of the model had occurred. He said it was probably only a matter of time before there was a significant amount of decline in commercial and residential construction activity. He questioned whether the new delivery model would work when that decline occurred. *Director Gujjarlapudi responded and noted that staff, along with the Building Development Commission, would monitor the industry activity very closely.*

Commissioner Leake asked about funding for positions, which was addressed. *It was noted that code enforcement was completely funded via fees paid for permitting and inspections.*

Commissioner Ridenhour asked about the veteran's initiative. *It was noted that the Board would receive an update on that initiative at the next Board meeting.*

Commissioner Fuller asked about governance (city/county) as it related to the plan review side and the enforcement side, which was addressed.

Commissioner Cotham thanked Director Gujjarlapudi for the progress that had been made in this area.

Commissioner Cotham noted the following question received from a developer: Why had technology improvements taken so long, which was addressed.

Commissioner Cotham asked about city and county cooperation, per the Gartner Study, which was addressed.

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

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Commissioner Cotham asked would any of the new inspectors go to the Fire Marshal's office. *Director Gujjarlapudi said no because these would be inspectors for code enforcement. He said a review of the Fire Marshal's office was being done to access their needs.*

Chair Scarborough asked about landlords that don't maintain their properties. *Director Gujjarlapudi said that was a function of the City of Charlotte within their Neighborhood and Business Services division.*

Note: All Commissioners expressed thanks to Director Gujjarlapudi and his staff.

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

COUNTY COMMISSIONERS REPORTS & REQUESTS - NONE

CONSENT ITEMS

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

17-3763 APPOINTMENT OF REVIEW OFFICERS

Amend Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office pursuant to N.C.G.S. 47-30.2 to designate Jack Fulghum and Stuart C. Harborne as Review Officers and to delete David Snider.

AMENDMENT TO RESOLUTION DESIGNATING REVIEW OFFICERS TO REVIEW EACH MAP AND PLAT RECORDED IN THE REGISTER OF DEEDS OFFICE PURSUANT TO N.C.G.S. 47-30.2

WHEREAS, on September 16, 1997 the Mecklenburg County Board of Commissioners adopted a resolution entitled "Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2"; and

WHEREAS, the Resolution has been amended multiple times to accommodate additions and deletions; and

WHEREAS, the Mecklenburg County Board of Commissioners now desires to amend the Resolution to make additional modifications. Now, therefore,

BE IT RESOLVED by the Mecklenburg County Board of Commissioners that the Resolution adopted on September 16, 1997, as amended on prior occasions, be amended and the same hereby is further amended as follows:

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1. Jack Fulghum is hereby designated as Review Officers in addition to those persons so designated in the Resolution of September 16, 1997, and other appointees as amended on prior occasions; thus the Resolution is accordingly amended to add this name.

2. Stuart C. Harborne is hereby designated as Review Officers in addition to those persons so designated in the Resolution of September 16, 1997, and other appointees as amended on prior occasions; thus the Resolution is accordingly amended to add this name.

3. David Snider be deleted from the Resolution adopted on September 16, 1997.

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

17-3765 MINT HILL VOLUNTEER DEPARTMENT EXPANSION & RENOVATION

Adopt a resolution submitted by the Mint Hill Volunteer Fire Department approving the incurrence by the Mint Hill Volunteer Fire Department of up to \$1,000,000 indebtedness from BB&T for renovations to the Fairview Road fire station.

Note: The Mint Hill Volunteer Fire Department asked that the Board of Commissioners consider taking this action so that their loan would qualify for a tax-exempt interest rate under the Internal Revenue Code. This action does not obligate the County in any way.

**Resolution Approving the Financing by Mint Hill Volunteer Fire Department, Inc.
Of up to \$1,000,000.00 for the Financing of Renovations to the Fairview Road Fire Station**

WHEREAS:

Mint Hill Volunteer Fire Department, Inc. has determined to finance an amount of up to \$1,000,000.00 for renovations to the Fairview Road fire station. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, this Board must first approve the financing. The Fire Department has held a public hearing on the financing after published notice, as required by the Code. The Fire Department has reported the proceedings of such hearing to this Board.

BE IT THEREFORE RESOLVED by the Board of Commissioners of Mecklenburg County, North Carolina, as follows:

The County approves the Fire Department's entering into the financing, as required under the Code for the financing to be carried out on a tax-exempt basis. The Fire Department's conduct of the required public hearing is approved.

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

17-3769 CONSTRUCTION CONTRACT – JETTON PARK PAVILION RENOVATION

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Award a construction contract to H.C. Rummage, Inc. in the amount of \$878,230 for the Jetton Park Pavilion Renovation.

17-3771 INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate insurance reimbursement funds of \$8,172 for Asset and Facility Management, \$395 for Sheriff's Office, \$9,287 for Park and Recreation and \$1,045 for Health Department.

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

17-3772 CAPITAL RESERVE EXPENDITURE REQUESTS (PARK AND RECREATION)

1) Approve expenditures for equipment totaling \$42,052 from the Park and Recreation Capital Reserve account for McDowell Nature Preserve.

2) Approve expenditures for equipment in the amount of \$17,191 from the Park and Recreation Capital Reserve account for West Charlotte Recreation Center.

17-3775 CAPITAL RESERVE EXPENDITURE REQUESTS (PARK AND RECREATION)

Approve expenditure of \$160,000 from Park and Recreation Capital Reserve accounts as follows:

1. Golf Course - \$20,000 for preliminary investigation of underlying landfill at the Renaissance Golf Course.

2. Col. Francis Beatty Park - \$80,000 for parking lot striping, adding curbs and concrete work, and updating park signage.

3. Dog Park Improvements - \$30,000 for major repairs such as fencing and erosion/drainage at WR Davie and McAlpine Dog Parks.

4. Recreation Facilities - \$30,000 to renovate one synthetic turf soccer field at Col. Francis Beatty Park.

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**17-3777 GRANT APPLICATION – NATIONAL RECREATION AND PARK ASSOCIATION
“MEET ME AT THE PARK” GRANT**

Approve Park and Recreation to apply for a \$20,000 "Meet Me at the Park" grant through the National Recreation and Park Association (NRPA), and if awarded, recognize and appropriate award amount.

Notes: The amount of the grant provided to the Grantee will be \$20,000 for a physical park improvement project in underserved areas tied to one or more of the following focus areas:

1. Connecting youth to nature. Examples include providing environmental education or likeability programs, enhancing sustainable features at your park with the addition of educational signage or creating or improving access to nature through nature play areas, trails and greenspace.

2. Helping youth and families live healthier. Examples include planting a community garden for access to fruits and vegetables, implementing recreational programs to get people more active or providing access to walking trails.

3. Improving youth's access to sports. Examples include utilizing vacant spaces for a sports field, improving a sports field or offering sports programming.

17-3778 BUDGET AMENDMENT – BARK IN THE PARK DONATION (PARK AND RECREATION)

Recognize, receive and appropriate a \$50,000 sponsorship from Harris Teeter, Inc. for the Park and Recreation Department's Bark in the Park and dog park improvements.

17-3781 DECLINE RIGHT OF FIRST REFUSAL TO CHARLOTTE-MECKLENBURG SCHOOLS PROPERTY – STAFFORD DRIVE SITE

Decline the County's statutory right of first refusal on Tax Parcel #061-266-01 (+/- 38.56 acres) that is owned by the Charlotte-Mecklenburg Board of Education to permit a sale of the property to the City of Charlotte.

Note: The City proposes to purchase the property from Charlotte Mecklenburg Board of Education for a purchase price of \$4,500,000. If purchased, the property would be used for future airport development. By state statute, the County must decline its right of first refusal to

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any properties the Board of Education intends to dispose of prior to it moving forward with conveyance to another entity.

17-3782 TAX REFUNDS

Approve refunds in the amount of \$49,779.53 and interest as statutorily required to be paid as requested by the County Assessor.

Note: This Board action was necessary to approve tax refunds resulting from clerical errors, audits and other amendments, including revaluation appeals. Accrued interest is estimated to be \$67.31.

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

17-3786 MINUTES

Approve Minutes of Regular meeting held January 18, 2017.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

17-3754 GRANT APPLICATION – NC CLEAN WATER MANAGEMENT TRUST FUND

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

- 1) Authorize the County Manager to submit a stream restoration grant application to the North Carolina Clean Water Management Trust Fund (CWMTF) for the restoration of Long Creek from I-77 to Rumney Court up to an amount of \$400,000.
- 2) Authorize the County Manager to negotiate and enter into a grant contract with CWMTF.
- 3) Upon receipt of grant, recognize, receive and appropriate up to \$400,000 in funds from the CWMTF.

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

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17-3768 GRANT APPLICATION – OVW GRANT TO ADDRESS CHILDREN AND YOUTH EXPOSED TO DOMESTIC VIOLENCE

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

- 1) Approve submission of a continuation grant application to the Department of Justice Office on Violence Against Women in an amount up to \$750,000 for prevention and intervention work with children and youth exposed to domestic violence.
- 2) If awarded, recognize, receive and appropriate the grant funds for the grant period; and
- 3) If awarded, maintain two positions in the Community Support Services Department's Prevention and Intervention Services Division.

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

Commissioner Clarke returned to the dais.

17-3773 BUDGET AMENDMENT – HEALTH DEPARTMENT REVENUE INCREASE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to:

- 1) Recognize, receive and appropriate an increase in revenue in the amount of \$9,348 from Smart Start/Vanguard Grant.

Note: Smart Start of Mecklenburg was awarded a grant from the Vanguard Foundation to fund the expansion of the Healthy Families Mecklenburg program. The final awarded amount is \$113,698 an adjustment of \$9,348 in revenue.

- 2) Recognize, receive and appropriate a net increase in revenue in the amount of \$74,119 (The net increase is to reflect actual state, federal, and other funding changes.)

Note: During the fiscal year, the Health Department receives notification of modified funding

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for programs within the department from NC Division of Public Health. The increase of state and federal allocations is \$74,119.

3) Recognize, receive and appropriate an increase in revenue in the amount of \$50,000 from State Allocations for local public health capacity building.

Note: The additional \$50,000 state revenue will be used to enhance the Healthy Corner Store Initiative. This Initiative, based upon national best practice models, is to address food access in high priority areas. The additional funds will provide the stores in the public health priority areas with enhancements such as permanent signage and marketing to the surrounding neighbors.

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

Dr. Marcus Plescia Health Director addressed this item.

17-3776 APPROVE LEASE EXTENSION – MYERS PARK TRINITY LITTLE LEAGUE

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to adopt a resolution approving a 20-year lease extension to the current Myers Park Trinity Little League lease for various Park and Recreation athletic fields.

Note: The Park and Recreation Department requested the approval of a twenty (20) year extension to the Myers Park Trinity Little League lease which expires on December 31, 2026.

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

County Attorney Bethune addressed this item with respect to Grier Heights Community.

**MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
RESOLUTION APPROVING A 20 YEAR LEASE EXTENSION WITH MYERS PARK TRINITY LITTLE LEAGUE, INC.**

WHEREAS, Mecklenburg County is the owner of park property located at Randolph Road and several other County parks in Charlotte, North Carolina which is designated for public recreation and used by Myers Park Trinity Little League; and

WHEREAS, the Myers Park Trinity Little League has spent over \$1,000,000 to improve various park properties for youth baseball programs; and

WHEREAS, the Myers Park Trinity Little League has a 10-year lease for various parks through December 31, 2026; and

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WHEREAS, the Myers Park Trinity Little League proposes to construct capital improvements on the Randolph Road Park fields with an estimated cost of \$1,150,000 for a baseball stadium, restrooms, concession building, dug outs, and batting cages in exchange for a 20-year extension to the existing contract; and

WHEREAS, the Mecklenburg County Park and Recreation Department determined that the park property is a suitable location for the construction of the stadium and capital improvements; and

WHEREAS, the Mecklenburg County Park and Recreation Department determined that the proposed capital improvements to Randolph Road Park will improve the athletic facilities for the public; and

WHEREAS, the Myers Park Trinity Little League proposes to provide routine athletic field maintenance and fund other capital improvements to the Randolph Road Park at no cost to Mecklenburg County for public use in accordance with the County's policies and procedures; and

WHEREAS, pursuant to G.S. 160A-272 the Board of Commissioners has determined that it would be in the public interest for it to agree to the arrangement proposed by the Myers Park Trinity Little League; and

WHEREAS, on January 17 [18], 2017, Board of Commissioners adopted a resolution declaring its intent to approve a 20-year lease extension to the agreement with the Myers Park Trinity Little League and directed the Clerk to the Board to publish notice of its intent, which notice was published in The Charlotte Observer on January 20, 2017; and

WHEREAS, since no upset bid was presented to the County pursuant to G.S. 160A-272 and G.S. 160A-269, the Board of Commissioners proposes to accept the offer of Myers Park Trinity Little League, Inc. to construct capital improvements on the Randolph Road Park fields in exchange for a 20-year extension to the existing contract; now therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners approves the 20-year lease extension described above and authorizes the County Manager to negotiate and execute a 20-year lease extension to begin upon the expiration of the existing lease.

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

17-3779 PROPERTY CONVEYANCE TO THE CITY OF CHARLOTTE – PAL BUILDING

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to authorize the County Manager to convey Tax Parcel 075-106-01 (+/- 0.27 acres), including all improvements located thereon, to the City of Charlotte.

Note: The City of Charlotte has requested that the County convey Tax Parcel 075-106-01 back to the City for use by the Charlotte-Mecklenburg Police Department (CMPD). Since the park

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consolidation, the property had not been used by the Park and Recreation Department and was used continuously by CMPD for its athletic program.

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

**17-3780 DECLINE RIGHT OF FIRST REFUSAL TO CHARLOTTE-MECKLENBURG SCHOOLS
PROPERTY – ADA JENKINS CENTER**

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to decline the County's statutory right of first refusal on Tax Parcel #003-233-25 (+/- 4.35 acres) that is owned by the Charlotte-Mecklenburg Board of Education to permit a sale of the property to Ada Jenkins Families and Careers Development Center, Inc.

Note: By state statute, the County must decline its right of first refusal to any properties the Board of Education intends to dispose of prior to it moving forward with conveyance to another entity.

Commissioners Cotham and Leake removed this item from Consent for more public awareness.

17-3784 BUDGET AMENDMENT – DSS (REVENUE/EXPENSE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to recognize, receive and appropriate \$65,000 from Casey Family Programs for the grant period.

Note: This initiative is designed to prevent the need for and improve foster care by reducing the number of youth in foster care and to strengthen vulnerable families by promoting family preservation in communities of color, improving education, employment and mental health outcomes. The funds would be used to contract with a family partner agency to expand community support services and resources and provide follow-up home visits for welfare families. The grant period is January 1, 2017 through December 31, 2017.

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

17-3788 BUDGET AMENDMENT – CRIMINAL JUSTICE SERVICES (REVENUE INCREASE)

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Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to recognize, receive and appropriate the grant award of \$300,000 from Children and Family Futures for the grant period and authorize carry-forward of any remaining County match through the grant period.

Note: The Doris Duke Charitable Foundation and the Duke Endowment supports the Prevention and Family Recovery Grant Initiative, which seeks to advance the capacity of Family Drug Courts and their partner agencies to provide and sustain comprehensive family-centered care to children, parents, and families affected by substance use disorders and child abuse and neglect. The three year grant will be complemented by a dedicated PFR Change Team to provide intensive technical assistance, training and coaching. The PFR National Advisory Council provides additional expert consultation to grantees on site-specific issues, as needed. The term of the grant is January 1, 2017 to December 31, 2019.

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

ADJOURNMENT

Motion was made by Commissioner Fuller, seconded by Commissioner James and unanimously carried with Commissioners Clarke, 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 7:38 p.m.

Janice S. Paige, Clerk

Ella B. Scarborough, Chair