

December 19, 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 19, 2017.

**ATTENDANCE**

**Present:** Chair Ella B. Scarborough and Commissioners  
Dumont Clarke, Patricia "Pat" Cotham, George Dunlap,  
Trevor M. Fuller, Bill James, Vilma D. Leake,  
Jim Puckett, and Matthew Ridenhour  
County Manager Dena R. Diorio  
County Attorney Marvin A. Bethune  
Clerk to the Board Janice S. Paige

**Absent:** None

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**-INFORMAL SESSION-**

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

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

**REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) 17-4381, 17-4388, 17-4389, 17-4398, & 17-4416 to be removed from Consent and voted upon separately.

**MANAGER'S REPORT**

County Manager Diorio informed the Board that County Attorney Bethune had something to share under her Manager's Report at this time.

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County Attorney Bethune tendered his resignation as Mecklenburg County Attorney, effective March 6, 2018, or at such earlier date as the Board may choose.

County Attorney Bethune said it had been an “honor and privilege” to serve the Board as County Attorney since his appointment in November of 1978, “but now feels like the right time” for him to step down. He has served as County Attorney for 39 years.

***A copy of his letter of resignation is on file with the Clerk to the Board.***

**CLOSED SESSION**

- 17-4386 TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A)(1).**
- 17-4402 CONSULT WITH ATTORNEY**
- 17-4409 BUSINESS LOCATION AND EXPANSION**
- 17-4420 LAND ACQUISITION**

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

Motion was made by Commissioner James, seconded by Commissioner Leake and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, and Scarborough voting yes, to go into Closed Session for the following purpose(s): To Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(a)(1), Business Location and Expansion, and Land Acquisition.

***The Board went into Closed Session at 5:09 p.m. and came back into Open Session at 6:15 p.m.***

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

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

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**-FORMAL SESSION-**

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

**AWARDS/RECOGNITION - NONE**

**PUBLIC APPEARANCE**

**17-4399 PUBLIC APPEARANCE**

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

**APPOINTMENTS**

**17-4408 APPOINTMENTS**

**PARK AND RECREATION COMMISSION**

Motion was made by Commissioner Puckett, seconded by Commissioner Fuller and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to nominate and appoint Elizabeth Cashion to the Park and Recreation Commission as the Northern Town representative to fill an unexpired term expiring June 30, 2019.

*Note: She replaces Aubin Guinness.*

**WOMEN'S ADVISORY BOARD**

Motion was made by Commissioner Dunlap, seconded by Commissioner James and failed 8-1 with Commissioners Clarke, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes and Commissioner Cotham voting no, to nominate and appoint Melissa Lefko to the Women's Advisory Board to fill an unexpired term expiring April 30, 2018 and Yesha Shukla to fill an unexpired term expiring November 30, 2019.

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to nominate and appoint Melissa Lefko to the Women's Advisory Board to fill an unexpired term expiring April 30, 2018.

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

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Puckett, Ridenhour and Scarborough voting yes, to nominate and appoint Yesha Shukla to the Women's Advisory Board to fill an unexpired term expiring November 30, 2019.

*Note: They replace Mable Hemphill and Marci Brier.*

### **ZONING BOARD OF ADJUSTMENT**

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 reappoint the following persons to the Zoning Board of Adjustment for three-year terms expiring November 30, 2020: Jonathan Dausman, Adam Grabiec, Daniel Jacobs, Nasif Majeed, William Rakatansky, Jeffery Reynolds, and Dennis Warfle.

*Note: This board currently isn't active but membership is being retained in case a matter comes up for review.*

### **2019 CITIZEN'S REVALUATION ADVISORY COMMITTEE**

Commissioner Dunlap, chair of the Board's Ad Hoc Appointments Interview Committee, presented the committee's recommendation for appointments to the 2019 Citizen's Revaluation Advisory Committee, per nominations made on November 21, 2017.

The other committee members were Commissioners Leake, Cotham, and Ridenhour and Tax Assessor Ken Joyner.

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

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 nominate and appoint the following persons to the 2019 Citizen's Revaluation Advisory Committee for a one-year term, January 1, 2018 - December 31, 2018, as recommended by the Board's Ad Hoc Interview Committee: Peter Gallo, Mike Hege, Kenneth Horn, Robert Janezic, Jonathan Manuel, Kellianne Nagy, Roscoe Shiplett, Alvenia Warren, and Emily Zuyus.

*Note: The other nominees were: Carell Houston, Samuel Alan Johnson, John Lattanzio, Jeff Scott, Felecia Vereen Thomas, and Jacqueline Crosland.*

**PUBLIC HEARINGS - NONE**

**ADVISORY COMMITTEE REPORTS - NONE**

**MANAGER'S REPORT**

**17-4411 AMERICAN LEGION MEMORIAL STADIUM**

The Board received an update regarding renovations to American Legion Memorial Stadium and the potential partnership (cost sharing) models.

Lee Jones with Park and Recreation presented the matter.

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

County Manager Diorio said after evaluating what staff felt was in the best interest of the County, it's felt that since Memorial Stadium is the County's asset, the County should control it and use it for what the County would want to use it for. County Manager Diorio said the only way to do that would be to fully pay the cost of renovation; and to make sure the County had the capacity it needed. She said currently the capacity was about 12,000 seats.

County Manager Diorio said if the County paid 100% of the cost to renovate the stadium, then the County would get to decide how it gets used, when it gets used and to whom it gets leased to.

Comments

Commissioner Clarke asked had any community engagement taken place with the Elizabeth Neighborhood Association regarding staff's recommendation for moving forward. *County Manager Diorio said she had communicated with Paul Shipley, President of the Association and that he was supportive of the 12,000 seats option. County Manager Diorio said she'd also shared the information with Dr. Kandi Deitemeyer, President of Central Piedmont Community College, and that she was supportive of the 12,000 seats option as well.*

Commissioner Clarke asked about the type of bleachers in the stadium and whether any of them would have backs, which was addressed.

Commissioner Clarke asked would the flashers operate at all times. *The response was yes.*

Commissioner Leake commented on restrooms. She said usually there were more restrooms for males than females. She asked that staff take the need for more female restrooms into consideration.

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Commissioner Leake asked about the inclusion of video boards, which was addressed.

Commissioner Leake asked about parking and the availability of working elevators, which was addressed.

Commissioner Leake said there needed to be a “sound and accessible” entry and exit for senior citizens, especially those that weren’t capable of walking.

Commissioner Ridenhour said he liked that the rock wall would be maintained.

Commissioner Ridenhour asked about the location of the medallions shown in the presentation. He said he would not want them located in a manner that they could be walked on.

Commissioner Ridenhour asked had there been any conversation with Charlotte Independence about sharing the cost. County Manager Diorio said yes and that their initial interest was in contributing to the base stadium cost and not the full stadium. *County Manager Diorio said staff would go back to Charlotte Independence again if that’s the direction of the Board; but staff’s recommendation was for the County to have full control.*

Commissioner Cotham asked would there be any “family” restrooms. *The response was yes.*

Commissioner Cotham asked would there be a history area located within the stadium. *The response was yes, that would be taken into consideration.*

Commissioner Cotham asked would the name remain the same. *The response was yes.*

Mr. Jones said staff would take all comments under advisement.

Commissioner Puckett asked about discussions with Charlotte Independence and how the County may miss an opportunity to land a “solid” tenant for the stadium, based on what was being recommended by staff.

Commissioner Puckett said there was opportunity, as well, to partner with the City of Charlotte.

Commissioner Puckett said he appreciated the fact that the County could fully fund the renovation, however, he was not sure that was the best option.

Commissioner Puckett said the better option was to at least commit to a minimum project that would allow the County to contract with Charlotte Independence and to spend the next 30 – 120 days to see if the City of Charlotte would be interested in participating, since they have designated funds that could help offset some of the cost.

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Commissioner Puckett said if none of those efforts worked, then the County could consider moving forward on its own.

**Motion was made** by Commissioner Puckett, seconded by Commissioner James, to direct staff to enter into negotiations with Charlotte Independence for a long term lease and to allocate the funds to renovate memorial stadium, such that it would meet the minimal standards needed for soccer league play; and invite the City of Charlotte and the Charlotte Regional Visitors Authority to partner with the County; at the end of the first quarter, if no additional funds were able to be obtained, then the Board would revisit this matter to consider fully funding the project on its own.

Commissioner Fuller asked about the difference between what was presented and what was presented previously, that involved Charlotte Independence, which was addressed, as it related to design.

Commissioner Fuller said what was presented was “very basic.” He said he’d like to see more done in terms of renovating the stadium.

Commissioner Fuller expressed concern for the medallions being located on the ground. He echoed Commissioner Ridenhour’s sentiment that they not be located in manner that they could be walked upon.

Commissioner Fuller said the County had the opportunity to make memorial stadium a “signature” facility.

Commissioner Fuller said he was concerned about the “tenuous” nature of the financing. He said things appeared too unsettling for him.

Commissioner Fuller said the County should not rush through this process and that more time needed to be put into this project.

Commissioner James said he’d like to see the renovations done. He said he was never a fan of the major-league soccer proposal, because the County would have lost control of the facility.

Commissioner James said he would like to have control of the facility, but he was not opposed to making money off the facility by leasing it to someone, such as Charlotte Independence.

Commissioner James said valid points had been made and that the County needed to know whether Charlotte Independence was “truly” interested in leasing the facility.

Commissioner James echoed earlier sentiments that the medallions should not be located on the ground.

Commissioner James said he was okay with asking the City of Charlotte to participate.

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Commissioner James said there were also design elements that needed to be worked out. He said he viewed all of this as a starting point.

Commissioner Dunlap spoke in support of staff's recommendation. He said what staff proposed was a remedy for a solution for memorial stadium, "irrespective" of soccer.

Commissioner Dunlap said this was about the restoration of memorial stadium and not about soccer.

Commissioner Dunlap spoke in support of the proposed design. He said what was presented was conceptual and subject to change. He said the medallions could easily be placed somewhere other than on the ground.

Commissioner Dunlap said he agreed with comments regarding restrooms for females.

Commissioner Dunlap said what staff was proposing would not prohibit the County from entering into an agreement with any organization for use of the stadium.

Commissioner Dunlap said it was okay to let others invest in the facility but control of the facility should always be the County's.

Substitute motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 7-2 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, and Scarborough voting yes and Commissioners Puckett and Ridenhour voting no, to allow the County Manager to 1) move forward as recommended by staff with respect to renovations to American Legion Memorial Stadium; 2) to discuss the renovation proposal with all potential partners; and 3) report back to the Board.

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

#### **17-4419      EXTRA TERRITORIAL JURISDICTION (ETJ) POLICING UPDATE**

County Manager Diorio gave an update on Extra Territorial Jurisdiction (ETJ) Policing.

*Note: At the October 17, 2017 meeting, the Board adopted a resolution declaring the County's intent to enter into an interlocal agreement with the City for law enforcement services in the Charlotte, Davidson and Mint Hill ETJ jurisdictions of Mecklenburg County.*

The following was noted: Work was continuing to be done with respect to this issue. Discussions were going very well. Staff was working to have a resolution by the end of January for subsequent presentation to the Board.

**DEPARTMENTAL DIRECTORS' MONTHLY REPORTS**

**17-4407 DEPARTMENT MANAGEMENT MONTHLY REPORTS**

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

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

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

***Commissioner Dunlap left the meeting and was absent for the remainder of the meeting.***

**STAFF REPORTS & REQUESTS**

**17-4403 SMOKING CESSATION CONTINGENCY FUND PROPOSAL**

The Board received a presentation from Health Director, Gibbie Harris on the proposal for use of smoking cessation contingency funds. She was assisted by Kimberly Bayha, a Health Educator with the Health Department.

Staff's recommendation:

Increase the availability of prevention/behavior change efforts and tobacco cessation services to the following populations:

Individuals living in the Public Health priority areas

Individuals living with a behavioral health disorder

Individuals in the LGBTQ community

3 FTEs

Health Policy Coordinator for Tobacco Cessation & Training

Health Policy Coordinator for Priority Populations

Health Program Coordinator/Supervisor

Personnel Costs -\$86,666.00

Operating Budget -\$29,676.00

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Targeted Communication Campaign  
Cessation Training & Supplies  
Total Funds Requested -\$116,342.00

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

Comments

Commissioner Ridenhour asked about the trend with respect to smoking, which was addressed. He questioned the need for the requested positions.

Commissioner Cotham commented on effects of secondhand smoke.

Commissioner Cotham said foster care parents should not be allowed to smoke. She said children should not be placed in foster care homes where there were smokers. She asked staff to look into this matter to see what could be done to address this issue.

Ms. Bayha said the Health Department was working on that concern and had partnered with the Department of Social Services to incorporate an education component in the required foster care parent training. She said staff would continue to address this concern.

Commissioner Leake expressed concern also for children in foster care homes where there was smoking.

Commissioner Leake said signage around the Government Center regarding smoking being prohibited on the property was not working. She said individuals continued to smoke and sometimes stood right at the signage. She said something else was needed. She asked that staff come back with recommendations to deter smoking in front of the Government Center.

Commissioner Leake commented on the positions that were being requested. She asked that the Board be informed when the positions were filled. Commissioner Leake said her request was applicable to all requested positions throughout the County, not just in the Health Department.

Commissioner Leake said in light of the turnover in the Health Department, she'd like to know how much was it costing the County.

Commissioner Clarke asked had there been any further thought on banning smoking in the workplace, even if it's not a place of public accommodation. *Director Harris said there had not been any discussion of that matter to her knowledge. She said it would take legislative action to do something of that nature, either on the state and/or federal level.*

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Commissioner Clarke said this was something he'd like to be discussed at some point.

Commissioner Ridenhour asked would the positions being requested be for six months only. *Director Harris said no, it's staff's intent they be continued. She said the funding being requested was just for the remainder of this fiscal year. The positions would be placed in the subsequent budget.*

Commissioner Ridenhour said he would prefer the money be used for smoking cessation products, rather than hiring additional staff and establishing a new division within the Health Department.

Commissioner James asked about regulations regarding tobacco flavored products in NC. *County Attorney Bethune said he would have to research that question, but he doubts the Board would have the authority to regulate tobacco flavored products.*

Commissioner James questioned whether any substantive changes would or could be made. He said it would be good if foster care parents weren't allowed to smoke. He said that would be an example of a substantive change.

Commissioner James asked how was the matter going to be addressed in the LGBTQ community. What type of campaign. *Director Harris said staff would work with community partners that work with the LGBTQ community.*

Commissioner Fuller addressed the use of menthol cigarettes. He said he'd like to see a specific effort to address the use of menthol cigarettes.

Commissioner Fuller said he wanted to hear more about the actual delivery of services, which was addressed.

Commissioner Fuller said he'd like to see more going forward with respect to the delivery of services, including a matrix, measuring where the County was now and where it would like to be after implementation of these efforts. He said measurable goals were needed.

Commissioner Puckett echoed Commissioner Ridenhour's sentiment that the funds be used for cessation products, rather than hiring staff.

Commissioner Puckett said the only way to combat this issue was probably through action on the part of insurance companies. He said billions of dollars had been spent on anti-smoking campaigns and the problem still existed. He said smoking was a personal choice.

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Commissioner Puckett said it was “frustrating” to think that the Health Department’s prior efforts to deter smoking had not worked. He said perhaps, the request that’s being made now, should have been made first.

Chair Scarborough thanked Director Harris for the presentation and encouraged people not to smoke.

Motion was made by Commissioner Clarke, seconded by Commissioner Fuller and carried 6-2 with Commissioners Clarke, Cotham, Fuller, James, Leake, and Scarborough voting yes, and Commissioners Puckett and Ridenhour voting no, to authorize release of contingency funds in the amount of \$116,342 to implement the smoking cessation recommendation as outlined in the presentation by staff; and approve the creation of one full time Health Program Coordinator/Supervisor position and two full time Health Policy Coordinator positions.

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

**17-4404      HIV CONTINGENCY FUND PROPOSAL**

The Board received a presentation from Health Director Gibbie Harris on the proposal for use of HIV contingency funds.

Staff recommendation: Increase availability of PrEP for High-risk Uninsured Individuals

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

Comments

Commissioner Leake thanked Director Harris for the presentation and expressed support of the recommendation brought forward by the Health Department.

Commissioner Clarke spoke in support of the recommendation. He said his expectation was that the funds being requested would be used to educate and market these services to the high-risk, uninsured population.

Commissioner Fuller said he was glad to see the provision of PrEP as the centerpiece of the County’s plan, that’s yet to be formed. He encouraged staff to continue the planning process.

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Commissioner Fuller said education and public outreach was very important in this effort. He said there was more that needed to be done, but that the provision of PrEP was a big and an important step in the right direction.

Commissioners Puckett and Cotham also spoke in support of the recommendation being brought forward.

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 8-0 with Commissioners Clarke, Cotham, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to authorize release of contingency funds in the amount of \$248,000 to implement the HIV prevention recommendations as outlined in the presentation by staff.

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

**COUNTY COMMISSIONERS REPORTS & REQUESTS - NONE**

**CLOSED SESSION**

**17-4420      LAND ACQUISITION**

Motion was made by Commissioner Fuller, seconded by Commissioner Leake and carried 8-0 with Commissioners Clarke, Cotham, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to adopt Resolution entitled: Resolution Declaring Intent To Exchange County Owned Tax Parcel 125-201-51 For Housing Authority Owned Tax Parcel 125-201-61.

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS  
RESOLUTION DECLARING INTENT TO EXCHANGE  
COUNTY OWNED TAX PARCEL 125-201-51  
FOR  
HOUSING AUTHORITY OWNED TAX PARCEL 125-201-61**

**WHEREAS**, the County owns Tax Parcel 125-201-51, known as Baxter Street Park, located on Baxter Street adjacent to a multi-family building owned and operated by the City of Charlotte Housing Authority ("Housing Authority"), and the Housing Authority owns Tax Parcel 125-201-61, a parcel on the opposite side of its multi-family building and adjacent to Pearl Street Park; and

**WHEREAS**, the Housing Authority desires to obtain the County's Tax Parcel 125-201-51 (hereinafter referred to as the "County Exchange Parcel") and the County desires to obtain the Housing Authority's Tax Parcel 125-201-61 (hereinafter referred to as "Housing Authority Exchange Parcel") to add to the County's adjacent Pearl Street Park; and

**WHEREAS**, this exchange of properties is part of the Pearl Street Park Improvement and Pearl Park

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Way Extension Project considered and approved by the Board of Commissioners on October 4, 2016 as Agenda Item 16-3545; and

**WHEREAS**, at that October 4, 2016 meeting, as part of Agenda Item 16-3545, the Board of Commissioners adopted Resolution D conceptually approving this land exchange and authorizing the filing of rezoning petitions for the County Exchange Parcel that would change the zoning of the County Exchange Parcel to allow that parcel to be used for Housing Authority purposes; and

**WHEREAS**, the County's Park and Recreation Department has reviewed the proposed exchange and determined that exchanging the parcels is appropriate for Park and Recreation purposes in that it allows a park property that is little used to be exchanged for land to expand and improve Pearl Street Park, a heavily used park; and

**WHEREAS**, the County and the Housing Authority staff members have exchanged appraisals of both parcels, and have agreed that the County Exchange Parcel has a value of \$6,065,242 and the Housing Authority Exchange Parcel has a value of \$4,095,732; and

**WHEREAS**, the Housing Authority has agreed to pay the County \$2,000,000 at the closing of the exchange to make up for the difference in values, and County staff has determined that in their opinion the County will receive full and fair consideration for the County Exchange Parcel to be conveyed to the Housing Authority when the additional \$2,000,000 is paid to the County as part of the closing; 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 a full and fair consideration for its property; and

**WHEREAS**, pursuant to G.S. 160A-271, the Board proposes to authorize the exchange of the County Exchange Parcel for the Housing Authority Exchange Parcel plus receipt of the amount of \$2,000,000, and to follow the statutory procedure to authorize the exchange; now, therefore, be it

**RESOLVED**, that the Mecklenburg County Board of Commissioners:

- (i) proposes to authorize the exchange of the County Exchange Parcel for the Housing Authority Exchange Parcel, plus receipt of the amount of \$2,000,000 under the terms noted above, at its next regular meeting;
- (ii) authorizes the County Manager to negotiate a contract for the exchange with the Housing Authority (which as of the date hereof owns the Housing Authority Exchange Parcel) and/or Horizon Development Properties, Inc, a North Carolina non-profit corporation, which is a subsidiary of and controlled by the Housing Authority, which may become the owner of the Housing Authority Exchange Parcel prior to the closing of the exchange contemplated hereunder), as the circumstances require; and
- (iii) directs the Clerk to the Board to publish the attached notice describing the properties to be exchanged, stating the estimated value of the properties and the

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other consideration to be paid to the County, and announcing the Board's intent to authorize the exchange on January 3, 2018, at the Board's next regular business meeting.

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

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Cotham, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to authorize the County Manager:

- to negotiate, and execute as applicable, an assignment and assumption agreement (the "Assignment") pursuant to which MPV shall assign all of its right, title and interest in the Contract to Mecklenburg County (the "County") to purchase the Property, which Assignment is expected to be executed on or about December 20, 2017; and
- to consummate the County's subsequent acquisition of the Property under the terms and conditions of the Contract and Assignment, which among others require:
  - (a) an earnest money deposit from County in the amount of \$50,000.00, which shall be due into escrow in conjunction with the parties' execution of the Assignment;
  - (b) a closing date of not later than January 16, 2018; and
  - (c) at closing, payment by County to MPV of:
    - (i) an assignment fee equal to \$64,125.00 (which represents 1.5% of the purchase price for the Property, which is \$4,275,000.00); and
    - (ii) reimbursement of MPV's due diligence expenses with respect to the Property in the amount of \$97,640.00; and
  - (d) at closing payment by County to ABI of the purchase price of \$4,275,000 (as adjusted by the terms of the Contract for pro-rations of taxes and any other required adjustments)

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

#### **CONSENT ITEMS**

**Motion was made by Commissioner Puckett, seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cotham, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve the following item(s):**

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**17-4393 INTERLOCAL AGREEMENT WITH THE TOWN OF HUNTERSVILLE (RESTORATION OF TORRENCE CREEK)**

Recognize, receive and appropriate to the Storm Water Facilities Capital Reserve Fund up to \$390,000 from the Town of Huntersville for its share of the restoration of Torrence Creek in Huntersville, NC.

**17-4394 STORM WATER PROGRAM – FY17 HAZARD MITIGATION FLOODPLAIN ACQUISITION**

1. Accept the Offer of Sale of Real Estate from Andrew Schenck, owner of property located at 3356 Commonwealth Avenue, Charlotte, NC (tax parcel 129-101-51), for \$58,000; and
2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

*Note: Since late 1999, Mecklenburg County has used local storm water fee revenue to acquire property that will 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.).*

**17-4395 GRANT APPLICATION – NC DEQ – LUESA AIR QUALITY**

Approve Mecklenburg County Air Quality's recommendation to:

- 1) Approve the submission of a grant application in the amount of \$164,000 from the North Carolina Department of Environmental Quality (NCDEQ) for the administration of the "Charlotte Air Awareness Program",
- 2) If awarded, recognize, receive and appropriate the grant funds; and
- 3) Authorize the carry-forward of all unspent funds until expended.

**17-4396 HEALTH DEPARTMENT FEE SCHEDULE AMENDMENT**

Approve a new fee for temporary convention permits for participating tattoo artists.

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*Note: There are plans to bring a Tattoo Convention to Mecklenburg County in October of 2018 that will attract tattoo artists from around the country. Each artist will need to be inspected individually to assure compliance for the services they will be providing within the County. The County expects 300 artists to participate and the fee will be \$100 per inspection for the temporary permit.*

**17-4397      TAX REFUNDS**

1. Approve refunds in the amount of \$5,881.04 for registered motor vehicles as statutorily required to be paid as requested by the County Assessor; and

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

2. Approve refunds in the amount of \$36,839.11 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 \$16,356.77.*

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

**17-4400      MINUTES**

Approve Minutes of Regular meeting held December 5, 2017.

**17-4401      RAINGAGING STATION INSTALLATION AND MAINTENANCE AGREEMENT – UNITED STATES GEOLOGICAL SURVEY (USGS)**

Authorize the County Manager to negotiate and execute all documents related to the United States Geological Survey's (USGS) request to install and maintain a raingage on tax parcel 055-311-01, a portion of Robert L. Smith Park in northwest Charlotte.

**17-4405      LEASE – MEDIC HEADQUARTERS**

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Authorize the County Manager to negotiate and execute all documents necessary for a lease agreement between the County and the Mecklenburg Emergency Medical Services Agency ("MEDIC").

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

**17-4381      LAKEWOOD CDC MEMORANDUM OF UNDERSTANDING – STEWART CREEK GREENWAY**

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

1. Authorize the County Manager to negotiate and execute a Memorandum of Understanding between the County and the Lakewood Community Development Corporation (the "CDC") that outlines the conditions under which the CDC will potentially contribute \$250,000 to the County for design and construction of future greenway trail along Stewart Creek in the Lakewood Community of the City of Charlotte; and
2. Adopt the Stewart Creek Greenway Extension Project Capital Ordinance.

Commissioners Leake and Ridenhour removed this item from consent for more public awareness.

**MECKLENBURG COUNTY, NORTH CAROLINA  
FY 2018 AUTHORIZATION  
PARK AND RECREATION  
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 19th DAY OF December 2017:

Section I. That for the purpose of providing funds, together with any other available funds for the following project:

Stewart Creek Greenway

Including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, \$4,990,248 is hereby appropriated.

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Section II. That it is estimated that the following revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from sale of bonds, Pay-As-You-Go/Other County Funds and \$250,000 contribution from Lakewood Community Development Corporation:

2017-2018 fiscal year	50,000
2018-2019 fiscal year	652,500
2019-2020 fiscal year	2,400,000
2020-2021 fiscal year	1,750,000
2021-2022 fiscal year	137,748

These will be the maximum amounts of cash available to pay project expenses per fiscal year unless the Director of Finance determines that an additional amount of cash can be made available during a fiscal year or years.

Section III. That the Director of Finance is authorized from time to time to transfer as a loan from the General Fund, Debt Service, PAYGO or unspent bond proceeds in the Capital Projects Funds, cash in an amount necessary to meet obligations until such time as permanent financing, if any, is arranged, at which time repayment, if required, will be made; and the Director of Finance is authorized to sign the Declaration of Official Intent to Reimburse Expenditures as required by Internal Revenue Service regulations.

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

**17-4388 GRANT APPLICATION FOR TEEN DATING VIOLENCE PREVENTION**

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

1. Approve submission of grant application for \$38,800 to the Jamie Kimball Foundation for Courage;
2. Recognize, receive and appropriate funds for the amount awarded for the grant period; and
3. Authorize one part-time Sr. Social Worker position (salary and benefits for 20 hours per week) in the Community Support Services Department, Prevention and Intervention Services Division.

*Note: There is an unmet need for teen dating violence prevention services in the Charlotte-Mecklenburg Schools, and the community. If funded, this grant, in combination with other resources already in place, will enable Mecklenburg County to provide training and prevention efforts to reach 8,000 youth in 40 schools.*

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

**17-4389 BUDGET AMENDMENT – HEALTH DEPARTMENT (REVENUE INCREASE/DECREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 7-0 with Commissioners Clarke, Cotham, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve a net decrease in revenue of \$53,074 reflecting actual Federal, State, and other funding changes.

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

**17-4398 SOUTHVIEW BALLFIELDS DEVELOPMENT, USE AND MAINTENANCE AGREEMENT – QUEENS UNIVERSITY**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 7-0 with Commissioners Clarke, Cotham, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to authorize the County Manager to negotiate and execute an agreement with Queens University for development, use and maintenance of baseball fields and amenities at Southview Park.

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

**17-4416 PROPOSED TRANSFER OF GENERAL PARTNER INTEREST IN THE UNIVERSITY SQUARE APARTMENTS**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 7-0 with Commissioners Clarke, Cotham, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve the proposed change in the General Partner of the Centrum-University Square Limited Partnership (the “Partnership”) from CP University Square LLC to AH SubGP 1371, a wholly-owned subsidiary of SAFG Retirement Services, Inc.

*Note: University Square Apartments provides affordable housing for seniors in Charlotte. Mecklenburg County issued \$4,700,000 in bonds for the project in November, 2004. The current General Partner seeks to cease operations, and the Partnership is seeking to allow CP University Square to withdraw, and admit a new General Partner-an affiliate of the limited partner, SAFG Retirement Services, Inc. There is no change in the security underlying the financing, and the limited partner will continue its oversight function. The apartment complex will continue to be managed by the same company, The Franklin Johnson Group. SAFG Retirement Services, Inc., on*

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*behalf of its wholly-owned subsidiary AH SubGP 1371 University Square, LLC, agrees to reimburse reasonable attorney's fees, and intends to execute all required legal agreements and security documents. In accordance with the Deed of Trust, the County has been requested to provide written consent to the transfer.*

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

*Note: Prior to adjournment, Commissioner Leake took a point of personal privilege to express her opposition to Sheriff Carmichael's raffling off guns for campaign purposes.*

## **ADJOURNMENT**

Motion was made by Commissioner Cotham, seconded by Commissioner Fuller and carried 7-0 with Commissioners Clarke, Cotham, 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 9:28 p.m.

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Janice S. Paige, Clerk

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Ella B. Scarborough, Chair