

November 20, 2018

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

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street, Charlotte, North Carolina at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, November 20, 2018.

**ATTENDANCE**

**Present:** Chair Ella B. Scarborough and Commissioners  
Dumont Clarke, George Dunlap, Trevor M. Fuller,  
Vilma D. Leake, Jim Puckett, and Matthew Ridenhour  
County Manager Dena R. Diorio  
County Attorney Tyrone C. Wade  
Clerk to the Board Janice S. Paige

**Absent:** Commissioners Bill James and Patricia "Pat" Cotham

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**-INFORMAL SESSION-**

*Commissioners Puckett and Ridenhour were absent when the meeting was called to order and until noted in the minutes.*

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

**REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) to be removed from Consent and voted upon separately. The items identified were Items: 18-5020, 18-5023, 18-5033, 18-5037, 18-5040 and 18-5052.

**STAFF BRIEFINGS - NONE**

**CLOSED SESSION**

**18-5034      CONSULT WITH ATTORNEY**

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Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 5-0 with Commissioners Clarke, Dunlap, Fuller, Leake, and Scarborough voting yes, to go into Closed Session for the following purpose(s): Consult with Attorney.

***The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 5:35 p.m.***

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

It was the consensus of the Board to move Item 18-5023 Proclamation Declaring November 2018 as Homeless Awareness Month from the Consent section of the agenda to the Awards/Recognition section.

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

***Commissioner Puckett entered the meeting.***

**-FORMAL SESSION-**

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

**AWARDS/RECOGNITION**

**18-5043 BOARD OF COMMISSIONERS PLAQUE PRESENTATIONS**

Chair Scarborough recognized County Manager Diorio for presentation of plaques to outgoing members of the Board.

County Manager Diorio presented plaques to outgoing members of the Board in recognition of their service to the community as a member of the Board of County Commissioners. Those members were: Commissioners Dumont Clarke, District 4, Bill James, District 6, Jim Puckett, District 1, and Matthew Ridenhour, District 5.

Commissioner Clarke served as the Board's District 4 representative for 18 years and for two of his terms, served as Vice-Chair of the Board.

Commissioner Bill James served as the Board's District 6 representative for 22 years.

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Commissioner Jim Puckett served as the Board's District 1 representative, twice, with this recognition being in honor of his second tour of service of four (4) years and serving as Vice-Chair during this, his last term.

Commissioner Matthew Ridenhour served as the Board's District 5 representative for six (6) years and one (1) month, having been initially appointed to fill the vacant seat of the late Commissioner Neil Cooksey.

Following the presentation, each outgoing Commissioner, except Commissioner James, who was absent, made remarks. Remarks were then made by Commissioners returning to the Board to the outgoing members.

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

**18-5023          PROCLAMATION DECLARING NOVEMBER 2018 AS HOMELESS AWARENESS  
MONTH**

Motion was made by Commissioner Puckett, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Dunlap, Leake, Puckett, Ridenhour, and Scarborough voting yes, to adopt a joint proclamation declaring November 2018 as Homeless Awareness Month in Charlotte and Mecklenburg County.

The proclamation was read by Commissioners Leake and received by Liz Clasen Kelly with the Men's Shelter.

*PROCLAMATION*  
City of Charlotte/Mecklenburg County

WHEREAS, the month of November welcomes in a time of thanksgiving and a season for sharing our resources and our freedoms to worship, work, and live as independently as possible; and

WHEREAS, some members of our community do not have employment or a place to live for a variety of reasons, both simple and complex; and

WHEREAS, there are efforts to bring these homeless children and adults out of the shadows of our abundance, to address the diverse needs among them, as well as to provide guidance on how to correct conditions that have led to their poverty and homelessness; and

WHEREAS, our current economic challenges call for greater awareness and guidance to address needs among all of our neighbors; and

WHEREAS, The Charlotte-Mecklenburg Homeless Services Network, its member organizations, and its public partners in the City of Charlotte and Mecklenburg County desire to dispel myths and overcome stereotypes of homelessness and to provide opportunities for all of our citizens to learn about the plight, the hopes, and the achievements of homeless neighbors of our community and to welcome them;

NOW, THEREFORE, WE, Vi Alexander Lyles, Mayor of Charlotte, and Ella B. Scarborough, Chair of the Mecklenburg County Board of Commissioners, do hereby proclaim the month of November 2018, as

**"HOMELESSNESS AWARENESS MONTH"**

in Charlotte and Mecklenburg County and urge all of our citizens to honor this observance.

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

*Vi Lyles*  
Vi Alexander Lyles, Mayor  
City of Charlotte



*Ella B. Scarborough*  
Ella B. Scarborough, Chair  
Mecklenburg County  
Board of Commissioners



**PUBLIC APPEARANCE**

**18-5035 PUBLIC APPEARANCE**

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

Lloyd Scher, a former County Commissioner, thanked Board members for their service. He asked the Board to consider appointing a joint study committee comprised of current and former elected officials to address the issue of four-year staggered terms for county commissioners in Mecklenburg county, and to look at committee appointments and pay for commissioners.

*Note: Sonya Roberts and Paul Brown signed up to speak but did not appear.*

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

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**APPOINTMENTS**

**18-5004      NOMINATIONS/APPOINTMENTS**

**BUILDING DEVELOPMENT COMMISSION**

Motion was made by Commissioner Puckett, seconded by Commissioner Fuller and unanimously carried with Commissioners Clarke, Dunlap, Fuller, Leake, Puckett, Ridenhour, and Scarborough voting yes, to nominate and appoint Aaron Moody to the Building Development Commission (BDC) as a Charlotte Chamber of Commerce representative, as well as, designate him Chairman of the Building Development Commission to fill an unexpired term expiring July 31, 2019.

*Note: The BDC bylaws state the Chairperson is appointed by the Board and shall be the Charlotte Chamber of Commerce representative. He replaced Jonathan Bahr who resigned.*

**WOMEN'S ADVISORY BOARD**

Motion was made by Commissioner Puckett, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Dunlap, Fuller, Leake, Puckett, Ridenhour, and Scarborough voting yes, to reappoint Michelle Ferlauto and Kimberly Nelson to the Women's Advisory Board for three-year terms expiring November 30, 2021.

**PUBLIC HEARINGS - NONE**

**ADVISORY COMMITTEE REPORTS – NONE**

**MANAGER'S REPORT**

**18-5042      ABOVE AND BEYOND @ WORK WINNER**

The Board recognized distinguished employee Courtney Morton from Community Support Services as the latest Above and Beyond @ Work winner.

She thanked the County Manager and the Board for recognizing her.

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*Note: The Above & Beyond @ Work Award was created by County Manager Diorio to recognize outstanding employees.*

**DEPARTMENTAL DIRECTORS' MONTHLY REPORTS - NONE**

**STAFF REPORTS & REQUESTS - NONE**

**COUNTY COMMISSIONERS REPORTS & REQUESTS - NONE**

**CONSENT ITEMS**

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

**18-5029      STORM WATER PROGRAM – FY19 HAZARD MITIGATION FLOODPLAIN ACQUISITION**

1. Accept the Offer of Sale of Real Estate and Lease Agreement from Brett & Erin Peiffer, owners of property located at 3501 Johnny Cake Lane, Charlotte, NC (tax parcel 209-112-07), for \$554,000; and
2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to use the structures 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.).*

**18-5030      LANDSCAPE ARCHITECT/ARCHITECT SELECTION – INDEPENDENCE PARK RENOVATION**

Authorize the County Manager to negotiate fees and execute a contract with Agency Landscape and Planning for design services for the Independence Park Renovation, and in the

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event negotiations with this firm are unsuccessful, approve negotiations with the alternate firm of Surface 678.

**18-5036        MINUTES**

Approve Minutes of Regular meeting held November 7, 2018.

**18-5041        AMENDMENT TO DECLARATION OF EASEMENTS – STEWART CREEK GREENWAY  
PROPERTY**

Authorize the County Manager to negotiate and execute the First Amendment to the Declaration of Easements and all other documents necessary among the County, Wesley Village, LLC; BR Wesley Village II, LLC; and BR Wesley Village, LLC to effectuate the removal of County owned Tax Parcel 071-041-15 from the original Declaration of Easements.

*Note: In 2009, the County acquired Tax Parcel 071-041-15 (+/- 1.008 acres) for greenway trail along Stewart Creek. The property the County acquired was subject to a Declaration of Easements Agreement placed on it along with other adjacent parcels that were proposed for apartments and supporting infrastructure development. The parcels consisted of six tracts of land that were collectively known as Wesley Village and located on the north side of the 1700 to 1799 block of Freedom Drive, between Thrift Road to the west and Stewart Creek to the east.*

*The Declaration of Easements grouped the six parcels into two groups referred to as either the "Apartment Site" or the "Retained Property". The property the County acquired was included with the Apartment Site. The Declaration makes the owners of the Apartment Site responsible for the cost of maintaining certain infrastructure improvements such as utilities, road*

*improvements, and detention pond maintenance with a portion of that cost being reimbursed by the owner of one of the parcels included in the Retained Property.*

*The apartments planned for Wesley Village were only partially completed. One of the tracts planned for apartments are now under contract to a new buyer. That buyer and the County are requesting to be removed from the Declaration of easements and all owners have agreed to this request. Removing the County from the Declaration will eliminate the possibility of the County being required to share in the cost of maintaining easement improvements.*

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**18-5047 TAX REFUNDS**

1. Approve refunds in the amount of \$52,314.85 for registered motor vehicles as statutorily required to be paid as requested by the County Assessor.

*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 \$8,429.12 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 \$89.54.*

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

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**18-5020 LAND EXCHANGE – WILMORE CENTENNIAL PARK AT SOUTHEND**

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

1) Adopt a resolution authorizing the exchange of County owned Tax Parcel 123-062-17

(+/- 4,356 SF) for the northern portion of Tax Parcels 123-062-05 and 123-062-06 (+/- 4,500 SF) and an access easement on the southern portion of the same parcels with Common Square, LLC or its assignee; and

(2) Authorize the County Manager to negotiate and execute a land exchange agreement with Common Square, LLC for the exchange of the above referenced properties.

*Note: At its October 16th meeting, the Board adopted a resolution declaring its intent to exchange County owned Tax Parcel 123-062-17 (+/- 4,356 SF) for the northern portion of Tax*



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*Parcel 123-062-05 and 123-062-06 (+/- 4,500 SF) and an access easement across the southern portion of those same parcels with Common Square, LLC. Following the November 7th meeting, where a revised resolution was adopted, staff published a notice of this intent in the Charlotte Observer on November 8, 2018 as required by N.C.G.S. 160A-271. To move forward with the exchange, the Board is required to authorize the exchange.*

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

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION**

**AUTHORIZING EXCHANGE TAX PARCEL 123-062-17 AT WILMORE CENTENNIAL PARK AT SOUTHEND FOR PORTIONS OF TAX PARCELS 123-062-05 AND 123-062-06, INCLUDING AN ACCESS EASEMENT ACROSS OTHER PORTIONS OF TAX PARCELS 123-062-05 AND 123-062-06**

**WHEREAS**, Mecklenburg County owns Tax Parcel 123-062-17 (hereinafter referred to as “County Exchange Parcel”) which is located on N. Tryon St at the site of Wilmore Centennial Park at Southend in Charlotte and Common Square, LLC owns or is under contract on Tax Parcels 123-062-05 and 123-062-06 which fronts onto West Boulevard on the same block as the County owned park; and

**WHEREAS**, Common Square desires to develop a mixed-use community on property bounded by N. Tryon St., West Blvd., Hawkins Street, and an alley fronting onto the park and to do so will need to acquire the County Exchange Parcel, which is +/- 4,356 SF, to implement its desired plans; and

**WHEREAS**, the County desires to achieve pedestrian and vehicular connectivity to the park site from West Blvd. and Common Square proposes to convey +/- 4,500 SF of the northern portions of Tax Parcels 123-062-05 and 123-062-06 and an access easement across the southern portions of the same parcels (hereinafter referred to as “Common Square Exchange Property”) to accomplish County’s goal; and

**WHEREAS**, the County Exchange Parcel has been valued at \$350,000 and the Common Square Exchange Property has been valued at \$525,000 and the County and Common Square have agreed to exchange the County Exchange Parcel for the Common Square Exchange Property based on a no out-of-pocket cash from the County transaction; and

**WHEREAS**, the Mecklenburg County Asset and Facility Management Department has determined that in its opinion the County will receive full and fair consideration for the County Exchange Parcel to be conveyed to Common Square, LLC; and

**WHEREAS**, pursuant to G.S. 160A-271, the Board of County Commissioners is authorized to exchange real property owned by the County for other real property by private negotiation if the County receives full and fair consideration for its property; and

**WHEREAS**, pursuant to G.S. 160A-271, the Board proposed to authorize the exchange of the County Exchange Parcel for the Common Square Property and followed the statutory procedure to authorize the exchange; and

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**WHEREAS**, pursuant to G.S. 160A-271, the Board approved a resolution declaring its intent to authorize the exchange of the County Exchange Parcel for the Common Square Exchange Property and authorized publication of a notice of such intent, which notice was published in the Charlotte Observer on November 8, 2018 as required by law, now, therefore, be it

**RESOLVED** that the Mecklenburg County Board of Commissioners hereby authorizes the exchange of the County Exchange Parcel for the Common Square Property and authorizes the County Manager to negotiate and execute an exchange agreement, the deed, and any other documents necessary to effectuate the exchange.

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

**18-5033      BUDGET AMENDMENT – HEALTH DEPARTMENT REVENUE INCREASE**

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

1. Recognize, receive and appropriate an increase in revenue in the amount of \$29,500 from the Charlotte-Mecklenburg Board of Education; and

*Note: Federal regulations require school districts to provide a free and appropriate education to all students. Students with disabilities require extra support and school districts must spend local funds to provide their services. School districts are able to recover a portion of these expenses for Medicaid-eligible students with current Individualized Education Programs (IEPs) by billing Medicaid. To bill Medicaid, Charlotte-Mecklenburg Schools (CMS) must meet the physician authorization of services requirement for North Carolina Local Education Agency (LEA) students with IEPs. The funding from CMS will go to the Health Department and be used to pay for a licensed medical professional to provide monthly medical authorization necessary for CMS' Medicaid cost recovery for Medicaid-eligible students.*

2. Recognize, receive, and appropriate an increase in revenue in the amount of \$70,778 from NC Division of Public Health - Injury and Violence Prevention Branch.

*Note: The Department has been awarded an allocation for Emergency Overdose: Local Mitigation to the Opioid Crisis. This award is federal funding, which is allocated to local governments through the state Division of Public Health. The purpose of the funding is to implement strategies to prevent fatal and non-fatal opioid overdoses, increase access and linkages to care services for the most vulnerable populations, and build local capacity to respond to the opioid epidemic.*

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

**18-5037 BUDGET AMENDMENT – DSS (REVENUE INCREASE/DECREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Dunlap, Fuller, Leake, Puckett, Ridenhour, and Scarborough voting yes, to recognize, receive and appropriate a net increase in revenue in the amount of \$1,038,314 to reflect actual state and federal funding changes.

*Note: During the fiscal year, the Department of Social Services receives notification of modified funding for programs within the department from NC Division of Social Services, NC Division of Aging and Adult Services and NC Department of Transportation. The net increase of federal and state allocations was \$1,038,314.*

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

**18-5040 CONSTRUCTION CONTRACT – TOBY CREEK GREENWAY PHASE IIB**

Motion was made by Commissioner Puckett, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Dunlap, Fuller, Leake, Puckett, Ridenhour, and Scarborough voting yes, to award a construction contract to Eagle Wood Inc. in the amount of \$1,217,009.00, pending receipt of written concurrence by NCDOT.

*Note: This contract is for the construction of Toby Creek Greenway Phase IIB located at 800 Rocky River Road.*

Commissioner Cotham removed this item from Consent for more public awareness, but in her absence, it was removed by Commissioner Puckett on her behalf.

**18-5052 AUTHORIZE SURPLUS DESIGNATION AND SALE PURCHASE GLOCK HANDGUN – SHERIFF’S OFFICE**

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

1. Approve the designation of Sheriff Irwin Carmichael’s Glock handgun - Serial Number UPR843 - as surplus; and

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2. Adopt a resolution authorizing the sale of the weapon to the Mecklenburg County Sheriff's Office Executive Team.

*Note: This action will allow the Mecklenburg County Sheriff's Office Executive Team to purchase the outgoing Sheriff's Glock handgun, for presentation to Sheriff Irwin Carmichael in recognition of his 32 years of service to the Mecklenburg County Sheriff's Office and Mecklenburg County. North Carolina law, G.S. 20-187.2 provides for the award of badges and service weapons of officers killed in the line of duty or upon retirement. Historically, this has been a customary practice for retiring or deceased law enforcement officers. Sheriff Carmichael is not retiring; however, the executive team is requesting Board of County Commissioner approval to award him his service weapon.*

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

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS  
RESOLUTION ON SALE OF EQUIPMENT  
TO MECKLENBURG COUNTY SHERIFF'S OFFICE EXECUTIVE TEAM**

**WHEREAS**, Sheriff Irwin Carmichael has served the Mecklenburg County Sheriff's Office and Mecklenburg County for 32 years; and

**WHEREAS**, the Mecklenburg County Sheriff's Office Executive Team is requesting to purchase the outgoing Sheriff's Glock handgun, for presentation to Sheriff Irwin Carmichael in recognition of his 32 years of service; and

**WHEREAS**, G.S. 20-187.2 provides for the award of badges and service weapons of officers killed in the line of duty or upon retirement. Historically this has been a customary practice for retiring or deceased law enforcement officers; and

**WHEREAS**, Although Sheriff Carmichael is not retiring, the Executive Team is requesting Board of County Commissioner approval to award him his service weapon; now, therefore, be it

**RESOLVED**, that the Mecklenburg County Board of Commissioners does hereby approve the sale of the outgoing Sheriff's Glock handgun, Serial #UPR843 and authorizes the County Manager, or her designee, to take all necessary actions for the sale of such equipment to the Mecklenburg County Sheriff's Office Executive Team.

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

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**ADJOURNMENT**

Motion was made by Commissioner Puckett, seconded by Commissioner Ridenhour and unanimously carried with Commissioners Clarke, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:23 p.m.

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Janice S. Paige, Clerk

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Ella B. Scarborough, Chair