

April 18, 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, April 18, 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

-INFORMAL SESSION-

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

REMOVAL OF ITEMS FROM CONSENT

The Board identified the following items to be removed from Consent and voted upon separately: 17-3904, 17-3922, 17-3927, 17-3934, and 17-3939.

STAFF BRIEFINGS

17-3972 CHARLOTTE REGIONAL PARTNERSHIP FY2018 FUNDING REQUEST

The Board received an update on the Charlotte Regional Strategic Plan and FY2018 Funding Request from the Charlotte Regional Partnership and Charlotte Chamber of Commerce. Ronnie

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Bryant, President and CEO of the Charlotte Regional Partnership and Keva Walton, Chief Growth Officer with the Charlotte Chamber of Commerce gave the presentation.

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

Comments

Commissioner Clarke asked about state funding and for clarify on what was being asked of the County, which was addressed.

Commissioner Dunlap said there was a need for the following: 1) unified language when referring to “small businesses;” 2) clarity on which entity people should contact first; and 3) development of the local talent that’s already in the community, as well as, focusing on the talent that’s coming into the community.

Commissioner Dunlap asked what would the County’s funding be used for. *The response was marketing only.*

Commissioner Dunlap asked about the funding amounts being requested from others in the region, which was addressed. *It was noted the ask was based on population.*

Commissioner Fuller commented on the need to develop existing local talent.

Commissioner Fuller asked about the link between the increase in investments and expected results, which was addressed.

Commissioner Leake asked about the economic benefit of the investment, which was addressed. She commented on the need for investment opportunities across the county and not just in certain areas. She specifically addressed the need for investment in the Beatties Ford Road corridor.

Commissioner Ridenhour asked about the other partners and commented on how they benefit from the County’s contribution.

This concluded the discussion.

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

Chair Scarborough thanked the presenters for the update.

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17-3971 REAL ESTATE DISPOSITION

The Board received a briefing from Dennis LaCaria, Senior Assistant to the County Manager, on a disposition opportunity. It involved the following parcels: 07316101, 07316103, 07316106, 07316201, and 07316202, a total of 1.073 acres.

Note: The Board of County Commissioners holds title to all County-owned real estate and must provide consent for disposition of same.

The following was noted:

Purchaser would build mixed-income development

- 20 senior housing units affordable to 60% AMI
- 20 family housing units affordable to 60% AMI
- 40 market rate for-sale family units
- 100 public parking spaces
- 3500 sf retail wrap along South Graham St

If the Board elected to move forward, the process would be as follows:

- 180 days due diligence (DD) for Buyer
- Appraisal ordered
- Mandatory Referral/Planning Commission
- Upset bid process
- Board review and approval
- Closing 60 days from expiration of DD

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

Motion was made by Commissioner Puckett, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to authorize staff to move forward with the steps necessary to consider disposition of the following parcels: 07316101, 07316103, 07316106, 07316201, and 07316202, a total of 1.073 acres.

CLOSED SESSION

17-3941 CONSULT WITH ATTORNEY
17-3943 LAND ACQUISITION

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County Attorney Bethune announced the following land acquisition matters to be discussed in Closed Session: Tax Parcel #069-076-23.

It was noted there was no Consult with Attorney matter(s) to be discussed in Closed Session.

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, 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 6:27 p.m. and came back into Open Session at 6:28 p.m.

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, and introductions; after which, the matters below were addressed.

AWARDS/RECOGNITION – NONE

PUBLIC APPEARANCE

17-3938 PUBLIC APPEARANCE

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

APPOINTMENTS

17-3900 NOMINATIONS/APPOINTMENTS

AIR QUALITY COMMISSION

Motion was made by Commissioner Puckett, seconded by Commissioner Ridenhour and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to nominate and appoint Aaron Levy to the Air Quality Commission as the health professional representative for a three-year term expiring August 31, 2020.

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Note: He replaces Gee Barker.

ALCOHOLIC BEVERAGE CONTROL BOARD

The following persons were nominated for appointment consideration to the Alcoholic Beverage Control Board:

David Conway	by Commissioner Puckett
Antoine Ensley	by Commissioner Cotham
Catherine Goodrich	by Commissioner Clarke
Leonard King	by Commissioner Puckett
Howard Phillips	by Commissioner Ridenhour
Paul Stroup	by Commissioner Ridenhour

Note: An appointment will occur following an interview of the above nominees by an ad hoc committee of the Board appointed by the Chair. Per Board policy, persons seeking appointment to the Alcoholic Beverage Control Board must undergo an interview process.

The following Commissioners volunteered to serve on the Board's Ad Hoc Interview Committee for appointment considerations to the Alcoholic Beverage Control Board: Commissioners Clarke, Dunlap, and Leake.

CITIZEN'S TRANSIT ADVISORY GROUP

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to nominate and appoint Adam Pasiak to the Citizen's Transit Advisory Group for a two-year term expiring April 30, 2019.

Note: He replaces Freddie Brown.

PARK AND RECREATION COMMISSION

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to nominate and appoint Rick Winiker to the Park and Recreation Commission as the Central Region 3 representative to fill an unexpired term, expiring June 30, 2018 and Marc Seelinger as the South Region 3 representative to fill an

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unexpired term, expiring June 30, 2017 and a three-year term beginning July 1, 2017 and expiring June 30, 2020.

Note: They replace Abram Early and Tonya Phifer.

PUBLIC HEARINGS

17-3959 PUBLIC HEARING – NAMING REQUESTS BY QUEENS UNIVERSITY OF CHARLOTTE

Motion was made by Commissioner Puckett, seconded by Commissioner Ridenhour and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to open the public hearing on the requests to name the following County-owned facilities at the Queens Sports Complex at Marion Diehl Park as noted below:

1. Hockey Field to be named Bessant Field after Cathy Bessant
2. Meeting Space to be named Phyllis Pharr Meeting Space after Phyllis Pharr
3. Tennis Court to be named Phyllis Pharr Court after Phyllis Pharr
4. Tennis Court to be named Penny P. O’Callaghan ’78 Tennis Court after Penny P. O’Callaghan
5. Tennis Courts (4) to be named Margaret Martin Tennis Courts after Margaret Martin
6. Tennis Center to be named Howard & Julie Levine Tennis Center after Howard & Julie Levine
7. Tennis Court to be named Lou Finch Jones ’61 Championship Tennis Court Mecklenburg County after Lou Finch Jones
8. Tennis Court to be named Peggy Thomas Hibbert ’69 Tennis Court after Peggy Thomas Hibbert
9. Tennis Court to be named Donald & Frances DeArmon Evans ’59 Tennis Court after Donald & Frances DeArmon Evans
10. Soccer Field to be named Dickson Field after R. Stuart and Alan Dickson
11. Track to be named Irwin Belk Track after Ike Belk

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Ridenhour and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to close the public hearing on the request to name the following County-owned facilities at the Queens Sports Complex at Marion Diehl Park as noted below and approve the said namings:

1. Hockey Field to be named Bessant Field after Cathy Bessant
2. Meeting Space to be named Phyllis Pharr Meeting Space after Phyllis Pharr

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3. Tennis Court to be named Phyllis Pharr Court after Phyllis Pharr
4. Tennis Court to be named Penny P. O'Callaghan '78 Tennis Court after Penny P. O'Callaghan
5. Tennis Courts (4) to be named Margaret Martin Tennis Courts after Margaret Martin
6. Tennis Center to be named Howard & Julie Levine Tennis Center after Howard & Julie Levine
7. Tennis Court to be named Lou Finch Jones '61 Championship Tennis Court Mecklenburg County after Lou Finch Jones
8. Tennis Court to be named Peggy Thomas Hibbert '69 Tennis Court after Peggy Thomas Hibbert
9. Tennis Court to be named Donald & Frances DeArmon Evans '59 Tennis Court after Donald & Frances DeArmon Evans
10. Soccer Field to be named Dickson Field after R. Stuart and Alan Dickson
11. Track to be named Irwin Belk Track after Ike Belk

ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT

17-3973 LAW ENFORCEMENT SERVICE DISTRICT AND FIRE PROTECTION SERVICE DISTRICT UPDATE

The Board received presentations on the preliminary FY2018 budget estimates for the Law Enforcement Service District and Fire Protection Service District (FPSD).

Management & Budget Director Michael Bryant addressed the Law Enforcement Service District (LESD) and Land Use and Environmental Services Agency Director Ebenezer Gujjarlapudi addressed the Fire Protection Service Districts (FPSD).

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

LAW ENFORCEMENT SERVICE DISTRICT

Comments

Commissioner James asked about the process for terminating and/or amending the agreement if the Board desired to do so, which was addressed.

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County Attorney Bethune said notice would have to be provided to the City of Charlotte this April, to terminate the agreement 14 months from now. He said this would be applicable to the City of Charlotte if they wanted to terminate as well.

Commissioner James said a fix was needed because the Charlotte-Mecklenburg Police Department (CMPD), in his opinion, was not using the funds received from the County to only fund services provided in the Law Enforcement Service District. He said the funds were being used in other areas of the City.

Commissioner James said an agreement needed to be reached to allow for some type of severability agreement with the City of Charlotte. Commissioner James said this would allow some other things to be done, for example, if one of the towns wanted to take over providing coverage in the unincorporated area, they could do so.

Commissioner James said he didn't think the Town of Pineville was interested. He said the Town of Mint Hill at one time expressed interest, but their quote to provide the service was more than the CMPD's.

Commissioner James said there needed to be a way to legally modify the agreement.

County Attorney Bethune said it could be modified by entering into an amended agreement with the City of Charlotte.

The following persons appeared to speak regarding the Law Enforcement Service District:

Mayor John Aneralla, Town of Huntersville, Town of Huntersville Commissioners Rob Kidwell and Dan Boone, and Town of Huntersville Mayor Pro Tem Danny Phillips. The following was noted:

- For the Town of Huntersville, it was not about the numbers, but about safety and services.
- The Town of Huntersville police department could provide services in the unincorporated area of Huntersville much quicker than the CMPD, because they're already there.
- The desire was not to take anything away from the CMPD but rather to increase the response time for servicing the area.
- It would take the CMPD at least 18 minutes to respond to an incident on Hwy 73 near the McGuire Plant.
- A recent accident occurred near the McGuire Plant on Hwy 73 and there was confusion as to who was to be dispatched. The first entity to respond to the 911 Call was Lincoln County, who then dispatched it over to the Highway Patrol, who then discovered that it

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was in the jurisdiction of the CMPD. It took the CMPD three (3) hours to get to the location.

- The recent incident confirmed this was about service.
- The residents in the Town of Huntersville Extra Territorial Jurisdiction (ETJ) deserved better service.
- The average response time for the Town of Huntersville Police Department was about nine (9) minutes.
- Accidents occur frequently on Highway 73 near the McGuire Plant.

Town of Huntersville Chief of Police Cleveland L. Spruill noted the following:

- The Town of Huntersville Police Department had worked with the CMPD regarding this issue for the last three (3) years, since his tenure as Chief of Police.
- The hope was to reach an agreement that would allow the Huntersville Police Department to assume responsibility for the ETJ of Huntersville.
- Unfortunately, an agreement had not been reached.
- For the record, the CMPD and Police Chief Kerr Putney were “outstanding” individuals, who shared the responsibility of providing public safety to the community and they did an “outstanding” job at that.
- His being present was not to speak negatively about the CMPD, but to state the Town of Huntersville Police Department’s position with respect to this issue.
- The Town of Huntersville Police Department position was that they were in a much better position to provide “high level, quality” police services in its ETJ, than the CMPD.
- Chief Putney, CMPD, agreed with the Town of Huntersville Police Department’s position on the issue.
- This was really a “numbers” game, a “money” game.
- The purpose of the LESD tax money was to fund law enforcement services in the ETJ and not to give the money to the City of Charlotte, so that it could use some or all of it and stay in Charlotte until a crime occurred in the ETJ; and after that call, the officer(s) goes back into the City of Charlotte.
- When the agreement was entered in 1996, the ETJ was mainly rural, that’s no longer the case.
- There’s a need now for on-going, active, visible police patrol in the area.
- There were no CMPD Beat Officers assigned to the ETJ.
- The cost to taxpayers in the ETJ had continued to increase.
- A question that needed be asked of the CMPD was out of the additional police officers they planned to hire, how many would be assigned to the ETJ.
- The Town of Huntersville Police Department already responds to 21% of the calls for service in the ETJ.

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- For the Town of Huntersville Police Department, it was not about money but rather providing a level of service.
- The Town of Huntersville Police Department's average response time was about 9 minutes, per call for service. CMPD's average response time was over 18 minutes.
- There were times when it was felt an agreement was reached between the CMPD and Town of Huntersville Police Department, only to find that for some reason, on the City's part, there wasn't.
- Most recently, the Town of Huntersville Police Department was told that the CMPD might be interested in entering an agreement but only if the Town of Huntersville Police Department took the ETJ and patrol it for a year, for free; and the next year the CMPD would give the Town of Huntersville the money.
- The Town of Huntersville was not willing to do that.
- The Town of Huntersville Police Department was supportive of the Board of County Commissioners seeking some type of change or addendum to the current agreement with the City of Charlotte with respect to the ETJ of Huntersville to allow the Town's Police to patrol it.
- "For \$3 million," the Town of Huntersville Police Department could do a much better job of patrolling the ETJ compared to what was being provided by the CMPD.

Comments

Commissioner Dunlap said this issue had been a concern for the last several years.

Commissioner Dunlap said his philosophy was that if you patrol an area, you should get paid for doing so and if you're not, you shouldn't receive payment.

Commissioner Dunlap asked was it correct if certain communities were pulled out of the agreement that the cost to other communities would increase because of the overall cost of patrolling the unincorporated areas. *County Manager Diorio said the numbers would have to be ran to see but that there was precedent from when the County did the Lake Patrol agreement, which did not increase the cost for others.*

County Manager Diorio said if there was a willingness to come to the table, she did not think it would cause the cost to go up for others.

County Manager Diorio said attempts at reaching an agreement with the City of Charlotte were unsuccessful in the past. She said the City of Charlotte was willing to give up the service but not the funding.

Commissioner Dunlap said a concern he had was that the City of Charlotte was asking for 68 police officers, because they don't have enough officers to patrol the current area. He said it

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would be in the City's financial interest to enter an agreement with the Town of Huntersville. He said the City of Charlotte would then have additional officers that they would not have to send to Huntersville and possibly reduce the cost to taxpayers.

Commissioner Dunlap said he supported ending the agreement and moving forward with what was to happen in 14 months.

Commissioner Dunlap said he hoped this would bring the City of Charlotte to the table, so that there could be an amical agreement. He said the Town of Huntersville could not make this happen alone. The County's assistance was needed.

Commissioner Dunlap said he would like to hear from the new City Manager on this issue because there were always two sides.

Commissioner Puckett said he'd always questioned the need for the current agreement.

Commissioner Puckett said the \$18 million (cost of services) that's collected by the City of Charlotte did not go directly to the CMPD, instead, the City allocated the funds to the CMPD to take care of whatever services they felt they had to do or contracted to do.

Commissioner Puckett said if this was strictly a pass through, break even, or if it was costing the City of Charlotte more to provide the service than what they were receiving in revenue, the City would not have a problem with turning this over to the Town of Huntersville.

Commissioner Puckett said the City of Charlotte was receiving the revenue and providing whatever minimum level of service that was required.

Commissioner Puckett said it was unfair to the Town of Huntersville and their police department to take 21% of the calls in the ETJ, an area they weren't funded for.

Commissioner Puckett said at some point with the growth of the Town of Huntersville, citizens paying Huntersville property taxes were going to start seeing a decrease in service level, because their police officers were providing services in the ETJ, an area the County was paying the City of Charlotte to cover.

Commissioner Puckett said Chief Putney, CMPD did the best job he could with the resources available to him, however, the Chief told him personally that he believed the service level would be provided better by the Town of Huntersville Police Department.

Commissioner Puckett said it was obvious the service level would be better, if provided by the Town of Huntersville Police Department, because they're already there in the area.

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Commissioner Puckett said even though the CMPD felt this was the way to go, the current City Manager did not want to give up the money that was being received.

Commissioner Puckett said unfortunately the way the contract was written, "it's all or nothing." Commissioner Puckett said the County looked at trying to bifurcate the agreement a few years ago, to see if it was possible to pull out the Town of Huntersville.

Commissioner Puckett said it was his understanding the City of Charlotte could have offered an amendment to allow that to happen, but was not interested in doing that.

Chief Spruill, Town of Huntersville Police Department said the City of Charlotte amended the agreement with respect to the Town of Davidson, in exchange for communications services.

Chief Spruill said the City of Charlotte could amend the agreement if they had "the will to do it."

Commissioner Puckett said the issue was the City of Charlotte did not want to "give up the cash."

Commissioner Puckett said the Board had two options, continue to take what was being received or take the entire \$18.5 million and allocate it elsewhere. He said Mecklenburg County Sheriff Irwin Carmichael would love to provide service in the ETJ.

Commissioner Puckett said even though Sheriff Carmichael would be interested in providing the service in the ETJ, he did not think it would be wise for the Sheriff's Office to staff up to cover the entire county when that level of service would have to shrink as annexations occurred.

Motion was made by Commissioner Puckett, seconded by Commissioner Leake, to ask the County Manager to investigate the challenges and opportunities and the process of giving notice to the City of Charlotte to end the Police Services contract; to engage Sheriff Carmichael and the six towns to develop a strategy to police the current ETJ.

Commissioner Puckett said he hoped the City of Charlotte would be willing to give up a portion of the money it was receiving versus all of it.

Commissioner Leake said it was important that citizens felt safe at all times.

Commissioner Leake said the County needed to move forward as quickly as possible.

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County Manager Diorio asked for clarity around the motion. She said the motion as stated did not direct her to terminate the agreement. She said only 12 days remained, in this fiscal year, to give that type of notification.

Commissioner Puckett restated his motion as noted below.

Motion was made by Commissioner Puckett, seconded by Commissioner Leake, to ask the County Manager to give notice to the City of Charlotte to end the Police Services contract; to engage Sheriff Carmichael and the six towns to develop a strategy to police the current ETJ.

County Attorney Bethune said if the Board wanted it to be effective FY19, he believed the County Manager was correct, the Board had 12 days to give notice to the City of Charlotte.

Commissioner Clarke said the only leverage the County had was to terminate the contract.

Commissioner Clarke said it was his understanding the County had a legal obligation to provide law enforcement services in the unincorporated area of the County. He said a plan was needed to provide that service if the agreement was terminated.

Commissioner Clarke recommended getting the N.C. General Assembly to pass a bill stating that each municipality within Mecklenburg County was obligated to provide all police services in their ETJ. Commissioner Clarke said each municipality would receive the proceeds of the LESD tax in their ETJ.

Commissioner Clarke said he didn't know the size of the ETJ areas, but with respect to the percentage of population, 80% lived in Charlotte's ETJ. Thus, the City of Charlotte would get the bulk of the taxes.

Commissioner Clarke asked County Attorney Bethune was it possible to get that type of Legislation.

County Attorney Bethune said he wasn't sure if there was a law currently saying municipalities had a "duty" to provide law enforcement services. He said they had the "right" to do it, because it's one of the essential functions of government. He said the Sheriff, however, had county-wide jurisdictional authority. He noted further that the County did not have a "duty" to provide law enforcement services in the unincorporated area of the County, but rather, the "authority" if it chose to do so. He said nor did the County have a "duty" to provide fire protection services.

County Attorney Bethune said there was a bill pending in the N.C. Legislature, sponsored by local representatives, that would give each of the municipalities in Mecklenburg County the

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authority to exercise law enforcement jurisdiction throughout the entire ETJ, to the same extent that they have authority within their incorporated area.

Chief Spruill said every law enforcement agency had the authority to enforce up to one mile beyond their jurisdiction.

Commissioner Cotham spoke in support of the Huntersville Police Department providing law enforcement services in their ETJ.

Commissioner Fuller asked for clarity on the taxes being generated via the LESD and how it was being used and if the amount generated was more than what it costs to provide the services.

County Manager Diorio said the money went to the City and into its general fund. She said the information received from the City regarding the cost of the service was not in a manner where it could be easily determined how much the service was costing.

County Manager Diorio said it priced as a percentage of the budget based on population. She said it did not have anything to do with what it cost to provide the services in the ETJ, nor was it tied to any service level.

Commissioner Fuller said the City should be able to tell the County exactly how much it was costing to provide the services.

Commissioner Fuller said a better way was needed to provide these services because the current model was not working.

Commissioner Fuller said he was supportive of the motion but hoped by doing this, there would be time to enter another agreement, even during the termination process and that all the stakeholders could be brought to the table.

Commissioner Ridenhour asked for clarity regarding the notice of termination process, which was addressed.

Commissioner Ridenhour asked about the original service level agreement when this began.

Chief Spruill said the agreement did not address the expected service level because the ETJ was all rural. He said at that time, it was acceptable for the area not to be patrolled or serviced directly unless a call was received because there was no development. Further, that the LESD tax, at that time, was .05 cents, compared to the current .21 cents and the level of service was still the same.

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Commissioner Ridenhour said going forward specific service level expectations were needed in any agreement.

This concluded the discussion.

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

The vote was then taken on the motion as noted below.

Motion was made by Commissioner Puckett, seconded by Commissioner Leake, and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to ask the County Manager to give notice to the City of Charlotte to end the Police Services contract; to engage Sheriff Carmichael and the six towns to develop a strategy to police the current ETJ.

FIRE PROTECTION SERVICE DISTRICT UPDATE

Land Use and Environmental Services Agency Director Ebenezer Gujjarlapudi addressed the Fire Protection Service Districts (FPSD).

Comments

Commissioner Dunlap asked if there would be an increase in taxes for those in the ETJ. *Director Gujjarlapudi addressed how the taxing process worked. He said the proposed increase was to increase it from .07 cents to .08 cents for the upcoming fiscal year and addressed the reason for the increase.*

Commissioner James said he was never supportive of the Fire Protection Service District model. He said it was a disincentive for volunteer fire departments to convert to Town Fire Departments, where there was not one.

Commissioner James said this type of system was not sustainable. He said the County should find a way to adjust the contract to “force” the volunteer fire departments to convert to a Town/Municipal Fire Department.

Commissioner Dunlap suggested the Board receive another presentation on the Fire Protection Service District prior to budget deliberations, to give everyone a clear understanding of the model. He asked that the Fire Marshall be included in the next presentation.

County Manager Diorio said staff would report on this again.

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LAW ENFORCEMENT SERVICE DISTRICT UPDATE

County Attorney Bethune noted a change needed in the motion that was approved regarding giving notice to the City of Charlotte to end the Police Services contract. He said the Board needed to be more specific and suggested the following wording: that Mecklenburg County terminate the Agreement Between the City of Charlotte and Mecklenburg County for the Continued Consolidation of the Charlotte-Mecklenburg Police Department effective at the beginning of Fiscal Year 2019, i.e., July 1, 2019 and that the County Manager provide the City of Charlotte notice of the termination as allowed by the Agreement.

Commissioners Puckett and Leake, makers of the original motion, accepted the suggested wording and made the following amended motion:

Motion was made by Commissioner Puckett, seconded by Commissioner Leake, and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, that Mecklenburg County terminate the Agreement Between the City of Charlotte and Mecklenburg County for the Continued Consolidation of the Charlotte-Mecklenburg Police Department effective at the beginning of Fiscal Year 2019, i.e., July 1, 2019 and that the County Manager provide the City of Charlotte notice of the termination as allowed by the Agreement.

DEPARTMENTAL DIRECTORS' MONTHLY REPORTS

17-3960 DEPARTMENT MANAGEMENT MONTHLY REPORTS

The Board received as information monthly department management reports for April, 2017.

Note: The County Manager requested department directors develop department management monthly reports highlighting key activities and initiatives within the departments showing relevant performance indicators of departmental activity.

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

17-3961 FEATURE DEPARTMENT PRESENTATION: INFORMATION SERVICES AND TECHNOLOGY

The Board received as information a report from the County's Information Services and Technology (IT) Department Chief Information Officer, Keith Gregg.

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

Comments

Commissioner James asked if IT used 2-Step authorization processes, which was addressed.

Commissioner Fuller asked about the security of the County's election system, which was addressed.

Commissioner Dunlap asked about the advisory board referenced in the presentation. It was noted this was an internal staff advisory board.

Commissioner Ridenhour asked about the quality of the vendors used by IT. He said the system goes down quite frequently. *Director Gregg addressed the question.*

Commissioner Ridenhour asked if the County had any vendor risk management programs in place, which was addressed.

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

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

STAFF REPORTS & REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS & REQUESTS - NONE

LAW ENFORCEMENT SERVICE DISTRICT UPDATE

Commissioner Puckett noted, per County Attorney Bethune, an additional change needed in the motion that was approved regarding notice to the City of Charlotte to terminate the Agreement Between the City of Charlotte and Mecklenburg County for the Continued Consolidation of the Charlotte-Mecklenburg Police Department effective at the beginning of Fiscal Year 2019, i.e., July 1, 2019. The correction needed was to change the Fiscal Year 2019, i.e. date to July 1, 2018 rather than July 1, 2019.

Commissioners Puckett and Leake, makers of the original motion, accepted the suggested wording and made the following amended motion:

Motion was made by Commissioner Puckett, seconded by Commissioner Leake and carried

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8-0 with Commissioners Clarke, Cotham, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, that Mecklenburg County terminate the Agreement Between the City of Charlotte and Mecklenburg County for the Continued Consolidation of the Charlotte-Mecklenburg Police Department effective at the beginning of Fiscal Year 2019, i.e., July 1, 2018 and that the County Manager provide the City of Charlotte notice of the termination as allowed by the Agreement.

Commissioner Dunlap returned to the dais.

CONSENT ITEMS

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

17-3890 PROCLAMATION – THE BIG SPRING CLEAN DAY

Adopt a proclamation designating Saturday, May 13, 2017 as "The Big Spring Clean Day" in Mecklenburg County.

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17-3926 PROCLAMATION – PREPAREATHON!

Adopt a Joint Proclamation declaring April 24 - 28, 2017 as Charlotte-Mecklenburg's PrepareAthon! Week.

PROCLAMATION
City of Charlotte/Mecklenburg County

WHEREAS, Charlotte-Mecklenburg’s PrepareAthon! creates an important opportunity for residents to be prepared for any type of emergency where they live, work, and play; and

WHEREAS, taking steps toward personal preparedness and ensuring that our households, workplaces, schools, institutions of higher learning, houses of worship, and community-based organizations are prepared for disaster can reduce fatalities and economic devastation following a major crisis; and

WHEREAS, participating in Charlotte-Mecklenburg’s PrepareAthon! will increase the number of citizens who understand which disasters could happen in our community; and

WHEREAS, our citizens will know what to do to be safe and mitigate damage; and

WHEREAS, the citizens of Charlotte and Mecklenburg County will take action to increase their preparedness by participating in community resilience planning; and

WHEREAS, the Emergency Management Office, American Red Cross, FEMA Regional Office, National Weather Service, and other federal, state, local, tribal, territorial, private, and volunteer agencies are working to increase public activities in preparing for emergencies and to encourage individuals to take action; and

WHEREAS, emergency preparedness is the responsibility of every citizen of Charlotte and Mecklenburg County; all citizens are urged to make preparedness a priority and work together to ensure that individuals, families, and communities are prepared for disasters and emergencies of any type; and

WHEREAS, participating in Charlotte-Mecklenburg’s PrepareAthon! will ensure that our community becomes a leader in preparedness and contributes to our Nation’s resilience:

NOW, THEREFORE, WE, Jennifer Watson Roberts, Mayor of Charlotte, and Ella B. Scarborough, Chair of the Mecklenburg Board of County Commissioners, do hereby proclaim, April 24 – 28, 2017 as

“CHARLOTTE-MECKLENBURG’S PREPAREATHON! WEEK”

in Charlotte and Mecklenburg County and commend its observance to all citizens.

WITNESS OUR HANDS and the official Seals of the City of Charlotte and Mecklenburg County.


Jennifer Watson Roberts, Mayor
City of Charlotte




Ella B. Scarborough, Chair
Mecklenburg Board of
County Commissioners



17-3937 DECLINE RIGHT OF FIRST REFUSAL – CHARLOTTE-MECKLENBURG SCHOOLS PROPERTY

Decline the County’s statutory right of first refusal on a +/- 1.75 acres portion of Tax Parcel 135-221-08 (“Subject Property”) owned by Charlotte-Mecklenburg Board of Education at Lebanon Road Elementary School to permit sale of the property to SXCW Properties, LLC (“Buyer”)

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

17-3940 MINUTES

Approve Minutes of Regular meeting held April 4, 2017.

17-3942 TAX REFUNDS

1) Approve refunds in the amount of \$10,719.94 for registered motor vehicles as statutorily required to be paid as requested by the County Assessor; and

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

2) Approve refunds in the amount of \$72,912.59 and 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. Accrued interest is estimated to be \$0.

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

17-3946 COMMODITY CONTRACT – WAYFINDING SIGNAGE FABRICATION

Award a firm-fixed price contract to SouthWood Corporation for an initial term of four (4) years, with an option to extend for one (1) additional year.

Note: This contract is for the fabrication, delivery and installment of wayfinding signage for the Park and Recreation and Asset and Facility Management Departments.

17-3958 CAPITAL RESERVE EXPENDITURES REQUESTS – CORDELIA NEIGHBORHOOD POOL (PARK AND RECREATION)

Approve expenditure of \$42,500 from the Consolidated Aquatic Capital Reserve Fund as follows for Cordelia Neighborhood Pool:

- 1) \$7,500 for replacement of ADA accessibility lift
- 2) \$13,000 for canvas funbrellas replacement
- 3) \$11,000 for replacement of deck furniture

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4) \$11,000 for replacement of damaged lane lines and reels

**17-3962 LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISION
(FLOODPLAIN DEVELOPMENT FEES)**

Amend the LUESA Fee Ordinance to revise Floodplain Development Fees.

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

**17-3963 BUDGET AMENDMENT – CRIMINAL JUSTICE SERVICES – JCPC (REVENUE
INCREASE)**

Recognize, receive and appropriate \$23,811 from the North Carolina Department of Public Safety Juvenile Community Programs for fiscal year 2016 – 2017.

Note: The Juvenile Community Programs Section has awarded two Mecklenburg County JCPC programs with discretionary funding. SHIFT Restitution was awarded \$23,000 to fund the requested purchase of a 2016 Ford Transit Passenger Van for transportation. D-A-S-H Mentoring was awarded \$811 to fund the requested purchase of four Acer Chrome Box desktops and four VGA conversation cables. The purpose of the discretionary funding is to further enhance the services provided to youth.

**17-3968 GRANT APPLICATION – NORTH CAROLINA PARK AND RECREATION TRUST
FUND (PARTF) (PARK AND RECREATION)**

Approve a \$250,000 grant application to the North Carolina PARTF to supplement the costs for the Little Sugar Creek Greenway - Access Trail to South Mecklenburg High School and 5K Trail.

17-3970 MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE

Approve revisions to the Mecklenburg County Solid Waste Fee Ordinance

Note: The changes include, but are not limited to:

- 1. Continue implementation of the multi-year fee plan developed in FY2017;*
- 2. Lower the solid waste volumetric fees for residential customers, and increase the volumetric fees for non-residential/out of county customers;*

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3. Incorporate fees to cover the costs associated with accepting, processing, and transporting waste materials to their final disposal point.

Additionally, LUESA Solid Waste proposes to increase the Residential Solid Waste Availability Fee from the current \$20.50 per year to \$24 per year. This increase is included in the FY 2018 Operating Budget request and is not part of the Mecklenburg County Fee Ordinance.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioners James and Ridenhour left the dais and were absent for the remainder of the meeting.

17-3904 DONATION OF SUPPLIES FOR ADOPT-A-STREAM

Motion was made by Commissioner Leake, seconded by Commissioner Puckett and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes, to recognize and receive a supply donation worth up to \$1,200 from the Branch Banking and Trust (BB&T) Company to Charlotte-Mecklenburg Storm Water Services for the Adopt-A-Stream Program.

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

17-3922 REAPPOINTMENT – MECKLENBURG COUNTY TAX COLLECTOR

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes, that in accordance with the requirements of North Carolina General Statute 105-349, to reappoint Neal L. Dixon to the Office of Mecklenburg County Tax Collector for a four-year term effective July 1, 2017 and; direct the Clerk to the Board to administer the oath of office prior to the effective date and file it in the permanent records.

A copy of the Oath will be on file with the Clerk to the Board.

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

17-3927 REAPPOINTMENT – MECKLENBURG COUNTY TAX ASSESSOR

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Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes, that in accordance with G.S. 105-294(a), to reappoint Kenneth L. Joyner to the Office of Mecklenburg County Tax Assessor for a four-year term effective July 1, 2017 and; direct the Clerk to the Board to administer the oath of office prior to the effective date and file it in the permanent records.

A copy of the Oath will be on file with the Clerk to the Board.

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

17-3934 BUDGET AMENDMENT – DSS (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes, to:

1. Recognize, receive and appropriate a net increase in other revenue in the amount of \$30,000 in FY 17;

Note: The Department of Social Services will provide Tenant Based Rental Assistance to assist families with self-sufficiency by providing a stipend for rental assistance. These services are designed to assist families with maintaining their independence; addressing crisis, social and economic needs and individual well-being. The Community Resource Division (CRD) will work collaboratively with faith based and community organizations. The funding will provide families with access to resources that enable them to maintain self- sufficiency and divert them from experiencing homelessness. Upon payment of services Mecklenburg County will receive reimbursement from the City of Charlotte.

2. Recognize, receive and appropriate additional Federal IV-E Child Care Subsidy revenue of \$241,047 from the North Carolina Division of Child Development and Early Education (DCDEE), and

Note: Mecklenburg County funding authorization from DCDEE reflected an additional \$241,047 for Child Care Subsidy. Child Care Resources, Inc. (CCRI) is the Child Care administrator. The funds will cover services for children currently receiving title IV-E. No additional county dollars are requested.

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3. Recognize, receive and appropriate an increase of state Adoption Promotion funding in the amount of \$48,000.

Note: The North Carolina Division of Social Services has provided additional funding in the amount of \$48,000 for the Adoption Promotion Fund to Mecklenburg County Youth and Family Services Division of the Department of Social Services. No local match is required as a condition for receipt of these funds. The purpose of the fund is to enhance and expand adoption services, to secure permanent homes for hard to place children, and to promote public/private partnerships. Allowable uses for the funds include Adoption Services, Adoption Recruitment, Adoption Assistance Case Management, Child-specific Recruitment, Assessment and Training of Adoptive Parents and Post Adoption Case Management. The funds cannot be used to supplement the salaries of current county employees and can be used in the future years as needed.

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

17-3939 DUKE LIGHTING SERVICE CONTRACT AMENDMENT – FRIENDSHIP PARK

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes, to approve a contract amendment with Duke Energy to lower poles from 30 feet to 25 feet for all entrance road and parking lot lighting at Friendship Park on Cindy Lane.

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

ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:22 p.m.

Janice S. Paige, Clerk

Ella B. Scarborough, Chair