

December 5, 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, December 5, 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
Deputy County Attorney Tyrone Wade
Clerk to the Board Janice S. Paige

Absent: None

-INFORMAL SESSION-

Commissioners Fuller 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) 17-4362, 17-4363, 17-4367, 17-4378, & 17-4382, and 17-4391 to be removed from consent and voted upon separately.

CLOSED SESSION

17-4370 LAND ACQUISITION

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17-4377 CONSULT WITH ATTORNEY

Prior to going into Closed Session, Deputy County Attorney Wade announced the following Land Acquisition matters to be discussed in Closed Session: Tax Parcels 167-172-03, 193-541-03, 193-541-04, 193-541-07, 221-091-15, 221-091-16, and 221-091-17.

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

The Board went into Closed Session at 5:19 p.m. and came back into Open Session at 6:04 p.m.

Commissioners Fuller and Ridenhour were present when the Board came back into Open Session. They entered the meeting during Closed Session.

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

-FORMAL SESSION-

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

17-4380 ELECTION OF BOCC CHAIRMAN AND VICE-CHAIRMAN

Chair Scarborough turned the meeting over to County Manager Diorio for the purpose of calling for the election of a Board chairman for a one-year term, effective December 5, 2017 and expiring December 3, 2018.

Note: In accordance with Section 39 of Chapter 153A of the North Carolina General Statutes, on the first Monday in December of each even-numbered year and at its first regular meeting in December of each odd-numbered year, the board of county commissioners shall choose one of its members as chairman to serve as the presiding officer of the board of commissioners for the ensuing year. The board of commissioners shall also at such times choose one of its members as a vice-chairman to act in the absence or disability of the chairman.

County Manager Diorio reviewed the Board's Policy on the selection of a chairman and vice-chairman of the Board.

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County Manager Diorio opened the floor for nominations for the position of chairman of the Mecklenburg Board of County Commissioners for a one-year term effective December 5, 2017 and expiring December 3, 2018.

Commissioner Cotham nominated Commissioner Ella B. Scarborough.

Commissioner Leake addressed the role of the chairman, the importance of the position, and process for electing someone as chairman.

Commissioner Leake nominated Commissioner Fuller.

County Manager Diorio asked if either of the nominees wished to make remarks.

Commissioner Scarborough expressed thanks for the nomination. She said she felt that she had performed her duties well as chair the past year and looked forward to serving as chair again.

Commissioner Fuller expressed thanks for the nomination. He said he was willing to serve the Board in the capacity of chair.

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

Commissioner Fuller	Commissioners Clarke, Dunlap, Fuller, and Leake
Commissioner Scarborough	Commissioners Cotham, James, Puckett, Ridenhour, and Scarborough

County Manager Diorio announced that Commissioner Scarborough was re-elected chair of the Mecklenburg Board of County Commissioners for a one-year term effective December 5, 2017 and expiring December 3, 2018.

County Manager Diorio turned the meeting over to Chair Scarborough.

Chair Scarborough expressed thanks for being re-elected chair.

Vice-Chairman Nominations

Chair Scarborough opened the floor for nominations for the position of vice-chairman of the Mecklenburg Board of County Commissioners for a one-year term effective December 5, 2017 and expiring December 3, 2018.

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Commissioner Ridenhour nominated Commissioner Puckett.

Commissioner Leake nominated Commissioner Dunlap.

Chair Scarborough asked if either of the nominees wished to make remarks.

Commissioner Dunlap said he was willing to serve, if elected.

Commissioner Puckett said he was willing to continue to serve in the position of vice-chair. He thanked Chair Scarborough for reaching across the aisle and allowing both parties to be represented.

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

Commissioner Dunlap	Commissioners Clarke, Dunlap, Fuller and Leake
Commissioner Puckett	Commissioners Cotham, James, Puckett, Ridenhour, and Scarborough

Chair Scarborough announced that Commissioner Puckett was re-elected Vice-Chair of the Mecklenburg Board of County Commissioners for a one-year term effective December 5, 2017 and expiring December 3, 2018.

Commissioner Puckett thanked the Board for his re-election as Vice-Chair.

AWARDS/RECOGNITION

17-4391 PROCLAMATION – ONE CHARLOTTE HEALTH ALLIANCE DAY

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to adopt a Proclamation declaring December 6, 2017 as ONE Charlotte Health Alliance Day in Mecklenburg County.

The proclamation was read by Commissioner Leake and accepted by Dr. Ophelia E. Garmon Brown and Dr. Alisha Cole.

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PUBLIC APPEARANCE

17-4375 PUBLIC APPEARANCE

The following persons appeared to speak during the Public appearance portion of the meeting:

Jade X. Jackson addressed an upcoming town hall meeting on December 7, 2017 at Little Rock AME Zion Church, 401 N. McDowell Street, at 7:00 p.m., regarding the "Poor People Campaign, a national call for moral revival." Board members and the public were invited to attend.

Jimmy Dragstrom and mom, Molly Dragstrom, and Skateboard Shop owner Patrick Carroll addressed the need for more skateboard parks and the benefits of having them.

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Commissioner Leake spoke in support of skateboard parks. She thanked the speakers for coming and sharing their thoughts.

Commissioner Fuller asked about the number of skateboard parks currently and what it would cost to build more. *County Manager Diorio said staff would provide that information to the Board.*

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

Kelly Pressley and Jean Bugsby, on behalf of “Moms Rising,” thanked the Board for approving the Paid Family Leave benefit for County employees.

Patrick Steptoe expressed concern regarding the County’s inclusiveness of entrepreneurs. Mr. Steptoe is a co-owner of Vegan-to-Go. He addressed his attempt to do business with the County and his experience with Park and Recreation staff. Mr. Steptoe said for the last year and a half, he’d been trying to lease the concession stand at Romare Bearden Park, but had been unsuccessful.

Mr. Steptoe said currently there was no policy regarding leasing the concession stand. He said the decision to lease was a judgement call on the part of staff. He said he was led to believe, at one point, that he was going to be able to lease the concession stand, but when he and his business partner, Dr. Sheldon Shipman, arrived at the meeting, they were informed otherwise.

Commissioner Leake asked about the role of Park and Recreation, if any, when it came to leasing concession stands.

Assistant County Manager Leslie Johnson addressed the County’s partnership with food truck vendors and caterers used for events. Assistant County Manager Johnson said with respect to the kiosk Mr. Steptoe referenced that there currently was no vendor relationship with anyone. She said staff was currently discussing the best use of that kiosk and another one located on the Little Sugar Creek Greenway near Kings Drive. She said there would be an RFP process once a determination was made about the direction to go in.

Chair Scarborough encouraged Mr. Steptoe to follow-up with staff.

Commissioner Clarke returned to the dais.

APPOINTMENTS

17-4385 APPOINTMENTS

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CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

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

Destiny Jenkins	Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough
Gail Johnson	None
Eboni Lewis	Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough

Chair Scarborough announced the appointment of Destiny Jenkins and Eboni Lewis to the Charlotte-Mecklenburg Community Relations Committee for three-year terms expiring September 30, 2020.

Note: They replace Charleon Macon and Omar Saxton.

PUBLIC HEARINGS

17-4371 LAKE NORMAN CHARTER SCHOOL TEFRA HEARING

At 7:00 p.m., the Chairman announced that the Board would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (the “*Authority*”), of its Educational Facilities Revenue Refunding Bonds (Lake Norman Charter School), in one or more series (the “*Bonds*”), in an aggregate principal amount not to exceed \$45,000,000, the proceeds of which will be loaned to the LNCHARTER, LLC for the benefit of Lake Norman Charter School, Inc. (the “*School*”) for the following purposes:

(A) to refinance in advance of its maturity the \$18,930,000 original par amount of the North Carolina Capital Facilities Finance Agency Tax-Exempt Variable Rate Educational Facilities Revenue Bonds (Lake Norman Charter School, Inc.), Series 2008A (the “*2008A Bonds*”), the proceeds of which (1) refinanced a loan from Wachovia Bank, National Association to the School, the proceeds of which were used to finance the acquisition of land for, construction and equipping of a middle school building, (2) refinanced loans from Wachovia Bank, National Association to the School, the proceeds of which were used to finance the acquisition of land for certain high school facilities, (3) financed construction and equipping of certain high school facilities, and (4) paid certain expenses incurred in connection with the authorization and issuance of the 2008A Bonds (collectively, the “*2008 Project*”);

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(B) finance and refinance the acquisition, construction and equipping of (1) certain facilities on the high school and middle school campus and (2) certain elementary school facilities on the elementary school campus (the “2018 Project” together with the 2008 Project, the “Project”); and

(C) pay certain expenses incurred in connection with the authorization and issuance of the Bonds.

The 2008 Project and a portion of the 2018 Project are located on land comprised of approximately 41 acres located at 12435 & 12701 Old Statesville Road, Huntersville, North Carolina 28078, and the 2018 Project is to be located on land comprised of approximately 40 acres located at 10019 Hambright Road, Huntersville, NC 28078. The Project will be owned by LNCHARTER, LLC (the “Borrower”) and leased to and operated by the School.

Motion was made by Commissioner Jim Puckett, seconded by Commissioner Bill James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to open the public hearing.

On November 20, 2017, a notice of public hearing was published in The Charlotte Observer, a copy of the affidavit of publication being attached as Exhibit A, setting forth a general, functional description of the type and use of the facilities to be refinanced, the maximum principal amount of the Bonds, the initial owner and operator of the facilities and the location of the facilities, among other things.

The names, address and testimony of the persons who were present and who offered comments on the proposed issuance of the Bonds or who responded in writing to the notice of public hearing are as follows: **[None]**

The Chairman of the Board inquired elsewhere in and around the meeting room to determine whether there were any other persons who wished to speak at the public hearing. The Chairman of the Board determined that no other persons who wished to speak at the public hearing were found.

After the Board had heard all persons who had requested to be heard, Commissioner George Dunlap moved that the public hearing be closed. The motion was seconded by Commissioner Jim Puckett and was unanimously adopted with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes.

Commissioner George Dunlap introduced the following resolution, a copy of which had been distributed to each Commissioner and the title of which appeared on the agenda:

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RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS EDUCATIONAL FACILITIES REVENUE REFUNDING BONDS (LAKE NORMAN CHARTER SCHOOL), IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$45,000,000

WHEREAS, Lake Norman Charter School, Inc. (the “School”) has requested that the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (the “Authority”), issue its Educational Facilities Revenue Refunding Bonds (Lake Norman Charter School), in one or more series (the “Bonds”), in an aggregate principal amount not to exceed \$45,000,000 for the following purposes:

(A) to refinance in advance of its maturity the \$18,930,000 original par amount of the North Carolina Capital Facilities Finance Agency Tax-Exempt Variable Rate Educational Facilities Revenue Bonds (Lake Norman Charter School, Inc.), Series 2008A (the “2008A Bonds”), the proceeds of which (1) refinanced a loan from Wachovia Bank, National Association to the School, the proceeds of which were used to finance the acquisition of land for, construction and equipping of a middle school building, (2) refinanced loans from Wachovia Bank, National Association to the School, the proceeds of which were used to finance the acquisition of land for certain high school facilities, (3) financed construction and equipping of certain high school facilities, and (4) paid certain expenses incurred in connection with the authorization and issuance of the 2008A Bonds (collectively, the “2008 Project”);

(B) finance and refinance the acquisition, construction and equipping of (1) certain facilities on the high school and middle school campus and (2) certain elementary school facilities on the elementary school campus (the “2018 Project” together with the 2008 Project, the “Project”); and

(C) pay certain expenses incurred in connection with the authorization and issuance of the Bonds.

WHEREAS, the Project will be owned by LNCHARTER, LLC (the “Borrower”) and leased to and operated by the School.

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the “applicable elected representative” of a governmental unit having jurisdiction over the area in which the Project is located, after a public hearing held following reasonable public notice;

WHEREAS, the Board of Commissioners (the “Board”) of the County of Mecklenburg, North Carolina (the “County”) is the “applicable elected representative” of the County for the Project located within the County;

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WHEREAS, the Borrower has requested that the Board approve the Authority's issuance of the Bonds and the refinancing and financing of the Projects located within the County in order to satisfy the requirements of Section 147(f) of the Code; and

WHEREAS, the Board, following notice duly given in the form attached hereto as Exhibit A (the "*TEFRA Notice*"), held a public hearing today regarding the Authority's issuance of the Bonds and the financing of the Project and now desires to approve the Authority's issuance of the Bonds and the financing of the Project in accordance with the Code;

BE IT RESOLVED by the Board as follows:

Section 1. Pursuant to and in satisfaction of the requirements of Section 147(f) of the Code, the Board hereby approves (a) the Authority's issuance of the 2016 Bonds in an aggregate principal amount not to exceed \$45,000,000 and (b) the financing and refinancing of the Projects located in the County.

Section 2. The County has no responsibility for the payment of the principal of or interest on the Bonds or for any costs incurred by the Borrower or the School with respect to the Bonds or the Project.

Section 3. This resolution is effective immediately on its passage.

On motion of Commissioner George Dunlap, seconded by Commissioner Jim Puckett, the foregoing resolution entitled "RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS EDUCATIONAL FACILITIES REVENUE REFUNDING BONDS (LAKE NORMAN CHARTER SCHOOL), IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$45,000,000" was duly adopted by the following vote:

AYES: Commissioners Dumont Clarke, Patricia "Pat" Cotham, George Dunlap, Trevor M. Fuller, Bill James, Vilma D. Leake, Jim Puckett, Matthew Ridenhour, and Ella B. Scarborough

NAYS: NONE

Exhibit A

NOTICE OF PUBLIC HEARING
FOR THE BOARD OF COMMISSIONERS
OF THE COUNTY OF MECKLENBURG, NORTH CAROLINA
WITH RESPECT TO EDUCATIONAL FACILITIES REVENUE REFUNDING BONDS

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(LAKE NORMAN CHARTER SCHOOL)
TO BE ISSUED BY THE PUBLIC FINANCE AUTHORITY
IN AN AMOUNT NOT TO EXCEED
\$45,000,000

NOTICE IS HEREBY GIVEN that on December 5, 2017, a public hearing, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), will be held by the Board of Commissioners of the County of Mecklenburg, North Carolina (the "Board") with respect to the proposed issuance by the Public Finance Authority (the "Authority"), a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, as amended, of its Educational Facilities Revenue Refunding Bonds (Lake Norman Charter School), in one or more series (the "Bonds"), in an amount not to exceed \$45,000,000, the interest on which will be excludible from gross income for federal income tax purposes. The hearing will commence at 6:30 p.m., or as soon thereafter as the matter can be heard, and will be held in the Commissioners' Meeting Room, 600 East 4th Street, Charlotte, NC 28202

The Bonds are expected to be issued pursuant to 66.0304 of the Wisconsin Statutes, as amended, and the proceeds from the sale of the Bonds will be loaned to the "Borrower" identified below and used to (a) refinance in advance of its maturity the \$18,930,000 original par amount of the North Carolina Capital Facilities Finance Agency Tax-Exempt Variable Rate Educational Facilities Revenue Bonds (Lake Norman Charter School, Inc.), Series 2008A (the "2008A Bonds"), the proceeds of which (1) refinanced a loan from Wachovia Bank, National Association to the Lake Norman Charter School, Inc. (the "School"), the proceeds of which were used to finance the acquisition of land for, construction and equipping of a middle school building, (2) refinanced loans from Wachovia Bank, National Association to the School, the proceeds of which were used to finance the acquisition of land for certain high school facilities, (3) financed construction and equipping of certain high school facilities, and (4) paid certain expenses incurred in connection with the authorization and issuance of the 2008A Bonds (collectively, the "2008 Project"), (b) finance and refinance the acquisition, construction and equipping of (1) certain facilities on the high school and middle school campus and (2) certain elementary school facilities on the elementary school campus (the "2018 Project" together with the 2008 Project, the "Project"), and (c) pay certain expenses incurred in connection with the authorization and issuance of the Bonds.

The 2008 Project and a portion of the 2018 Project are located on land comprised of approximately 41 acres located at 12435 & 12701 Old Statesville Road, Huntersville, North Carolina 28078, and the 2018 Project is to be located on land comprised of approximately 40 acres located at 10019 Hambright Road, Huntersville, NC 28078. The Project will be owned by LNCHARTER, LLC (the "Borrower") and leased to and operated by the School. The approximate cost of the Project is \$45,000,000 and the maximum aggregate principal amount of tax-exempt Bonds proposed to be issued by the Authority in connection with the Project is \$45,000,000.

The Bonds will be special limited obligations of the Authority payable only from the loan repayments to be made by the Borrower to the Authority, and certain accounts established by the bond agreement.

The public hearing will provide an opportunity for all interested persons to express their views, both orally and in writing, on the proposed issuance of the Bonds and the financing and refinancing of the Project. Any person interested in the issuance of the Bonds may appear and be heard or submit written comments. Any person wishing to submit written comments regarding the proposed issuance of the Bonds, the financing and refinancing of the Project or any matter related thereto should do so within 10 days after the date of publication of this notice by mailing said written comments to the Board of Commissioners, c/o the Clerk to the Board of Commissioners of Mecklenburg County, North Carolina, 600 East Fourth Street, 11th floor, Charlotte, North Carolina 28202. This notice is given pursuant to the provisions of Section 147(f) of the Code and Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Authority. Additional

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information concerning the Project may be obtained from Brandon K. Lewisohn, Esq., 401 South Tryon Street, Suite 3000, Charlotte, North Carolina 28202; Phone (704) 372-9000; Email Address: brandonlewisohn@parkerpoe.com. The Board of Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board of Commissioners' functions, including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting and/or needing this information in an alternative format because of a disability as provided for in the Americans with Disabilities Act should contact the Clerk to the Board of Commissioners by phone at (980) 314-2912, or by fax at (704) 336-5887, or by e-mail at Janice.Paige@mecklenburgcountync.gov.

/s/ Janice S. Paige
Clerk to the Board of Commissioners of Mecklenburg
County, North Carolina

Note: Prior to the above vote, Shannon Stein, Superintendent for Lake Norman Charter School, thanked the Board for considering this matter.

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

ADVISORY COMMITTEE REPORTS - NONE

MANAGER'S REPORT

Prior to presenting her Manager's Report, County Manager Diorio presented five-year service pins to Commissioners Cotham, Fuller, and Ridenhour.

17-4379 2018 BOCC MEETING SCHEDULE

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 approve the 2018 Mecklenburg County Board of County Commissioners Meeting Schedule.

Note: The schedule reflects the continuation of Regular meetings on the first and third Tuesday of each month; one meeting in July and August; and Budget/Public Policy meetings on the second and fourth Tuesday of each month. When a holiday falls on a Monday, an election day on Tuesday, or if there's a Tuesday scheduling conflict for other reasons, meetings are scheduled for Wednesday.

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Regular Meetings are held monthly every first and third Tuesday at 6:00 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center (CMGC) located at 600 East Fourth Street (lobby level), unless indicated otherwise on the schedule.

Informal Work Sessions and/or Closed Sessions are at 5:00 p.m. prior to each Regular meeting in the Meeting Chamber Conference Room CH-14 (basement level).

Budget/Public Policy Workshops are held monthly every second and fourth Tuesday at 3:00 p.m. in Conference Center Room 267 of the CMGC (2nd floor), unless indicated otherwise on the schedule.

***Regular and Budget Public/Policy Meetings** are held on Wednesday if there is a Monday holiday or Tuesday Election Day.

JANUARY

*Wednesday, January 3	Regular (Monday Holiday)
Tuesday, January 9	Budget/Public Policy Workshop
*Wednesday, January 17	Regular (Monday Holiday)
Tuesday, January 23	Budget/Public Policy Workshop
Wednesday, January 25–26	BOCC Retreat – CPCC Harris Campus

FEBRUARY

Tuesday, February 6	Regular
Tuesday, February 13	Budget/Public Policy Workshop
Tuesday, February 20	Regular
Tuesday, February 27	Budget/Public Policy Workshop

MARCH

Saturday, March 3-7	NACo Legislative Conference, Washington, DC
*Wednesday, March 7	Regular
Tuesday, March 13	Budget/Public Policy Workshop
Tuesday, March 20	Regular
Tuesday, March 27	Budget/Public Policy Workshop

APRIL

Tuesday, April 3	Regular
Tuesday, April 10	Budget/Public Policy Workshop
Tuesday, April 17	Regular
Tuesday, April 24	Budget/Public Policy Workshop

MAY

Tuesday, May 1	Regular
*Wednesday, May 9	Budget/Public Policy Workshop (Primary, Tuesday, May 8)
Tuesday, May 15	Regular
Tuesday, May 22	Budget/Public Policy Workshop

JUNE

Tuesday, June 5	Regular
Tuesday, June 12	Budget/Public Policy Workshop
Tuesday, June 19	Regular

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Tuesday, June 26 Budget/Public Policy Workshop

JULY

Tuesday, July 10 Regular
Friday, July 13-16 NACo Annual Conference, Nashville, Tennessee

AUGUST

*Wednesday, August 8 Regular (National Night Out recognized, Tuesday, August 7)
Thursday, August 23-25 NCACC Annual Conference, Catawba County

SEPTEMBER

*Wednesday, September 5 Regular (Monday Holiday)
Tuesday, September 11 Budget/Public Policy Workshop
Tuesday, September 18 Regular
Tuesday, September 25 Budget/Public Policy Workshop

OCTOBER

Tuesday, October 2 Regular
Tuesday, October 9 Budget/Public Policy Workshop
Tuesday, October 16 Regular
Tuesday, October 23 Budget/Public Policy Workshop

NOVEMBER

*Wednesday, November 7 Regular (General Election, Tuesday, November 6)
Tuesday, November 13 Budget/Public Policy Workshop
Tuesday, November 20 Regular

DECEMBER

Monday, December 3 Swearing-In Ceremony
Tuesday, December 4 Regular
Tuesday, December 11 Budget/Public Policy Workshop
Tuesday, December 18 Regular

17-4392 NOMINATING COMMITTEE FOR CARDINAL INNOVATIONS BOARD APPOINTMENTS

County Manager Diorio noted the following regarding Cardinal Innovations, per an email received from Mandy Cohen, Secretary NC Department of Health and Human Services (DHHS):

- On Monday, November 27, 2017, the NC Department of Health and Human Services (DHHS) temporarily assumed leadership of Cardinal Innovations, an LME-MCO authorized under state law to provide essential behavioral services using public funds.
- The DHHS has taken over responsibility for all LME functions.

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- In addition to temporarily assuming control of the organization, the DHHS revoked Cardinal's alternative board structure, necessitating a reconstituting of the board.
- The DHHS and County Commissioners in the Cardinal catchment area will appoint new board members in compliance with the statutory requirements of NC G.S. 122C-118.1.
- To stabilize Cardinal and begin the process of restoring public trust in the organization, the DHHS has asked that new board members be appointed by December 15, 2017.

County Manager Diorio noted the County's prior agreement with Cardinal Innovations with respect to representation on its board.

County Manager Diorio reviewed the structure of the new Cardinal Innovations Board, per G.S. 122C-118.1.

A copy of G.S. 122C-118.1. is on file with the Clerk to the Board.

It was noted that any county commissioner appointed to the Cardinal board would be an ex-officio member, non-voting and would serve at the pleasure of the Board that appointed them.

Commissioners can serve three years or through the length of their time as a County Commissioner, whichever came first, but no more than three years.

It was noted that the Board would need to select someone to serve on the nominating committee by December 8, 2017 and nominate someone to serve on the Cardinal Board by December 11. The person selected to serve on the nominating committee can also be the Board's nominee for the Cardinal Board. The actual appointment to the Cardinal Board, however, would be made per a vote of the entire nominating committee. The appointee can be a county commissioner or someone in the community.

Comments

Commissioner Leake said Cardinal Innovations cost the County millions of dollars years ago. She said the County, at that time, wanted to continue to manage its behavioral health services, but the State did not allow it.

Commissioner Leake expressed concern that the Board had not received any reports regarding Cardinal Innovations from the Board's representative on the previous Cardinal Board, Commissioner Dunlap. She said it wasn't until recently and per her inquiry that Cardinal Innovations made a presentation to the Board.

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Commissioner Leake expressed concern that a NC state senator worked for Cardinal Innovations.

Commissioner James asked who was the state senator.

County Manager Diorio said it was NC Senator Joel Ford, but that he no longer worked for Cardinal Innovations.

Commissioner Leake expressed concern for Cardinal Innovations' misuse of taxpayer money. She noted the bonus that was paid to Cardinal Innovations' CEO. She said she'd like to see and had inquired about minutes of that approval.

Commissioner Leake said whoever the Board selected, that going forward, they should make periodic reports of what's occurring with Cardinal Innovations.

Commissioner Fuller commented on the County's history with Cardinal Innovations and how in 2013, there were Commissioners who felt "trouble was brewing" with that entity. He said despite that concern, the County was forced by the State to have its behavioral health services managed by Cardinal Innovations.

Commissioner Fuller expressed concern that some members of the former Cardinal Innovations Board had contracts with Cardinal. He noted, however, that under the new structure, per N.C. G.S. 122C-118.1, this would no longer be permissible.

Commissioner Fuller expressed concern that Mecklenburg County's representation on the Cardinal Innovations board still would not be representative of the County's size based on the number of clients that received these services. He said going forward the County needed to keep its eyes on what's occurring with Cardinal Innovations.

Commissioner Dunlap said a lot issues had been raised and that some of them were valid. He referenced a document that he sent to Board members stating his position with respect to Cardinal Innovations and issues that he saw with the former Cardinal Innovations Board.

Commissioner Dunlap commented on the make-up of the new Cardinal Innovations Board versus the prior board, which he said was "controlled by a small group of people."

Commissioner Dunlap said he was willing to serve again and felt he could make a difference with a new board. He said his prior knowledge and experience having previously served, would be helpful to the new board.

Commissioner Dunlap said if he wasn't appointed to represent the Board, he was

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grateful for the opportunity to have served in the past.

Commissioner Clarke questioned the size of the nominating committee and the new board. He said it was too large to be effective.

Commissioner Clarke said the County would be much better off, had the State allowed the County to keep MeckLink years ago.

Commissioner Clarke said he had mentioned to the County Manager that he was willing to serve on the nominating committee, because he assumed Commissioner Dunlap was not interested in serving again.

Commissioner Cotham commented on the history of this issue as well. She said she was disappointed the Board never asked for a report regarding Cardinal, but going forward, she'd like to receive reports, perhaps quarterly.

Commissioner Cotham said she would support Commissioner Dunlap continuing to serve because there would not be a learning curve having served previously.

Commissioner James nominated Commissioner Dunlap to serve on the nominating committee and the Cardinal Board.

Commissioner James commented on the history of this issue involving Cardinal Innovations back in 2013. He said the County spent millions of dollars creating MeckLink and then it was taken away by the state, when it partnered with Cardinal Innovations.

Commissioner James said the state created a "mess." He commented on the skill set needed to run an organization the size of Cardinal Innovations.

Commissioner James said the State's new plan probably would not work either.

Commissioner James said the County had no control or authority over Cardinal Innovations, in the past or going forward and in light of that, he's not sure why the County should receive reports.

He said it appeared in the case of Cardinal Innovations that its management controlled the Cardinal Innovations board, rather than the board controlling management.

Commissioner James asked that the information below be included in the minutes, which were email exchanges between he and Secretary Cohen:

December 5, 2017

-----Original Message-----

From: Secretary Cohen [<mailto:Secretary@dhhs.nc.gov>]
Sent: Monday, December 4, 2017 12:32 PM
To: William F. James, Jr <wjames@carolina.rr.com>
Subject: Read: [External] RE: County selection of new Cardinal board members
Importance: High

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From: William F. James, Jr [<mailto:wjames@carolina.rr.com>]
Sent: Thursday, November 30, 2017 4:39 PM
To: 'Secretary Cohen' <Secretary@dhhs.nc.gov>; 'kevin.leonard@ncacc.org' <kevin.leonard@ncacc.org>; 'amy.bason@ncacc.org' <amy.bason@ncacc.org>; 'Richard, Dave' <dave.richard@dhhs.nc.gov>; 'Young, Christen Linke' <Christen.Linke.Young@dhhs.nc.gov>; 'Pfau, Sarah E' <Sarah.Pfau@dhhs.nc.gov>
Cc: 'Diorio, Dena R.' <Dena.Diorio@mecklenburgcountync.gov>; 'Bethune, Marvin' <mbethune@rbcwb.com>; 'Wade, Tyrone C.' <TyroneC.Wade@mecklenburgcountync.gov>
Subject: RE: County selection of new Cardinal board members
Importance: High



November 30, 2017

Dear Secretary Cohen:

Thank you for the letter updating me on the changes to Cardinal Innovations and the request to re-appoint members to the various area and community boards. I am willing to do so but I had a question or two.

It is my understanding that the County does not have any authority over the Executive Committee/Management of Cardinal which functions to operate the LME. There is the 'area' advisory board (NCGS 122C-118.1) and there is also a County Commission Advisory Board under NCGS 122C-118.2. Our designated Commissioner representative is, I believe, Commissioner George Dunlap.

I am presuming that since the State 'fired' all board members that you require us to re-appoint all of the members

December 5, 2017

that were terminated unless you have cause to believe that they are disqualified for some reason. In that regard, I would like to know if any of the appointees from Mecklenburg are, in your opinion, 'disqualified' from serving for any reason. In other words, if we reappointed the same individuals from Mecklenburg would the Secretary object? If you do, could you provide Mecklenburg County with the specifics of any activity that you believe would disqualify someone from being reappointed? If you prefer all new individuals regardless of their record, I would like to know that also.

Since Cardinal's operations and decisions are not shared with particular Counties; we have no way of knowing whether the specific individuals that were fired are (or are not) acceptable to the State and the Secretary. For us to proceed, it would be helpful to know if there are any individuals that cause concerns. We have tried to select individuals who meet the criteria of 118.1 and 118.2 however we do not know how these individuals functioned while serving on Cardinal's Board over the last few years.

Ultimately, NC Counties have little to no real authority over how the LME operates. Since the County does not fund Cardinal and has no control over its operations, I have often wondered why the Commission would be involved in selecting the Board of advisors in the first place. Clearly, when you consider the recent issue of excessive executive exit packages, these area boards seem to have little to no real control over the operations of the LME.

That, to me, raises the question about whether the State, which controls and supervises Cardinal and other LME's might consider making the appointments directly since it is your decision about the candidates that matters. Either way, I am willing to re-appoint those recently fired unless there is some reason the State has for denying them that position.

Regards,

Bill James
Mecklenburg County Board of Commissioners

CC: Dena Diorio, County Manager
Marvin Bethune, County Attorney
Tyrone Wade, Deputy County Attorney

From: Secretary Cohen [<mailto:Secretary@dhhs.nc.gov>]

Sent: Thursday, November 30, 2017 3:46 PM

To: kevin.leonard@ncacc.org; amy.bason@ncacc.org; Richard, Dave <dave.richard@dhhs.nc.gov>; Young, Christen Linke <Christen.Linke.Young@dhhs.nc.gov>; Pfau, Sarah E <Sarah.Pfau@dhhs.nc.gov>

Subject: County selection of new Cardinal board members

Dear County Leaders:

As you know, on Monday, November 27, 2017, the N.C Department of Health and Human Services (DHHS) temporarily assumed leadership of Cardinal Innovations, an LME-MCO authorized under state law to provide essential behavioral services using public funds. DHHS has taken over responsibility for all LME functions.

In addition to temporarily assuming control of the organization, the department has revoked Cardinal's alternative board structure, necessitating a reconstituting of the board. DHHS and County Commissioners in the Cardinal

December 5, 2017

catchment area will appoint new board members in compliance with the statutory requirements of N.C. G.S. 122C-118.1. To stabilize Cardinal and begin the process of restoring public trust in the organization, DHHS has asked that new board members be appointed by December 15.

County Commissioners have primary authority for appointing members of the new Cardinal board. To simplify the task, DHHS and the North Carolina Association of County Commissioners (NCACC) have worked together to develop a streamlined process that will allow all counties to participate while meeting the very specific statutory requirements for board composition.

This streamlined process is outlined below.

Nominating Committee

Each board of county commissioners in the 20 county Cardinal catchment area shall appoint one county commissioner representative to serve on a Nominating Committee. By Friday, December 8, 2017, each county in the catchment area shall provide the name of the person selected to serve on the Nominating Committee. This name should be submitted to nominatingcommittee@ncacc.org.

Cardinal Board Nominations

Those interested in serving on the Cardinal Board should submit a resume, cover letter and up to three letters of support to boardnominations@ncacc.org by Monday, December 11, 2017. Individuals will be able to self-nominate for a position on the Cardinal Board. In addition, those selected to serve on the Nominating Committee shall also be eligible to be nominated to serve on the newly constituted Cardinal Board.

Cover letters accompanying nominations to serve on the Cardinal Board should include the qualifications of the individual nominee, with specific emphasis on the legislated mandated roles and skills for an effective board, as outlined in NC General Statute § 122C-118.1 included below.

DHHS and NCACC will convene the Nominating Committee – the representatives from the 20 Cardinal Counties -- the week of December 11, 2017. The specific date and location of this meeting will be provided at a later date. At this meeting the Nominating Committee will review the applicants and select board members that best represent the counties, while ensuring compliance with statutory requirements.

Please direct questions about this process to Sarah Pfau from the North Carolina Medicaid team at sarah.pfau@dhhs.nc.gov

Thank you for your support and participation.

Sincerely,

Mandy Cohen
Secretary, DHHS

Kevin Leonard
Executive Director, NCACC

§ 122C-118.1. Structure of area board.

(a) An area board shall have no fewer than 11 and no more than 21 voting members. The board of county commissioners, or the boards of county commissioners within the area, shall appoint members consistent with the requirements provided in subsection (b) of this section. The process for appointing members shall ensure participation from each of the constituent counties of a multicounty area authority. If the board or boards fail to comply with the

December 5, 2017

requirements of subsection (b) of this section, the Secretary shall appoint the unrepresented category. The boards of county commissioners within a multicounty area with a catchment population of at least 1,250,000 shall have the option to appoint members of the area board in a manner or with a composition other than as required by this section by each county adopting a resolution to that effect and receiving written approval from the Secretary. A member of the board may be removed with or without cause by the initial appointing authority. The area board may declare vacant the office of an appointed member who does not attend three consecutive scheduled meetings without justifiable excuse. The chair of the area board shall notify the appropriate appointing authority of any vacancy. Vacancies on the board shall be filled by the initial appointing authority before the end of the term of the vacated seat or within 90 days of the vacancy, whichever occurs first, and the appointments shall be for the remainder of the unexpired term.

(b) Within the maximum membership provided in subsection (a) of this section, the membership of the area board shall reside within the catchment area and be composed as follows:

- (1) At least one member who is a current county commissioner.
- (2) The chair of the local Consumer and Family Advisory Committee (CFAC) or the chair's designee.
- (3) At least one family member of the local CFAC, as recommended by the local CFAC, representing the interests of the following:
 - a. Individuals with mental illness.
 - b. Individuals in recovery from addiction.
 - c. Individuals with intellectual or other developmental disabilities.
- (4) At least one openly declared consumer member of the local CFAC, as recommended by the local CFAC, representing the interests of the following:
 - a. Individuals with mental illness.
 - b. Individuals with intellectual or other developmental disabilities.
 - c. Individuals in recovery from addiction.
- (5) An individual with health care expertise and experience in the fields of mental health, intellectual or other developmental disabilities, or substance abuse services.
- (6) An individual with health care administration expertise consistent with the scale and nature of the managed care organization.
- (7) An individual with financial expertise consistent with the scale and nature of the managed care organization.
- (8) An individual with insurance expertise consistent with the scale and nature of the managed care organization.
- (9) An individual with social services expertise and experience in the fields of mental health, intellectual or other developmental disabilities, or substance abuse services.
- (10) An attorney with health care expertise.
- (11) A member who represents the general public and who is not employed by or affiliated with the Department of Health and Human Services, as appointed by the Secretary.
- (12) The President of the LME/MCO Provider Council or the President's designee to serve as a nonvoting member who shall participate only in Board activities that are open to the public.
- (13) An administrator of a hospital providing mental health, developmental disabilities, and substance abuse emergency services to serve as a nonvoting member who shall participate only in Board activities that are open to the public.

Except as provided in subdivisions (12) and (13) of this subsection, an individual that contracts with a local management entity (LME) for the delivery of mental health, developmental disabilities, and substance abuse services may not serve on the board of the LME for the period during which the contract for services is in effect. No person registered as a lobbyist under Chapter 120C of the General Statutes shall be appointed to or serve on an area authority board. Of the members described in subdivisions (2) through (4) of this subsection, the boards of county commissioners shall ensure there is at least one member representing the interest of each of the following: (i) individuals with mental illness, (ii) individuals with intellectual or other developmental disabilities, and (iii) individuals in recovery from addiction.

December 5, 2017

(c) The board of county commissioners may elect to appoint a member of the area authority board to fill concurrently no more than two categories of membership if the member has the qualifications or attributes of the two categories of membership.

(d) Any member of an area board who is a county commissioner serves on the board in an ex officio capacity at the pleasure of the initial appointing authority, for a term not to exceed the earlier of three years or the member's service as a county commissioner. Any member of an area board who is a county manager serves on the board at the pleasure of the initial appointing authority, for a term not to exceed the earlier of three years or the duration of the member's employment as a county manager. The terms of members on the area board shall be for three years, except that upon the initial formation of an area board in compliance with subsection (a) of this section, one-third shall be appointed for one year, one-third for two years, and all remaining members for three years. Members shall not be appointed for more than three consecutive terms.

(e) Upon request, the board shall provide information pertaining to the membership of the board that is a public record under Chapter 132 of the General Statutes.

(f) An area authority that adds one or more counties to its existing catchment area under G.S. 122C-115(c1) shall ensure that the expanded catchment area is represented through membership on the area board, with or without adding area board members under this section, as provided in G.S. 122C-118.1(a). (2001-437, s. 1.11(b); 2002-159, s. 40(a); 2006-142, s. 4(e); 2007-504, s. 1.4; 2010-31, s. 10.7; 2012-151, s. 3(a); 2013-85, ss. 6, 7.)

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From: Cohen, Mandy [<mailto:Mandy.Cohen@dhhs.nc.gov>]

Sent: Thursday, November 30, 2017 5:39 PM

To: wjames@carolina.rr.com

Cc: Dena.Diorio@mecklenburgcountync.gov; mbethune@rbcwb.com; TyroneC.Wade@mecklenburgcountync.gov

Subject: FW: [External] RE: County selection of new Cardinal board members

Importance: High

Hi Bill – thanks for your email. I think it would be easier to discuss by phone. What is the best number to reach you?

Thanks,
Mandy

Mandy Cohen MD, MPH

Secretary

North Carolina Dept. of Health and Human Services

December 5, 2017

Commissioner Puckett expressed concern for the new Cardinal Innovations board structure. He said he didn't think anything was going to change.

Commissioner Puckett said his preference would be not to designate anyone. He said the statute allowed counties the option to designate or to not.

Chair Scarborough said it may be better to have someone that's an attorney serve as the Board's designee, such as Commissioners Fuller or Clarke.

Commissioner Leake nominated Commissioner Clarke.

The vote was then taken on Commissioners Clarke and Dunlap.

Commissioner Clarke	Commissioners Clarke, Leake, and Scarborough
Commissioner Dunlap	Commissioners Cotham, Dunlap, Fuller, James, Puckett, and Ridenhour

Chair Scarborough announced the appointment of Commissioner Dunlap to serve as the Board's nominee on the Cardinal Innovations Nominating Committee and as its Cardinal Board nominee.

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

Commissioners Puckett and Ridenhour left the dais and were away until noted in the minutes.

DEPARTMENTAL DIRECTORS' MONTHLY REPORTS - NONE

STAFF REPORTS & REQUESTS

17-4361 RESOLUTION CERTIFYING NOVEMBER 7, 2017 BOND REFERENDUM RESULTS

The Clerk to the Board of Commissioners made available to the Board of Commissioners a Certificate of Canvass of the Mecklenburg County Board of Elections certifying to the Board of Commissioners the results of the special election held for the County of Mecklenburg on November 7, 2017.

RESOLUTION CERTIFYING ELECTION RESULTS

Commissioner Bill James moved the adoption of the following resolution, the motion was seconded by Commissioner Dumont Clarke, and the resolution was read by the above title.

December 5, 2017

WHEREAS, the Board of Commissioners has considered the Certificate of Canvass of the Mecklenburg County Board of Elections canvassing the referendum held for the County of Mecklenburg on November 7, 2017 and certifying the results thereof to the Board of Commissioners and has canvassed the results of that special election;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Mecklenburg that it be and hereby is certified and declared that the number of voters registered and qualified to vote at that special election was **705,381**.

FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted "YES" in answer to the question,

"SHALL the order authorizing \$922,085,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing school facilities, including the acquisition and construction of new school facilities, the improvement and expansion of existing school facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor; and a tax to be levied for the payment thereof, be approved?",

was **105,694**. The total number of voters who voted "NO" in answer to such question was **39,675**.

FURTHER RESOLVED, that a statement substantially in the form hereinafter set forth declaring the result of the election shall be prepared and published in accordance with law:

**STATEMENT OF RESULT OF SPECIAL ELECTION
HELD FOR THE
COUNTY OF MECKLENBURG
NOVEMBER 7, 2017**

WHEREAS, by direction of the Board of Commissioners of the County of Mecklenburg, in the State of North Carolina, a special election was duly called and held for the County on November 7, 2017 for the purposes of submitting to the qualified voters of the County the question hereinafter set forth, and that Board has received from the Mecklenburg County Board of Elections a certification of the results of the election, and has determined the results of the election to be as hereinafter stated;

NOW, THEREFORE, the Board of Commissioners of the County of Mecklenburg hereby makes the following statement of the result of the election pursuant to The Local Government Bond Act:

December 5, 2017

(1) The total number of voters registered and qualified to vote at the election was **705,381**.

(2) The number of voters who voted "YES" in answer to the question, "SHALL the order authorizing \$922,085,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing school facilities, including the acquisition and construction of new school facilities, the improvement and expansion of existing school facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor; and a tax to be levied for the payment thereof, be approved?",

was **105,694**. The total number of voters who voted "NO" in answer to that question was **39,675**. The question in the form submitted was approved by the vote of a majority of those who voted thereon at the election.

Any action or proceeding challenging the regularity of validity of this bond referendum must be begun within 30 days after **December 8, 2017**, the date of publication hereof.

Board of Commissioners of
the County of Mecklenburg,
North Carolina

[End of Statement of Result of Special Election]

The motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, Patricia "Pat" Cotham, George Dunlap, Trevor M. Fuller, Bill James, Vilma D. Leake, and Ella B. Scarborough

NAYS: None

**Note: Commissioners Jim Puckett and Matthew Ridenhour were present at the meeting but away from the dais at the time of the vote.*

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

COUNTY COMMISSIONERS REPORTS & REQUESTS- NONE

CLOSED SESSION

December 5, 2017

17-4370 LAND ACQUISITION

Motion was made by Commissioner Dunlap seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, and Scarborough voting yes, to authorize the County Manager to negotiate and execute all documents necessary for acquisition of a permanent greenway and storm drainage easement (+/-10.563 acres) and a temporary construction easement (+/- 0.715 acres) on Tax Parcels 221-091-15, 221-091-16 and 221-091-17 from Westdale Sabal Point, NC, LLC in the Town of Pineville for a purchase price of \$154,850. The total acquisition cost of \$157,350 includes the \$154,850 purchase price and reimbursement of \$2,500 for the owner's lender review fees.

Note: The acquisition was needed for the future construction of a portion of Little Sugar Creek Greenway and Stream Enhancement project.

Commissioner James left the meeting and was absent for the remainder of the meeting.

CONSENT ITEMS

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, and Scarborough voting yes, to approve the following item(s):

17-4364 FLEET AUCTION 9-16-17 REVENUE

Recognize and receive vehicle auction revenue of \$35,765.20, and of this amount, appropriate \$31,994.95 to Fleet Reserve Fund and \$3,770.25 to the Department of Social Services transportation unit of the General Fund.

17-4368 LANDSCAPE ARCHITECT – PEARL STREET PARK

Authorize the County Manager to negotiate fees and execute a contract with McAdams, for Landscape Architectural Services for the Pearl Street Park and in the event negotiations with this firm are unsuccessful, approve negotiations with the alternate firm, Bloc Design.

December 5, 2017

17-4369 EASEMENT DONATION – MALLARD CREEK GREENWAY

1. Accept the donation of a greenway trail access easement on Tax Parcel 047-131-07 (± 0.273 acres) from Summit Avenue URP LLC for a future access trail connection to Mallard Creek Greenway; and
2. Terminate an existing access easement on Tax Parcel 047-131-07 (± 0.723 acres) from Summit Avenue URP LLC recorded in Deed Book 31654 Page 482 at the Mecklenburg County Register of Deeds.

17-4373 BUDGET AMENDMENT – FUND BALANCE APPROPRIATION – LUESA

Appropriate \$310,830 of fund balance from Huntersville ETJ Fire Tax Special Revenue Fund.

Note: The fund balance will be used to purchase land for a new volunteer fire station in Huntersville on McIlwaine Road and to reimburse the volunteer fire department for the purchase of radios.

17-4374 INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate insurance reimbursement funds of \$3,730 for Sheriff's Office, \$2,020 for Park and Recreation and \$26,178 for Asset and Facility Management.

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

17-4376 MINUTES

Approve Minutes of Regular meeting held November 21, 2017 and Closed Session held November 21, 2017.

17-4384 STORM WATER PROGRAM – FY17 VACANT FLOODPLAIN LAND ACQUISITION

Authorize the County Manager to accept Offer of Sale of Real Estate from Mary Belton, representing the estate of Thomas Robert Belton, owner of property located off Celia Avenue, Charlotte, NC (tax parcel 069-076-27), for \$1,400.

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Note: The referenced vacant parcel acquisition will secure property needed for construction of the Historic Stewart Creek Enhancement Project and preserve the parcel as floodplain open space which reduces future flood risk.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioner Puckett returned to the dais.

17-4362 BUDGET AMENDMENT – SHERIFF’S OFFICE – CHICK-FIL-A (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 recognize, receive and appropriate \$300 from Huntersville Chick-Fil-A.

Note: The Huntersville Chick-fil-A has made a \$300 monetary donation to the Mecklenburg County Sheriff’s Office (MCSO) from proceeds of their “Back the Blue” community event to support local law enforcement agencies. MCSO is concluding its second year of participation in the Presidential Volunteer Service Awards program that recognizes MCSO employees for their volunteer hours within the Charlotte community. The funds will be used to purchase awards for the MCSO employees that meet the criteria established by the Program.

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

17-4363 BUDGET AMENDMENT – SHERIFF’S OFFICE – TARGET CORPORATION (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 recognize, receive and appropriate \$5,000 from Target Corporation.

Note: The Mecklenburg County Sheriff’s Office was awarded \$5,000 from Target Corporation to purchase miscellaneous school supplies for the WSOC-TV’s 9 School Tools campaign.

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

December 5, 2017

17-4367 RENTAL FEES – PARK AND RECREATION INDOOR FACILITIES

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 approve rental fees for Jetton Waterfront Hall and Cordelia Park Pavilion effective January 1, 2018 as noted below.

Note: The rental fees for both facilities will be the same as the BOCC approved rates for the Mahlon Adams Pavilion at Freedom Park:

	County Resident	Non-County
Weekend/Holiday - 5 Hrs.	\$506.00	\$631.00
Each add'l hour	\$101.00	\$126.00
Weekday - 5 Hrs.	\$278.00	\$356.00
Each add'l hour	\$ 56.00	\$ 71.00

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

17-4378 CHARLOTTE-MECKLENBURG SCHOOLS LEASE OF PROPERTY

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, to adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Authorizing Charlotte-Mecklenburg Board of Education to negotiate and execute an extension of its current lease with Grace and Mercy Cathedral Ministry, Inc.”

Note: North Carolina G.S. 115C-530 stipulates that operational leases of real or personal property for use as school buildings or facilities for three years or greater must be approved by a resolution adopted by the local board of county commissioners.

**MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
RESOLUTION AUTHORIZING CHARLOTTE-MECKLENBURG
BOARD OF EDUCATION TO NEGOTIATE AND EXECUTE AN EXTENSION OF ITS
CURRENT LEASE WITH
GRACE AND MERCY CATHEDRAL MINISTRIES, INC.**

WHEREAS, Charlotte-Mecklenburg Board of Education has submitted a proposal to the Mecklenburg County Board of Commissioners to authorize Charlotte-Mecklenburg Schools to negotiate and execute an extension of its current lease for facility space to be used by Harding RAM Academy; and

WHEREAS, Harding RAM Academy which is a credit recovery program for students that is operated by Harding Institute at 2670 Dr. Carver Road in the City of Charlotte; and

December 5, 2017

WHEREAS, Charlotte-Mecklenburg Schools will be responsible for all costs associated with the lease of the facility; and

WHEREAS, Charlotte-Mecklenburg Schools has agreed to the following proposed business terms for the lease extension:

Location	2670 Dr. Carver Rd Charlotte, NC 28208
Total Square Footage	Approximately 17,000 Rentable SF
Commencement	January 1, 2018 (with an ending date of December 31, 2022)
Rent	\$97,752 per year (with no payment escalation)
Maintenance	All terms to remain the same as the original lease term. Tenant is responsible for maintaining the interior of the Premise, including janitorial service; Landlord is responsible for maintenance and repair of all structural portions of the building, including roof, all electrical and mechanical systems, HV AC, and all landscaping
Utilities	All terms to remain the same as the original lease term. Tenant is responsible for providing and paying all utilities, including but not limited to, gas electricity, water, and telephone

WHEREAS, pursuant to G.S. 1 ISC-530 the Board of Commissioners has determined that it would be in the public interest for it to authorize Charlotte-Mecklenburg Schools to negotiate and execute a lease for facility space at 2670 Dr. Carver Rd, Charlotte, NC 28208; now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners does hereby authorize the Charlotte-Mecklenburg Board of Education, or its designee, to negotiate and execute a formal lease agreement with Grace and Mercy Cathedral Ministry, Inc. consistent with the business terms outlined above.

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

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

17-4382 BUDGET AMENDMENT – HEALTH DEPARTMENT (REVENUE AND EXPENDITURE 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 recognize, receive, and appropriate an increase in revenue of \$543,000 for the collection of Birth and Death certificate fees.

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

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Commissioner Ridenhour returned to the meeting.

ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, 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 8:22 p.m.

Janice S. Paige, Clerk

Ella B. Scarborough, Chair