

FEBRUARY 3, 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, February 3, 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-

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

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) 15-2299, 15-2300, 15-2313, 15-2316, and 15-2317 to be removed from Consent and voted upon separately.

STAFF BRIEFINGS - NONE

Prior to going into Closed Session it was noted that there was no Consult with Attorney matter to be discussed in Closed Session.

(15-2298, 15-2312, 15-2362) CLOSED SESSION – BUSINESS LOCATION AND EXPANSION, CONSULT WITH ATTORNEY, AND PERSONNEL MATTER

Motion was made by Commissioner Puckett, seconded by Commissioner Leake and carried 8-0- with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to go into Closed Session for the following purposes: Business Location and Expansion and Personnel Matter.

The Board went into Closed Session at 5:21 p.m. and came back into Open Session at 6:30 p.m.

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Commissioner Clarke 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.

-FORMAL SESSION-

Chairman Fuller called this portion of the meeting to order which was followed by introductions, invocation by Pastor Sheldon Shipman, Greenville Memorial AME Zion Church at the request of Commissioner Dunlap, followed by the Pledge of Allegiance to the Flag; after which, the matters below were addressed.

AWARDS/RECOGNITION

(15-2316) PROCLAMATION -- TEEN DATING VIOLENCE PREVENTION AND AWARENESS MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to move Item 15-2316 Proclamation - Teen Dating Violence Prevention (TDV) and Awareness Month from the Consent section of the agenda to Awards/Recognition.

Motion was made by Commissioner Puckett, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to adopt a joint proclamation declaring February 2015 as Teen Dating Violence Prevention (TDV) and Awareness Month in the City of Charlotte/Mecklenburg County.

Note: Melissa Siegle-Barrios with Community Support Services addressed upcoming events associated with Teen Dating Violence Prevention and Awareness Month. She was joined at the podium by several students and other members of Community Support Services staff.

The proclamation was read by Commissioner Leake.

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

(15-2310) PUBLIC APPEARANCE

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

Pastor Jordan Boyd - Rockwell AME Zion Church, Evie Landrau - Caldwell Presbyterian Church, Pastor Hamani Fisher - City Dive Outreach, and Bishop Wade Ferguson III – 15th Street Church of God, participants in the Health Department's Community/Faith-Based Outreach Initiative, "Village HeartBeat," addressed the importance of the initiative. They asked the Board to continue budgetary support of the initiative through the Health Department. They were joined at the podium by other ministers from the community, supporters of Village HeartBeat, as well.

Note: "Village HeartBeat is designed to prevent heart disease risk factors using a collaborative, team approach that

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engages faith-based and/or neighborhood organizations. Efforts target African American and Hispanic communities given the disproportionately higher burden of heart disease and associated behavioral and environmental risk factors in these populations.”

Note: Pastor Fisher suggested the County consider utilizing the Faith Community’s facilities when looking at satellite locations for providing needed services throughout the community.

Dondhi Burrell, Administrative Trustee of the Double Oaks Masonic Outreach Center, and on behalf of Zechariah Alexander, Sr. Masonic Lodge #833, Prince Hall Affiliate, addressed the Masonic Lodge’s lease agreement with Charlotte-Mecklenburg Schools (CMS), which includes the right to sublease space. The Outreach Center is located in the former Double Oaks School. Mr. Burrell said their rental rates for space was comparable to the rates of several Park and Recreation facilities. (Note: Mr. Burrell appeared in response to comments made regarding CMS’ lease of Double Oaks at the Board’s January 6, 2015 meeting during the discussion of the placement of a cell tower on the James Martin Middle School property and CMS’ leasing process.

Cherry Reeves noted her prior appearance before the Board and expressed continued concern for her homelessness state. She also expressed concern for her children, whom she said were taken from her by Youth and Family Services. Ms. Reeves requested a meeting with someone from staff to discuss her situation.

Commissioner Scarborough asked the County Manager to schedule a meeting on Ms. Reeves’ behalf with someone on staff. Commissioner Scarborough said would attend that meeting.

APPOINTMENTS

(15-2319) NOMINATIONS/APPOINTMENTS

BOARD OF EQUALIZATION AND REVIEW

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to reappoint Paul Bass, Cleve Daniels, Rufus Hutchinson and Joseph Willoughby to the Board of Equalization and Review for a three-year term expiring April 16, 2018, effective April 17, 2015.

Motion was made by Commissioner Clarke, seconded by Commissioner Scarborough and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to appoint Bruce Miller as Chair of the Board of Equalization and Review for the duration of his term, effective April 17, 2015.

Commissioner James nominated all applicants for appointment consideration to the Board of Equalization and Review: Lebyron Corbett, William Hawkins and Jack Morgan.

Note: An appointment will occur following an interview of the above nominees by an ad hoc committee of the Board appointed by the Chairman. Per Board policy, persons seeking appointment to the Board of Equalization and Review must undergo an interview process.

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(15-2323) TOWN OF DAVIDSON PLANNING BOARD

Motion was made by Commissioner Scarborough, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to reappoint Michael Higgs to the Town of Davidson Planning Board as an Extraterritorial Jurisdiction (ETJ) representative as recommended by the Town of Davidson Board of Commissioners for a term effective January 1, 2015 and expiring December 31, 2017.

PUBLIC HEARINGS - NONE

ADVISORY COMMITTEE REPORTS

(15-2294) PLANNING COMMISSION -- REZONING PETITION 2014-01(C) - PETITIONER SOUTHERN APARTMENT GROUP, BALLANTYNE, LLC

Commissioner Clarke asked to be excused from voting on Item 15-2294 Planning Commission - Rezoning Petition 2014-01(c)-Petitioner Southern Apartment Group, Ballantyne, LLC, to avoid a conflict of interest.

Note: Commissioner Clarke acknowledged at prior meetings when this matter was before the Board that the Petitioner was a client of his law firm, Moore & Van Allen.

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 excuse Commissioner Clarke from voting on Item 15-2294 Planning Commission – Rezoning Petition 2014-01(c)-Petitioner Southern Apartment Group, Ballantyne, LLC to avoid a conflict of interest.

Commissioner Clarke left the dais and was absent for the remainder of the meeting.

Motion was made by Commissioner Ridenhour, seconded by Commissioner Dunlap and carried 7-1 with Commissioners Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes and Commissioner James voting no, to approve Petition #2014-01 (c), a request for a change in zoning from R-8MF(CD)(multi-family residential, conditional) to NS (neighborhood services)as recommended by the Zoning Committee of the Planning Commission.

Note: The Zoning Committee of the Planning Commission voted 7-0 to recommend APPROVAL of this petition with the following modifications:

- 1. The parking ratio has been amended from 1.0 space for each 300 gross square feet of office use to 1.0 space for each 350 gross square feet of office use.*
- 2. Provided a color version of the conceptual site plan. See attached recommendation.*

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

MANAGER'S REPORT

County Manager Diorio noted the following under her Manager's Report:

- On February 10, 2015 everyone is asked to wear orange in recognition of Teen Dating Violence Prevention and Awareness Month.
- On February 6, 2015 everyone is asked to wear red in recognition of National Wear Red Day, a campaign sponsored by the American Heart Association to raise awareness about women and heart disease.
- Since smoking and the use of tobacco products increases the risk of heart disease and stroke, and in light of the Board's recent passage of regulations/ordinance to have tobacco free parks and smoke free government grounds, each Commissioner was given a red Tobacco-Free Mecklenburg T-shirt in recognition of National Wear Red Day and as a thank you to the Board for its leadership. It was asked that the T-shirt be worn on February 6, 2015. Dr. Marcus Plescia, Director, Mecklenburg County Health Department distributed the T-shirts.
- Recruitment Updates
 - The Board was given an update on recruitment efforts for the following positions within the County: Chief Information Officer (IT Director), Economic Development Director, and Assistant County Manager.
- On January 28, 2015, County Manager Diorio and the leadership at the Department of Social Services met with the Dr. Aldona Zofia Wos, Secretary of the North Carolina Department of Health and Human Services (DHHS).
 - The County was commended and received compliments for the Department of Social Services staff and its efforts for addressing challenges associated with the delivery of public assistance benefits and the protection of children.
 - Secretary Wos emphasized the importance of the partnership between the County and the State in continuing to tackle Medicaid recertification efforts, as well as, the continued implementation of NCFAST.
 - The County's initiative to develop a community base service delivery model for human services was shared with Secretary Wos. Secretary Wos expressed support of the initiative.

(15-2328) CARDINAL INNOVATIONS COMMUNITY OVERSIGHT BOARD

Motion was made by Commissioner Scarborough, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to appoint Community Support Services Director Stacy M. Lowry to serve as the Board's designee on the Cardinal Innovations Community Oversight Board.

DEPARTMENTAL DIRECTORS' MONTHLY REPORTS - NONE

STAFF REPORTS & REQUESTS

(15-2309) BUDGET AMENDMENT -- DEPARTMENT OF SOCIAL SERVICES (REVENUE INCREASE)

Motion was made by Commissioner Puckett, seconded by Commissioner Scarborough and carried 8-0 with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to recognize, receive and appropriate additional child care subsidy and administration revenue of \$2,937,063 from the North Carolina Division of Child Development and Early Education (DCDEE). The federal revenue increased by \$2,590,180 and state revenue \$346,883.

Note: The additional funds are estimated to serve 800 children on the child care subsidy waiting list through May 30, 2015.

Rodney Adams, Deputy Director of the Department of Social Services presented this matter to the Board.

Comments prior to the above vote:

Commissioner Leake commented on the high cost of childcare. She thanked DSS staff for its work in this area.

Commissioner Cotham asked whether the amount of funds received, the expected amount. *Deputy Director Adams addressed the state's allocation process.*

Commissioner Leake asked about the number of children being served. *Deputy Director Adams said about 6,900 children were currently being served and that 4,044 were on the waiting list.*

Commissioner Leake asked about funding needed to provide services to those on the waiting list, which was addressed.

Commissioner James said it was important to understand that the County's ability to provide this service was impacted the amount of state and federal funds received.

Commissioner Cotham asked about the local impact of cuts made by the state last year in the area of childcare. *Deputy Director Adams said he would get the answer to Commissioner Cotham's question.*

Commissioner Scarborough suggested staff seek assistance from the private sector in the form of partnerships, to help fill the gap and provide assistance to families in need of this service.

COUNTY COMMISSIONERS REPORTS & REQUESTS - NONE

CONSENT ITEMS

Motion was made by Commissioner Scarborough, seconded by Commissioner James and carried 8-0 with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve the following item(s):

(15-2273) 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 February 2015 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.

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

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

(15-2302) GRANT APPLICATION -- NC CLEAN WATER MANAGEMENT TRUST FUND

Authorize the County Manager to submit a stream restoration grant application to the North Carolina Clean Water Management Trust Fund (CWMTF) for Little Sugar Creek Environmental Restoration Initiative Phase 11 up to an amount of \$400,000; and Authorize the Chairman to execute the Authorization to File Application and Enter Into a Grant Contract with CWMTF; and Upon award of grant, recognize and appropriate amount awarded for the grant period.

(15-2305) HAZARD MITIGATION PROGRAM -- FY15 FLOODPLAIN ACQUISITIONS

1. Accept the Offer of Sale of Real Estate from Frances Black, owner of property at 5112 Dolphin Lane (Tax Parcel 099-082-20) for \$95,000.
2. Accept the Offer of Sale of Real Estate from Felecia Gardner and Navoid Russell, owner of property at 4034 Crestridge Drive (Tax Parcel 145-212-13) for \$80,000.
3. Accept the Offer of Sale of Real Estate from David and Carrie Jones, owners of property at 4100 Crestridge Drive (Tax Parcel 145-212-12) for \$80,000.
4. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

Note: The acquisitions are a part of the County's Hazard Mitigation Program. The goal of the Program is to minimize the risk of potential loss of life and property damage from flooding while enhancing the natural and beneficial functions of the floodplain (creating open space, expanding greenways, constructing wetlands, etc.). This action will consist of acquiring and demolishing the existing structures.

(15-2306) LAND DONATION -- COFFEE CREEK GREENWAY

Accept the donation of Tax Parcels 201-375-68 (±1.483 acres) for the future construction of a portion of Coffee Creek Greenway trail from YFP Development LLC.

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(15-2311) MINUTES

Approve Minutes of Regular meeting held January 21, 2015 and Closed Session held January 21, 2015, November 5 and October 21, 2014

(15-2314) LAND DONATION -- TAGGART CREEK

Accept donation of Tax Parcel 115-075-01 (+/- 6.1 acres) on Taggart Creek in west Charlotte from the City of Charlotte to add to the County's greenway system.

(15-2315) ENGINEER SELECTION FOR 2015-2016 FISCAL YEAR MECKLENBURG COUNTY STREAM RESTORATION PROJECTS

Authorize the County Manager to negotiate fees and execute contracts with firms to complete the design of the 2015-2016 Fiscal Year Storm Water Stream Restoration Projects.

Note: Assignment of projects and award of projects to selected consultants shall be contingent on availability of funds and/or the award of grants. The stream restoration projects are:

*Lower Little Sugar Creek - Tyvola Road to South Carolina State Line
Stewart Creek - I-85 to Tuckaseegee Road
Torrence Creek - Statesville Road to Reese Boulevard
West Branch Rocky River - Grey Road to Fisher Farm
Stevens Creek - Thompson Road to I-485*

The pool of firms:

*Kimley-Horn and Associates, Inc.
Wildlands Engineering, Inc.
HDR Engineering of the Carolinas, Inc.
Stantec Consulting Services, Inc.*

The selection of a firm for a specific project will be based on the type of project and the firm's expertise/experience.

(15-2318) GRANT APPLICATION -- NC DIVISION OF ENVIRONMENTAL ASSISTANCE AND CUSTOMER SERVICE (NCDEACS)

Approve submission of a grant application to NC Division of Environmental Assistance and Customer Service (NCDEACS) in the amount of \$31,000 for the direct purchase of two (2) compacting roll-off systems that will be used to collect commingled residential recyclable materials; and If awarded, recognize, receive and appropriate the amount of the grant award and authorize the County Manager to execute the grant award contract with NCDEACS.

(15-2320) TAX REFUNDS

Approve refunds in the amount of \$6,734.20 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.

(15-2327) RESOLUTION -- MECKLENBURG LIVABLE COMMUNITIES PLAN PROCESS

Approve Resolution of Mecklenburg County Board of Commissioners for Endorsement of Mecklenburg Livable Communities Plan Process based on action taken by the Board at its January 21, 2015 Regular meeting.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(15-2299) CMS -- LEASE RENEWAL FOR LIFESPAN, INC.

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners 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 LifeSpan, Inc. for the former Lakeview School at 3127 Kalyne Street in Charlotte.

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, Charlotte-Mecklenburg Schools (CMS) must offer the above school district owned property to the County prior to entering into a lease renewal agreement with LifeSpan, Inc. The County's Asset and Facility Management Department has determined that the County does not need to acquire the subject property for any County-related operations and recommends declining the County's right of first refusal.

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

(15-2300) BUDGET AMENDMENT -- DEPARTMENT OF SOCIAL SERVICES (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough and carried 8-0 with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to recognize, receive and appropriate \$65,000 from the Casey Family Programs for the grant period.

Note: The funds will be used to contract with a family partner agency to expand community support services and resources and provide follow-up home visits for welfare families for the period of 1/1/15 through 12/31/15. No County match is required.

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

(15-2313) BUDGET AMENDMENT -- DEPARTMENT OF SOCIAL SERVICES (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough and carried 8-0 with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to recognize, receive and appropriate additional federal revenue in the amount of \$203,395 from the Centralina Council of Government (CCOG) to reflect actual federal revenue allocations.

Note: The Centralina Council of Governments (CCOG) and Mecklenburg County Department of Social Services entered into a contractual agreement to provide services for the elderly and disabled citizens of Mecklenburg County. These additional funds will be used in the Senior Nutrition program to cover the cost of meals provided to senior citizens and transportation.

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

(15-2317) COMPOST CENTRAL NEW SITE CONSTRUCTION -- GRADING

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to authorize the County Manager to negotiate and execute a contract with BMCO Construction, Inc. for the Compost Central New Site Construction project in the amount of \$1,438,386.

Commissioner Leake removed this item from Consent for more public awareness. Joe Hack, Project Manager with LUESA, addressed the item.

ADJOURNMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 8-0 with Commissioners 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 8:03 p.m.

Janice S. Paige, Clerk

Trevor M. Fuller, Chairman