

**MAY 21, 2019**

**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, May 21, 2019.

**ATTENDANCE**

**Present:** Chair George Dunlap and Commissioners Patricia "Pat" Cotham, Trevor M. Fuller, Susan B. Harden, Mark Jerrell, Vilma D. Leake, Elaine Powell, Susan Rodriguez-McDowell, and Ella B. Scarborough  
County Manager Dena R. Diorio  
County Attorney Tyrone C. Wade  
Clerk to the Board Janice S. Paige

**Absent:** None

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**-INFORMAL SESSION-**

*The meeting was called to order by Chair Dunlap, 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 identified were Items: 19-5406, 19-5408, 19-5420, 19-5421, 19-5433, 19-5440, 19-5443, 19-5444, 19-5445, and 19-5448.

**STAFF BRIEFINGS**

**19-5402 DEED PROPERTY TO CHARLOTTE-MECKLENBURG HISTORIC LANDMARKS  
COMMISSION**

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The Board received as information an update on a Request for Qualifications and Proposals released by the County and the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) for parcels in the Historic Camp Greene Neighborhood of Charlotte.

County Manager Diorio and Jacqueline McNeil with Asset and Facility Management gave the update. The following was noted:

- This involves a proposed adapted re-use of the Historic Dowd House and former Fire Station 10.
- Staff has worked on this matter for quite some time.
- Community meetings were held regarding this.
- The Request-for-Proposal process was addressed.
- The proposed use for the property was addressed.
- Staff has now received push-back from the community.
- In light of the push-back from the community, staff has decided not to move forward at this time.

#### Comments

Commissioner Harden asked was this a part of the Historic Landmarks Commission's recent report to the Board. *The response was probably not.*

Commissioner Powell asked was this something that the former Board approved moving forward with. *The response was no and that a vote was not required for the RFP process.*

Chair Dunlap asked was this being provided to the Board for information purposes only. *The response was yes.*

Commissioner Leake said if the community did not want to move forward at this time, then no further action should be taken at this time.

Commissioner Fuller asked what the community's concerns were. *The response was that some were opposed to the County selling the property and some were okay with it.*

Chair Dunlap noted how the neighborhood had changed over the years, which he said could also, be a factor.

Commissioner Powell asked that the Park and Recreation Commission be informed of any future meetings with the community. *Ms. McNeil said prior to receiving the community push-back, the plan was to take the matter to the Park and Recreation Commission.*

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Commissioner Leake requested a list of those in attendance at the community meetings that were held, if available.

Commissioner Leake said a follow up meeting with the community should be held at some point.

County Manager Diorio said the community association was meeting tonight, May 21<sup>st</sup> and the expectation was that staff would receive information from that meeting. Per any additional information received, another community meeting could possibly be held.

Commissioner Cotham asked that the Board be informed of any future meetings with the community.

**CLOSED SESSION**

**19-5434      LAND ACQUISITION (ITEM WAS REMOVED FROM THE AGENDA)**  
**19-5428      CONSULT WITH ATTORNEY**

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to go into Closed Session for the following purpose(s): Consult with Attorney.

***The Board went into Closed Session at 5:41 p.m. and came back into Open Session at 5:59 p.m.***

*Note: It was the Consensus of the Board to move the proclamations up on the agenda from Consent to Awards/Recognition, Items 19-5406 Proclamation -- International Internal Audit Awareness Month and 19-5448 Joint Proclamation - Mecklenburg Declaration of Independence Week.*

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

**-FORMAL SESSION-**

*Chair Dunlap called this portion of the meeting to order, which was followed by introductions, invocation by Commissioner Leake, followed by the Pledge of Allegiance to the Flag; after which, the matters below were addressed.*

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**AWARDS/RECOGNITION**

**19-5406      PROCLAMATION -- INTERNATIONAL INTERNAL AUDIT AWARENESS MONTH**

Motion was made by Commissioner Cotham, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to adopt a proclamation designating May 2019 as International Internal Audit Awareness Month in Mecklenburg County.

The proclamation was read by Commissioner Cotham, chair of the Board's Audit Review Committee, and received by Joanne Prakapas Director of Internal Audit.

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# Mecklenburg County North Carolina Proclamation

**WHEREAS**, The Institute of Internal Auditors has designated May 1<sup>st</sup> through May 31<sup>st</sup> as 'International Internal Audit Awareness Month'; and

**WHEREAS**, internal auditing is a vital part of strengthening organizations and protecting stakeholders of both the public and private sectors; and

**WHEREAS**, internal auditing helps identify and manage the organization's risk and ensure policies, procedures, and controls are in place and working appropriately; and

**WHEREAS**, internal auditing is an increasingly sophisticated and complex activity requiring specialized knowledge, training, and education; and

**WHEREAS**, internal auditing is an established profession, led by The Institute of Internal Auditors, with a globally recognized code of ethics and *International Standards for the Professional Practice of Internal Auditing*; and


**WHEREAS**, the contribution of internal auditors to the success of organizations and the global economy at large deserves our recognition and commendations:

**NOW, THEREFORE, BE IT RESOLVED** that the Mecklenburg Board of County Commissioners does hereby proclaim, May 1<sup>st</sup> through May 31<sup>st</sup>, 2019 as

## "INTERNATIONAL INTERNAL AUDIT AWARENESS MONTH"

in Mecklenburg County and encourage all citizens to join us in recognizing 'International Internal Audit Awareness Month' and the important role internal auditors play in our organization and our community.

Signed this 21st day of May 2019.

  
George Dunlap, Chairman  
Mecklenburg Board of County Commissioners



## 19-5448      JOINT PROCLAMATION - MECKLENBURG DECLARATION OF INDEPENDENCE WEEK (COMMISSIONER HARDEN)

Motion was made by Commissioner Harden, seconded by Commissioner Fuller and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to adopt a joint proclamation

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designating May 20 - 24, 2019 as "Mecklenburg Declaration of Independence Week" in Mecklenburg County/City of Charlotte in commemoration of the signing of the Mecklenburg Declaration of Independence on May 20, 1775.

The proclamation was read by Commissioner Harden.

**PROCLAMATION**  
**City of Charlotte/Mecklenburg County**

**WHEREAS**, on May 19, 1775, Charlotte Town's founder, Colonel Thomas Polk, called for a convention of the Mecklenburg County militia leaders to be held in Charlotte; and

**WHEREAS**, those 26 men, upon hearing of the Battles of Lexington and Concord, unanimously adopted resolutions to declare themselves "*a free and independent people*" in a document that came to be known as the Mecklenburg Declaration of Independence ("MecDec"); and

**WHEREAS**, at on May 20, 1775, Colonel Polk read the Mecklenburg Declaration of Independence from the County Courthouse to the assembled citizens; and

**WHEREAS**, on May 31, 1775, members of the Mecklenburg Committee of Safety adopted 20 additional resolutions, which came to be known as the Mecklenburg Resolves; and

**WHEREAS**, a local tavern owner named Captain James Jack was called upon to deliver the Mecklenburg Declaration of Independence and Mecklenburg Resolves to North Carolina's delegates at the Second Continental Congress in Philadelphia; and

**WHEREAS**, Captain Jack delivered the MecDec, telling the delegates that "*Gentlemen, you may debate here about reconciliation and memorialize your king, but, bear it in mind, Mecklenburg owes no allegiance to, and is separated from the crown of Great Britain forever!*"; and

**WHEREAS**, the State of North Carolina has chosen to recognize the significance of the Mecklenburg Declaration of Independence by placing the date of its signing, May 20, 1775, upon our State Flag and Great Seal; and

**WHEREAS**, this May 20, 2019 is the 244<sup>th</sup> anniversary of the MecDec:

**NOW, THEREFORE, WE**, Vi Alexander Lyles, Mayor of Charlotte, and George Dunlap, Chair of the Mecklenburg Board of County Commissioners, do hereby proclaim, May 20–24, 2019 as

**"MECKLENBURG DECLARATION OF INDEPENDENCE WEEK"**

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

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

  
Vi Alexander Lyles, Mayor  
City of Charlotte



  
George Dunlap, Chair  
Mecklenburg Board of County  
Commissioners



**PUBLIC APPEARANCE**

**19-5426 PUBLIC APPEARANCE**

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

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Charles Alley and Charles Lapp, MD asked the Board to consider expediting Marion Diehl Pool renovations. They both addressed the benefits of having the pool available to seniors, including the medical benefits.

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

Steve Rundle on behalf of Charlotte Mecklenburg Climate Leaders addressed climate change and emission goals.

*Note: Sarah Haley signed up to speak but had to cancel.*

## **APPOINTMENTS**

**19-5437      APPOINTMENTS**

### **CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES**

The following persons were nominated for appointment consideration to the Central Piedmont Community College Board of Trustees:

Michael Evans	by Commissioner Cotham
Lucia Zapata Griffith	by Commissioner Jerrell

*Note: Per Board policy, an appointment will be made following interviews of those nominated by an ad hoc committee of the Board, appointed by the Board Chair. The appointment will be scheduled to occur no later than the Board's June 18, 2019 meeting.*

## **GROUNDWATER ADVISORY COMMITTEE**

Motion was made by Commissioner Scarborough, seconded by Commissioner Cotham and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell and Scarborough voting yes, to nominate and appoint Richard Pomerantz to the Groundwater Advisory Committee as the Health Professional representative for a three-year term expiring July 31, 2022.

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**LIBRARY BOARD OF TRUSTEES**

Motion was made by Commissioner Scarborough, seconded by Commissioner Cotham and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell and Scarborough voting yes, to reappoint Ailen Arreaza to the Library Board of Trustees for a four-year term expiring June 30, 2023.

The following person was nominated for appointment consideration to the Library Board of Trustees:

Melissa McGuire                      by Commissioner Harden

Motion was made by Commissioner Scarborough, seconded by Commissioner Leake and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell and Scarborough voting yes, to close nominations for appointment consideration to the Library Board of Trustees.

*Note: Per Board policy, an appointment will be made following interviews of those nominated by an ad hoc committee of the Board, appointed by the Board Chair. The appointment will be scheduled to occur no later than the Board's June 18, 2019 meeting.*

**NURSING HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell and Scarborough voting yes, to nominate and appoint William Hudson, Kelly McKinnon, Janice Robinson and Sharrone Robinson to the Nursing Home Community Advisory Committee for one-year terms expiring May 30, 2020.

Motion was made by Commissioner Leake, seconded by Commissioner Powell and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell and Scarborough voting yes, to reappoint Kay Roderick to the Nursing Home Community Advisory Committee for a three-year term expiring May 30, 2022.

*Note: Even though Ms. Roderick has served the normal term limit, her continued service is vital, because she's assisting the Ombudsman with training new members.*

**SMALL BUSINESS AND ENTREPRENEURSHIP ADVISORY BOARD**



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The following persons were nominated for appointment consideration to the Small Business and Entrepreneurship Advisory Board:

Russell Alexander Martin                      by Commissioner Powell  
Shalinda Williams                              by Commissioner Rodriguez-McDowell

*Note: An appointment will occur at the June 4, 2019 meeting.*

**PUBLIC HEARINGS**

**19-5447              PUBLIC HEARING: ASSESSMENT FOR STREET IMPROVEMENTS - HEARTHSTONE SUBDIVISION**

Motion was made by Commissioner Scarborough, seconded by Commissioner Rodriguez-McDowell and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell and Scarborough voting yes, to acknowledge receipt of certification that notice of the public hearing was mailed by first-class mail to all property owners in the Hearthstone Subdivision; and to open the public hearing to receive comments with respect to the request for a special assessment for street improvements in the Hearthstone Subdivision.

*Note: Property owners in the Hearthstone Subdivision located in the unincorporated area of Mecklenburg County are requesting a Special Assessment for street improvements. County governments in North Carolina are not responsible for constructing or maintaining roads. The North Carolina Department of Transportation (NCDOT) and incorporated cities and towns are responsible for street construction and maintenance. NCDOT only performs maintenance on streets built to their standards. The North Carolina General Statutes (N.C.G.S. 153A-205 and other provisions in Article 9 of Chapter 153A) do allow for county governments to make special assessments within unincorporated areas within the county for the costs of improving streets to bring them up to NCDOT standards so road maintenance can be assumed by NCDOT. In the typical special assessment, the costs of the street repairs are paid by the county at the time of the repairs and the County recovers the costs through an assessment applied to all properties along the street that is improved.*

*Property owners on Tatting Road, Bards Court and Carding Place in the Hearthstone Subdivision are requesting a Special Assessment to bring these streets up to NCDOT standard. The section of the subdivision where these roads are located was completed in 1983. NCDOT did not accept Bards Court, Carding Place and a portion of Tatting Road for maintenance at that time. In the interim, the streets have deteriorated. NCDOT currently has a*

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*contract to repave the remainder of the subdivision. NCDOT has agreed to make the necessary repairs to bring these roads up to an acceptable standard in exchange for payment in the amount of \$38,398.62. Thereafter, NCDOT will assume maintenance of these roads.*

*The petitioning property owners on Bards Court, Carding Place and Tatting Road circulated a petition requesting a special assessment. All the property owners benefitting from the street repairs signed the petition (100% participation). Section 153A-205 requires a minimum 75% property owner participation. The property owners have requested that the special assessment have a 4% interest applied on all unpaid cost with 5 annual installments. The last assessment the County performed for street improvements was in 2010 and it used 4% as the interest rate for unpaid costs. The North Carolina General Statutes allow from 0 to 8% interest and up to 10 annual installments.*

No one appeared to speak.

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell and Scarborough voting yes, to close the public hearing on the request for a special assessment for street improvements in the Hearthstone Subdivision and adopt the Final Assessment Resolution for Street Improvements in the Hearthstone Subdivision.

**MECKLENBURG COUNTY  
BOARD OF COMMISSIONERS**

**FINAL ASSESSMENT RESOLUTION FOR  
STREET IMPROVEMENTS IN HEARTHSTONE SUBDIVISION**

**WHEREAS**, North Carolina General Statutes Section 153A-185 allows counties to make special assessments against benefited property within the county for all or part of the costs of constructing, reconstructing, extending, or otherwise building or improving roadways; and

**WHEREAS**, property owners whose properties abut directly on the following roadways: Bards Court, Carding Place and a section of Tatting Road from west of Butter Churn Lane to its end all located in the Hearthstone Subdivision which is located off of Tilley Morris Road in the southeastern area of unincorporated Mecklenburg County, petitioned the County on February 21, 2019 to bring these roadways up to North Carolina Department of Transportation (NCDOT) paved subdivision roadway standards; and

**WHEREAS**, the NCDOT has agreed to complete the required repairs to bring the named streets above within NCDOT's standard during a repaving project scheduled for the Hearthstone Subdivision for an amount not to exceed \$38,398.62; and

**WHEREAS**, one hundred percent (100%) of the property owners owning one hundred percent (100%) of the front footage of the parcels on the following roadways: Bards Court, Carding Place and a section of Tatting

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Road from west of Butter Churn Lane to its end, have agreed to a special assessment and will share the cost according to the amounts shown on the attached petition for street improvements; and

**WHEREAS**, the basis for the assessment will be one hundred percent (100%) of the County's payment to the NCDOT to construct the improvements to the following roadways: Bards Court, Carding Place and a section of Tatting Road from west of Butter Churn Lane to its end, the total amount to be divided by all of the properties benefitting from the improvements according to the amounts shown on the attached petition; and

**WHEREAS**, the proposed terms of payment of the assessment are such that each property owner may pay the total apportioned property share or will be assessed annually at a rate of four percent (4%) interest over five (5) consecutive years for their portion of the cost of the project; now, therefore, be it

**RESOLVED**, that the Mecklenburg County Board of Commissioners, having received comments at a public hearing on May 21, 2019, funds the property owners' cost of the construction of the roadway improvements on the assessment as set forth herein, pursuant to the procedures specified herein, and as required by G.S. 153A-185, G.S. 153A-190, G.S. 153A-191, and G.S. 153A-205.

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

### **ADVISORY COMMITTEE REPORTS**

#### **19-5438      ADULT CARE HOME AND NURSING HOME COMMUNITY ADVISORY COMMITTEES ANNUAL REPORT**

The Board received as information the Adult Care Home and Nursing Home Community Advisory Committees Annual Report.

Lindsay Tice, Adult Care Ombudsman and Hillary Kaylor, Nursing Home Ombudsman gave the report and addressed questions.

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

Comments

Commissioners thanked the presenters for the report and all of the work that's done by both committees.

Commissioner Leake also asked about the number of visits made to facilities. She also shared her personal experience of having been in a nursing home temporarily.

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Commissioner Cotham asked the County Manager to consider whether the stipend provided to those serving on the committees needed increasing.

The Ombudsmen said they would be happy to meet with any Commissioner at any time. They encouraged Commissioners to share any concerns they hear from their constituents.

**19-5450          REZONING PETITION 2019-001C - PETITIONER ASCENT REAL ESTATE CAPITAL, LLC**

The Board received recommendation from the Planning Commission on rezoning request - Petition #2019-001(C) for a change in zoning for approximately 3.42 acres located on the west side of Lancaster Highway north Providence Road West from NS (Neighborhood Services) to NS SPA (Neighborhood Services, Site Plan Amendment) - Petitioner: Ascent Real Estate Capital, LLC; and take appropriate action.

John Kinley, Senior Principal Planner with the City of Charlotte Planning and Design Development Office informed the Board of the Planning Commission's recommendation, which was to approve the request and adopt the consistency statement noted in their recommendation.

***A copy of the Planning Commission's recommendation is on file with the Clerk to the Board.***

Motion was made by Commissioner Scarborough, seconded by Commissioner Cotham and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to adopt a resolution approving Petition #2019-001(C) for a change in zoning for approximately 3.42 acres located on the west side of Lancaster Highway north Providence Road West from NS (Neighborhood Services) to NS SPA (Neighborhood Services, Site Plan Amendment) - Petitioner: Ascent Real Estate Capital, LLC; and adopt the consistency statement noted in the Planning Commission's recommendation and included in the Board's agenda, as the Board's own consistency statement.

Statement of Consistency:

The property is within a portion of the unincorporated area of Mecklenburg County and was previously designated as in the Sphere of Influence of the Town of Pineville. Neither Pineville or Charlotte have accepted extraterritorial zoning jurisdiction for the property. Therefore, no adopted plans specifically addressing future land use recommendations exist. The petition is inconsistent with the adjacent single family detached and attached residential uses; however, the proposal with an institutional use is more compatible with the surrounding uses and zoning than the previously approved petition. Therefore, we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

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- The building heights are limited to 1 story and 35 feet, five feet less than base height in the surrounding residential zoning.
- The buffer abutting the single family neighborhoods has been increased providing more transition between the uses.
- The proposed daycare, an institutional use, will provide a service to people living in the area.
- The proposed office square footage has been reduced and commits to architectural standards that ensure building design is more consistent with the predominately residential character of the area.
- The site is not part of an existing residential subdivision and is located on Lancaster Highway, a major thoroughfare not conducive to single family detached development.
- The site provides a mixture of uses; and the proposed uses are reasonable and similar to existing uses in either direction along Lancaster Highway.

**COUNTY ZONE CHANGE**

**Petition No. 2019-001c**

**Petitioner: Ascent Real Estate Capital, LLC**

**A RESOLUTION AMENDING THE MECKLENBURG COUNTY ZONING REGULATIONS**

**MAP AMENDMENT NO. \_\_\_\_**

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA:**

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the Mecklenburg County Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from NS (neighborhood services) to NS SPA (neighborhood services, site plan amendment).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

Section 3. That this ordinance shall become effective upon its adoption.

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

**MANAGER'S REPORT**

**19-5417      LAND USE AND ENVIRONMENTAL SERVICES AGENCY (LUESA) FEE ORDINANCE  
                  CHANGES**

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Dave Canaan, Storm Water Services Division Director addressed the proposed LUESA Fee Ordinance Changes and addressed questions from Board members.

*Notes: By Interlocal Agreements, LUESA - Storm Water Services division provides Land Development services on behalf of the towns in Mecklenburg County. The services may vary from Town to Town. Generally, the services are comprised of performing plan review, permitting and inspection services for land development activities, such as, erosion control, storm water, transportation, zoning, etc. The Interlocal Agreements state that the County may charge fees to offset the costs incurred in providing these services on behalf of the Towns. Beginning July 1, 2019, the Town of Huntersville will provide all of these services themselves.*

*In preparation for the FY20 budget, Storm Water Services developed a time/expense tracking system, 100% cost recovery hourly rate model and Land Development fee model. The output from the system and models indicate that the fees currently being charged do not cover the expenses incurred by Storm Water Services. The towns and LUESA - Storm Water Services recommend revisions to the LUESA Fee Ordinance to achieve the following goals:*

- County recover 100% of its costs and minimize subsidies*
- Set fees to attain a Land Development Reserve Goal to fund pre-paid services by FY22*
- Successfully transition Land Development Services to the Town of Huntersville while maintaining flexibility to address future unknowns.*

*Storm Water staff met with the Real Estate and Building Industry Coalition (REBIC) and the Land Development Committee of the Charlotte Homebuilders Association twice during the FY20 budget process. While these two groups expressed concern over the significant fee increases, they did support phasing in the fee increases over a two-year period. On April 9, LUESA staff presented the proposed fee changes during the Budget/Public Policy meeting of the Board of County Commissioners. Based on feedback from these meetings, the fee increases are proposed to be phased in over two years. Two exceptions for phasing in the fees are those that prevent bad behavior (Bond Default Letter, Re-Inspection and Re-Review fees) and the fees that relate to attaining the Land Development Reserve Goal. Phasing in most of the fees over two years will allow:*

- Additional time to collect expense data to check against some of the assumptions in the hourly rate and fee models*
- Time to ensure that the data being collected from the different sources is accurate*
- Time to implement changes to the time/expense tracking system, hourly rate model and fee model based on findings from Internal Audit (if necessary)*

*An informal Budget Committee consisting of the five Town Managers and the Storm Water Services Division director has endorsed the above goals and proposed fee increases. The Charlotte-Mecklenburg Storm Water Advisory Committee also supports the above goals and the proposed increases associated with Floodplain Development Permit Fees.*

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Motion was made by Commissioner Scarborough, seconded by Commissioner Cotham and carried 8-1 with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Rodriguez-McDowell, and Scarborough voting yes and Commissioner Powell voting no, to adopt a revised Land Use and Environmental Services Agency (LUESA) Fee Ordinance.

*Note: This matter will require a second reading at the Board's June 4, 2019 meeting, because the vote was not unanimous. Upon the second reading, the vote does not have to be unanimous for approval, only a majority vote in favor.*

### **DEPARTMENTAL DIRECTORS' MONTHLY REPORTS**

#### **19-5385 DEPARTMENT MANAGEMENT MONTHLY REPORTS**

The Board received as information monthly department management reports for May 2019.

*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.***

#### **19-5391 MAY FEATURE DEPARTMENT/AGENCY PRESENTATION: MEDICAL EXAMINER'S OFFICE**

The Board received a verbal update from the Medical Examiner Dr. Thomas Owens on activities in the Medical Examiner's Office. The following topics were covered:

- Overview of the functions of the Medical Examiner's Office
- Applicable Statutes
- Cooler Capacity/Storage
- Changes at the State Level
- Current Community Projects
- Update on Mass Fatality Planning/VIP System

Board members thanked Dr. Owens for his report.

### **STAFF REPORTS & REQUESTS - NONE**

**COUNTY COMMISSIONERS REPORTS & REQUESTS - NONE**

**CONSENT ITEMS**

**Motion was made by Commissioner Fuller, seconded by Commissioner Leake and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to approve the following item(s):**

**19-5419      STORM WATER PROGRAM - FY HAZARD MITIGATION FLOODPLAIN ACQUISITION**

1. Accept the Offer of Sale of Real Estate from Steve Hinannt & Martha Lowrance, owners of property located at 1001 Mockingbird Lane, Charlotte, NC (tax parcel 171-082-14), for \$290,000; and
2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to use the structure for training exercises.

*Note: These acquisitions are being done through the County's Hazard Mitigation Program. The goal of the Program is to minimize the risk of potential loss of life and property damage from flooding while enhancing the natural and beneficial functions of the floodplain (creating open space, expanding greenways, constructing wetlands, etc.)*

**19-5427      MINUTES**

Approve Minutes of Regular meeting held May 7, 2019.

**19-5430      EASEMENT CONVEYANCE - NOVANT HEALTH, INC.**

1. Authorize the County Manager to negotiate all documents necessary to convey a permanent access easement ( $\pm 0.117$  acres) to Novant Health, Inc. at the Valerie C. Woodard Center (Tax Parcel 067-142-04) for access to its adjacent property for a future health clinic; and
2. Recognize \$6,850 in revenue for the payment of the access easement.

*Note: Novant Health, Inc. is constructing a health clinic on property adjacent to the County's Valerie*



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*C. Woodard Center on Freedom Drive in west Charlotte. Novant intends to have its main entrance off Freedom Drive but recognizes that many of the residents visiting the County's property are also likely to patronize their clinic. Having direct access from the County's property to Novant's property will eliminate the need to access the property from Freedom Drive for many customers. In its agreement with Novant, the County is reserving the right to terminate the easement should, in the future, the use be converted into one that is deemed incompatible with County functions.*

**19-5432 TAX REFUNDS**

1) Approve refunds in the amount of \$9,498.58 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 statewide vehicle tax system.*

2) Approve refunds in the amount of \$7,937.79 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. There is no accrued interest.*

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

**19-5435 LEASE AMENDMENT - RETAIL TENANT AT GOVERNMENT DISTRICT PARKING DECK**

- A) Authorize the County Manager to negotiate and execute a first lease amendment with John and Hresanthe Georgopoulos, owners of Little Village Grill, to amend the Rent Commencement for Little Village Grill, located at 901 East Fourth Street, Suite A (Tax Parcel 125-043-04); and
- B) Authorize the County Manager to negotiate and execute any subsequent amendments to the Lease Agreement.

*Note: Under the Lease Agreement, Rent Commencement or the obligation to pay rent is the date that is the earlier of (i) one hundred and eighty days (180) following Lease Commencement and (ii) the date the Tenant opens for business. Under the current lease, the Rent Commencement date should be May 25, 2019. The intent of the period between the Lease Commencement and Rent Commencement is to allow the Tenant opportunity to sufficiently upfit the suite prior to opening for or doing business. However, due to significant delays in the*

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*permitting process and upfit of the restaurant, the Tenant has requested additional time to open for business. The County Manager will negotiate a lease amendment consistent with the following: Rent Commencement - Rent Commencement will be amended to the date that is the earlier of (i) August 1, 2019 or (ii) the date that the Tenant opens for business.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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***Commissioner Fuller left the dais and was away until noted in the Minutes.***

**19-5408      MECKLENBURG COUNTY SOLID WASTE COMMUNITY RECYCLING GRANT  
AWARD**

Motion was made by Commissioner Leake, seconded by Commissioner Rodriguez-McDowell and carried 8-0 with Commissioners Cotham, Dunlap, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to:

1. Affirm the submission of a grant application in the amount of up to \$20,000 from the North Carolina Department of Environmental Quality (DEQ) to purchase one Marathon RJ-250SC-34 Yard Signature Series Roll Off Self-Contained Compactor; and
2. Recognize, receive and appropriate a grant award of \$8,000 from DEQ for the purchase and installation of a new self-contained recycling compactor.

Commissioners Leake and Rodriguez-McDowell removed this item from Consent for more public awareness and clarity.

***Commissioner Fuller returned to the dais.***

**19-5420      ABANDONMENT OF LAINE ROAD MAINTENANCE BY NCDOT DIVISION OF  
HIGHWAYS**

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to adopt a resolution requesting the abandonment of maintenance by NCDOT for a portion of Laine Road.

*Note: The property owner has petitioned Mecklenburg County to close a 0.828-acre portion of public right-of-way for Laine Road in an unincorporated part of the County. The right-of-way was recorded; however, the corresponding portion of Laine Road was never constructed to*

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*North Carolina Department of Transportation (NCDOT) standards. Reportedly, the parcels will be combined and redeveloped. North Carolina General Statute 153A-241 specifies that a county may permanently close any public road or easement within the county except public roads or easements for public roads under the control and supervision of NCDOT.*

*NCDOT informed the petitioner on January 15, 2019 that the portion of public right-of-way for Laine Road petitioned to be closed was under their control and supervision. Currently Laine Road (State Road #1627) is in the State's secondary system. Ms. Wendy Taylor, District Engineer for the North Carolina Department of Transportation, notified the petitioner that the North Carolina Board of Transportation must receive a resolution from the Mecklenburg Board of County Commissioners supporting the abandonment of state control and supervision of the portion of Laine Road.*

*General Statute 136-63 states that the Mecklenburg Board of County Commissioners may request the North Carolina Board of Transportation to abandon any road in the secondary system when the best interest of the people will be served. 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 Laine Road 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. Charlotte-Mecklenburg Planning and the Mecklenburg County Fire Marshal's Office reviewed the petition and have no objection to the abandonment of the right-of-way. Once NCDOT maintenance is abandoned, an action item will be submitted requesting the approval of the Board of County Commissioners to set a public hearing for the abandonment of the 0.828-acre portion of public right-of-way for Laine Road.*

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

**MECKLENBURG COUNTY  
BOARD OF COMMISSIONERS**

**RESOLUTION REQUESTING THE NCDOT DIVISION OF HIGHWAYS  
ABANDON A PORTION OF LAINE ROAD**

**WHEREAS**, pursuant to North Carolina General Statute 136-63, the Mecklenburg Board of County Commissioners may, on its own motion or on petition from a group of citizens, request the North Carolina Board of Transportation to change or abandon any road in the secondary system when the best interest of the people will be served thereby; and

**WHEREAS**, a petitioner has requested that a 0.828-acre portion of public right-of-way for Laine Road (SR #1627), a road in the secondary system under the control and supervision by the North Carolina Department of Transportation, be abandoned as shown on the attached Exhibit A map; and

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**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

**WHEREAS**, by letter dated January 15, 2019, Ms. Wendy Taylor, District Engineer for the North Carolina Department of Transportation, notified the petitioner that the North Carolina Board of Transportation must receive a resolution from the Mecklenburg Board of County Commissioners supporting the abandonment of state control and supervision, for purposes of upkeep and maintenance, of the portion of Laine Road, as shown on the attached Exhibit A map; and

**WHEREAS**, the Mecklenburg County Land Use and Environmental Services Agency has determined that in its opinion the abandonment of the 0.828-acre portion of public right-of-way for Laine Road (SR #1627), subsequent to the abandonment of state control and supervision by the North Carolina Board of Transportation, as shown on the attached Exhibit A map, would not deprive any individual owning land in the vicinity of said public right-of-way of reasonable ingress and egress to their property, and would not be contrary to the public interest;

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to North Carolina General Statute 136-63, the Mecklenburg Board of County Commissioners does hereby request that the North Carolina Board of Transportation abandon the control and supervision of the portion of Laine Road, as shown on the attached Exhibit A map, for purposes of upkeep and maintenance, with such resolution being effective only upon receipt by the North Carolina Board of Transportation of a certified copy of the resolution from the Clerk to the Board of County Commissioners.

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

**19-5421      BUDGET AMENDMENT - DSS: FY19 LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (REVENUE DECREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to reduce Low-Income Home Energy Assistance Program (LIHEAP) federal revenue in the amount of \$1,398,950.

*Note: The North Carolina Division of Social Services (NC DSS) allocates federal revenue to assist eligible low-income households with one lump sum payment to apply toward heating expenses. Households may apply for this benefit until March 31. Reduction is due to fulfillment of all applications submitted and approved. Remaining budget amount will reflect projected expenditures.*

Commissioners Jerrell, Leake, and Rodriguez-McDowell removed this item from Consent for more public awareness and clarity.

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**19-5433 GRANT FUNDING - OLDER REFUGEE ASSISTANCE PROGRAM (PARK AND RECREATION)**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to recognize, receive and appropriate additional Refugee Assistance Services to Older Refugee grant funds in the amount of \$25,000.

Commissioners Jerrell, Leake, and Rodriguez-McDowell removed this item from Consent for more public awareness and clarity.

Commissioner Leake asked could this program be made available at other locations.

**19-5440 TRANSFER OF FUNDS FOR A CAPITAL PURCHASE - DEPARTMENT OF SOCIAL SERVICES (DSS)**

Motion was made by Commissioner Leake, seconded by Commissioner Powell and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to approve the transfer of \$56,500 from contractual services to capital outlay in the General Fund (0001) Department of Social Services fiscal year 2018-2019 operating budget for the purchase of a vehicle in the Senior Nutrition Program.

Commissioners Leake, and Rodriguez-McDowell removed this item from Consent for more public awareness and clarity.

Commissioner Leake requested information on the number of persons currently being served, broken out by race and gender.

**19-5443 CONSTRUCTION MANAGEMENT @ RISK CONTRACTING METHODOLOGY FOR COUNTY PROJECTS**

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to authorize the use of the Construction Management @ Risk (CM@Risk) contract methodology for the Northeast

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Community Resource Center and West Community Resource Center as the best construction contracting delivery method for the project.

*Note: With the Construction Management at Risk (CM@Risk) project delivery method, the construction manager assists the County with scheduling, constructability, and budget control prior to construction and the CM@Risk is accountable for delivering the project on schedule and within budget during construction.*

Commissioners Leake, and Rodriguez-McDowell removed this item from Consent for more public awareness and clarity.

**19-5444            GRANT APPLICATION - THE CITY OF CHARLOTTE EMERGENCY SOLUTION GRANT**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to:

Approve the submission of a grant application in the amount of up to \$73,316 to the City of Charlotte to expand SOAR (SSI/SSDI Outreach, Access, and Recovery) services within the emergency shelter environment; and

If awarded, recognize, receive and appropriate the grant funds awarded; and

If awarded, approve one additional full time Case Coordinator position in the Community Support Services Department, Homeless Services Division to help connect more families to SSA income, and Medicaid benefits (annual market rate is \$46,750).

*Note: The SOAR project assesses, prioritizes, and submits claims for disability at the Social Security Administration (SSA). Collaboration between the state of North Carolina Disability Determination Services, the local SSA, hospitals and community providers, and CSS SOAR project increases the access and expedites the disabilities claims process. By increasing capacity and connecting more families to SSA income, and Medicaid benefits, Emergency Solution Grant funds would decrease the waiting time between SOAR referrals and connect more individuals and families within the shelter to entitlement income. Obtaining income for shelter clients opens greater housing opportunities and stability. It also improves health outcomes, decreases criminal justice involvement, and increases hospital reimbursements within the community. CSS is currently the only agency accepting low-barrier SOAR referrals from multiple sources and the HMIS. The City of Charlotte Emergency Solution Grant will expand SOAR services*

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*within the emergency shelter environment. Application to the City of Charlotte is due May 22, 2019. The funding decision will be made in June 2019. If awarded, the grant period will run from July 2019 through June 2020.*

Commissioners Leake, and Rodriguez-McDowell removed this item from Consent for more public awareness and clarity.

**19-5445            BUDGET AMENDMENT - CRIMINAL JUSTICE SERVICES - JUVENILE CRIME PREVENTION COUNCIL (JCPC) (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, to recognize, receive, and appropriate \$2,104 from the North Carolina Department of Public Safety Juvenile Community Programs (NCDPS).

*Note: The NCDPS Community Programs has awarded a Mecklenburg County JCPC program with discretionary funding. Developing Adolescents Strengthening Homes (D-A-S-H) Strengthening Families was awarded \$2,104 to fund the addition of a refrigerator and warming plates to better serve meals to the families in the program. These funds will also provide funding to begin a two-year study on resilience of the families, before and after participating in the program.*

Commissioners Leake, and Jerrell removed this item from Consent for more public awareness and clarity.

**ADJOURNMENT**

Motion was made by Commissioner Scarborough, seconded by Commissioner Jerrell and unanimously carried with Commissioners Cotham, Dunlap, Fuller, Harden, Jerrell, Leake, Powell, Rodriguez-McDowell, and Scarborough voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:47 p.m.

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Janice S. Paige, Clerk

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George Dunlap, Chair