

APRIL 3, 2018

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

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street, Charlotte, North Carolina at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, April 3, 2018.

ATTENDANCE

Present: Chair Ella B. Scarborough and Commissioners 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 Tyrone C. Wade
Clerk to the Board Janice S. Paige

Absent: Commissioner Dumont Clarke

-INFORMAL SESSION-

Commissioner Fuller 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) to be removed from Consent and voted upon separately. The items were 18-4577, 18-4591, 18-4593, 18-4599, and 18-4603.

CLOSED SESSION

18-4596 CONSULT WITH ATTORNEY

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18-4606 LAND ACQUISITION

Prior to going into Closed Session, County Attorney Wade announced there were no Consult with Attorney matters to be discussed in Closed Session.

County Attorney Wade announced the following Land Acquisition matters to be discussed in Closed Session: Tax Parcels # 09711122 and 09711199.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 7-0 with Commissioners Cotham, Dunlap, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to go into Closed Session for the following purpose: Land Acquisition.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:25 p.m.

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

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to move Item 18-4603 Proclamation-Scottish Heritage Week from Consent to the Awards/Recognition section of the agenda.

Board members discussed the Board of Equalization and Review appointments scheduled for later in the meeting.

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

AWARDS/RECOGNITION

18-4603 PROCLAMATION - SCOTTISH HERITAGE WEEK (COMMISSIONER PUCKETT)

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett,

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Ridenhour and Scarborough voting yes, to adopt a proclamation designating the week of April 2, 2018 as Scottish Heritage Week in Mecklenburg County.

The proclamation was read by Commissioner Puckett and accepted by Jeff Fissel, Director of Historic Rural Hill, Bob McIntosh, Chairman of the Rural Hill board, and Maurice McIntosh.



PUBLIC APPEARANCE

18-4594 PUBLIC APPEARANCE

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

Note: Donnette Latimer registered to speak but did not appear.

APPOINTMENTS

18-4602 APPOINTMENTS

Board of Equalization & Review

Commissioner Cotham presented the Ad Hoc Interview Committee recommendation for appointments to the Board of Equalization and Review. The committee members were Commissioners Cotham (Chair), Fuller, Leake, and Ridenhour.

The committee recommended the appointment of Fela Babb and Barrett Berry.

A copy of the Committee’s recommendation is on file with the Clerk to the Board.

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

Fela Babb	Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough
Barrett Berry	Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough
Julian Cuthbertson	Commissioner Puckett
Pamela Hemphill	Commissioners Dunlap, Fuller, Leake, and Scarborough
Jeff Scott	None

Note: George Munn was nominated on March 20, 2018 but unable to accept the interview invite.

Chair Scarborough announced the appointment of Fela Babb and Barrett Berry to the Board of Equalization and Review for three-year terms expiring April 16, 2021.

Note: They replaced Cleve Daniels and Carol Fortenberry.

Commissioner Leake volunteered to serve on the next Ad Hoc Interview Committee when appropriate.

Community Relations Committee

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

Kendall Brooks	Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, and Ridenhour
Gail Johnson	Commissioners Dunlap, Leake, and Scarborough
Arun Nair	Commissioners Cotham, Fuller, James, Puckett, and Ridenhour
Rhonda Rivers	Commissioners Cotham, Dunlap, Fuller, James, Puckett, Ridenhour, and Scarborough
Gina Sirhan	Commissioners Cotham, Dunlap, Fuller, James, Puckett, Ridenhour, and Scarborough

Chair Scarborough announced the appointment of Kendall Brooks, Rhonda Rivers, and Gina Sirhan to the Charlotte-Mecklenburg Community Relations Committee to fill unexpired terms expiring July 31, 2020 and Arun Nair to fill an unexpired term expiring August 31, 2018.

Note: They replaced David McIntyre, Colin Pinkney, Jennifer Styczen, and Felicia Thompkins.

Domestic Violence Advisory Board

The vote was taken on the following nominees for appointment consideration to the Domestic Violence Advisory Board:

Tyrone Bennett	Commissioners Dunlap, Fuller and James
Tiffany Harris	Commissioner Puckett
Deshall Hill	Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough
Wanda McWilliams	Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough
Dawn Studymine-Evans	None
Racquel Ward	Commissioners Cotham, Dunlap, Fuller, James, Puckett, Ridenhour, and Scarborough

Round Two

Tyrone Bennett	Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough
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Voting Ceased

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Tiffany Harris
Dawn Studymine-Evans

Chair Scarborough announced the appointment of Tyrone Bennett, Deshall Hill, Wanda McWilliams, and Racquel Ward to the Domestic Violence Advisory Board to fill unexpired terms expiring April 30, 2018 and then three-year terms, effective May 1, 2018, expiring April 30, 2021.

Note: They replaced Tonya Marshall, Janice Shirley, Ricardo Suarez, and Jasmine Williams.

Information Services and Technology

Motion was made by Commissioner Puckett, seconded by Commissioner Dunlap and unanimously carried with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to appoint Brian Adams, Kris Chambers-Woodruff, and Erica Frazier to the Information Services and Technology Committee for three-year terms expiring February 28, 2021.

Note: They replaced Derrick Love, Lance Munger, and Kenneth Tripp.

PUBLIC HEARINGS

18-4601 PUBLIC HEARING ON CLOSING OF A PORTION OF RIGHT-OF-WAY FOR GRAND PALISADES PARKWAY

Motion was made by Commissioner Puckett, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to continue the public hearing to hear comments with respect to the closing of a portion of Grand Palisades Parkway right-of-way.

Dave Canaan with LUESA addressed the request. He said staff received confirmation from the current property owner that he was not opposed to the request.

Note: There was someone in the audience that indicated they were there on behalf of the current property owner and that the current property was not in opposition as stated by staff.

Note: On March 20, 2018, the Board of County Commissioners continued the public hearing for the Grand Palisades Parkway right-of-way closing until April 3, 2018 and asked for evidence that

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the current property owner knew about the petition for closing on this hearing. The petition for closing was signed by a former owner of the adjacent property at the request of the new/current owner. In February 2018, LUESA sent a copy of the Intent to Close to the new/current owner via certified mail. Following the March 20th meeting, LUESA also obtained the signature of the new/current owner on the petition. The portion of said right-of-way for which the closing has been requested is currently two turnout areas that will not be utilized once the parcel is developed as a multi-family tract by the new/current owner. General Statute 153A-241 requires a public hearing and approval of the Order of Closing by the Board of County Commissioners to close a right-of-way in an unincorporated part of the County.

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to close the public hearing on the closing of a portion of right-of-way for Grand Palisades Parkway; and adopt the Order of Closing For A Portion Of Grand Palisades Parkway Right-Of-Way.

**MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
ORDER OF CLOSING FOR A PORTION OF GRAND PALISADES PARKWAY
RIGHT-OF-WAY**

WHEREAS, North Carolina General Statute 153A-241 specifies that a county may permanently close any public road or easement within the county and not within the city except public roads or easements for public roads under the control and supervision of the North Carolina Department of Transportation and specifies the procedure to be followed; and

WHEREAS, the petitioner has requested that a 0.181-acre portion of the right-of-way for Grand Palisades Parkway as shown on the Exhibit A map attached hereto be closed; and

WHEREAS, the 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 Grand Palisades Parkway would 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; and has determined that the North Carolina Department of Transportation does not maintain said right-of-way of Grand Palisades Parkway; and

WHEREAS, on February 6, 2018, the Mecklenburg Board of County Commissioners declared its intent to close the 0.181-acre portion of right-of-way for Grand Palisades Parkway which is shown on the attached Exhibit A map, and did set a public hearing on the question of whether to close said portion of the right-of-way of Grand Palisades Parkway for 6:30 pm on March 20, 2018 in the Meeting Chamber, first floor of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, and did instruct the Clerk to the Board to publish a notice of the intent of the Board of County Commissioners to close said portion of the right-of-way, and did instruct the Project Manager to send or have sent copies of the resolution declaring the intent to close said portion of the right-of-way to the owners of the adjoining properties who did not join in the request to have said

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portion of the right-of-way closed, and to have a notice of public hearing posted in at least two places along said road; and

WHEREAS, N.C.G.S. 153A-241 states the effect of a road closing on adjoining landowners and on public utilities as follows: "Upon the closing of a public road or an easement pursuant to this section, all right, title, and interest in the right-of-way is vested in those persons owning lots or parcels of land adjacent to the road or easement, and the title of each adjoining landowner, for the width of his abutting land, extends to the center line of the public road or easement. However, the right, title or interest vested in an adjoining landowner by this paragraph remains subject to any public utility use or facility located on, over, or under the road or easement immediately before its closing, until the landowner or any successor thereto pays to the utility involved the reasonable cost of removing and relocating the facility"; and

WHEREAS, at said public hearing held on March 20, 2018, the Mecklenburg Board of County Commissioners gave an opportunity to all interested persons to speak on whether the closing of the 0.181-acre portion of right-of-way for Grand Palisades Parkway which is shown on the attached Exhibit A map would be detrimental to the public interest or deprive any individual owning land in the vicinity of said right-of-way of reasonable ingress and egress to their property; and

WHEREAS, at said public hearing held on March 20, 2018, the Mecklenburg Board of County Commissioners continued the public hearing until 6:30 pm on April 3, 2018; and

WHEREAS, at said public hearing held on April 3, 2018, the Mecklenburg Board of County Commissioners gave an opportunity to all interested persons to speak on whether the closing would be detrimental to the public interest or any individual property rights; now therefore, be it

RESOLVED, that the Mecklenburg Board of County Commissioners has determined and is satisfied that the closing of the portion of said right-of-way of Grand Palisades Parkway as shown on the attached map hereto is not contrary to public interest, and that no individual owning property in the vicinity of said right-of-way would thereby be deprived of reasonable ingress and egress to their property when said right-of-way is closed; and be it

FURTHER RESOLVED, that the Mecklenburg Board of County Commissioners does hereby adopt this Order of Closing of the portion of said right-of-way of Grand Palisades Parkway; pursuant to the North Carolina General Statute 153A-241, effective once this Order of Closing has been approved; and be it

FURTHER RESOLVED, that the Clerk to the Board of County Commissioners is directed to file a certified copy of this Order for Closing of said right-of-way in the office of the Register of Deeds of Mecklenburg County. The recordation of this Order for Closing shall provide conclusive evidence of the closing of the 0.181-acre portion of right-of-way for Grand Palisades Parkway which as shown on the attached map hereto as Exhibit A.

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

ADVISORY COMMITTEE REPORTS

18-4584 WOMEN'S ADVISORY BOARD 2017 REPORT

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The Board received the annual report of the Women's Advisory Board.

The report was presented by Zhivi Williams, Chair of the Women's Advisory Board. She was joined at the podium by Vice-Chair Melissa Lefko. Other Advisory Board members were present in the audience.

Board Members thanked the committee for their report and commended them on their reorganization efforts.

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

MANAGER'S REPORT

18-4623 INTERLOCAL AGREEMENT WITH TOWN OF CORNELIUS FOR EXTRA TERRITORIAL JURISDICTION (ETJ) LAW ENFORCEMENT SERVICES

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to adopt Resolution Approving a Law Enforcement Services Interlocal Agreement Between Mecklenburg County and the Town of Cornelius for Law Enforcement Services in the extra territorial jurisdiction areas of the Town.

Derrick Ramos, Assistant County Manager/Chief of Staff presented the matter to the Board.

Commissioner Dunlap asked about the termination clause, which was addressed.

Note: At the October 17, 2017 meeting, the Board adopted a resolution declaring the County's intent to enter into an interlocal agreement with the City for law enforcement services in the Charlotte, Davidson and Mint Hill ETJ jurisdictions of Mecklenburg County. The County Manager was also asked to negotiate and bring back to the Board for its consideration an agreement with the Town of Cornelius to provide law enforcement services to its ETJ area.

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS
RESOLUTION APPROVING A LAW ENFORCEMENT SERVICES INTERLOCAL
AGREEMENT BETWEEN MECKLENBURG COUNTY AND THE TOWN OF CORNELIUS**

WHEREAS, in 1993 the City of Charlotte ("City") and Mecklenburg County ("County") entered into an agreement entitled "Agreement Between the City of Charlotte and Mecklenburg County for the Consolidation of the Charlotte and Mecklenburg County Police Departments" ("Original Consolidation Agreement") which resulted in the City Police Department and the County Police Department being consolidated on October 1, 1993 as a City

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department – the Charlotte-Mecklenburg Police Department - having law enforcement jurisdiction throughout the entire unincorporated area of the County; and

WHEREAS, effective July 1, 1996 the City and the County entered into the “Agreement Between the City of Charlotte and Mecklenburg County for the Continued Consolidation of the Charlotte and Mecklenburg County Police Departments” (“Current Agreement”) which Current Agreement was terminated effective June 30, 2018 by the Board of County Commissioners at its April 18, 2017 meeting; and

WHEREAS, the County Manager and Town Manager, and their staff, have been negotiating terms for an agreement with the Town of Cornelius for the Cornelius Police Department to provide law enforcement services within the extraterritorial jurisdiction areas of the Town; and

WHEREAS, the County Manager has presented to the Board, as part of the agenda of the meeting at which this resolution has been adopted, a proposed five (5) year interlocal agreement with the Town of Cornelius for the Town to provide law enforcement services within the extraterritorial jurisdiction areas of the Town, which proposed agreement has been negotiated with the Town Manager and staff; now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners does hereby approve the interlocal agreement with the Town entitled “Law Enforcement Services Interlocal Agreement Between Mecklenburg County and the Town of Cornelius” as presented to the Board at the meeting at which this Resolution has been adopted, to be effective July 1, 2018, for the Town to provide law enforcement services within the ETJ area of the Town , including Lake Norman waters and shoreline, as defined in the interlocal agreement, and authorizes the County Manager to execute such Agreement in substantially the form presented to the Board.

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

DEPARTMENTAL DIRECTORS’ MONTHLY REPORTS - NONE

STAFF REPORTS & REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS & REQUESTS - NONE

CLOSED SESSION

18-4606 LAND ACQUISITION – BALANCE OF NORTHPARK MALL/KIMBRELL’S

Motion was made by Commissioner Puckett, seconded by Commissioner Dunlap and unanimously carried with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve the land acquisition of the balance of the NorthPark Mall/Kimbrell’s property, parcels 09711122 and 09711199, located at 101 Eastway Drive and authorize the County Manager to negotiate and execute, as applicable, an assignment and assumption agreement (the “Assignment”) under the specific terms and

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conditions as set forth in Action Item 18-4606 for a purchase price of \$2,675,000.00; and as stated in the Action Item: pursuant to which MPV shall assign all of its right, title and interest in the contract to Mecklenburg County (the "County") to purchase parcels 09711122 and 09711199 (less and except a portion to be retained by Kimbrell's, the exact acreage of which remains to be determined but which shall contain (a) the existing building owned and operated by Kimbrell's, and (b) not less than 37 designated parking spaces). The Assignment is expected to be executed following negotiation and execution of the contract; and to consummate the County's subsequent acquisition of the Property under the terms and conditions of the Contract and Assignment, which among others:

- (a) require an earnest money deposit from County in the amount of \$50,000.00, which shall be due into escrow in conjunction with the parties' execution of the Assignment;
- (b) provide County three separate non-refundable options to extend the inspection period (which is currently six months from the date on which County assumes the Contract) under the Contract. The first option is for an additional month at a cost of \$10,000.00; the second option is for an additional second month at a cost of \$15,000.00; and the third option is for an additional third month at a cost of \$15,000.00. Assuming closing occurs, any option costs will be applied to the purchase price for the Property, which is \$2,675,000.00.
- (c) provide a closing date of not later than thirty days following the expiration of the inspection period [as may be extended per subsection (b) above] under the Contract; and
- (d) require at closing, payment by County to MPV of:
 - (i) an assignment fee equal to \$40,125.00 (which represents 1.5% of the purchase price for the Property); and
 - (ii) reimbursement of MPV's due diligence expenses with respect to the Property in the amount of \$7,506.30; and
- (e) require at closing, payment by County to Kimbrell's of the purchase price of \$2,675,000.00 (as adjusted by the terms of the Contract for pro-rations of taxes and any other required adjustments).

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

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CONSENT ITEMS

Commissioner Ridenhour asked that Item 18-4582 be removed from Consent and voted on separately. There was no objection.

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

18-4585 GRANT APPLICATION - RESPONDING TO OPIOID CRISIS (CRIMINAL JUSTICE SERVICES)

Approve submission of a grant application for private funding in the amount of \$20,000 over two years to the UNC School of Government and Blue Cross of NC; and if awarded, recognize, receive and appropriate funds for the amount awarded for the duration of the grant period.

Note: The "Responding to the Opioid Crisis" grant is a partnership between the UNC School of Government and Blue Cross of NC. It seeks to use a collective impact approach in addressing the opioid crisis across NC and within local communities. Mecklenburg County's Substance Use Disorder Task Force will utilize these funds to develop and implement the County's response to this crisis. Funds can be used over a two-year period.

18-4587 BUDGET AMENDMENT - DSS (REVENUE INCREASE/DECREASE)

Recognize, receive and appropriate multi-year State Adoption Promotion funding in the amount of \$48,000.

18-4589 BUDGET AMENDMENT - WINGET SCHOOL RECREATION SITE SUMMER CAMP (PARK & RECREATION)

Amend the budget to recognize \$30,720 in revenue and appropriate \$30,720 in expenses.

Note: Mecklenburg County Park and Recreation currently offers a Traditional Summer Camp at Berewick Recreation Center in the Steele Creek area of Charlotte. The eight-week camp has 48 participants each week and is currently at capacity with 173 on the waitlist. The addition of a camp at Winget Park Elementary School will help serve the needs of this growing community. The additional revenue is coming from participant registration, \$80 per week.

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18-4590 TAX REFUNDS

Approve refunds in the amount of \$8,675.08 and any accrued interest 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. These are refunds resulting from Board of Equalization Review determinations, so there is no accrued interest on these refunds.

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

18-4592 CAPITAL RESERVE EXPENDITURE - RAY'S SPLASH PLANET (PARK AND RECREATION)

Approve the re-appropriation of \$40,000 from the Consolidated Aquatic Capital Reserve fund previously approved for the repair of the mechanical pump room at Ray's Splash Planet.

Note: On May 2, 2017, the BOCC approved the funding of a Family Locker Room expansion project and repair of mechanical pump room at Ray's Splash Planet. During the design process, it was discovered that the space could accommodate three new family rooms. While this maximized the number of family changing rooms, it resulted in the project being over budget by approximately \$65,000, as construction bids were higher than what was anticipated. For the project to proceed, staff requests approval of additional funds by the re-appropriation of \$40,000 previously approved for repair of the mechanical pump room (repair was completed with the use of other funds). The approval of this funding will allow for the Family Locker Room space at Ray's Splash Planet to be tripled, offering families an alternative to the men and women changing facilities.

18-4595 MINUTES

Approve Minutes of Regular meeting held March 7, 2018.

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18-4597 EASEMENT CONVEYANCE AND MEMORANDUM OF AGREEMENT - STEWART CREEK TRIBUTARY

1. Authorize the County Manager to negotiate and execute a Memorandum of Agreement between the County and Southeastern Land Development, LLC for the remediation of an unauthorized encroachment onto County-owned Tax Parcel 067-031-11; and
2. Authorize the County Manager to negotiate and execute all documents necessary to grant a Temporary Construction Easement (± 0.06 acres) to Southeastern Land Development, LLC on County-owned Tax Parcel 067-031-11 for the remediation of the unauthorized encroachment; and
3. Recognize and receive payment of \$1,925 from Southeastern Land Development, LLC for payment of a Temporary Construction Easement.

Memorandum of Agreement recorded in full in Ordinance/Minute Book _____, Document # _____.

18-4598 LAND DONATION - LONG CREEK

Accept donation of Tax Parcel 033-273-34 (+/- 3.582) from Randy Humphrey, Inc. for Park & Recreation and storm water purposes.

Note: The vacant property is located southwest of the Fox Chase subdivision and the intersection of Mt. Holly/Huntersville Road and Beatties Ford Road in Charlotte. The subject property is located entirely within the FEMA-designated floodplain along Long Creek. Acquisition of this parcel continues the County's efforts to create contiguous land holdings along this portion of Long Creek for potential greenway development and the preservation of the floodplain.

18-4600 GRANT APPLICATION - 2018 USTA NORTH CAROLINA 10 AND UNDER TENNIS EQUIPMENT GRANT

Approve submission of a grant application to the USTA of North Carolina for tennis equipment valued at \$1,200; and if awarded, recognize and receive the equipment for related grant; and recognize and receive the required matching donation from Partners for Parks in the amount of \$1,339.40

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THIS CONCLUDED ITEMS APPROVED BY CONSENT

18-4577 INTERLOCAL AGREEMENT WITH THE TOWN OF PINEVILLE

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

- 1) Adopt Resolution authorizing Interlocal Agreement for funding of Little Sugar Creek 485-Polk Site Stream Restoration Project; and
- 2) Recognize, receive and appropriate up to \$68,575 from the Town of Pineville for its share of the Little Sugar Creek Stream Restoration Project by June 30, 2020.

MECKLENBURG COUNTY BOARD OF COMMISSIONERS RESOLUTION AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT BETWEEN MECKLENBURG COUNTY AND THE TOWN OF PINEVILLE FOR FUNDING OF THE LITTLE SUGAR CREEK WATER STREAM RESTORATION

WHEREAS, on May 17, 1993, the Mecklenburg County Board of Commissioners (the "Board") adopted the "Mecklenburg County Storm Water Management Plan" (the "Plan"), which sets forth guiding principles and a financial plan for the operation of the comprehensive storm water management program in Mecklenburg County, North Carolina (the "County"); and

WHEREAS, the Plan requires use of a rate structure based on impervious area and a base rate charge for fixed and administrative costs sufficient to cover such costs; and

WHEREAS, N.C. Gen. Stat. § 160A-461 ("Interlocal Cooperation Authorized") authorizes units of local governments to enter into agreements with each other in order to execute certain undertakings, such as the operation of a storm water management program by one unit of local government on behalf of another unit of local government; and

WHEREAS, County and the Town of Pineville (the "Town") have negotiated and finalized an Interlocal Agreement for Funding of the Little Sugar Creek Stream Restoration Project, dated on or about the date hereof (the "ILA"); and

WHEREAS, N.C. Gen. Stat. § 160A-461 further requires that such an agreement "...shall be ratified by resolution of the governing board of each unit and spread upon its minutes";

NOW, THEREFORE, BE IT RESOLVED, by the Board, that the County manager is hereby authorized and directed to execute the ILA in substantially the form attached as Exhibit A to this Resolution, and that this Resolution shall be spread upon the County minutes.

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

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

18-4591 DONATION OF TRISHAWS (MOTOR ASSISTED BICYCLES)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to recognize and receive four (4) Trishaws (Motor Assisted Bicycles) valued at \$35,895 from Southminster Residential Retirement Community to support the Cycling Without Age Program.

Note: Southminster Residential Retirement Community is gifting four (4) Trishaws to Mecklenburg County (Park & Recreation Department) to provide Cycling Without Age to senior citizens. This program allows senior citizens and those with disabilities to enjoy greenways. The Trishaws will be housed at Wallace Pruitt Recreation Center and Arbor Glen Outreach Center to allow access to Irwin Greenway. The Trishaws also will be used during special events and transported to other greenways throughout the county.

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

Lee Jones, Director of Park and Recreation addressed this matter.

**18-4593 GRANT APPLICATION - SR. HLTH INSURANCE INFORMATION PROGRAM-
MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT**

Motion was made by Commissioner Leake, seconded by Commissioner Puckett and unanimously carried with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve submission of an application for a Senior Health Insurance Information Program (SHIIP): Medicare Improvements for Patients and Providers Act (MIPPA) grant of up to \$10,000; and if awarded, recognize, receive and appropriate such funds.

Note: The grant awards will be distributed in FY18 and will be used to expand Medicare and Low-Income Subsidy Education, Counseling and Enrollment Services offered in the community. No match is required for these funds. These are federal Medicare Improvements for Patients and Providers Act (MIPPA) funds controlled and distributed by North Carolina Department of Insurance SHIIP office. Park and Recreation staff recruit and support volunteer counselors who offer the Medicare counseling services to the community. The services are offered at Senior Centers, Recreation Centers, Senior Nutrition sites, Libraries and Community Health Clinics. The

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additional grant funding allows the services to be extended into additional community settings including churches and Charlotte Housing Partnership locations.

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

18-4599 RETAIL TENANT LEASE - GOVERNMENT DISTRICT PARKING DECK

Motion was made by Commissioner Leake, seconded by Commissioner Puckett and unanimously carried with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to adopt a resolution titled "Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to John and Hresanthe Georgopoulos, Owners of Little Village Grill."

Note: The County has secured a prospective tenant for one of the retail suites attached to the Government District Parking Deck at Fourth & McDowell Streets. John and Hresanthe Georgopoulos, owners of Little Village Grill, have submitted a proposal to lease Suite A.

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

Mark Hahn, Director of Asset and Facilities Management addressed this matter.

MECKLENBURG COUNTY BOARD OF COMMISSIONERS RESOLUTION DECLARING INTENT TO LEASE PROPERTY TO JOHN AND HRESANTHE GEORGOPOULOS OWNERS OF LITTLE VILLAGE GRILL

WHEREAS, Mecklenburg County is the owner of the Government District Parking Deck, located at 901 E. 4th Street, Charlotte, NC, parts of which were designed for use as retail space; and

WHEREAS, John and Hresanthe Georgopoulos, owners of Little Village Grill, have submitted a proposal to lease one retail space attached to the Government District Parking Deck at 4th and McDowell Streets; and

WHEREAS, Collier's Commercial, LLC, the real estate firm secured by the County to obtain tenants for the retail portion of the parking deck is in agreement with the following proposed business terms:

Location 901 E. 4th Street, Suite A

Total Square Footage 1,457 SF

Lease Term Five (5) years & Six (6) Months

Option to Renew - One extension option: Four (4) years and one hundred and seventy-nine (179) days

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Base Lease Rate \$20.00 per sq. ft. (29,140/yr.)

Annual Increases Years 2 – 5.5: 3% annually; Option Years: 3% annually

Revenue (Years 1-5)

- Year 1 (Months 1 – 6) \$0.00
- Year 1 (Months 7 – 12) \$20.00/SF \$2,428/month
- Year 2 (Months 13 – 24) \$20.60/SF
- Year 3 (Months 25 – 36) \$21.22/SF
- Year 4 (Months 37 – 48) \$21.85/SF
- Year 5 (Months 49 – 60) \$22.51/SF
- Year 6 (Months 61 – 66) \$23.19/SF

Insurance - Tenant is required to maintain required insurance including liability, property, Worker’s Compensation and Professional Errors & Omissions insurance.

Maintenance & Janitorial- Tenant is responsible for all maintenance and janitorial services required within the Premises. Tenant shall be responsible for building systems within the Premises including, but not limited to, fire alarm, electrical, and plumbing. Tenant agrees to enter into a service contract for preventive maintenance of HVAC equipment, including regular inspections. Tenant is responsible for HVAC repairs under \$5,000. For major HVAC repairs exceeding \$5,000, Landlord agrees to contribute to a replacement unit by waiving Tenant's Base Rent for three (3) consecutive months.

Common Area Maintenance - In addition to Base Rent (Revenue), Tenant will pay Landlord their pro-rata share of the exterior maintenance, landscaping, trash removal and general maintenance. Tenant’s pro-rata share amount in year 1 is estimated to be \$404.32/month.

Delivery of Premises - Tenant to take Premises “as is”.

Commission - County shall pay a total of 4% commission on the guaranteed base rent for years 1-5 to County’s broker, Steve Rich of Colliers International. The total commission to be paid by the County for Little Village Grill will be \$6,281.15.

WHEREAS, the County’s Asset and Facility Management Department has determined that the space that John and Hresanthe Georgopoulos, owners of Little Village Grill, desire to lease will not be needed by the County during the term of the lease; 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 John and Hresanthe Georgopoulos, owners of Little Village Grill; now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners does hereby declare its intent to enter into a lease arrangement with John and Hresanthe Georgopoulos, owners of Little Village Grill, as described above, and directs the Clerk of the Board to publish a notice of the Board’s intent to approve the lease arrangement with John and Hresanthe Georgopoulos, owners of Little Village Grill, at the Board’s May 15th, 2018 meeting as required by law.

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

APRIL 3, 2018

18-4582 CONSTRUCTION CONTRACT - TRAFFIC IMPROVEMENTS AT MARION DIEHL CENTER

Motion was made by Commissioner Puckett, seconded by Commissioner Ridenhour and unanimously carried with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to award a construction contract to Dakota Contracting Company in the amount of \$647,747.98 for the construction of the Traffic Improvements at Marion Diehl Center project located at 2229 Tyvola Road.

Note: The project is funded through an NCDOT grant with a match by the City of Charlotte (no County funding is required). Mecklenburg County Asset and Facility Management is managing the project. It includes removing the median and installing signal lights at the existing access to the Queens University Athletic facilities/Marion Diehl Recreation Center and the new access for the trailhead for the Little Sugar Creek Greenway.

Commissioner Ridenhour removed this item from Consent for more public awareness. Lee Jones, Director of Park and Recreation and Mark Hahn, Director of Asset and Facilities Management addressed this matter, including a question from Commissioner Fuller regarding the design.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried 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 7:38 p.m.

Janice S. Paige, Clerk

Ella B. Scarborough, Chair