

**JANUARY 6, 2015**

**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, January 6, 2015.

**ATTENDANCE**

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

**Absent:** None

---

**-INFORMAL SESSION-**

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

**REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) 15-2247, 15-2256, and 15-2263 to be removed from consent and voted upon separately.

**STAFF BRIEFINGS - NONE**

*Note: Prior to going into Closed Session it was announced that there was no Business Location and Expansion or Consult with Attorney matter to be discussed in Closed Session.*

**(15-2249, 15-2272, 15-2280)      CLOSED SESSION – CONSULT WITH ATTORNEY, BUSINESS LOCATION AND EXPANSION AND PERSONNEL MATTER**

Motion was made by Commissioner Scarborough, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to go into Closed Session for the following purpose: Personnel Matter.

*The Board went into Closed Session at 5:17 p.m. and came back into Open Session at 5:37 p.m.*

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

**JANUARY 6, 2015**

**-FORMAL SESSION-**

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

**AWARDS/RECOGNITION - NONE**

**PUBLIC APPEARANCE**

**(15-2248) PUBLIC APPEARANCE**

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

Alan Winninger addressed an incident that occurred with him on October 4, 2014 at the Mecklenburg County jail. Mr. Winninger while incarcerated woke up with chest pains, which turned out to be a heart attack. Mr. Winninger said jail staff did not respond to his request for medical assistance in a timely manner. Mr. Winninger said the behavior of jail staff was not in keeping with the County's Code of Ethics.

Mr. Winninger said he left messages for the County Manager, but no one returned his calls. Mr. Winninger said he wanted the County Manager to initiate a formal investigation.

Mr. Winninger said he opened an investigation by the Mecklenburg County Sheriff's Office and it was determined that "wrong doing" had occurred and action was taken. He said everything was videotaped.

Mr. Winninger thanked Medic for the services it provided to him at that time. He said were it not for Medic, he would not "be here today."

Mr. Winninger said even though he was incarcerated, he still expected to receive better service and assistance from the Sheriff's Office staff. Mr. Winninger noted that the charges against him were dismissed.

Tom Drake addressed the forthcoming 2015 Multi-Jurisdiction Hazard Mitigation Plan. Mr. Drake asked the Board to direct staff to include in the Plan, prior to submitting it to the state for preapproval, geomagnetic storms. Mr. Drake addressed geomagnetic storms. He said it was "a natural hazard with potentially catastrophic consequences." Mr. Drake shared a handout on the subject of Severe Geomagnetic Storms and the Electric Grid.

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

**APPOINTMENTS**

**(15-2261) APPOINTMENTS**

**DOMESTIC VIOLENCE ADVISORY BOARD**

The vote was taken on the following nominees for appointment to the Domestic Violence Advisory Board:

**JANUARY 6, 2015**

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

*Voting Ceased*

Roslyn Stitt

Chairman Fuller announced the appointment of Sybil Richardson to the Domestic Violence Advisory Board to fill an unexpired term expiring April 30, 2015.

*She replaces Beverly Foster. Ms. Foster resigned.*

**WOMEN'S ADVISORY BOARD**

The vote was taken on the following nominees for appointment to the Women's Advisory Board:

Andrea Brown                      Commissioners Clarke, Cotham, Dunlap, Fuller, James, Ridenhour, and Scarborough  
Kimberly Caldwell                None  
Miyoshi Petty                      Commissioners Dunlap, Fuller, Leake, Puckett, and Scarborough

*Voting Ceased*

Jasmine Starks  
Elizabeth Wemlinger

Chairman Fuller announced the appointments of Andrea Brown to the Women's Advisory Board to fill an unexpired term expiring June 30, 2016 and Miyoshi Petty for an unexpired term expiring November 30, 2015.

*They replace Jaime Daniell and Marjorie White Molina, both of whom resigned.*

**PUBLIC HEARINGS**

**(15-2268)                      HOPEWAY FOUNDATION TEFRA HEARING**

Motion was made by Commissioner Scarborough, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour, and Scarborough voting yes, to open TEFRA public hearing and receive comments on proposed financing.

The Chairman held the public hearing described below and introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by its title:

RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED \$9,000,000 OF THE PUBLIC FINANCE AUTHORITY MENTAL HEALTH CARE FACILITIES REVENUE BONDS (HOPEWAY FOUNDATION) SERIES 2015

**WHEREAS**, at 6:40 P.M., the Chairman announced that the Board of Commissioners (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 (the "Authority"), a unit of government and a body corporate and politic of the State of Wisconsin, of not exceeding \$9,000,000 of its Mental Health Care Facilities Revenue Bonds (HopeWay Foundation), Series 2015 (the "Bonds");

**JANUARY 6, 2015**

**WHEREAS**, the Authority will loan the proceeds of the Bonds to HopeWay Foundation, a North Carolina nonprofit corporation (the "Borrower") and the Borrower will use the proceeds of the loan from the Authority for the purpose of financing the costs of acquiring, renovating, and improving existing school and other facilities, consisting of a main school building, a gymnasium and two single-family residential houses all on a 12.61 acre campus located at 1705, 1717 and 1835 Sharon Road West, Charlotte, North Carolina, for use by the Corporation as mental health facilities (the "Project");

**WHEREAS**, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Authority must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries the project is located (the "Project Jurisdiction");

**WHEREAS**, the Borrower has requested that the Board approve the financing of the Project and the issuance of the Bonds in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "Joint Exercise Agreement") and Section 66.0304(11)(a) of the Wisconsin Statutes;

**WHEREAS**, on December 19, 2014, a notice of public hearing was published in The Mecklenburg Times, setting forth a general, functional description of the type and use of the facilities to be financed, the maximum principal amount of the Bonds, the initial owner, operator or manager of the facilities and the location of the facilities, among other things;

**WHEREAS**, 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: Mr. William F. Blue Jr., Chairman of HopeWay Foundation, 6801 Fairview Road, Suite D, Charlotte, NC, 20210 appeared at the public hearing and answered questions from a member of the Board of County Commissioners about the location of the proposed facility, and about the mental health treatment options that would be offered at the new facility.

**WHEREAS**, 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 and the Chairman of the Board determined that no other persons who wished to speak at the public hearing were found; and

**WHEREAS**, the purpose of the above-described public hearing and this resolution is to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), in order to qualify the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code;

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

Section 1. For the purpose of qualifying the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code, the Board hereby approves the issuance of the Bonds by the Authority for the purpose of providing funds to finance the Project, provided that in no event shall Mecklenburg County, the State of North Carolina or any political subdivision thereof be liable for such Bonds nor shall the Bonds constitute a debt of Mecklenburg County, the State of North Carolina or any political subdivision thereof. It is the purpose and intent of the Board that this resolution constitute approval of the issuance of the Bonds by the applicable elected representative of the Project Jurisdiction, which is the governmental unit having jurisdiction over the area in which the Project is located, in accordance with Section 147(f) of the Code and

Section 66.0304(11(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.

Section 2. This resolution shall take effect immediately upon its passage.

Motion was made by Commissioner James, seconded by Commissioner Leake, to close the public hearing and adopt resolution entitled: RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED \$9,000,000 OF THE PUBLIC FINANCE AUTHORITY MENTAL HEALTH CARE FACILITIES REVENUE BONDS (HOPEWAY FOUNDATION) SERIES 2015 and 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, Jim Puckett, Matthew Ridenhour, and Ella B. Scarborough

NAYS: None

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

**ADVISORY COMMITTEE REPORTS - NONE**

**MANAGER'S REPORT**

County Manager Diorio addressed the topic of Ethics and Fraud Prevention. The following was noted:

**ETHICS**

- Mecklenburg County Internal Audit Department has two new initiatives developed in partnership with the County's Legal Counsel & Compliance Officer, Public Information, and Human Resources.
- The first new initiative is the County's Ethics Program.
- To promote the County's message of Ethics and Integrity, the County has developed a formal Ethics Program.
- The language in the Code of Ethics was updated to clarify the roles and expectations of ethical behavior for all employees as County Officials.
- A new on-line annual Ethics Training Module has been developed for all employees and will be rolled out in February.
- Upon the roll out of the training module, all employees will receive a bookmark as a reminder of key points in the County's Code of Ethics.
- The County will designate an Ethics Officer for employees to reach out to when faced with an ethical dilemma or as a resource for additional information as needed.

**FRAUD PREVENTION**

- The second initiative is the re-branding of the Report Line, which will be called the Fraud Hotline.
- Posters will be distributed throughout the County for employee awareness of the Fraud Hotline.
- The County will continue to use a third party vendor for the receipt of calls.
- The Fraud Hotline will continue to be available 24 hrs. a day, 7 days a week.
- The new Fraud Hotline will be rolled out this month, January, along with the annual Fraud Awareness Training.

**JANUARY 6, 2015**

Comments

Commissioner Clarke asked had employees been given the definition of fraud and what constitutes fraud. *Internal Audit Director Joanne Whitmore said the Fraud Awareness Training Module that was rolled out last year covered the definition and what constitutes fraud.*

Internal Audit Director Whitmore said if ethical concerns are communicated on the Fraud Hotline, those concerns would be shared with the Ethics Officer and addressed.

Commissioner Clarke asked was the intent of the Fraud Hotline to provide employees with a mechanism for reporting what they believed to be violations of the County's Ethics Policy or to report what they believed to be fraud. *Internal Audit Director Whitmore said the intent was to communicate to employees that the Fraud Hotline was to be used to report fraud concerns only.*

Commissioner James asked was there interconnection between the new Fraud Hotline and the Department of Social Services Fraud Unit. *Internal Audit Director Whitmore said the Department of Social Services Fraud Unit and their efforts would still exist. She commented on the differentiation.*

Commissioner Leake asked if the County had policies with respect to ethics and fraud. *The response was yes.*

Chairman Fuller asked was the Fraud Hotline being marketed in a way that employees understand that if they had any type of concern, that concern could be communicated via the Fraud Hotline. *Internal Audit Director Whitmore said the intent was to try and separate an ethical or general concern from a fraud concern. She noted, however, that regardless of the type of call received, it would be channeled to the appropriate area.*

Chairman Fuller said he wanted employees to feel comfortable with calling the Fraud Hotline regardless of what their concern was.

**DEPARTMENTAL DIRECTORS' MONTHLY REPORTS - NONE**

**STAFF REPORTS & REQUESTS**

**(15-2269)      IKEA PARTNERSHIP**

The Board received a report on Mecklenburg County's partnership with IKEA Charlotte. Youth and Family Services Director Charles Bradley addressed the partnership. He was joined at the podium by Zach Tate and Camilo Aviles from IKEA.

*Note: IKEA chose to partner with Youth and Family Services, a department of DSS, to improve the condition of the Family Visitation Center in the Bob Walton Plaza. Interior designers from IKEA Charlotte visited the center and provided updated designs for the waiting room and 7 additional visitation rooms. IKEA Charlotte then donated furniture, toys, toy boxes, books, and games for the renovated areas. IKEA Charlotte's contributions have enabled parents and their children to have visits in an age appropriate environment reflective of a home like setting. The ecologically friendly furniture and toys promote opportunities for children to interact and preserve relationships*

**JANUARY 6, 2015**

*with their parents and others who are important to them. The brightly colored walls, age-appropriate décor, and interactive and educational toys in the newly out fitted rooms also allow visits to occur in a non-intimidating environment. The parents/caregivers are more at ease during the visits and are able to contribute to the psychological wellbeing and developmental progress of their children.*

*The Youth and Family Services Division of the Mecklenburg County Department of Social Services serves approximately 700 families in Mecklenburg County and surrounding areas whose lives have been impacted by issues of child abuse and neglect as well as other complex factors such as mental health challenges, substance abuse, domestic violence, unemployment and other issues that impact successful family functioning. The Visitation Unit is charged with the coordination of court-ordered supervised visitation involving parents seeking reunification with their children who have been placed in legal custody of Mecklenburg County. The Family Visitation Center at Bob Walton Plaza is where the majority of the visits are held.*

**(15-2265) CHANGES TO PEARSON'S ADJUSTED VALUES PREVIOUSLY APPROVED BY THE BOCC**

County Assessor Ken Joyner gave an update on the status of the 2011 Revaluation Review. He also addressed changes to Pearson's Appraisal Service adjusted values previously approved by the Board on July 1, 2014.

***A copy of memos addressing these matters is on file with the Clerk to the Board.***

Comments

Commissioner James asked for clarity on how the process would work with respect to taxpayers repaying the County for refunds received in error or releases from unpaid 2014 taxes. *County Assessor Joyner addressed this.*

Commissioner Dunlap asked for clarity regarding penalties, which was addressed. It was noted that in this instance, penalties were not applicable, per Session Law 2013-362.

Commissioner Dunlap asked under what conditions would Board of Equalization and Review (BER) members have additional information from what Pearson's Appraisal Service had, that would cause the BER to change values that were approved by Pearson's.

County Assessor Joyner said he didn't have an answer to the question of where or how BER members might have or obtain additional information from what Pearson's Appraisal Service had.

Commissioner Dunlap asked who would have more knowledge about what the actual value would be for a property, the BER or Pearson's. *County Assessor Joyner said Pearson's.*

Commissioner Ridenhour asked if staff had any idea how many taxpayers that received discovery bills still lived in Mecklenburg County and the number of instances of a change in property owners. *County Assessor Joyner said he didn't know the answer at this time.*

Commissioner Cotham asked about the amount of money involved with respect to the refunds that were mailed incorrectly, per the information presented. *County Assessor Joyner said the total taxes either refunded or releases from unpaid 2014 taxes was \$67,469.38.*

**JANUARY 6, 2015**

Commissioner Clarke asked did the pattern hold correct for what Pearson's Appraisal Service had predicted with respect to their findings as it related to changes in values. *County Assessor Joyner said yes, per his conversation with Pearson's.*

County Assessor Joyner elaborated on findings and where the majority of changes occurred. He also addressed staff plans for moving forward in preparation of future revaluations.

Commissioner Clarke said perhaps a new software system was needed for a method of assessing properties that were in a heterogeneous neighborhood, as oppose to the methodology used before.

Chairman Fuller asked had there been instances where the BER's value assessment was different from Pearson's. *County Assessor Joyner said another staff member worked with the BER, but from the hearings that he sat in on, there were instances where there were errors and consistency issues that came up at the BER level.*

County Assessor Joyner said when you're working under this type of timeframe, there will be errors.

County Assessor Joyner said it's been his observation that the BER was especially concerned about consistency and equity within neighborhoods.

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

Chairman Fuller asked County Assessor Joyner if he was saying that Pearson's value was no more valuable than someone who sat on the BER. *County Assessor Joyner said he was only saying that based on the number of parcels involved, that there will be a certain percentage of those taxpayers who have a valid claim.*

Chairman Fuller asked if there was or should be a big difference between Pearson's value determination and the BER's. *County Assessor Joyner said in most cases no, but misclassifications could occur.*

Commissioner Ridenhour asked about the number of parcels the BER lowered and the number increased. *County Assessor Joyner said he would be able to provide an answer in a forthcoming closeout report.*

Motion was made by Commissioner Clarke, seconded by Commissioner Scarborough and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve the Mecklenburg County Board of Commissioners January 2015 Resolution Authorizing Adjustments (in values) in accordance with Session Law 2013-362.

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

***Commissioner James returned to the dais.***

**COUNTY COMMISSIONERS REPORTS & REQUESTS - NONE**

**JANUARY 6, 2015**

**CONSENT ITEMS**

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

**(15-2246) LAND DONATION -- CLEMS BRANCH GREENWAY**

Accept the donation of a portion of Tax Parcel 223-531-06 ( $\pm 1.5807$ ) on Clems Branch in South Charlotte from Johnston Road Apartments, LLC.

*Note: This property will be included in the greenway system.*

**(15-2250) MINUTES**

Approve Minutes of Regular meeting held December 16, 2014 and Closed Session held December 16, 2014.

**(15-2254) CONSTRUCTION CONTRACT -- WESLEY HEIGHTS GREENWAY**

Award a construction contract to Eaglewood Construction, Inc. in the amount of \$758,818.83, pending and upon receipt of written concurrence with award by NCDOT.

*Note: This contract is to construct the Cedar Street to Summit Avenue section of the Wesley Heights Greenway.*

**(15-2255) CONSTRUCTION CONTRACT -- UPPER MCALPINE CREEK GREENWAY**

Award a construction contract to OnSite Development, LLC in the amount of \$1,603,405.32.

*Note: This contract is for the construction of Upper McAlpine Creek Greenway between Sardis Road and Independence Avenue.*

**(15-2257) LAND ACQUISITION -- IRWIN CREEK GREENWAY**

Authorize the County Manager to negotiate and execute all documents necessary for the acquisition of Tax Parcel 145-179-23 ( $\pm 0.67$  acres) in the amount of \$15,000 for the future construction of Irwin Creek Greenway.

**(15-2258) APPOINTMENT OF REVIEW OFFICERS**

Amend Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office pursuant to N.C.G.S. 47-30.2 as follows:

**JANUARY 6, 2015**

- Mary Jo Gollnitz is hereby designated as a Review Officer in addition to those persons so designated in the Resolution of September 16, 1997, and other appointees as amended on prior occasions; thus the Resolution is accordingly amended to add her name.
- Jim King shall be deleted from the Resolution adopted April 3, 2012.

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

**(15-2259) DONATION FOR PARALYMPIC SPORTS CLUB -- METROLINA (PARK AND RECREATION)**

Accept and appropriate a donation of \$377 from Mark Oil Company for the Paralympic Sports Club-Metrolina, a program of Mecklenburg County Park and Recreation/Therapeutic Recreation Section to support ongoing Paralympic Sports Club programs.

**(15-2260) LAND DONATION AND CONVEYANCE -- LITTLE SUGAR CREEK GREENWAY**

Accept the donation of Tax Parcel 175-134-96 ( $\pm 0.04$  acres) and a portion of Tax Parcel 175-151-37 ( $\pm 0.44$  acres) from Park Selwyn, LLC for inclusion into Little Sugar Creek Greenway; and

Agree to reservations of temporary construction and permanent utility, storm water, access and slope easements on the above listed parcels for the benefit of the current owner, Park Selwyn, LLC to facilitate its multifamily development project; and

Accept the donation of a permanent greenway easement ( $\pm 4,602$  square feet/  $\pm 0.101$  acres) on Tax Parcel 175-134-01 for the future construction of a portion of Little Sugar Creek Greenway trail from Park Selwyn, LLC.

**(15-2262) LIGHTING AGREEMENT -- FIRST WARD PARK**

Authorize the County Manager to execute a 3-year NC Service Agreement with Duke Energy for pedestrian and area lighting for the new First Ward Park.

**(15-2266) TAX REFUNDS**

Approve refunds in the amount of \$37,318.42 and interest as statutorily required to be paid as requested by the County Assessor resulting from clerical errors, audits and other amendments, including revaluation appeals.

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

**(15-2270) HAZARD MITIGATION PROGRAM -- FY15 FLOODPLAIN ACQUISITIONS**

Accept the Offer of Sale of Real Estate from Viola House, owner of property at 1243 Spruce Street (Tax Parcel 199-042-01) for \$121,000; and

**JANUARY 6, 2015**

Accept donation from McRorie Rentals, LLC, owner of undeveloped floodplain property at 2250 Purser Drive (Tax Parcel 099-062-01); and

Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the Spruce Street structure for training exercises.

*Note: Acquisitions are being made as a part of the Hazard Mitigation Program. The goal of the Program is to minimize the risk of potential loss of life and property damage from flooding while enhancing the natural and beneficial functions of the floodplain (creating open space, expanding greenways, constructing wetlands, etc.).*

**(15-2271) REVALUATION REVIEW VALUE CHANGES AND REFUNDS**

Receive a report provided by Pearson's Appraisal Services summarizing the changes in value resulting from recent neighborhood reviews; and adopt Mecklenburg County Board of Commissioners January 2014 Resolution Changing Abstracts and Authorizing Refunds and Taxes in Accordance with Session Law 2013-362 approving the value changes and any resulting refunds, releases or discoveries.

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

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

**(15-2247) LAND DONATION -- STEELE CREEK**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to accept the donation of a portion of Tax Parcel 203-252-01 ( $\pm 10.1241$  acres) on Steele Creek in South Charlotte from CK Ridge Creek West Land, LLC.

*Note: The property to be acquired is located within the parcel's S.W.I.M. buffer and is along Steele Creek, an adopted greenway corridor.*

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

**(15-2256) SELECTION OF ARCHITECTS POLICY**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to adopt revisions to Policy of the Mecklenburg County Board of Commissioners for Selection of Architects.

Note: The revisions are as follows:

- *Change the estimated fee threshold requiring use of the qualifications-based selection process (currently \$30,000 per BOCC policy) to align with changes in State legislation. The ratified House Bill 857 from the*

**JANUARY 6, 2015**

- *2013 Session of the General Assembly changed the \$30,000 threshold to \$50,000.*  
*Allow an alternate general contractor to be appointed temporarily by the Director of Asset and Facility Management in the event the Board appointed representative cannot serve. This will allow staff to proceed with the selection process under unusual circumstances (health, schedule, etc.).*

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

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

**(15-2263) LEASE -- CMS CELL TOWER**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to decline to exercise the County's statutory right of first refusal which will allow the Charlotte-Mecklenburg Board of Education to enter into a lease with Berkley Group, LLC for placement of a cell tower on the James Martin Middle School at Governors Village campus.

*Note: North Carolina General Statute (NCGS) 115C-518(a) requires local school boards of education to give local boards of county commissioners the first opportunity to acquire any school owned real estate that is proposed for disposal. To comply with this statute, CMS must offer the above cell tower site to the County prior to entering into a lease agreement with Berkley Group, LLC.*

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

Commissioner Leake asked County Manager Diorio to find out about Charlotte-Mecklenburg Schools' leasing process. Commissioner Leake noted that in some instances Charlotte-Mecklenburg Schools was leasing the use of facilities for a very minimal amount and that the lease holder was then subleasing the facility out for a much greater amount. Commissioner Leake said none of those additional funds were being shared with CMS or the County. Commissioner Leake noted that school facilities were paid for by the County.

**ADJOURNMENT**

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, that there being no further business to come before the Board that the meeting be adjourned at 7:53 p.m.

---

Janice S. Paige, Clerk

---

Trevor M. Fuller, Chairman