



TOWN OF CORNELIUS

Cornelius Town Hall

BOARD OF COMMISSIONERS

September 17, 2018

Agenda

PRE-MEETING - 5:45 PM

- **Parking of Oversized Vehicles on Street and on Private Property**
 - **Airport Advisory Committee Update**
-

TOWN BOARD - 7:00 PM

1. **CALL TO ORDER**
2. **DETERMINATION OF QUORUM**
3. **APPROVAL OF AGENDA**
4. **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
5. **MAYORAL PROCLAMATIONS**
 - A. **Constitution Week 2018**
6. **MAYOR/COMMISSIONERS/MANAGER REPORTS**
7. **CITIZEN CONCERNS/COMMENTS**
8. **PUBLIC HEARING AND CONSIDERATION OF APPROVAL**
 - A. **Yokohama - Business Investment Grant**
9. **PUBLIC HEARING**
 - A. **REZ 03-18 Cambridge Square**
10. **CONSIDERATION OF APPROVAL**
 - A. **Park Bonds Capital Project Ordinance**
 - B. **Cornelius Educational Options Study Commission**
 - C. **Charlotte-Mecklenburg Schools Municipal Education Advisory Committee Appointment**
11. **CONSENT AGENDA**
 - A. **Approve Minutes - Closed Session**
 - B. **Approve Minutes - Regular Meeting**
 - C. **Tax Refunds**
12. **COMMISSIONER CONCERNS**
13. **ADJOURNMENT**

Please note that to speak during **CITIZENS CONCERNS/COMMENTS** or **PUBLIC COMMENT**, please use the signup sheet provided before the Board meeting and list your name, address and topic. Each speaker will be allowed 3 minutes to speak. A "hard stop" will occur after 3 minutes for each speaker. Any information displayed must be submitted to the Town Clerk within 48 hours

prior meeting.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: September 17, 2018

To: Mayor and Board of Commissioners

From: Wayne Herron, AICP

Deputy Manager/Director of Planning

Action Requested:

LDCAB and Planning Board have received citizen comments and complaints regarding oversized vehicles parking on street and in private parking areas.

Two separate amendment will be presented for discussion and input to potentially address citizens concerns.

Manager's Recommendation:

Discuss and provide feedback.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: September 17, 2018

To: Mayor and Board of Commissioners

From: Andrew Grant, Town Manager


Action Requested:

Sayle Brown will give a presentation update on the Charlotte-Douglas Airport Advisory Committee.

Manager's Recommendation:

Hear presentation.

ATTACHMENTS:

Name:	Description:	Type:
 Charlotte_Douglas_Airport_Community_Roundtable_Final_-_pdf.pdf	Airport Advisory Committee	Presentation

Charlotte Douglas Airport Community Roundtable Update

September 2018

Background

- By number of landings/takeoffs, CLT is 6th busiest Airport in the world
- The Charlotte Airspace underwent a large airspace redesign in 2015, commonly known as Metroplex (detailed in slide 5)
- As a result, certain areas near the Airport are affected by aircraft overhead more than in past years
- On same token, some areas near the Airport have fewer aircraft overhead as a result

Background (cont.)

- Jet Engine technology has allowed aircraft to become quieter overtime
- Today, Stage IV engines are the quietest, with Stage V on the horizon
- The majority of aircraft utilizing CLT are equipped with Stage IV engines

Background (cont.)

- Due to large number of noise complaints received by the Airport, the FAA asked the City of Charlotte to create Airport Community Roundtable
 - 23 members from the region
 - Monthly meetings held since June 2017
 - Goal to “...find, where possible, practical solutions and recommendations for the FAA to consider when determining aircraft operating procedures at CLT.”

Metroplex

- Part of the FAA NextGen Project
- Designed to:
 - standardize outdated equipment
 - increase safety in airspace
 - Increase efficiency
 - Reduce carbon emissions

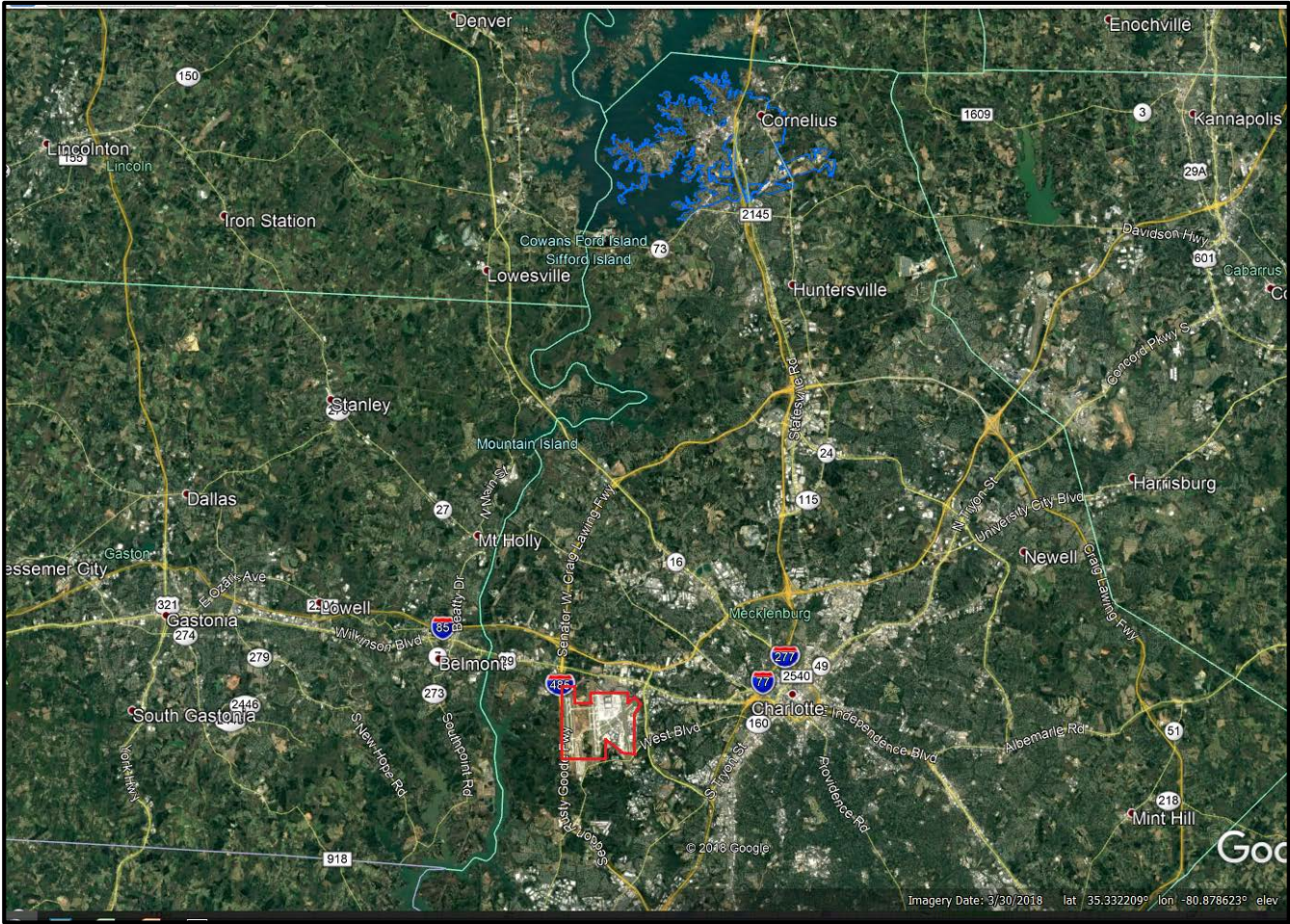
Metroplex (cont.)

- As a direct result of Metroplex:
 - 4.2 Million Gallons of fuel saved annually
 - Reduction of 36 thousand tons of carbon emissions
 - 12.1 million dollars in fuel savings

Traffic Patterns

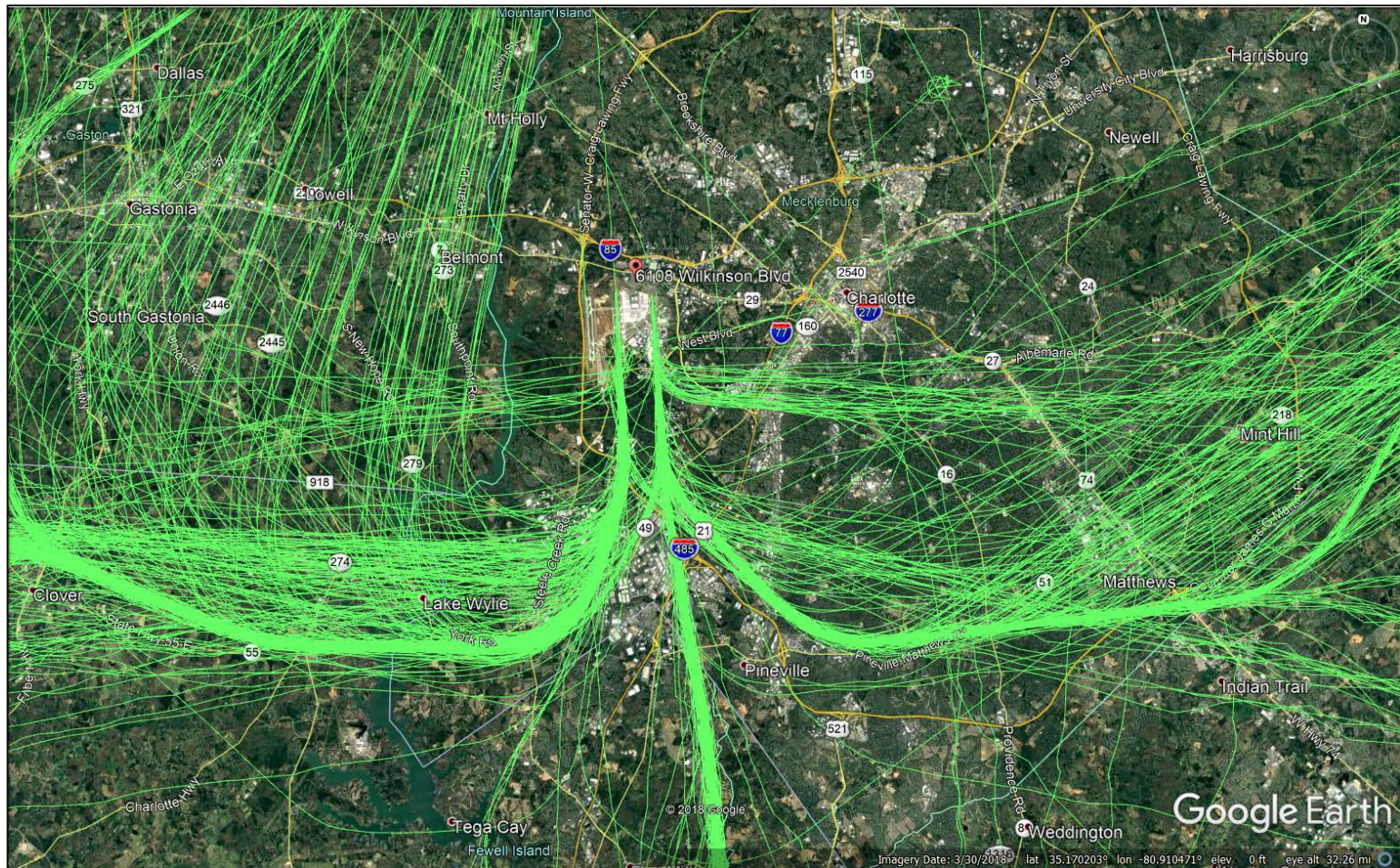
- The Airport operates in two distinct directions, a north and south flow
- Over the course of a year, typically the Airport sees a 50/50 split between north and south flow operations

Cornelius Relative Distance to CLT



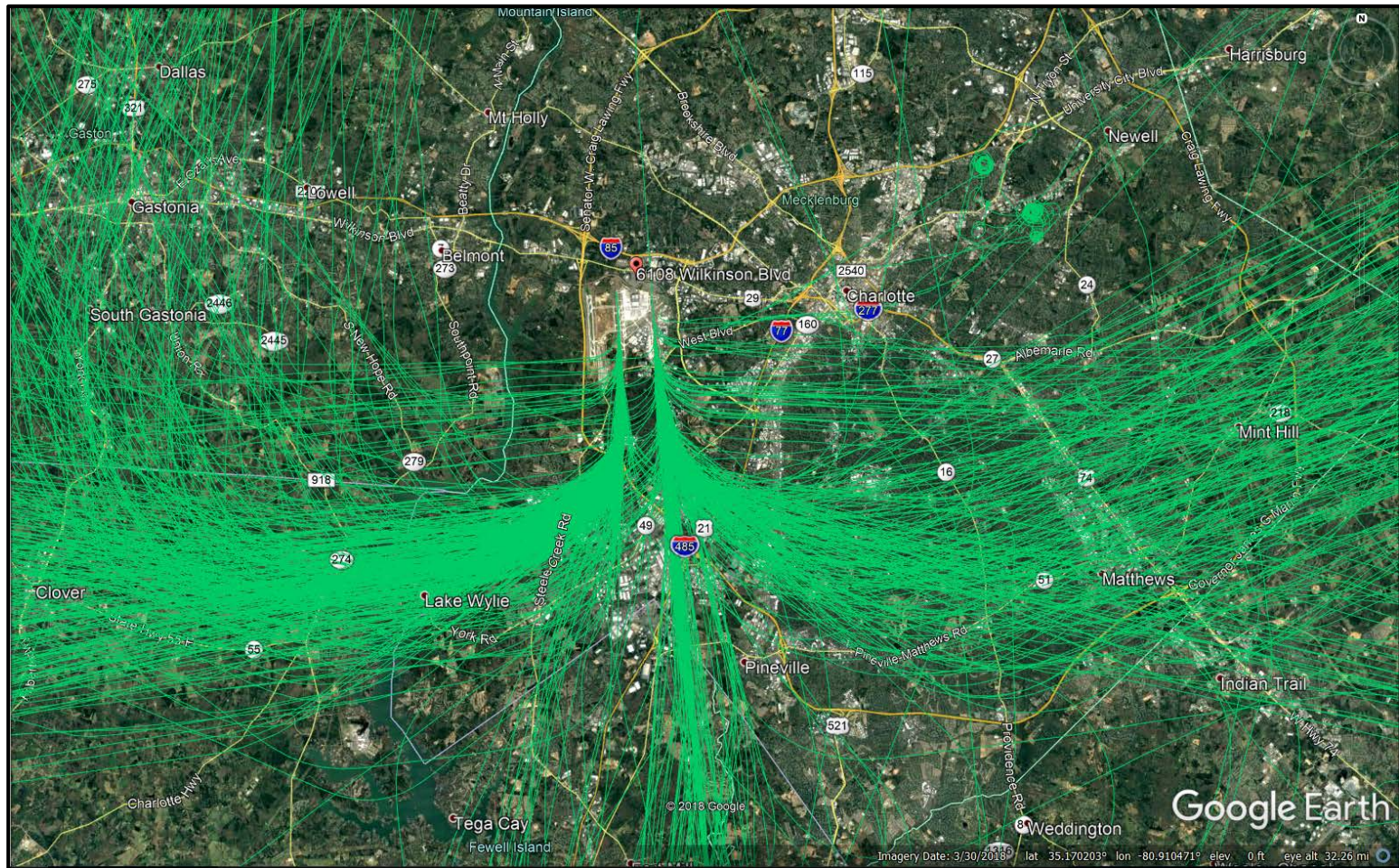
Approximately 17 miles north of CLT

South Charlotte – Pre-Metroplex



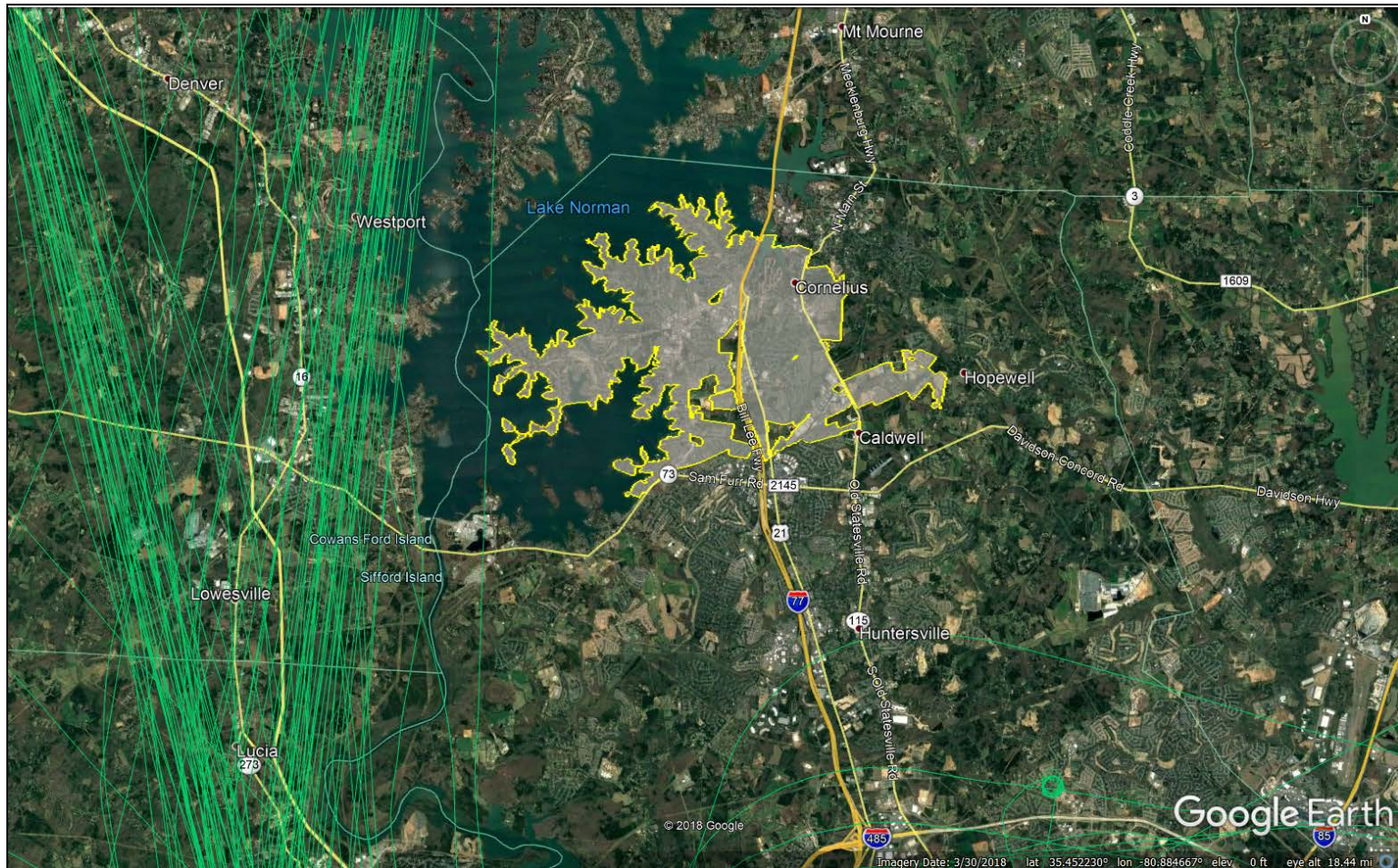
A single day of Departures from CLT

South Charlotte – Post-Metroplex



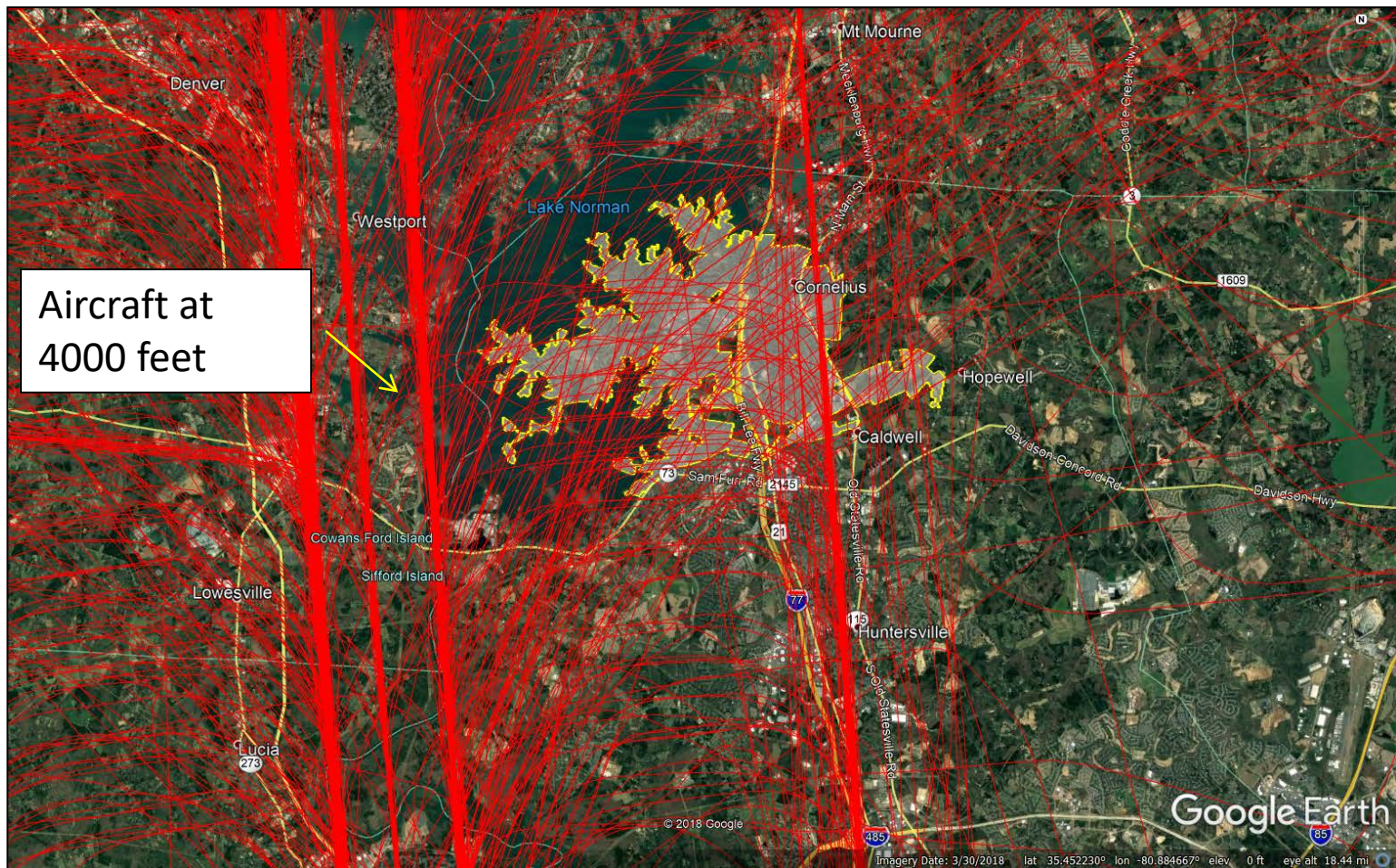
A single day of Departures from CLT

North Flow Departures – Aircraft avoid Cornelius



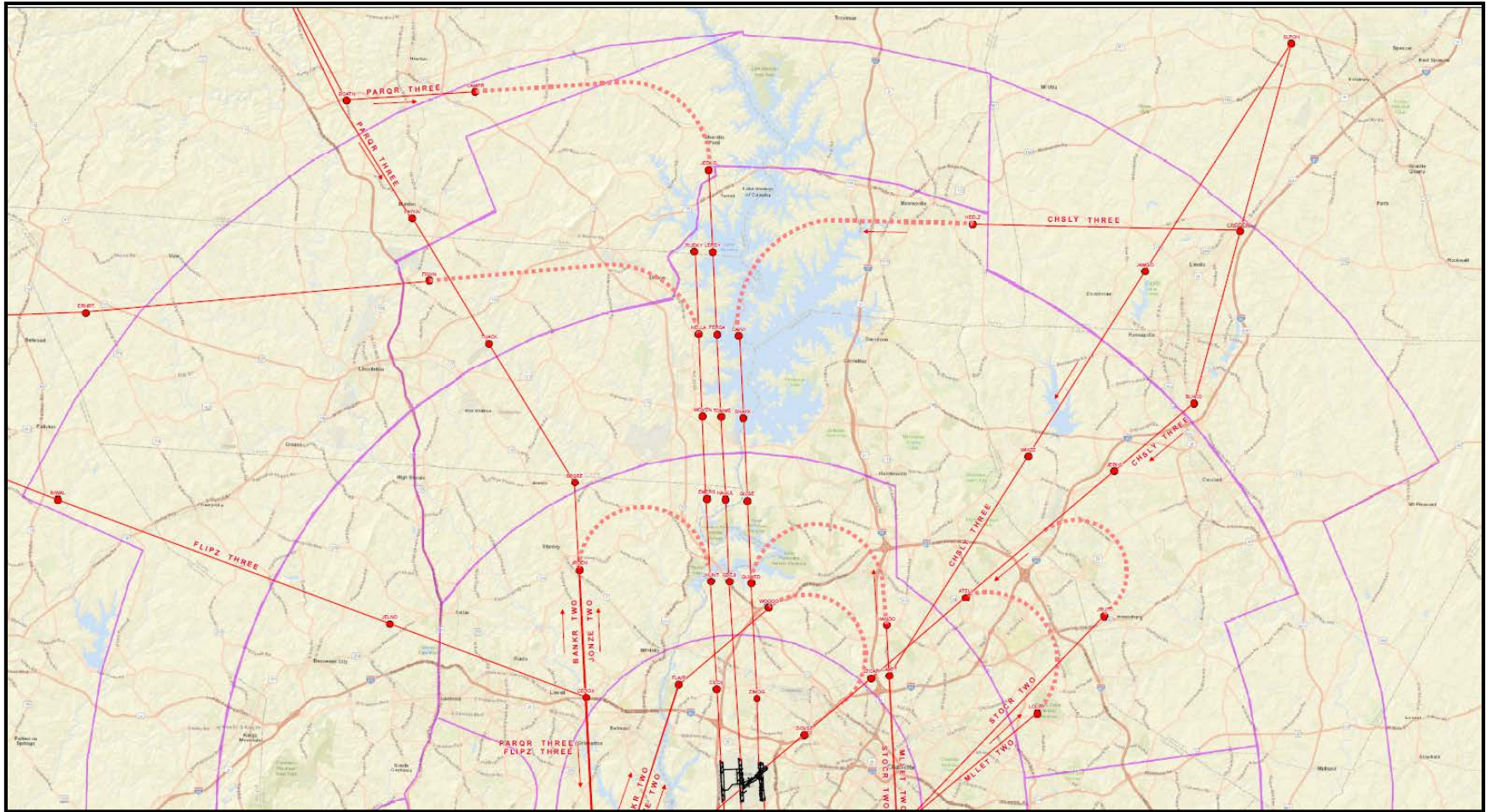
A single day of Departures from CLT

South Flow Arrivals – Aircraft overfly Cornelius on landing



A single day of Arrivals to CLT

Arrival Fix Map



Runway 5/23



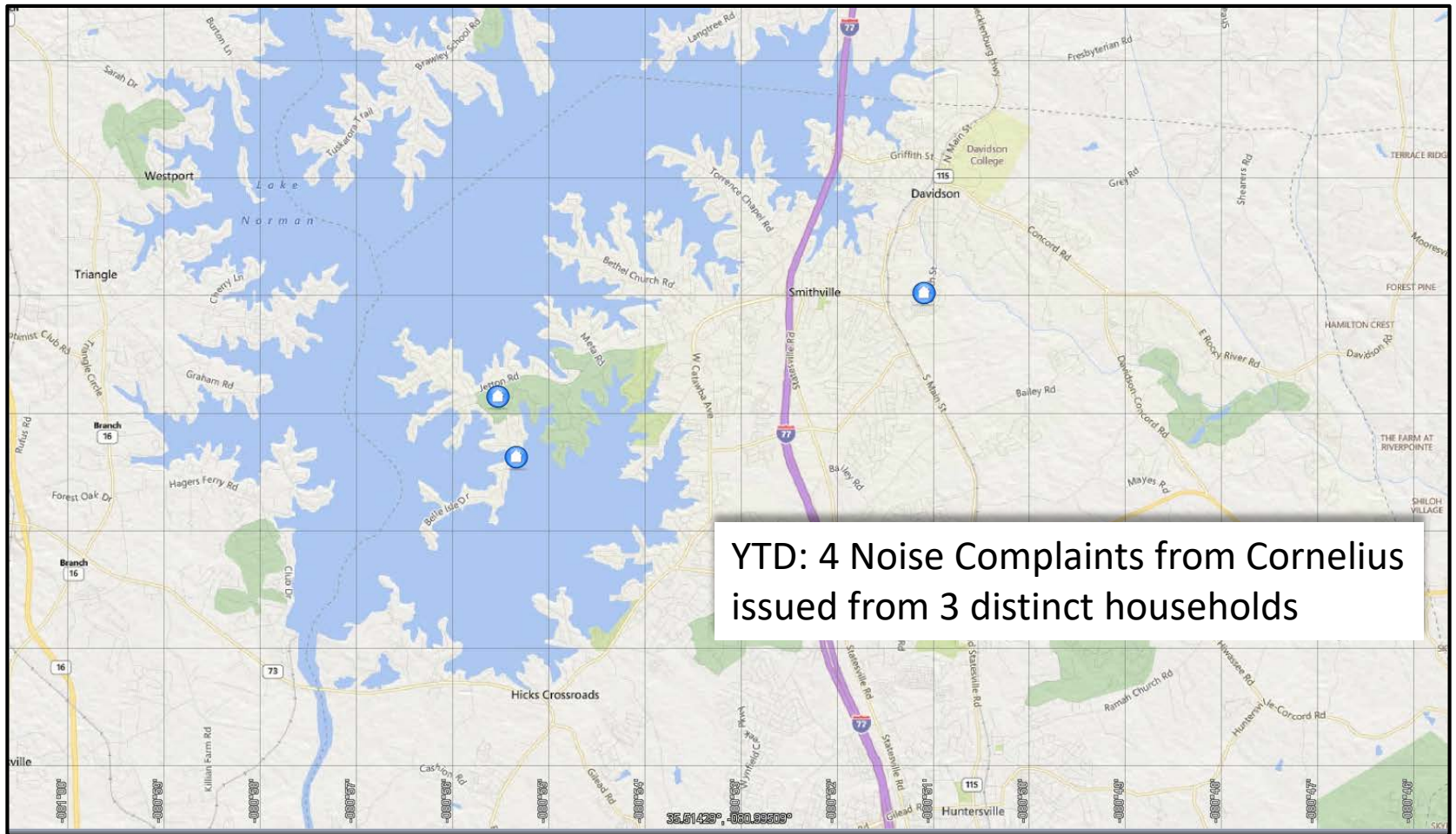
Runway 5/23 Closure

- RWY 5/23 is typically used for arriving aircraft and nighttime noise abatement
- Beginning in April, RWY 5/23 shut down until the fall for long-term construction
 - This leads to more arriving traffic over areas north of the Airport, including Cornelius
 - Within the next few years this runway will be shut down permanently and decommissioned.
 - New parallel runway expected to be completed in 2024 (estimated)

Complaint Data

- The Airport receives a large number of complaints related to airport noise on a daily basis
- For the year of 2017, the Airport received over 139,000 complaints
 - A total of 679 distinct addresses
 - The majority of these complaints come from a small number of residents, with the top 25 callers generating 96% of complaints

Cornelius Complaint Data



Motions Passed

- As of August 2018, the ACR has asked the FAA to examine the possibility of these items:
 - Examine whether arriving flight altitudes can be raised on several periods of approach path (may benefit Cornelius area)
 - Examine whether departing flights can be turned to avoid the Charlotte South Park area
 - Examine whether slowing aircraft speed on departure for a reduced noise footprint is possible
 - Examine possibility of multiple departure procedures

As of now these recommendations have only been to examine whether these options are possible.

Process for Change

- ACR develops modification for air space
- Potential change is examined by FAA, CLT, and Airspace consultants (HMMH)
- If approved, change goes to FAA federal offices for formal review
- The change is placed in a queue. FAA has limited resources, and queue can take 18 months
- New flight procedure is tested
- Flight procedure is published and formally implemented

Future

- Making adjustments to the Airspace is a slow process
- Any recommendations that come from the ACR will generally take a minimum of 18 months to be implemented
- The Airport has recently brought on consultant HMMH, experts in the field of Noise Abatement and Airspace

Submit a Complaint

- Complaints can be submitted in two ways:
- 704-359-HEAR (4327)
- www.planenoise.com/clairportnoise
- More information about the ACR at

<http://www.clairport.com/AboutCLT/Pages/Noise.aspx>

Residents can register to address the ACR using the form at the bottom of that page

Questions?

- I'd be happy to answer any questions...

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: September 17, 2018

To: Mayor and Board of Commissioners

From: Andrew Grant, Town Manager

Action Requested:

Recognize the 231st anniversary of the framing of the Constitution of the United States of America.

Manager's Recommendation:

Proclaim the week of Sept. 17th thru 23rd as Constitution Week.

ATTACHMENTS:

Name:	Description:	Type:
 Constitution_Week_2018.doc	Constitution Week	Backup Material

Mayoral Proclamation Constitution Week 2018

WHEREAS, September 17, 2018 marks the 231st anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, the U.S. Constitution defined two axioms for our nation: the first basic human equality and the second for the right to life, liberty and the pursuit of happiness; and

WHEREAS, the U.S. Constitution declared that governing would be upheld by three branches: the executive, the legislative, and the judicial branch; and

WHEREAS, through all of its changes, the Constitution's foundation has endured and adapted; and

WHEREAS, Constitution Week is an opportunity to acknowledge the work of our Founding Fathers and to honor the U.S. Constitution.

NOW, THEREFORE, I, Woody Washam, Jr., Mayor of the Town of Cornelius do hereby recognize September 17-23, 2018 as **CONSTITUTION WEEK** in the Town of Cornelius, and call this observance to the attention of all our citizens.

Woody Washam, Jr.
Mayor

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Town of Cornelius on this 17th day of September, 2018.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: September 17, 2018

To: Mayor and Board of Commissioners

From: Wayne Herron, AICP

Deputy Manager/Director of Planning

Action Requested:

Conduct a public hearing to receive comments on proposed economic development incentives to The Yokohama Corporation of North America relating to the establishment of a new manufacturing facility in Cornelius. The project will consist of job creation equivalent to 45 or more new full-time jobs with an average wage rate of \$80,000 for all employees located at the Business Investment Program site, by December 31, 2021. The Business Investment Program grant will be for a period of five years and be equal to 90 percent of new ad valorem tax revenue created by the development.



The total 5 year estimated taxes for the project will be \$65,941.82. The estimated 90% grant will be \$59,347.64. The estimated net revenue will be \$6,594.18.

Mecklenburg County will be conducting a public hearing to consider an economic development incentive for the Yokohama project on October 2nd. The Mecklenburg County grant will also be for 5 years at 90%.

Manager's Recommendation:

Conduct public hearing and consider the approval of a Business Investment Program Grant for the Yokohama Corporation of North America.

ATTACHMENTS:

Name:	Description:	Type:
 Town_Grants-90_Percent-2018_5_years.pdf	BIP Grant Chart @ 90%	Backup Material
 BUSINESS_INVESTMENT_PROGRAM_GRANT_AGREEMENT.3.5.18.pdf	Investment Grant	Backup Material



Cornelius Economic Development Grant Analysis-Project Blue

	Year 1	Year 2	Year 3	Year 4	Year 5
Real Property	\$ 3,750,000.00	\$ 3,750,000.00	\$ 3,750,000.00	\$ 3,750,000.00	\$ 3,750,000.00
Personal Property	\$ 2,100,000.00	\$ 1,869,000.00	\$ 1,476,510.00	\$ 1,033,557.00	\$ 630,469.77
Total Assessed Value	\$ 5,850,000.00	\$ 5,619,000.00	\$ 5,226,510.00	\$ 4,783,557.00	\$ 4,380,469.77
Town taxes at .255	\$ 14,917.50	\$ 14,328.45	\$ 13,327.60	\$ 12,198.07	\$ 11,170.20
Grant @ 90 %	\$ 13,425.75	\$ 12,895.61	\$ 11,994.84	\$ 10,978.26	\$ 10,053.18
Net Taxes to Town	\$ 1,491.75	\$ 1,432.85	\$ 1,332.76	\$ 1,219.81	\$ 1,117.02
				5 year taxes	\$ 65,941.82
				5 year grant	\$ 59,347.64
				5 yr. net revenue	\$ 6,594.18

Note: This document is for calculation purposes only. The numbers computed here are estimated based on general assumptions provided by the client, the Mecklenburg County Tax office and the North Carolina Dept of Revenue. Actual grants may vary. All Grants Subject to Town Board Approval

BUSINESS INVESTMENT PROGRAM GRANT AGREEMENT

THIS AGREEMENT (the “**Agreement**”) is made and entered into this as of the _____ day of _____, 2018 among the **TOWN OF CORNELIUS** (the “**Town**”), a municipal corporation of the State of North Carolina (also referred to as the “**Grantor**”), and **THE YOKOHAMA CORPORATION OF NORTH AMERICA**, a corporation organized and existing under the law of the State of California (the “**Grantee**”).

WITNESSETH:

WHEREAS, Grantor has agreed to provide economic incentives to encourage the development of certain types of investments within the Town and its planning jurisdiction; and

WHEREAS, Yokohama Corporation of North America will be title holder of the land and owner of the facility (the “**Facility**”) to be constructed, expanded, remodeled and upfitted in Cornelius, NC. Grantee will eventually move business operations and employees into said Facility and occupy same once it has completed construction in or around the fall of 2018. Collectively, the Grantee will meet all of its capital investment obligations and employment requirements as further outlined under this Agreement; and

WHEREAS, Grantee has proposed to construct, expand, remodel and upfit the Facility as generally described in information submitted by Grantee, which is attached hereto and incorporated herein by reference as Exhibit A (the “**BIP Application**”); and

WHEREAS, Grantee has determined that the real property located in the Town at address 10402 Bailey Road, Building 514, parcel identification numbers 005-222-08 more particularly described in Exhibit B, which is attached hereto and incorporated herein by reference (the **Property**”), is a suitable location for the Facility; and

WHEREAS, in order to encourage Grantee to develop the Property, and to assist Grantee in such activity, Grantor, through actions taken by its governing body, the Cornelius Board of Commissioners, have approved the investment grants set forth below; and

WHEREAS, after careful consideration and evaluation of this approval, Grantee has substantially based its decision to construct its Facility on the Property as a

result of the investment grants approved by Grantor as specified in this Agreement.

NOW, THEREFORE, subject to the terms, conditions and limitations set forth herein and recognizing the public benefit from the development of the Facility, Grantor, in accordance with North Carolina General Statute §158-7.1 et seq. and in consideration of the mutual promises set forth in this Agreement, the sufficiency of which are now acknowledged by the parties, Grantor and Grantee do hereby agree as follows:

SECTION 1. Investment Grants. The Grantor shall, in accordance with and as provided by this Agreement, pay the Grantee the investment grants (each an “**Investment Grant**” and, collectively, the “**Investment Grants**”) generally described in the Business Investment Program (the “BIP”). The Grantor hereby confirms that the Town Board of Commissioners has each authorized the Investment Grants and the other terms of this Agreement.

The parties hereto agree that the five-year term for the Investment Grants to the Grantee (the “**BIP Term**”) shall begin on January 1 of the first calendar year which begins after the calendar year that each of the BIP Requirements (defined below), has first been satisfied and shall end on December 31 of the fifth calendar year thereafter. For example, if each of the BIP requirements is first satisfied in calendar year 2018, the first year of the BIP Term shall be calendar year 2019.

Notwithstanding the foregoing, the Grantor shall not be obligated to make, and Grantee shall not be entitled to receive, any grant payments as otherwise set forth herein after the Expiration Date. For purposes of this section, “**Expiration Date**” shall mean December 31, 2025.

SECTION 2. Program Requirements. With respect to the Grantee’s operations on the BIP Site, the Grantee shall meet the BIP Requirements detailed below for the entire 5-year BIP Term:

- 2.1 BIP Investment.** The Grantee agrees to invest in improvements to land, construction of or improvements to buildings, and the purchase or lease of equipment, other business personal property (including the value of any leasehold interest in qualifying real or personal property) which will result in all such property being added to the local ad valorem tax base (collectively, the “**BIP Investment Property**”). This required investment must remain in place at the BIP Site for five (5) years following the start of the BIP Term subject, however, to normal and customary replacements to and depreciation of the qualifying improvements and equipment that was part of the original BIP Investment Property.

- 2.2 Job Creation and Maintenance.** The Grantee expects that it will provide the equivalent of 45 or more new full-time jobs by December 31, 2021. The Grantee is obligated to relocate 44% of the anticipated new jobs from an existing facility in another jurisdiction (20) and is obligated to create 55% of the anticipated new jobs (25). A full-time job requires a minimum of 1,600 hours per year.
- 2.3 Wage Rates.** The Grantee agrees to pay an average wage rate of \$80,000 for all employees located at the BIP Site equal to or greater than one hundred percent (100%) of the average annual wage rate for the Charlotte-Gastonia-Rock Hill, NC-SC M.S.A., as defined and determined by the National Compensation Survey prepared by the U.S. Department of Labor, Bureau of Labor Statistics. Wages paid for each grant year shall be measured against the most recently completed survey. This wage information is available at the Charlotte Chamber's website.
- 2.4 Additional Requirements.** The Grantee must meet each of the following additional BIP Requirements in order to remain eligible for the Investment Grants:
- a. Take material steps (e.g., commencement of construction, execution of purchase orders, etc.) toward the purchase, installation and completion of the BIP Investment on or before December 31, 2018;
 - b. Remain open and operating as a business at the Property each year during the BIP Term; and
 - c. Prior to receipt of any Investment Grant and for each year during the BIP Term, ensure payment in full of all taxes and other charges due and payable to the Town with respect to the BIP Site and all improvements and personal property located thereon and all other taxes owed to the Town, except for any taxes that are being contested in good faith.

SECTION 3. Monitoring. Compliance with the BIP Requirements set forth in Sections 2.1, 2.2, 2.3 and 2.4 shall be accurately determined by the Grantor reasonably and in good faith. Subject to any applicable federal, state or local laws or regulations applicable to the Grantee or its employees respecting employee privacy or company confidential information, the Grantee agrees that any duly authorized representative of the Grantor shall, at all reasonable times and on reasonable prior written notice and at Grantor's sole cost and expense, have

access to and the right to inspect, copy, audit, and examine all of the relevant books, records, and other documents relating to the Grant and the fulfillment of this Agreement throughout the BIP Term.

SECTION 4. Application for and Payment of Investment Grants. Upon initial certification by the Grantor that the Grantee was in compliance with the BIP Requirements for an entire calendar year, Grantee may submit to the Town an application for an Investment Grant. Such application must be received by the Town on or before April 15 of each year of the BIP Term. **Failure to submit the required grant application by April 15 will constitute a waiver of the Investment Grant available for that year.** The total grant payments for the term of this Agreement will not exceed fifty-nine thousand three hundred fifty dollars (\$59,350.00).

Investment Grant amounts will be determined in accordance with the following:

- 4.1 Year One.** For year one of the BIP Term, the Grantor shall pay to the Grantee an Investment Grant equal to ninety percent (90%) of the new property taxes paid by the owners of the Property.
- 4.2 Subsequent Years.** In each of the following four (4) years of the BIP Term, the percentage of the Investment Grants shall be ninety percent (90%) of the new property taxes paid by the owners of the Property.
- 4.3 Termination of Payments.** After payment of the Investment Grant for year five (5) of the BIP Term, no additional Investment Grants shall be made with respect to the BIP Investment Property or Replacement Property covered by this Agreement. Additionally, in the event total grant payments made equal \$60,000.00 at any time prior to year 5 of the BIP Term, no further grant payments will be made.
- 4.4 New Property Taxes.** The New Property Taxes are the incremental business and real property taxes paid by the Grantee above and beyond those business and real property taxes paid by the Grantee to the Grantor prior to the investment; and/or the business and real property taxes generated from the property prior to the investment.

SECTION 5. Loss of Investment Grants. If the Grantor determines that the Grantee has NOT met each BIP Requirement each year, then Investment Grants for the year(s) of non-compliance will NOT be made. The Grantee may seek reinstatement for BIP Investment Grant eligibility for subsequent years by

submitting satisfactory evidence of compliance with each BIP Requirement to the Grantor.

SECTION 6. Refund of Investment Grants. If Grantee removes the investment from Cornelius during the five-year term of the Grant Agreement or ceases operations during the five year term, the Grantee shall pay to the Grantor the entire amount of the Grant payments made to date. If the Grantee removes fifty percent (50%) or more of the investment from Cornelius within (5) years after the end of the BIP Term the Grantee shall pay the Grantor according to the following schedule:

- | | |
|---|------------------------|
| ▪ Within one year of end of BIP Term | 100% of Grant Payments |
| ▪ Within two years of end of BIP Term | 80% of Grant Payments |
| ▪ Within three years of end of BIP Term | 60% of Grant Payments |
| ▪ Within four years of end of BIP Term | 40% of Grant Payments |
| ▪ Within five years of end of BIP Term | 20% of Grant Payments |

SECTION 7. ARBITRATION. If a dispute arises between the Grantor and the Grantee, either party involved in the dispute may refer the dispute to arbitration by a request made in writing upon the other. Within thirty (30) days of the receipt of such a request, the parties shall select a single arbitrator to hear the matter. If the parties are unable to agree on the selection of a single arbitrator, then each party shall name one arbitrator, and the two arbitrators thus selected shall select a third arbitrator; provided, however, if either party fails to select an arbitrator, or if the two arbitrators selected by the parties fail to select the third arbitrator within thirty (30) days after the appointment of the second arbitrator, then in each such instance a proper court, on petition of a party, shall appoint the second or third arbitrator or both, as the case may be, in accordance with North Carolina law. The matter shall be settled in accordance with the North Carolina law then in effect, and a judgment of the arbitration award may be entered in any court having jurisdiction thereof.

SECTION 8. Miscellaneous.

- 8.1 Notices.** All notices, certificates or other communications required by or made pursuant to this Agreement shall be in writing and shall be (i) delivered by certified first-class prepaid mail, return receipt requested, (ii) sent by facsimile transmission or electronic mail or (iii) delivered by overnight courier service, to the County, the City or the Grantee Parties at their respective addresses set forth below, or at such other address, notice of which may have been given to the other Party in accordance with this **Section 8.1:**

The Town: Town of Cornelius
 21445 Catawba Ave.
 Cornelius, NC 28031
 Attention: Town Manager

Grantee: Yokohama Corporation of North America
 1 MacArthur Place, Suite 800
 Santa Ana, CA 92707
 Attention: Erik Ranabargar

Each such notice or other communication shall be deemed to have been duly given and to be effective (w) if sent by certified or registered first-class prepaid mail, return receipt requested, on the date received by the recipient as evidenced by the return receipt, (x) if sent by facsimile transmission, immediately upon confirmation that such facsimile transmission has been successfully transmitted on a business day before or during normal business hours and, if otherwise, on the business day following such confirmation, (y) if sent by electronic mail, upon the sender's receipt of an acknowledgement from the intended recipient (such as by the "return receipt requested" function, as available, return e-mail or other written acknowledgement), provided that if such notice or other communication is not sent on a business day before or during normal business hours of the recipient, such notice or communication shall be deemed to have been sent at the opening of business on the next business day for the recipient or (z) if sent by a nationally recognized overnight delivery service, on the day of delivery by such service or, if not a business day, on the first business day after delivery. Notices and other communications sent via facsimile or electronic mail must be followed by notice delivered by hand or by overnight delivery service as set forth herein within five business days.

- 8.2 Binding Effect.** This Agreement shall inure to the benefit of and is binding upon the Grantor and the Grantee and their respective successors and assigns.
- 8.3 Assignment.** The Grantee may, upon prior written notice to Grantor, freely assign this Agreement to any of their affiliates or in

connection with any merger, acquisition (whether of assets or equity), change of control or similar event.

- 8.4 **Amendments, Changes, and Modifications.** Except as otherwise provided in this Agreement, this Agreement may not be amended, changed, modified or altered except by written agreement of the parties.
- 8.5 **Severability.** If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this Agreement.
- 8.6 **Counterparts.** This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and it shall not be necessary in making proof of this Agreement to produce or account for more than one such fully executed counterpart.
- 8.7 **Governing Law.** This Agreement is governed by and shall be construed in accordance with the laws of the State of North Carolina, without regard to principles of conflicts of law.
- 8.8 **Captions.** The captions or headings used throughout this Agreement are for convenience only and in no way define, limit, or describe the scope or intent of any provision of this Agreement.
- 8.9 **Confidentiality.** The Grantee and the Grantor acknowledge that certain Exhibits to this Agreement, and/or other information provided by the Grantee pursuant to this Agreement, may contain the Grantee's trade secrets and confidential information. Accordingly, the Grantor will maintain information marked as "Trade Secrets" or "Confidential" in confidence, unless its release is consented to in writing by the Grantee, or the Grantor is ordered by a court of competent jurisdiction to release such information. In the event of any such lawsuit, Grantor agrees to give the Grantee notice of such legal action and to allow the Grantee to participate in its defense.
- 8.10 **Construction.** The parties acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining and that it has been drafted by counsel for the parties. As such, the doctrine of construction against the drafter shall have no application to this Agreement. This Agreement and its Exhibits, attached

hereto and forming a part hereof, set forth all the covenants, promises, agreements, conditions and understandings between the Grantee and Grantor concerning the Investment Grants and the terms herein shall not be deemed to limit any other agreements regarding investment or jobs between the Grantee and Grantor.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement under seal as of the day and year first written.

TOWN OF CORNELIUS, NORTH CAROLINA

By: _____
Andrew Grant, Town Manager

ATTEST:

[SEAL]

By: _____
Lori A. Harrell, Town Clerk

This instrument has been preaudited
in the manner required by the Local
Government Budget and Fiscal Control
Act.

By: _____
Julie Niswonger, Finance Director

APPROVED AS TO FORM:

Cornelius Town Attorney

YOKOHAMA CORPORATION OF NORTH AMERICA

By: _____

Title: President _____

ATTEST:

By: _____

Title: _____

[CORPORATE SEAL]

Section 1: Project Description**Exhibit A**

Name of Company:	Yokohama Corporation of North America	
Street Address:	1 MacArthur Place, Suite #800	
City:	Santa Ana	
State:	California	
Zip Code:	92707	
Federal Tax Identification No.:	95-2624417	
Contact Person:	Erik Ranabargar	
Title:	Controller	
Telephone:	800-423-4544 x3808	
Email:	Erik.Ranabargar@yokohamatire.com	
NAICS Code:	326291	
Type of Business:	<input checked="" type="checkbox"/> Manufacturing <input type="checkbox"/> Corporate Headquarters <input type="checkbox"/> Transportation & Distribution (Logistics) <input type="checkbox"/> Emerging Technologies & Industries <input type="checkbox"/> Financial, Insurance & Professional Services <input type="checkbox"/> Other (please specify)	

In the space below, please provide a description of the proposed investment, including rationale, corporate strategy, product/services to be provided, physical improvements/new equipment, the number of jobs, and other relevant information. Please attach any relevant documents or detailed descriptions to this application.

Description:

North American Technical Center for all technical activities related to the development and industrialization of tires for the North American market.

Details:

1. Technical Office Staff - Engineering and other technical staff involved in developing, designing, and procurement of tires for the North American Market
2. Technician Staff - Testing and related equipment for the analysis, dissection, and testing of tires and related material samples in support of the development of tires for the North American market.
3. Technical Center - Approx 25,000 sq ft; 10,000 sq ft office + 15,000 sq ft. lab and warehouse
4. Jobs - 21 already located in the area to be transferred to new facility and 45 additional jobs to be added between 2018 and 2021.

Section 2: Capital Investment

Address of Proposed Investment Location: 10402 Bailey Road, Building 514, Cornelius NC 28031

Parcel Number(s): 005-222-08
For help, go to <http://meckcama.co.mecklenburg.nc.us/relookup/>

Current Owner of Investment Location: Legacy Pointe Properties LLC, Contact - Jamie Rolewicz

Current/Proposed Interest in the site: Leasehold interest
(e.g. option to purchase, leasehold interest, etc...)

In the section below, Applicant should enter the expected incremental value to be added to the County tax rolls. This figure should NOT include soft costs such as architectural, permitting, legal and financing expenses, current ad valorem value of existing property, and so forth. The Minimum Ad Valorem increment will become the contractual threshold for grant eligibility. Failure to create and maintain the Minimum Ad Valorem Increment subject to normal and reasonable depreciation will result in the grant being non-compliant with no payments made. Applicant can enter total investment value included non-ad valorem eligible expenses in the Total Investment Column.

	<u>Minimum Ad Valorem Increment</u>	<u>Total Investment Value</u>	<u>Investment Completion Date</u>
Real Property Improvements: Buildings and improvements, infrastructure		\$ 3,750,000.00	2018
Business Personal Property: Machinery, Equipment, Fixtures		\$ 2,100,000.00	2021
Other Please describe in separate attachment			
Total investment:		\$ 5,850,000.00	2021

If any of the machinery or equipment is leased, then complete the following:

Type of Equipment	Value	Owned by:

If the proposed investment is to be in leased space, please describe the lease terms in the following categories:

Type of Use (office, mfg, etc...)	Square footage	Term (years, net/net/net, etc)

Section 3: Job Creation & Retention:

In the section below, Applicant should enter the total Minimum Number of Positions that will be created and maintained by this project. The Minimum Number of Positions will become the contractual threshold for grant eligibility. Failure to create and maintain the Minimum Number of Positions will result the grant being considered non-compliant and no payments will be made.

Minimum Number of Positions by year	
Year 1	15
Year 2	20
Year 3	10
Year 4	
Year 5	
TOTAL	45

Aggregated average wage for new full-time jobs:

\$80,000

NOTE: this is to be computed by averaging the starting salaries for the new jobs.

In the section below, Applicant should describe the break out of positions by function, average wage and hiring tenure

Job Category / Position Classification	Number to be hired locally	Number to be relocated to County	Salary Range	Standard Occupation Code
Office Clerical / Technician	3	2	\$30K to \$50K	
Engineering / Technical	20	15	\$60K to \$100K	
Management	2	3	\$100K to \$150K	
TOTAL	25	20	~\$4,000,000	

If expanding an existing site, how many full-time jobs are currently at the facility?

15

Average wage for all full-time jobs currently at facility :

80,000

Projected wage for all full-time jobs currently at facility at completion of project:

86,000

NOTE: this is to be computed by averaging the current salaries of the existing jobs together with the starting salaries of the new jobs.

Please quantify existing jobs and investment in Mecklenburg County at risk for elimination if the project selects an alternate location

Number of positions at risk for relocation or elimination:

60

Average wage of positions at risk for relocation or elimination:

86000

Total taxable value of investments at risk for relocation or liquidation:

Real Property Taxable Value

Business Personal Property Value

2100000

Section 4: Competing Sites

A statutory requirement of the BIP is that Applicant demonstrate the but for the BIP, the proposed project would locate in another municipality. In this section, Applicants shall describe bona fide competitive offers from other an attested to in "Section 6. Representations" in this application.

Competitive Site #1

City / State Greenville & Charleston, South Carolina
Primary Contact Name Sarah Raehl - Senior Manager Deloitte Consulting LLP
Primary Contact Phone / Email 1-312-486-5331 / sraehl@deloitte.com

Incentive Category	Incentive Dollar value
Tax Credits	662,500
Job Development	1,500,000
Property Tax	370,000
Revenue Credit	350,000
Total offer	2,882,500

Competitive Site #2

City / State Stow, Ohio
Primary Contact Name Jay Foran, Sr VP Team Northeast Ohio
Primary Contact Phone / Email 216-363-5407

Incentive Category	Incentive Dollar value
Job Creation Tax Credit	475,000
Workforce Training Credit	50,000
County Tax Incentives	66,000
Local Tax Incentives	1,250,000
Total offer	1,841,000

Competitive Site #3

City / State Atlanta, Georgia
Primary Contact Name NA
Primary Contact Phone / Email NA

Incentive Category	Incentive Dollar value
Total offer	NA

Section 5: Corporate Information

Current legal status of your company (e.g. corporation, LLC, etc)

Corporation

U.S. state in which company organized?

California

If a foreign applicant, is company qualified to do business in North Carolina?

☐ YES

☐ NO

Please list below any material subsidiaries, parent companies and affiliated companies of the company and their respective principal businesses. If your company is publicly traded, you may submit a copy of the most recent annual report instead.

Yokohama Tire Corporation (YTC)

Yokohama Rubber Company (YRC) - Parent Company in Japan

Please describe any proposed or pending mergers, acquisitions or other corporate reorganizations affecting the company

None

Please describe any pending or threatened litigation involving the company that could reasonably be expected to cause a material adverse effect on the company or its proposed investment.

None

Please describe any pending or planned applications for industrial revenue bond financing for this project

None

Section 6: Representations

1. The Company has reviewed and understands the Business Investment Program guidelines.
2. Without this grant from the Mecklenburg Business Investment Program the Company would not undertake this project in Charlotte-Mecklenburg.
3. The Company understands that release of any Business Investment Grant funds will be contingent on meeting performance criteria that will be set out in a mutually agreeable performance contract between Mecklenburg County and the Company.
4. The Company understands that release of any Business Investment Grant funds will be contingent on provision of adequate documentation of the required investment, job creation, and job retention, including submission of
5. The Company understands that approval of this project's application by Mecklenburg County does not override or excuse compliance with any existing environmental laws and regulations placed on the facility to be
6. The Company understands that the disbursement of any funds under the Business Investment Program is based upon performance, and that the Company may be responsible to refund part or all of any moneys
7. The new jobs used as the basis for this application are new net positions to the Company's operations in Mecklenburg County and will not be transferred from any existing operations of the Company or related entity in
8. The information provided in this application is true and correct to the best of my knowledge.
9. The information and data presented regarding the plans and projections of the Company are based on current plans and projections and represent the best data available. Economic conditions within the industry may
10. The following items are attached:
 - a. Most recent tax printout showing the real and business personal property tax valuations of the investment location.
 - b. Signatory statements as to whether any member of management or any principal of the Company has been involved in a financial reorganization, a bankruptcy, or other situation that has led to
 - c. A completed & signed Waiver of Confidentiality form regarding Quarterly Unemployment insurance Tax Records.

Signature: _____

Title: _____

Company: _____

Date: _____

State of _____
County of _____

I, _____, a notary public of the County of _____ in the State of _____, do
certify that _____ personally appeared before me this day, and first being duly sworn, acknowledged
that he is _____ (title of officer) of _____ (name of business entity) and
that he is authorized to execute the foregoing instrument on behalf of _____ (name of business
entity), and executed the foregoing instrument in my presence.

SEAL

Notary Public
My commission expires: _____


Exhibit B

10402 Bailey Road
PID# 005-22-208

Bailey Rd


Train S

Dr



NORTH

0 62.5 125 250



Feet

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,

REQUEST FOR BOARD ACTION

 **Print**

Date of Meeting: September 17, 2018

To: Mayor and Board of Commissioners

From: Aaron Tucker - Senior Planner

Action Requested:





Receive public input for a request by David Smith to rezone and develop 8.41 acres of property located at 18731 West Catawba Avenue (PID# 00186108). The property is currently owned by The Forequare Gospel International Church of God and is currently zoned Neighborhood Mixed Use (NMX). The proposed development will include two 9,900 sf commercial buildings fronting West Catawba Avenue and 21 single family homes in the rear. The applicant is proposing to upfit the existing building on site. The proposed single family homes will front on a new internal street.

Staff has performed the first review of the site plan. Revisions are expected soon. The applicant also held the required community meeting on September 6th.

Manager's Recommendation:

Conduct Public Hearing #1

ATTACHMENTS:

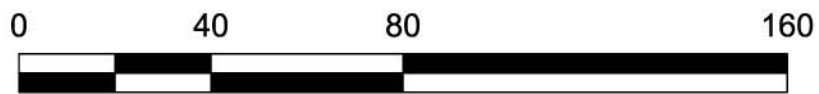
Name:	Description:	Type:
 Schematic_Site_Plan_(1).pdf	Site Plan	Cover Memo
 Cornelius_Mixed_Use_Catawba_Ave_Render_(1).pdf	Color Site Plan	Cover Memo
 Color_Elevations.pdf	Proposed Elevations 1	Cover Memo
 Color_Elevations_2.pdf	Proposed Elevations 2	Cover Memo

P:\2018 Jobs\18015 - Cornelius Mixed Use - Barringer\CAD\Sketch Planning\18015 Sketch Plan_ALT2.dwg



SITE DATA	
SITE AREA:	7.63 AC
EXISTING ZONING:	NMX
IMPERVIOUS REQUIREMENTS:	50% BUA(166,181 SF)
PROJECTED IMPERVIOUS:	45% BUA(149,859 SF)
UNITS PROPOSED:	22 SINGLE FAMILY
COMMERCIAL PROPOSED	25,000 SF(10,000 EX BLDG)
FRONT SETBACK(STATE RD):	25'
MIN SIDE YARD:	N/A
MIN REAR YARD:	25'
REQ'D O/S:	1.53 AC (20%)
O/S PROVIDED:	1.64 AC (21.5%)
REQ'D IMPROVED O/S:	.38 AC (25%)
IMPROVED O/S PROVIDED:	.59 AC(38%)
PARKING REQUIRED (COMMERCIAL):	2-4 SPACES/1000 SF
PARKING PROVIDED (COMMERCIAL):	69 SPACES
PARKING REQUIRED (RESIDENTIAL):	2/UNIT
PARKING PROVIDED (RESIDENTIAL):	2/UNIT

This Plan Is A
Preliminary Design.
NOT Released For
Construction.



SCALE: 1"=40'

REVISIONS:

No.	Date	By	Description

CORNELIUS MIXED USE
CORNELIUS, NC
BARRINGER & SMITH PROPERTIES

SKETCH
PLAN

M-D-YY
CORPORATE CERTIFICATIONS
NC PE: C-2930 NC LA: C-253
SC ENG: NO. 3599 SC LA: NO. 211

Project Manager: MEA

Drawn By: MDH

Checked By: MDL

Date: 7/12/18

Project Number: 18015

Sheet Number:

L-100





REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: September 17, 2018

To: Mayor and Board of Commissioners

From: Julie Niswonger, Finance Director

Action Requested:

The attached capital ordinance funds \$1,050,000 in park capital expenditures with Park Bonds as recommended at the July 16, 2018 meeting by the PARC Commission and Town Board.

This ordinance will provide budget for the planning, design, engineering, land acquisition, and construction up to \$1,050,000, so that we are in a position to bid and fund the projects.

Manager's Recommendation:

Approve Park Bond ordinance.

ATTACHMENTS:

Name:	Description:	Type:
 Park Bonds_CPO_2018.pdf	Park Bonds CPO 2018 Series	Cover Memo

**A CAPITAL PROJECT ORDINANCE TO AUTHORIZE THE FUNDING OF
PARK BONDS CAPITAL**

WHEREAS, it has been determined that G.S. 159-45 and related chapters allow local governments to finance capital projects through the use of General Obligation Bonds, and

WHEREAS, the citizens of Cornelius voted on November 5, 2013 and approved Park Bonds voting 72.09% in favor; and

WHEREAS, the Cornelius Town Board of Commissioners determined on July 16, 2018 to move forward with issuance of Park Bonds to fund greenways and additional capital renovations and expansions including planning, design, engineering, land purchase, right-of-way, and construction; and

WHEREAS, in accordance with North Carolina General Statute §159-13.2, the Town is authorized to establish a balanced project ordinance for projects involving the construction or acquisition of a capital asset.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius that a Project Ordinance is hereby established for the 2018 Park Bonds with the following schedule of appropriations and expenditures:

REVENUES

	<u>ORIGINAL</u>
Proceeds from General Obligation Bond Issue	\$1,050,000
Transfer from General Fund	<u>\$ 660,000</u>
<i>Total</i>	<u><i>\$1,710,000</i></u>

EXPENDITURES

Design, Land Purchase, and Construction	<u>\$1,710,000</u>
<i>Total</i>	<u><i>\$1,710,000</i></u>

BE IT FURTHER ORDAINED that the Town Manager is authorized to transfer amounts among line items at his discretion as he deems necessary necessitating further action by the Board only to change the total amount of the budget. The Town Manager

or his designee is hereby authorized to expend funds in accordance with this Project Ordinance necessary to complete the project.

Adopted this 17th day of September, 2018.

Woodrow T. Washam, Jr., Mayor

SEAL

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell
Town Clerk

Karen Wolter
Town Attorney

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: September 17, 2018

To: Mayor and Board of Commissioners

From: Andrew Grant, Town Manager


Action Requested:

As the proposed resolution states, a Cornelius Educational Options Study Commission would study and evaluate options available to the Town of Cornelius to reduce overcrowding within the public school system in Cornelius, and study various options provided by recent laws passed by the NC General Assembly in order to make recommendations to the Town Board.

Manager's Recommendation:

Manager recommends considering the proposed Resolution to create the Cornelius Educational Options Study Commission.

ATTACHMENTS:

Name:	Description:	Type:
 RES-Create_Education_Study_Commission.docx	Educational Study Commission	Resolution Letter

**RESOLUTION TO CREATE THE CORNELIUS
EDUCATIONAL OPTIONS STUDY COMMISSION**

WHEREAS, the Town of Cornelius recognizes and affirms that excellent public schools are an integral part of vibrant communities; and

WHEREAS, the Town reaffirms its commitment that all students have access to an excellent public education regardless of race, religion, sex, national origin, ethnicity or income; and

WHEREAS, the Town is expected to experience population growth for the foreseeable future; and

WHEREAS, the 2017 school bond package as proposed by the Charlotte Mecklenburg School district (CMS) and passed by referendum on November 7, 2017 does not fund construction of any open admission schools or additions or renovations in Cornelius; and

WHEREAS, the Town preserved an option of alleviating school overcrowding by operating charter schools as prescribed by HB514; and

WHEREAS, in conjunction with the passage of House Bill 514, the North Carolina General Assembly also adopted Senate Bill 99 and Senate Bill 335 as 2018 Session Laws 2018-5 Section 38.8, and 2018-97 Section 11.1, respectively, to authorize cities and towns to supplement funding for elementary and secondary education; and

WHEREAS, on August 28, 2018 the CMS School Board passed the Municipal Concerns Act of 2018 which, among other things, effectively eliminates the possibility of any further education-related construction within the Town forever; and

WHEREAS, the recent enactments present many options to the Town of Cornelius to evaluate for purposes of determining the role, if any, that Cornelius will play in addressing the future educational needs of the students in Cornelius; and

WHEREAS, in order to determine the role, if any, that Cornelius will play addressing these needs, the Town Board wishes to appoint a study commission to study the options presented by the recent enactments by the North Carolina General Assembly and make a recommendation back to the Town Board.

NOW THEREFORE BE IT RESOLVED by the Town of Cornelius Board of Commissioners that they hereby:

1. Create the Cornelius Educational Opportunities Study Commission (CEOSC).
2. Grant the Mayor of Cornelius the authority to appoint members to the Commission.
3. Request the CEOSC study and evaluate options available to the Town of Cornelius to reduce overcrowding within the public school system in Cornelius, and specifically
4. Study five (5) options:
 - A. Operate a stand-alone municipal charter school.
 - B. Establish a municipally- sponsored charter by partnering with a new or existing charter school.
 - C. Partner with Charlotte Mecklenburg Schools for a new school or expansion of an existing school.

- D. Determine the feasibility of dividing the Charlotte Mecklenburg LEA into smaller LEAs
 - E. Do nothing.
5. Conduct due diligence to gather facts and information with respect to each option in each of the following areas:
- A. Key Stakeholders, including the impact of the option on each stakeholder
 - B. Funding Sources and other revenues available
 - C. Operational Constraints/Statutory Mandates
 - D. Operational Flexibility/Statutory Options
 - E. Governance
 - F. Provision for the following:
 - i. Facilities
 - ii. Transportation
 - iii. Nutrition
 - iv. Curriculum including but not limited to:
 - Exceptional Children
 - English Learners
 - College Preparatory Curriculum
 - Workforce development and preparedness
 - v. Individualized instructional opportunities
 - vi. Technology
 - vii. Staffing – retirement and benefits
 - viii. Insurance
 - ix. Administrative, legal, and financial support services
 - x. Potential for expansion and growth
 - G. Steps to implementation, to potentially include
 - i. Additional legislation necessary
 - ii. Required referenda
 - iii. Formation of additional entity(ies)
 - iv. Other contractual arrangements

Adopted this 17th day of September, 2018.

Woody Washam, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Attorney

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: September 17, 2018

To: Mayor and Board of Commissioners

From: Andrew Grant, Town Manager


Action Requested:

The Charlotte-Mecklenburg Board of Education recently approved the Municipal Concerns Act of 2018. The Act establishes the Municipal Education Advisory Committee. Committee membership includes one member from each of the seven Mecklenburg municipalities. The Cornelius Town Board may consider making an appointment to the committee.

Manager's Recommendation:

Manager recommends making an appointment to the Charlotte-Mecklenburg Schools Municipal Education Advisory Committee.

ATTACHMENTS:

Name:	Description:	Type:
 MCA_of_2018_v12.pdf	MCA	Backup Material
 Municipal_Concerns_Act.pdf	Municipal Concerns Act	Backup Material

1
2 **THE MUNICIPAL CONCERNS ACT OF 2018**
3 A RESOLUTION TO ADDRESS THE CONCERNS ABOUT PUBLIC
4 EDUCATION IN MECKLENBURG COUNTY AS ENUMERATED
5 BY THE MUNICIPALITIES LOCATED WITHIN MECKLENBURG
6 COUNTY TO THE CHARLOTTE-MECKLENBURG BOARD OF
7 EDUCATION (“Resolution”)
8

9 The Charlotte-Mecklenburg Board of Education (“Board”) hereby resolves
10 the following:
11

12 **Article I – Creation of the Municipal Education Advisory**
13 **Committee**

- 14 1. The Board establishes the Municipal Education Advisory
15 Committee (“Committee”).
16 2. The membership of the Committee shall be comprised as follows:
17 a. One (1) member from each of the seven municipalities
18 located within Mecklenburg County, Charlotte, Cornelius,
19 Davidson, Huntersville, Matthews, Mint Hill, and Pineville
20 (collectively, “Municipalities”; individually, “Municipality”)
21 i. Each Municipality shall appoint one member of its
22 governing body to represent the Municipality on the
23 Committee.
24 ii. Each Municipality shall notify the Board’s clerk of such
25 Municipality’s appointment to the Committee no later
26 than December 15, 2018.
27 iii. Each appointment shall last for a term of two (2) years
28 b. Three (3) members of the Board
29 i. Board members serving on the Committee shall be
30 appointed by the Board Chair.
31 ii. Each appointment shall last for a term of two (2) years.

- 1 3. The Board Chair shall appoint one of the three Board members
2 serving on the Committee as chair of the Committee (“Committee
3 Chair”).
- 4 4. The Committee shall meet at least once every quarter upon the call
5 of the Committee Chair.
 - 6 a. The Committee may meet more frequently upon the call of
7 the Committee Chair.
- 8 5. The Committee’s roles and responsibilities include, but are not
9 limited to:
 - 10 a. Establishing a constant chain of communication between the
11 Board and the Municipalities.
 - 12 b. Analyzing growth patterns to ensure future capital campaigns
13 are considering all growth factors and zoning decisions.
 - 14 c. Advising on the Board’s future bond ballot initiatives.
 - 15 d. Identifying capital opportunities where the Municipalities can
16 provide funding, per North Carolina General Statutes
17 (“NCGS”) 160A-690, for the construction of new schools
18 within their boundaries.
 - 19 e. Considering school safety initiatives, operations, and the
20 involvement and cooperation of the Municipalities’ police
21 departments in conjunction with the Board’s law enforcement
22 personnel.
- 23 6. The Committee may issue and present reports of their findings or
24 recommendations to the Board at a regularly scheduled Board
25 meeting upon the agreement of the Board Chair.
- 26 7. The Committee shall hold its inaugural meeting no later than
27 January 31, 2019
- 28 8. The Committee is subject to the North Carolina Open Meetings
29 Law.
- 30 9. Article I is effective immediately upon passage of this Resolution.

Article II – Priority of Capital Spending in Certain Municipalities

1. To ensure the Board upholds its fiduciary responsibility to the taxpayers of Mecklenburg County, the Board instructs the Superintendent to prioritize all future capital funding to projects that are located within the municipal limits of Charlotte, Davidson, and Pineville, none of which were included in North Carolina General Assembly Session Law 2018-3 (“SL 2018-3”), and are therefore are unable to create and operate their own municipal charter schools.
2. Article II shall not apply to any projects already included as part of the 2017 bond package or from a bond package approved prior to 2017 that is not already completed.
3. Article II does not apply to any capital needed for repairs or maintenance at any existing school located in any of the Municipalities.
4. Municipalities included under SL 2018-3 may be included in this section for priority spending upon the passage of a binding resolution by their elected Board of Commissioners guaranteeing a 15-year moratorium on enacting any section of SL 2018-3.
 - a. Any municipality that is added to the list outlined in Article II Section 1 above by taking action prescribed in Section 4 above, shall immediately be removed from consideration under this Article should it take any action that can be construed to undo any binding resolution as described in Section 4
5. Article II is effective immediately upon passage of this Resolution.

Article III – Creation of Feasibility Report by the Superintendent to consider the changes requested by the elected officials of the Municipalities as set forth in Article III

1 **Section 1 – Identification of Areas of Overcrowding and**
2 **Overcrowding Relief**

- 3 1. The Board instructs the Superintendent to identify opportunities
4 to relieve overcrowding in the Municipalities included in SL
5 2018-3. Specifically, the Board requests the Superintendent to
6 report back on student assignment-based options.

7
8 **Section 2 – Reinforcement of Preference for Municipal**
9 **Assignment Zones**

- 10 1. The Board instructs the Superintendent to identify opportunities
11 to ensure students within a Municipality's town limits may attend
12 schools located within the Municipality's town limits. Specifically,
13 the Board requests the Superintendent to report back on the
14 following potential options:

- 15 a. Residents of Huntersville, NC attending schools located
16 within the municipal limits of Huntersville, NC.

17 i. High Schools – The feasibility that all Huntersville
18 residents are given home school assignments to
19 Hopewell High School or North Mecklenburg High
20 School

21 ii. Middle Schools – The feasibility that all Huntersville
22 residents are given home school assignments to
23 Bradley Middle School or JM Alexander Middle
24 School

25 iii. Elementary Schools – The feasibility that all
26 Huntersville residents are given home school
27 assignments to Barnette Elementary, Blythe
28 Elementary, Grand Oak Elementary, Huntersville
29 Elementary, or Long Creek Elementary

- 30 b. Residents of Matthews, NC attending schools located within
31 the municipal limits of Matthews, NC.

- i. High Schools – The feasibility that all Matthews’ residents are given home school assignment to Butler High School
 - ii. Middle Schools – The feasibility that all Matthews’ residents are given home school assignment to Crestdale Middle School.
 - iii. Elementary Schools – The feasibility that all Matthews’ residents are given home school assignments to Matthews Elementary School, Crown Point Elementary School, and Elizabeth Lane Elementary School.
- c. Residents of Mint Hill, NC attending schools located within the municipal limits of Mint Hill, NC.
- i. High Schools – The feasibility that all Mint Hill residents are given home school assignment to Rocky River High School
 - ii. Middle Schools – The feasibility that all Mint Hill residents are given home school assignment to Mint Hill Middle School and Northeast Middle School.
 - iii. Elementary Schools – The feasibility that all Mint Hill residents are given home school assignment to Bain Elementary School.

Section 3 – Identification of Capital Construction Partnerships with Municipalities in Mecklenburg County

1. The Superintendent shall identify parcels of land owned by the Board that are not currently planned to be used in any school construction project.
2. The Superintendent shall report to the Board the location of these properties.
3. The Superintendent shall report to the Board a plan for presenting to the Municipalities the ability for them to provide funding, per Section 160A-690 of the North Carolina General

1 Statutes, for capital construction for new schools on Board-
2 owned property.

3
4 **Article IV** – The Board instructs that the Superintendent shall make and
5 present a final report on the items requested within this Resolution at the
6 Board’s regular meeting on October 30, 2018.



The Charlotte-Mecklenburg Board of Education

August 31, 2018

Mary T. McCray, At-Large, Chairperson
Rhonda Cheek, District 1, Vice-Chairperson
Ericka Ellis-Stewart, At-Large
Elyse C. Dashew, At-Large
Thelma Byers-Bailey, District 2
Ruby M. Jones, Ed.D., District 3
Carol Sawyer, District 4
Margaret Marshall, District 5
Sean Strain, District 6

The Honorable Vi Lyles
The Honorable Woody Washam
The Honorable Rusty Knox
The Honorable John Aneralla
The Honorable Paul Bailey
The Honorable Ted Biggers
The Honorable Jack Edwards

On behalf of the Charlotte-Mecklenburg Board of Education I want to provide each of you a copy of the Municipal Concerns Act that was passed by the Board of Education. This resolution was passed by a vote of 7 – 1 at our regular scheduled meeting last night.

While the Municipal Concerns Act was ratified by the Board on August 28, 2018, all of the content has been discussed on multiple occasions during town hall meetings at Providence High School on May 2, 2018, Huntersville Elementary on May 15, 2018, and during the CMS Board of Education meeting on April 24, 2018.

For clarity, The Municipal Concerns Act has four main sections described below.

Article I – This section establishes a Municipal Education Advisory Committee with representatives from each of the seven governing bodies. The CMS Board is creating this Committee in response to requests and concerns expressed by our municipal partners.

Article II – This section prioritizes CMS future (any future projects, does not include 2017 bonds nor prior capital and bond initiatives) capital needs to those parts of Mecklenburg County that do not have the authority to allocate funds to build schools on their own. Four municipalities sought and received the right to build and operate municipal charter schools whose attendance boundaries are limited to those municipalities (Session Law 2018-3). Because municipal charters, unlike other charters have limited attendance zones, opening a municipal charter within a municipality will dramatically decrease enrollment in nearby CMS schools.

Article III – Feasibility Studies and Municipal Support

1. Elected members of municipal governing boards have asked that CMS reduce crowding in schools. This act directs the Superintendent to look for ways to balance attendance among schools that are over/under utilized.

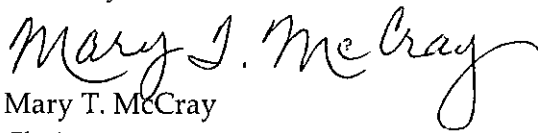
2. Elected members of some municipal governing boards have asked that CMS assign students to schools within their municipal boundaries. CMS Board asks the Superintendent to review pupil assignment in those municipalities to see if CMS can accommodate their request.
3. Section 160A-690 of the North Carolina General Statutes gives municipalities the opportunity to become funding partners for capital construction projects. This section directs the Superintendent to identify any CMS owned property suitable for school construction that our municipal partners may wish to support.

Article IV – Simply directs the Superintendent to report back to the Board on October 30, 2018.

The Board of Education is looking forward to working together with all of you as we continue to ensure we provide the best educational outcomes for every student in CMS. While we've requested that your appointment to the Municipal Education Advisory Committee be made by Dec. 15th, if you can go ahead and make your appointment, the committee can begin its work. Please send the name and contact information of your appointment to the CMS Board Clerk, Yvette Blakeney, at andreas.blakeney@cms.k12.nc.us.

We are looking forward to this new phase in our ongoing partnership and excited about what the future holds.

Sincerely,



Mary T. McCray

Chair

Charlotte-Mecklenburg Board of Education

Cc: Charlotte City Council

Cornelius Town Board

Davidson Town Board

Huntersville Town Board

Matthews Town Board

Mint Hill Town Board

Pineville Town Board

Charlotte-Mecklenburg Board of Education

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: September 17, 2018

To: Mayor and Board of Commissioners

From: Lori Harrell, Town Clerk

Action Requested:

Approve the minutes from the August 20th Closed Session meeting.

Manager's Recommendation:

Approve minutes

ATTACHMENTS:

Name:	Description:	Type:
 08-20-18_Closed_Session_draft.docx	Closed Session Minutes	Backup Material

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: September 17, 2018

To: Mayor and Board of Commissioners

From: Lori Harrell, Town Clerk

Action Requested:

Review the minutes from the Sept. 4th regular meeting.

Manager's Recommendation:

Approve minutes

ATTACHMENTS:

Name:	Description:	Type:
 09-04-18_Regular_Meeting_draft.docx	Regular Meeting Minutes	Backup Material



BOARD OF COMMISSIONERS

September 4, 2018
MINUTES

PRE-MEETING – 5:45PM

❖ Smithville Land Use Plan Follow Up

Deputy Town Manager Wayne Herron gave an update on the land use changes proposed for the Smithville area. He outlined recommendation #1 for South Hill Street and recommendation #2 for the strategic investment area that includes allowing the Mayor to form a committee to study the area and provide feedback. Mr. Herron also informed the Board that the Smithville Community Coalition has retained Neighboring Concepts to conduct a more in depth study for them while the Town continues its process. Commissioner Bilodeau asked if certain elements could be implemented throughout the process (i.e., sidewalks, curbs). Mr. Herron stated that was possible. Commissioner Naas questioned if “The Lawn” subdivision being proposed later fit within the study area. Coalition member Willie Jones stated that the Land Use Plan also addresses not displacing current residents and that 4 homes per acre does fit well in the proposed area. The Board consensus was to move forward with recommendation #1 and allow for the Mayor to form a study committee.

REGULAR MEETING – 7:00PM

1. CALL TO ORDER

Mayor Washam called the meeting to order at 7:00PM.

2. DETERMINATION OF QUORUM

All commissioners were present with the exception of Commissioner Gilroy who was out of town.

3. APPROVAL OF AGENDA

Commissioner Miltich made a motion to approve the agenda as presented. Commissioner Ross seconded the motion and it passed unanimously, 4-0.

4. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Lt. Tony Sharpe led the pledge after a moment of silence was observed.

5. MAYOR/COMMISSIONERS/MANAGER REPORTS

Commissioner Bilodeau reported on the following:

- Attended the ASC Board meeting on Aug. 22nd
- Attended the closing of the Sprouts Exhibit on Aug. 23rd
- Attended the Smithville Community Coalition meeting on Aug. 27th
- VLN – a 135 teams competed during the youth soccer tournament held on Aug. 18th, 19th, 25th and 26th
- 9/11 Remembrance ceremony will be at Cornelius Fire Station 1
- A dedication ribbon cutting will be held on Sept. 12th (5:30PM) for the Bailey Middle School synthetic turf field
- ‘Tawba Walk will be held on Sept. 22nd (2PM-8PM)

Commissioner Ross reported on the following:

- Chamber – Leadership Lake Norman applications are being accepted through Sept. 10th; Business Mixer will be held on Sept. 6th at Sailpointe at Lake Norman; the annual Diversity luncheon will be held on Sept. 20th at River Run Country Club; the Business Expo will be held on Oct. 11th; and the annual golf tournament will be held on Oct. 22nd at Mooresville Golf Club
- Attended the Smithville Community Coalition meeting on Aug. 27th

Commissioner Miltich reported on the following:

- Attended the Smithville Community Coalition meeting on Aug. 27th
- Cornelius Conversation was held on Aug. 28th
- Attended the ribbon cutting at Performance Rehab on Aug. 29th
- Attended “The Lawn” community meeting
- CRTPO – the fund swapping recently done allowed the state to receive an additional \$160M in federal funding

Manager Grant reported on the following:

- The Town’s litter sweep will take place on Sept. 15th (9AM-12PM), to volunteer please contact Tyler Beardsley at tbeardsley@cornelius.org or show up on Sept. 15th
- The Smithville-Washam Greenway and Stream Restoration public meeting will be held at Town Hall on Oct. 2nd (6PM-8PM)
- NCDOT public meeting on the Catawba Avenue/US21 intersection project will be held on Oct. 10th
- A dedication ribbon cutting will be held on Sept. 12th (5:30PM) for the Bailey Middle School synthetic turf field
- Recognized Cornelius Police Department employees Officer Manuel Aguinaga, Lt. James Quattlebaum and Lt. Tony Sharpe for their recent college education accomplishments and years of service
- A 9/11 Remembrance ceremony will be held at the 9/11 Monument located in front of Cornelius Fire Station 1 next Tuesday

Mayor Washam reported on the following:

- EDC – 24 projects in the region, 7 are in Cornelius
- I-77 toll rates public meeting will be held in Huntersville on Sept. 13th
- Connecting Cornelius morning event was well attended

6. CITIZEN CONCERNS/COMMENTS

There were no citizen comments expressed.

7. PUBLIC HEARING

A. REZ 04-18 The Lawn

Mayor Washam called for a motion to open the public hearing on rezoning REZ 04-18 The Lawn.

Commissioner Ross made a motion to open the public hearing. Commissioner Miltich seconded the motion and it passed unanimously, 4-0.

Senior Planner Aaron Tucker gave the staff presentation (*Exhibit Book 31*) for the rezoning request on 3.9 acres located at 19438 Smith Circle where the applicant is proposing to build a 14 lot single-family subdivision. Deputy Town Manager Herron explained that the community meeting was held on August 29th and the majority of the comments received were

negative; however, the Town's Land Use Plan does allow 4 units per acre and the proposed project is 3.9 units per acre. The applicant will submit revised plans before the project will move forward to the Planning Board and then for consideration by the Town Board.

Commissioner Miltich asked what the price point would be for the homes. Mr. Riley Burgess with Woodbine Design stated that the price point will be market based but approximately \$250K-\$300K.

Mayor Washam invited the public to speak and the following comments were made:

Kathleen Blackwell-Plank – 20033 Floral Lane, stated that she was not opposed to develop; however, she expressed her concerns with the density of the project and the condition of Smith Circle (i.e. width, no curb/gutter, storm drainage).

Dave Scher – 20605 Willow Pond, stated that he was not opposed to develop but was concerned with the proposed size of the project.

Lisa Scher – 20605 Willow Pond, expressed her concerns with the 14 new driveways off of Smith Circle having a negative impact pedestrian safety.

Marilyn Campbell – 19955 Oak Leaf Circle, expressed her concerns relative to affordable housing and encouraged the Board to revive the Affordable Housing Committee it once had.

Moninda Eslick – 19805 Pinyon Drive, expressed her concerns with the project density, sidewalk impacts and the safety on Smith Circle.

Danny Skidmore – expressed his concerns with destroying the once homestead of Hugh Roy Smith. He suggested reducing the number of lots and placing the parking in the rear, as well as respecting history by including azalea and rhododendron plantings throughout the subdivision to pay tribute to Hugh Roy.

Jennifer Cerminaro – 19449 Smith Circle, expressed her concerns with the number of homes and the traffic impact it will have on Smith Circle. She suggested that the garages be placed in the rear.

Chris Cerminaro – 19449 Smith Circle, stated that he would have never purchased their home if he had known a proposed subdivision of that size would be developed across the street from him. He expressed his concerns with the school buses exceeding the speed limit of 25MPH along Smith Circle.

Theresa Vanderveen – 19816 Lacebark Drive, expressed her concerns with the proposed density and layout of the subdivision.

Jack Bradford – 20100 Floral Lane, expressed his concern with the density of the proposed subdivision.

There being no further public comments, Mayor Washam called for a motion to close the public hearing.

Commissioner Naas stated that given all the traffic concerns expressed maybe the Transportation Advisory Board should review the proposed project. Deputy Town Manager Herron agreed.

Commissioner Miltich made a motion to close the public hearing. Commissioner Ross seconded the motion and it passed unanimously, 4-0.

8. CONSIDERATION OF APPROVAL

A. Street Acceptance – Serenity Point Lane

Asst. Town Manager Beardsley explained that Serenity Point Lane was built by the developer six years ago and not completed. The Town and County called the bond to complete the road and it is now ready to be Town maintained.

Commissioner Miltich made a motion to approve Resolution #2018-00904 accepting Serenity Point Lane for Town maintenance. Commissioner Ross seconded the motion and it passed unanimously, 4-0.

Resolution #2018-00904 is hereby made part of the minutes by reference.

9. CONSENT AGENDA

A. Approve Minutes – Regular Meeting (Aug. 20th)

(Approved 4-0)

Commissioner Miltich made a motion to approve the Consent Agenda as presented. Commissioner Ross seconded the motion and it passed unanimously, 4-0.

10. COMMISSIONER CONCERNS

A. Hydrilla Management at Lake Norman

Commissioner Miltich distributed information (*Exhibit Book 31*) on the aquatic plant that is taking over Lake Norman coves and what is being done to address the issue. Manager Grant stated that he spoke with Bob Elliott a representative of the Lake Norman Marine Commission and the Lake Norman Marine Commission is actively working to implement measures to manage the hydrilla.

B. CMS Action Against the North Mecklenburg Area

Commissioner Naas stated that he was very concerned with the recent action taken against the northern towns in the County by CMS.

11. ADJOURNMENT

There being no further business to discuss, Commissioner Miltich made a motion to adjourn at 7:59PM. Commissioner Ross seconded the motion and it passed unanimously, 4-0.

Approved this 17th day of September, 2018.

ATTEST:

Woody Washam, Jr., Mayor

Lori A. Harrell, Town Clerk

REQUEST FOR BOARD ACTION

 **Print**

Date of Meeting: September 17, 2018

To: Mayor and Board of Commissioners

From: Julie Niswonger, Finance Director

Action Requested:


Please find the attached list of proposed refunds based upon the information received from the County Assessor.

The list is necessary as a result of value adjustments as performed by the Mecklenburg County Assessor and/or Board of Equalization and Review and corrections as determined by the Mecklenburg County Assessor. Those refunds total = \$146.84 (tax) + \$0.00 (interest) = \$146.84. As required by Statute, please approve refunds. There are no Board member refunds in this group.

Manager's Recommendation:

Approve tax refunds.

ATTACHMENTS:

Name:	Description:	Type:
 Cornelius_no_interest_refunds_sent_to_BOCC_8_15_2018.pdf	Tax Refunds #1	Cover Memo

Bill Number	Parcel #	Adj. #	Adj. Reason	Refund Recipient Name	Refund Amount (\$)
0008105117-2017-2017-0000-00	2008 Regal 2700 Boat	569634	Duplication	HILL, JASON TODD	146.84
					146.84