

Meeting Minutes
March 7, 2023

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 CH-14 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 6:05 p.m. on Tuesday, March 7, 2023.

ATTENDANCE

Present: Chair George Dunlap and Commissioners
Leigh Altman, Patricia “Pat” Cotham, Arthur Griffin,
Mark Jerrell, Vilma D. Leake, Laura J Meier, Elaine Powell
and Susan Rodriguez-McDowell
County Manager Dena R. Diorio
County Attorney Tyrone C. Wade
Clerk to the Board Kristine M. Smith
Deputy Clerk to the Board Arlissa Eason

Absent: None

-INFORMAL SESSION-

CALL TO ORDER

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

The Board voted unanimously to move Agenda Item #23-0099 (Social Work Appreciation Month Proclamation(Commissioner Rodriguez-McDowell)) up to Awards/Recognition on the agenda.

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REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) to be removed from Consent and voted upon separately. The items identified were Items:

23-0118 Commissioner Leake

23-0125 Commissioner Leake

23-0129 Commissioner Leake

23-0130 Commissioner Leake

23-0131 Commissioner Leake

23-0135 Commissioner Leake

23-0141 Commissioner Leake

23-0142 Commissioner Jerrell

23-0144 Commissioner Leake

23-0145 Commissioner Leake

STAFF BRIEFINGS - None

23-0136 CLOSED SESSION

Motion was made by Commissioner Leake, seconded by Commissioner Altman, and unanimously carried (9-0), voting yes, to go into Closed Session for the following purpose(s): Land Acquisition and to Discuss Personnel Matter.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session 6:00 p.m.

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

-FORMAL SESSION-

CALL TO ORDER

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

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23-01365 Closed Session

Motion was made by Leake, Seconded by Commissioner Powell and unanimously carried (9-0) with to authorize the county manager to negotiate and execute all documents necessary for the acquisition of tax parcels 105-202-04, 105-202-06, and 105-202-07, (+/- 53.485 acres) from Leigh G. Green, and spouse, John K. Green, and Capital Land Partners, LLC for a purchase price of \$6,000,000 for park and recreation purposes.

Motion was made by Vice Chair Powell, Seconded by Commissioner Altman and unanimously carried (9-0) to authorize the county manager to negotiate and execute all documents necessary for the acquisition of tax parcels 043-104-07, 043-104-08, and 043-104-84, (+/- 3.747 acres) from South Oak Partners, LLC. for a purchase price of \$497,500 for park and recreation purposes.

Motion was made by Commissioner Leake, Seconded by Commissioner Powell and unanimously carried (9-0) all to authorize the county manager to negotiate and execute all documents necessary for the acquisition of tax parcels 019-351-09, (+/- 3 acres) from Jonathan Ingram, and spouse, Kristen Ingram, Barry L. Shelton, and spouse, Kay Ingram Shelton for a purchase price of \$250,000 for park and recreation purposes.

AWARDS/RECOGNITION

**23-0099 SOCIAL WORK APPRECIATION MONTH PROCLAMATION (MOVED UP FROM
CONSENT ITEMS) READ BY COMMISSIONER RODRIGUEZ-MCDOWELL**

The proclamation was read by Commissioner Rodriguez-McDowell.

Background: Social Workers advocate for others to ensure everyone has access to the same basic rights, protections, and opportunities. Social Workers are the frontlines, responding to such needs as homelessness, poverty, divorce, mental illness, physical and mental disability, substance abuse, domestic violence, and many other issues. Social Workers in Mecklenburg County are committed and dedicated to individuals and families in the community through service delivery, research, education, and advocacy.

Motion was made by Commissioner Rodriguez-McDowell, seconded by Commissioner Leake, and unanimously carried (9-0), to adopt a Proclamation declaring March 2023 as "Social Work Appreciation Month" in Mecklenburg County.

Mecklenburg County North Carolina Proclamation

WHEREAS, Social Workers inspire community action that improves life for all people; and

WHEREAS, Social Workers have the education and experience to guide individuals, families, and communities through complex issues and choices; and

WHEREAS, Social Workers advocate for others to ensure everyone has access to the same basic rights, protections, and opportunities; and

WHEREAS, Social Workers believe there are no limits to human potential; and

WHEREAS, Social Workers work through private practices, agencies and organizations, hospitals, the military, government, and educational institutions to provide resources and guidance that support social functioning; and

WHEREAS, Social Workers are on the frontlines, responding to community needs; and

WHEREAS, a social work career is one filled with purpose and possibilities; and

WHEREAS, Social Workers help residents lead more rewarding lives; and

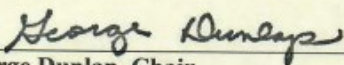
WHEREAS, in recognition of Social Workers and their commitment and dedication to individuals, families, and communities everywhere through service delivery, research, education, and advocacy;

NOW, THEREFORE, BE IT RESOLVED, that the Mecklenburg Board of County Commissioners does hereby proclaim March 2023 as

“SOCIAL WORK APPRECIATION MONTH”

in Mecklenburg County and urges all residents to observe the month by celebrating and supporting Social Workers and the social work profession.

This the 7th day of March 2023


George Dunlap, Chair
Mecklenburg Board of Commissioners



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PUBLIC ART MOMENT - N/A

23-0137 PUBLIC APPEARANCE

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

- | | |
|--------------------|---|
| 1. Heather Johnson | Topic- Council for Children's Rights Advocacy |
| 2. Deb Hanna | Topic- Council for Children's Rights Advocacy |

APPOINTMENTS

23-0093 APPOINTMENTS- NURSING HOME COMMUNITY ADVISORY COMMITTEE

Reappointments were needed on the Nursing Home Community Advisory Committee for three (3) three-year terms expiring February 28, 2026. Kimberly Anderson, Benita Mason, and Regina Tisdale were eligible for reappointment.

Motion was made by Commissioner Leake, seconded by Commissioner Altman, and unanimously carried (9-0), to reappoint Kimberly Anderson, Benita Mason, and Regina Tisdale to the Nursing Home Community Advisory Committee, for three (3) three-year terms expiring February 28, 2026.

23-0132 APPOINTMENTS- ALCOHOLIC BEVERAGE CONTROL BOARD

Appointments were needed on the Alcoholic Beverage Control Board to fill three (3), unexpired terms expiring June 30, 2023.

Background: On February 7, 2023, the Board of County Commissioners nominated the following candidates for appointment consideration to the Alcoholic Beverage Control Board: Marcus Kimbrough, Lloyd Scher, Sandra Stinson, and Beverly Thorpe.

Per Board policy, the Ad-Hoc Interview Committee interviewed all four (4) nominees on Wednesday, March 1, 2023. At the conclusion of the interviews, the Ad-Hoc Committee unanimously recommended Marcus Kimbrough and Beverly Thorpe; and ask that the Clerk continue to advertise for the remaining vacancy.

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The Ad-Hoc Interview Committee was comprised of the following Commissioners: Arthur Griffin (Chair), Leigh Altman, Pat Cotham, and Mark Jerrell.

Commissioner Arthur Griffin, Chair of the ad hoc committee, provided a report on the committee's meeting held on March 1, where they interviewed the four nominees. The Committee Recommended Marcus Kimbrough and Beverly Thorne for appointment for the unexpired term. The committee also recommended the Clerk continue to advertise for the remaining vacancy.

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell, and unanimously carried (9-0), to appoint Marcus Kimbrough and Beverly Thorpe to the Alcoholic Beverage Control Board, for two (2), unexpired terms beginning April 1 and expiring June 30, 2023, and will come back for reappointments for their first full terms that would begin July 1st, 2023.

The Clerk said deadline for applications was March 21 for the current and upcoming vacancy whereas the board would potentially nominate candidates to be interviewed.

Commissioner Jerrell encouraged community members not to be discouraged if not recommended for a specific board, emphasizing the diversity of skill sets required for different boards and encouraging continued involvement.

PUBLIC HEARINGS - 6:30 PM

23-0123 NAMING OF COUNTY FACILITY (COMMISSIONER JERRELL)

Commissioner Mark Jerrell spoke by reflecting on Commissioner Scarborough's legacy, describing her as a trailblazer and pioneer. Before proceeding with the agenda item, a video honoring Ella B. Scarborough's life and achievements was played.

Motion was made by Commissioner Griffin, seconded by Commissioner Jerrell, and unanimously carried (9-0), to open the Public Hearing on Mecklenburg County's proposal to name the new Northeast Community Resource Center located near the intersection of North Tryon Street and Eastway Drive the "Ella B. Scarborough Community Resource Center".

The following persons appeared to speak during the Public Hearing portion of the agenda:

- | | |
|---------------------------|--|
| 1. Shekeria Barnes | Topic- In support of the naming of the Community Resource Center |
| 2. Karen Gibson | Topic- In support of the naming of the Community Resource Center |
| 3. Taisha Wilson | Topic- In support of the naming of the Community Resource Center |

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4. Shallisa Multrie Topic- In support of the naming of the Community Resource Center

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell, and unanimously carried (9-0), to close the Public Hearing and approve the naming of the new Northeast Community Resource Center located near the intersection of North Tryon Street and Eastway Drive the "Ella B. Scarborough Community Resource Center".

Background: At its February 21, 2023, meeting the Board received an application submitted by Commissioner Mark Jerrell to name the new Northeast Community Resource Center in memory of the late Ella B. Scarborough. Pursuant to the County's Facility Naming Policy, the Board set a Public Hearing for consideration and approval of the facility naming proposal.

ADVISORY COMMITTEE REPORTS

23-0113 CHARLOTTE-MECKLENBURG PLANNING COMMISSION- ANNUAL REPORT

The Board received an Annual Report from the Charlotte-Mecklenburg Planning Commission.

Keba Samuels, Chair, Charlotte-Mecklenburg Planning Commission gave the presentation.

Background: The Board's Appointment Policy states all Committees must report at least annually to the Board of County Commissioners on their activities. Reports can be submitted to the Clerk to the Board for distribution to the Board in writing or for formal presentation at a Regular Board Meeting.

CHARLOTTE MECKLENBURG **PLANNING** COMMISSION 2022 ANNUAL REPORT

Prepared for
Mecklenburg County
Board of Commissioners

Presented by
Keba Samuel, Chair, CMPC
Phillip Gussman, Vice Chair,
CMPC

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PLANNING COMMISSION: KEY FUNCTIONS

- Annually report the status of planning and zoning activities to the Governing Bodies
- Review Committee reports
- Review and comment on planning policy and implementation actions
- Accept and disburse funds and services
- Enter into contracts with other agencies to provide or receive planning assistance
- Advise and cooperate with local governments on matters relevant to its duties
- Make available reports to local governments relevant to its duties
- Serve as ex officio members on other boards and commissions
- Document input procedures for Governing Bodies
- Carry out other duties directed by the Governing Bodies

(Per the Interlocal Cooperation Agreement, September 9, 2009)

PLANNING, DESIGN & DEVELOPMENT INITIATIVES



- Act as an internal stakeholder group to review detailed plan information
- Review initiatives prior to key milestones
- Provide feedback on public engagement strategies
- Read and comment on draft documents
- Assist with process improvements
- Serve as liaison and strengthen relationship with other agencies and public
- Make recommendations to City Council and County Commissioners

2021 and 2022 Char-Meck Planning Commission Highlights

Despite pandemic-related delays and interruptions in normal procedures, our board remained engaged, productive, and contributory to two historical planning efforts for our city and ETJ. The Planning Commission worked diligently to complete work program items as follows:

- **Charlotte Future 2040 Comprehensive Plan**
 - Suggested edits, provided comments, solicited feedback from residents
 - Adopted CMPC recommended edits to the 2040 Plan
 - Planning Committee Approval 6/15/2021, Council adoption 6/21/2021
- **Review of Rezoning Processes; proposed changes currently being explored**
- **Approval of Unified Development Ordinance for Council Adoption (July 2022)**
 - Solicited feedback from residents and stakeholders, suggested edits
 - Planning Committee Approval 7/19/2022, Council Adoption (8/22/2022)

Fiscal Year 2023 Work Program

Through the end of our 2023 Fiscal Year (June 2023), the Planning Commission will work diligently to complete work program items as follows:

- **Planning Commission Community Engagement and Education**
- **Community Area Planning and Alignment Rezonings**
- **UDO Implementation and Text Amendments**
- **Environmental Sustainability Focus and Commitment**
- **Review and Update of Guiding Documents - Interlocal Agreement and Rules of Procedure**

Planning Commission Community Engagement and Education

CMPC will host their own events and engage community to A) inform of the role of Planning Commission, B) further establish the Commission as a liaison and community resource on all land use and land development matters, and C) encourage conversation around Community Area Planning and UDO Implementation.

- **Plan and host 4 public meetings**
- **Co-host public meetings with city and county elected officials or stakeholder groups**
- **Support and amplify engagement around Community Area Planning Initiative**
- **Assist in educating community on UDO transition and implementation**

Community Area Planning, Alignment Rezoning, and the Unified Development Ordinance

CMPC will support and promote the public engagement and education efforts around Community Area Planning (CAP) and Alignment Rezoning (AR). We will assist in educating community on the transition to UDO and its implementation.

- Review public engagement strategy and provide feedback as needed
- Assist in amplifying engagement efforts to ensure highest effectiveness
- Distribute/share information with public on engagement opportunities and attend events hosted by Charlotte's Planning, Design, and Development Department to assist in capturing public comment
- Review the UDO proposed text amendments, offer revisions as needed, and provide recommendation to Charlotte City Council

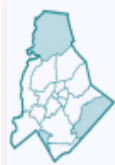
#CLTFuture2040 Implementation

Community Area Planning process launched Feb. 15, 2023



CHARLOTTE FUTURE 2040 COMMUNITY AREA PLANNING





CHARLOTTE FUTURE 2040 COMMUNITY AREA PLANNING

Ways to Get Involved and Stay Engaged

Charlotte and ETJ Residents

- Read Your Community Report
- Attend a Workshop
- Attend Monthly Library Office Hours
- Check out the Community Area Planning Workbook
- Explore the Community Area Planning Ambassador Toolkit



Visit us at
cltfuture2040.com



Environmental Sustainability Focus and Commitment

CMPC is committed to promoting a focus on our natural environment, its resources and its preservation. Starting with the Commission's adoption of our Environmental Sustainability Support Statement in FY2020, we have continued building a framework with tools necessary to help guide decision making with regards to environmental sustainability matters within the purview of the Commission. In FY2023, we will:

- **Establish a permanent subcommittee of the Planning Commission focused on environmental matters pertinent to the Commission's tasks and work**
- **Explore strengthening the Environmental Sustainability Statement for a broader effect**
- **Research and determine means to review and quantify environmental elements related to the work of the Commission (ex. checklist for rezonings)**

Review / Update of Guiding Documents

The documents that guide and shape the charge of the Planning Commission, the Interlocal Agreement and our Rules of Procedure, have not been reviewed for necessary updates in quite some time. We anticipate presenting to Board of County Commissioners and to City Council, the two governing bodies, proposed updates and or amendments to the Interlocal Agreement, last updated September 2009. Anticipated proposed changes to the guiding documents include:

- **Updated attendance policy for the Planning Commission and its subcommittees that includes a provision and guidelines for remote participation**
- **Clarification around service eligibility**
- **Establishment of a permanent Environmental subcommittee of CMPC**
- **Better alignment in the appointment process between the two governing bodies**
- **Removal of outdated language or terminology**
- **Updates needed to reflect compliance with Chapter 160D of NC Statute**

QUESTIONS



Contact Information

Keba Samuel, Chair

Charlotte-Mecklenburg
Planning Commission
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kebasamuel.cmpc@gmail.com

Phil Gussman, Vice Chair

Charlotte-Mecklenburg
Planning Commission
planning@gussmanconsulting.com

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Comments

Commissioner Altman thanked Ms. Samuel for all her work on the committee. She said the feedback she got from the community was concerns about the pace of development and the need for sufficient infrastructure to support it. She asked Mrs. Samuels to explain the Planning Commission's role in the final decision approval-making process as it related to the City Council. *Ms. Samuel explained that the Planning Commission operates in two subcommittees: the Planning Committee and the Zoning Committee. The Zoning Committee focuses on rezoning petitions recommended to the City Council. She highlighted the engagement process and mentioned that they may receive engagement requests from petitioners or County Commissioners before a public hearing. She emphasized the importance of engaging with the community during this period.*

Commissioner Leake asked about the Planning Commission's responsibility to the County Commissioners, the number of people on the Planning Commission, and who appoints them. *Ms. Samuel said the Planning Commission was a Board of 14 members, 7 appointed by the County, and 7 appointed by the City. She said she would send her other appointed members information to her at a later time.*

Commissioner Rodriguez-McDowell thanked Ms. Samuel for all her work. She thanked her for the permanent environmental subcommittee that had been created. She also thanked Ms. Samuel for her involvement in creating public engagements at town halls and meetings.

Vice Chair Powell thanked Ms. Samuel for addressing the brokenness in decision-making processes and realizing the importance of the County partnership. She said the environmental focus and commitment from the Planning Commission was a huge part that they were addressing.

Commissioner Griffin thanked Ms. Samuel for her demonstrated commitment and professionalism. He thanked her for educating him about ETJs and how the work correlated with the Planning Commission.

Chair Dunlap thanked Ms. Samuel for her outstanding service and asked her to explain the ETJ's zoning requests process. *Ms. Samuels said ETJs were portions of the County that were not part of City limits due to an interlocal agreement that guided their work between the City and the County. She said the ETJ's land planning fell under the City's purview. She said she heard feedback from the ETJ residents as to not being represented because they could not vote for City Council members. She said ETJ residents did have representation through the Planning Commission. She said that through public engagements in the ETJs, zoning petitions were advocated for, to make sure the residents in those affected areas were able to voice their concerns.*

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In response to questions about her successor, Samuel mentioned tenured members interested in leadership roles and efforts to create a pipeline of potential candidates. She emphasized the time commitment and importance of the Planning Commission's work, acknowledging the challenges and impact it has on various aspects of the community. Samuel concluded by expressing her dedication to building a pipeline of individuals interested in serving on the Planning Commission. Chair Dunlap thanked Samuel for her service.

23-0134 PUBLIC ART COMMISISON

The Board received an Annual Report of the Public Art Commission.

Todd Stewart, Vice President, Public Art Commission, and Irene Vogelsong, Chair, Public Art Commission made the presentation.

Background: The Board's Appointment Policy states all Committees must report at least annually to the Board of County Commissioners on their activities. Reports can be submitted to the Clerk to the Board for distribution to the Board in writing or for formal presentation at a Regular Board Meeting.

**PUBLIC ART COMMISSION
FISCAL YEAR 2023 ANNUAL REPORT**



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Public Art Annual Report Items

- The Public Art Commission Overview
- Artist Capacity Building and Community Outreach
- Completed and In-Progress Projects During Fiscal Year 2023
- Fiscal Year 2024 Public Art Planning

Background Image: Open Book, Open, Open Mind. Jim Gallucci. 2020. South County Regional Library.

Public Art Commissioners Fiscal Year 2023

 <p>ROBERT COMBS (Appointee-Mecklenburg County 2nd term ends 2024) Professional Category: Business</p>	 <p>LIA NEWMAN* (Appointee- Mecklenburg County 2nd term ends 2023) Professional Category: Education</p>	 <p>SUSAN TOMPKINS (Appointee – Mecklenburg County 2nd term ends 2023) Professional Category: Community</p>
 <p>DR. DAVID GALL (Appointee- City of Charlotte 2nd term ends 2023) Professional Category: Community</p>	 <p>GAURAV A. GUPTA, AIA, LEED AP* (Appointee- City of Charlotte 2nd term ends 2023) Professional Category: Education</p>	 <p>LAUREN HARKEY; VICE-CHAIR (Appointee-City of Charlotte 1st term ends 2024) Professional Category: Business</p>
 <p>RUBIE R. BRITT-HEIGHT (Appointee-ASC 2nd term ends 2024) Professional Category: Education</p>	 <p>CHRIS COPE (Appointee-ASC 2nd term ends 2024) Professional Category: Business</p>	 <p>IRENE VOGELSONG; CHAIR (Appointee – ASC 2nd term ends 2025) Professional Category: Community</p>

* Commissioners completing their second consecutive term

Background Image: Wishes of Historic West End. Stephen L. Hayes, Jr. 2021. Stewart Creek Greenway at State Street Trailhead.

Public Art Commission Responsibilities

Recommend the
Annual Work Plan to
the City Council and
County Commission

Chair the Artist
Selection Panels

Review and approve
Artist Selection Panel
recommendations

Approve all public art
designs for the City
of Charlotte and
Mecklenburg County

Represent the PAC at
community meetings,
dedications and
special events

Ensure community
outreach and citizen
participation in the
public art program

Monitor the overall development of the Public Art Collection-
ensure that local and regional artist representation, balance over
time, with respect to ethnicity and gender of artists selected,
styles of expression, media and genre

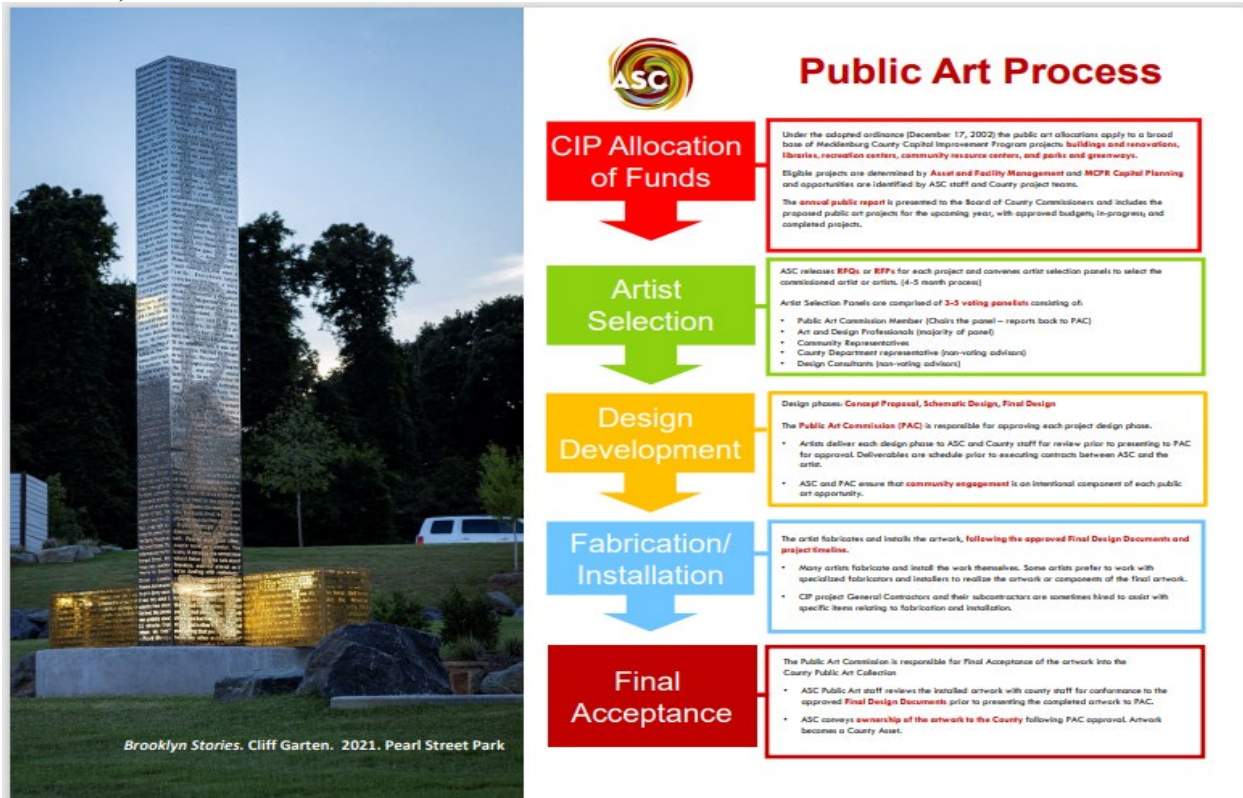
Public Art Program: Facts and Statistics

- ASC Program Management for the:
 - County
 - City
 - Airport
- Mecklenburg County 1% For Art Ordinance adopted on December 17, 2022.
- Ordinance appropriate 1% of eligible capital improvement project funds for public art. 1% allocations are split 85% for Art Fees and 15% for ASC Administrative Fees.
- ASC Scope: Planning, artist selection, contracting, community engagement, facilitation of fabrication and installation.
- **188** Completed Projects to Date (County, City, Private)
- Total Mecklenburg County Investment: \$6,984,993+
- Total Mecklenburg County Projects: **85**
- Total North Carolina Artists Commissioned for Mecklenburg County Projects: **46**



Spiral Odyssey, Richard Hunt, 2019, Romare Bearden Park

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Artist Capacity Building and Community Outreach

ASC Equity and Inclusion Statement and Best Practices

Goal: To remove explicit and implicit bias from our public art policies, creating more equitable processes and practice specifically related to public artwork commissioning and the advertisement of artist opportunities to ensure public artworks for communities in Charlotte-Mecklenburg and the artists who create them reflect our diversity.

ASC Public Art Cultural Equity Strategies:

- Revised RFQ/RFP language for increased inclusiveness
- Revised evaluation & eligibility criteria for increased inclusiveness

New Cultural Equity Initiatives:

- A Regional Artist Directory
- Equity and Bias Training for Program Staff and Participants
- Annual Public Art 101 Workshops
- Spanish Translations of RFQs/RFPs
- Virtual Pre-submittals for RFQs

Background Image: *Nested Hive*, Re:Site, 2020.
Eastway Regional Recreation Center

Regional Artist Directory Overview

Purpose: The ASC Prequalified Regional Artist Pool serves as an internal resource to identify North and South Carolina artists who can design/build creative features for City, County, and private projects that may or may not be associated with larger scale public art projects. The Public Art Commission (PAC) will use this prequalified pool to match artists with opportunities commensurate with skills and experience necessary for specific project scope. ASC will also provide professional development opportunities for artists included in the directory.

Budget: The pool will be used to select artists for projects with budgets up to \$85,000 and will not replace the RFQ process for Public Art opportunities with budgets over \$85,000.

62 Approved NC/SC Artists FY23-25



Meredith Connolly
(Regional Artist
Directory Artist).
Wings. Artist's Concept
Design for Mecklenburg
County Ezell Farms
Community Park.

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A PUBLIC ART INCUBATOR BUILT BY **LOWE'S**

Going Public: A Public Art Incubator is made possible by the financial sponsorship and partnership of Lowe's. Building a skilled public artist pipeline and developing business acumen within selected participants are foundational elements of this new cohort program. Lowe's supports the communities it serves to make homes and hometowns better for all. This extends throughout its hometown of Charlotte, including support of local artists who make neighborhoods and communities vibrant places to live and work.

Purpose: This series of workshops will help artists better understand the process behind public art from applying to commissions, working with stakeholders and communities, and making their vision a reality. ASC's goal is to better equip artists and prepare them for opportunities and challenges they may face while working in public space.

Upcoming Public Art Tours

Historic West End Walking Tour Sponsored by JCSU – 3/25/2023

- *Excelsior (Even Higher)* - Stacey Utley
- Michelle Turner community garden installation
- George Bates light rail shelter panels
- Historic mural at JSCU Arts Factory
- Abel Jackson mural
- Jamil Dyair Steel two underpass murals
- *Passing Through Light* - Irwin Redl
- *Excelsior (Ever Upward)* - Stacy Utley
- *Wishes for West End* – Stephen Hayes
- West Complex murals

Little Sugar Creek Bike Tour Sponsored by Partners For Parks – 4/22/2023

- *Living Bridge* – Laurie Lundquist
- *25th St. Light Rail Station* – Sharon Dowell
- *Aquifer* - Mayasaki Nagase
- *Sight Unseen* – Po Shu Wang
- Trail of History Sculptures
- *Brooklyn Stories* – Cliff Garten
- Murals at Metropolitan
- Trail of History sculptures cont.
- *Tribute* – Simon Donovan and Ben Olmstead
- *Natural Rhythm* - Georgie Nakima

Mecklenburg County In-Progress Public Art Projects



Project:	Discovery Place Nature Museum
Location:	1658 Sterling Rd
District:	County – 5 City – 1
Art Budget:	\$115,600
Project Scope:	Site integrated sculpture
Media:	TBD
Category:	Park and Recreation
Status:	Concept Design Development
CIP:	Fiscal Year 2019
Anticipated Install:	April 2024
PAC Panel Chair:	Rubie Britt-Height
Project Manager:	Todd Stewart



Coastlines, Hood Design Studio, 2014
Coastlines Wilmington Trail, Wilmington CA



Walter Hood, Artist
(Hood Design Studio, Principal)

Artist's Bio:

Walter Hood is the Creative Director and Founder of Hood Design Studio in Oakland, California. Hood Design Studio is a cultural practice, working across art, fabrication, design, landscape, research and urbanism. He is also the David K. Woo Chair and the Professor of Landscape Architecture and Environmental Planning at the University of California, Berkeley. Hood is also a Fellow at the American Academy of Rome and one of the 2021 elected members of the Academy of Arts and Letters.

Walter creates urban spaces that resonate with and enrich the lives of current residents while also honoring communal histories. Through engagement with community members, he teases out the natural and social histories as well as current residents' shared patterns and practices of use and aspirations for a place.

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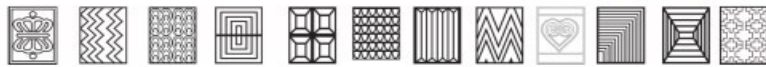
Project: Main Library
Location: 310 N. Tryon ST
District: County – 4
City – 1
Art Budget: \$460,700
Project Scope: Grand Lobby Wall Artwork
Media: Wood Panels and Mirrored
Acrylic
Category: Asset & Facility Management
Charlotte Mecklenburg Library
Status: Schematic Design
CIP: Fiscal Year 2020
Anticipated Install: Winter 2025
PAC Panel Chair: Chris Cope
Project Manager: Todd Stewart



Artist's Concept Design Rendering



Artist's Concept Design Rendering (detail)



Acrylic tile design samples (detail)



Tiff Massey, Artist

Artist's Statement:

The concept design is inspired by the flora and the indigenous flowers of Charlotte. The artwork will highlight the memories that will be reflected in the work and onto the space. The quilt is constructed of wooden panels with reflective panel inlay depicting the right now and the forever-changing future of the Charlotte Mecklenburg New Main Library. A second Community Engagement is being planned for Spring 2023.

Project: Ezell Farms Community Park
Location: 4101 Mintwood Road
Mint Hill, NC
District: County – 6
City – N/A
Art Budget: \$73,100
Project Scope: Potential site locations and project considerations have been identified: free-standing sculpture, seating, railing, environmental art, and wayfinding elements.
Media: TBD
Category: Park and Recreation
Status: Schematic Design
CIP: Fiscal Year 2021
Anticipated Install: Spring 2024
PAC Panel Chair: Lauren Harkey
Project Manager: Randella Foster



Wings. Artist's Concept Design for Mecklenburg County Ezell Farms Community Park.



Meredith Connelly, Local Artist
Regional Artist Directory

Artist's Statement:

Wings is based on the wing segments of an American Painted Lady butterfly, and will use translucent materials to engage the light of the sun, casting patterned shadows that will move and shift as the day passes. A series of three wing-like structures will be embedded into the ground, appearing to emerge from the earth. Inspiration for this concept came in layers in association with the pollinators that inhabit the land, the gloriously structural elements of butterfly wings, and the ancient approach of using the sun to tell time.

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Project: Irwin Creek Greenway

Location: 6000 Statesville Rd
(Nevin Community Park)

District: County – 3
City – 2

Art Budget: \$102,000

Project Scope: Free-Standing Sculpture

Media: Steel, galvanized wire rope,
thermoformed Acrylite Premium

Category: Park and Recreation

Status: Schematic Design

CIP: Fiscal Year 2020

Anticipated Install: Summer 2024

PAC Panel Chair: Lia Newman

Project Manager: Randella Foster



Artist's Schematic Design Rendering



Artist's Schematic Design Rendering, Detail



Rachel Dickey, Local Artist

Artist's Statement:

Irwin Creek Greenway public artwork titled, *Suspended Offering*, sympathetically responds to its natural surroundings by deploying a custom fabricated wire canopy with 600 transparent collection vessels suspended from below. The canopy provides a structure that blends with the natural landscape by providing unobscured views to the surrounding trees lining the greenway. Hung from the canopy, 600 vessels collect morning dew and fallen items from the trees above, as a means of coexisting with the natural surroundings. The vessels gather and adapt to the changing seasons and the natural environment, as they collect and highlight with a transparent glow, frost in the winter, fallen leaves in autumn, raindrops in the spring, and sprigs of green in summer. Artist collaboration with design team for plaza design.

Project: Torrence Creek Tributary

Location: Underpass at Trailhead Entrance -
Huntersville Gateway Park and
Ride Huntersville, NC

District: County – 1
City – NA

Art Budget: \$255,000

Project Scope: Programmed Static Lighting in
Pedestrian Tunnel

Media: GoBo Projectors and Colorblast
Powercore gen4 Lighting Fixtures

Category: Park and Recreation

Status: Fabrication

CIP: Fiscal Year 2020

Anticipated Install: Fall 2024

PAC Panel Chair: Robert Combs

Project Manager: Randella Foster



Artist's Final Design Renderings



Adam Buente, Artist
(Project One Studio, Principal)

Artist's Statement:

State of Flow is inspired by water – the rivers and bodies of water of Huntersville. The design's abstracted flowing lines and glowing sparks are taken directly from Lake Norman, Torrence Creek, and McDowell Creek. Water from Lake Norman drove the development of the city in the late 1900s and it drives the overall layout and plan of "The Vine," Huntersville's Greenway Trail system. Recreation, life, and prosperity are, in a way, products of the lake, rivers, and streams of this region. In addition, the artwork's lighting design will increase visibility and improve pedestrian security, while meeting ADA accessibility standards.

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Project: Druid Hills Park

Location: 2801 Poinsett ST

District: County – 3
City – 1

Art Budget: \$33,500

Project Scope: Integrated Low-relief mural and linear street mural

Media: Digital print on custom ceramic tiles; Performed Thermoplastic

Category: Park and Recreation

Status: Fabrication

CIP: Fiscal Year 2020

Anticipated Install: Fall 2023

PAC Panel Chair: Rubie Britt-Height

Project Manager: Randella Foster



Artist's Final Design Rendering, Pavilion Mural



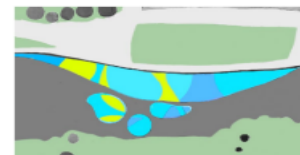
Mural Details



Mural Details



Pavilion Location Rendering



Artist's Final Design Rendering, Linear Rodey Ave. Mural



Monique Luck, Local Artist

Artist's Statement:

The tree represents the growing and thriving community with a wall flowing with colors and images representing the history and the evolving vibrant community in Druid Hills. The image of the tree in the mural is taken from a photo of a tree in the center of the park. Its roots run deep, as deep as the sense of community in Druid Hills. The vibrant colors reflect the vibrancy of the community. Within the collaged mural are images of hands throughout the tree. Lifting the community from its roots up. The Street Mural represents water. Water nourishes the park, the trees, the garden, and in turn nourishes the community as it evolves and grows.

Project: North East Community Resource Center (NE CRC)

Location: 103 Eastway DR

District: County – 3
City – 1

Art Budget: \$451,350

Project Scope: Free-Standing Sculpture

Media: Fiber Glass, Resin, Polyurethane and Tnemec Paint

Category: Asset & Facility Management

Status: Fabrication

CIP: Fiscal Year 2019

Anticipated Install: Spring 2023

PAC Panel Chair: Irene Vogelsong

Project Manager: Randella Foster



Rendering of North East Community Resource Center Design options provided by Gensler & Associates



Artist's Schematic Design Rendering



Seating Detail



Nova Jiang, Artist

Artist's Statement:

Cloud Lilies is inspired by the bulb of the Carolina Lily and the process of groundwater moving into plants and then transpiring into the atmosphere. Seats inspired by lily bulbs create an inviting space, which is sheltered by upside-down forms of the bulbs, suggesting clouds. The stem-like columns evoke the form of a pavilion. The lily bulb symbolizes the potential for growth, as well as the hidden struggles of others. The sculpture follows the tenets of trauma-informed design by using calming colors and soft forms. It aims to suggest comfort and dignity by creating a welcoming space for people to gather and rest.

Mecklenburg County Completed Public Art Projects

Project: North Regional Recreation Center
Location: 18121 Old Statesville Rd
Cornelius, NC

District: County – 1
City – NA

Art Budget: \$282,000

Project Scope: Lighting Design, Exterior

Media: Stainless Steel, Galvanized Steel, Dichroic Glass, Programmable LED Lighting

Category: Park and Recreation

CIP: Fiscal Year 2019

Installed: April 2022

PAC Panel Chair: Robert Combs

Project Manager: Todd Stewart



Crop Rotations by Jill Anholt Studio with details



Jill Anholt, Artist
(Jill Anholt Studio, Principal)

Artist's Statement:

Crop Rotations celebrates Cornelius's agrarian history by highlighting the similarities between regional farming patterns and the active nature of the Northern Regional Recreation Center. The artwork is comprised of rows of dichroic glass fins that shift in color via sunlight during the day and programmable LEDs at night. The reflections and refractions from the dichroic glass fins create an intriguing dance of light and color that oscillates between natural and constructed forms and phenomenon. The patterns displayed through the artwork reference ideas of growth and transformation, life, activity, and movement, aligning with the energetic program of activities within the building and the dynamic agricultural character of the surrounding landscape.

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Project: Independence Park
Location: 300 Hawthorne LN
District: County – 4
City – 1
Art Budget: \$96,000
Project Scope: Mural
Media: Paint
Category: Park and Recreation
CIP: Fiscal Year 2020
Installed: May 2022
PAC Panel Chair: Robert Combs
Project Manager: Todd Stewart



Natural Rhythm by Georgie Nakima



Artist's Final Design Rendering



Georgie Nakima, Local Artist
Regional Artist Directory

Artist's Statement:

Natural Rhythm depicts five prominent figures wrapping around the Armory building and surrounded by an ecosystem of patterns, plants, and sparrows. My intention was to capture the essence of the park with a futuristic twist that highlighted the adventure and wonder of what the park has been and what it might become as it evolves over time. The details that wrap around the three walls allude to the past, present, and future as it brings the historic features that once existed with the elements that still stand despite the current reconstruction.

Fiscal Year 2024 Public Art Planning



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Upcoming Public Art Opportunities

CIP Project	Site Address	1% Allocation	15% Admin Fee	85% Art Budget	Notes
Community Resource Center (EAST)	TBD	\$646,561	\$96,984	\$549,777	
Community Resource Center (SOUTHWEST)	TBD	\$586,212	\$87,932	\$498,280	
Government District	Various Locations	\$406,000	\$60,900	\$345,100	Pooled funds from multiple projects
Main Library + Spirit Square	310 North Tryon St.	\$400,000	\$60,000	\$340,000	
Park Road Park Shelter	6220 Park Rd.	\$82,556	\$12,383	\$70,173	
Naomi Drennen Recreation Center	750 Beal St.	\$75,000	\$11,250	\$63,750	
Storm Water Flood Markers	Various Locations	\$45,882	\$6,882	\$39,000	Site TBD with Storm Water Services staff
Long Creek Greenway	9841 Northlake Centre Pkwy.	\$155,000	\$23,250	\$131,750	
Stewart Creek Tributary 2 Underpass Mural	State St. Trailhead Underpass	\$30,000	\$4,500	\$25,500	Non-ordinance

Further Information:

Staff Contacts:

Todd Stewart
Vice President, Public Art
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todd.stewart@artsandscience.org

Randella Foster
Program Director, Public Art
704-335-3262
randella.foster@artsandscience.org

ASC Website:
<https://www.artsandscience.org/>

ASC Public Art:
<https://www.artsandscience.org/programs/for-community/public-art/>

Calls to Artists:
<https://www.artsandscience.org/resources-for/artists/calls-to-artists/>

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Thank You!

Comments

Chair Dunlap asked if all the Public art projects could be cataloged for residents to view. He said there was a self-guided tour that had been created, and asked if that was in response to having the projects cataloged. *Mr. Stewart said the self-guided tour did not include all Public art projects. He said they had compiled a list of all Public art inventory projects and that list was available upon request.*

Commissioner Meier asked if the City did Public art projects as well. *County Manager Diorio said the City did Public art projects as well.*

Commissioner Meier asked what the total of County and City combined projects was. *Mr. Stewart said 188 projects had been currently completed.*

Commissioner Rodriguez-McDowell thanked the presenters for their work. She said it was important for the public to see their tax dollars at work. She said she liked how the committee balanced the art projects around the community. She highlighted the value of investing in art, making the community special, and supporting local artists. She said investments in the Arts

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made the

community were special because it created a legacy for years to come. She thanked the Lowes company for supporting the Arts in the County.

Commissioner Jerrell asked what the rate of appreciation on the value of the pieces was and how did they get appraised. *Mr. Stewart said there was not an appreciation evaluation done on the art pieces in his nine years with the ASC.*

Commissioner Jerrell He also suggested exploring the value appreciation of art pieces and tracking artists' success post-commission.

Commissioner Jerrell said he would also like to see which artists were able to use this as a springboard into leveraging their work on the projects they created for the County and gained national or international recognition afterward.

Commissioner Rodriguez-McDowell said he liked Chair Dunlap's idea of creating a catalog of all the art projects. She said if it was funded by the County, the possibility was there for the catalog to be created. She asked to see pricing information on creating a catalog.

Commissioner Cotham asked if the committee still met in the basement church location. *Mr. Stewart said they were currently meeting virtually, and they also had office space in uptown at the WeWork location.*

Commissioner Cotham asked if the committee had people who checked the art pieces for maintenance. *Mr. Stewart said that was currently done by County operations, they did not have staff that assisted in those efforts.*

MANAGER'S REPORT

23-0148 EARLY CHILDHOOD – PRENATAL-TO-THREE PLANNING UPDATE

The Board received as information a presentation on the Prenatal-to-Three Action Plan.

Background: Since the release of the Chetty Study on social mobility in 2014, Mecklenburg County has been a leader in proactively investing in, and developing, programs aimed at improving outcomes for young children and their families. This led to a focus on early childhood care and education, and the release of an action plan for early childhood education in 2017 that launched MECK Pre-K and expanded access to childcare subsidies.

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A second Early Childhood Education Executive Committee reconvened in the summer of 2021 to expand upon these initial efforts and has been working since then to develop a new action plan for Mecklenburg County focused on the Prenatal-to-Three space (PN-3). That soon-to-be-released report contains recommendations aimed at building a more functional PN-3 system that will be impactful for children and families across Mecklenburg County.

Tim Gibbons, Program Manager DSS, and Anthony Trotman, Deputy County Manager gave the presentation.

Prenatal-to-Three Planning Overview

**BOCC Meeting
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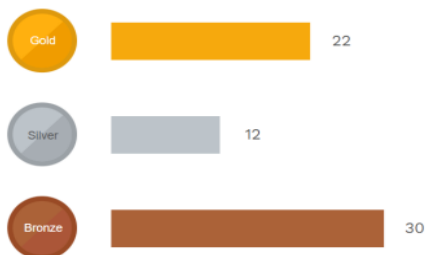
**Tim Gibbons
Early Childhood Education Initiatives
Program Manager**



1

Gold Medal for Pre-K

The CityHealth Initiative recognized Charlotte as one of only 22 major U.S. cities that received a Gold Medal for High-Quality, Accessible Pre-K



The state of high-quality, accessible pre-K policies in big US cities

64 out of 75 cities received a medal for high-quality, accessible pre-K policies, including 22 golds, 12 silver, and 30 bronze.

Source: 2022 CityHealth Assessment (<https://www.cityhealth.org/our-policy-package/high-quality-accessible-prek/>)

2

Mecklenburg County Early Childhood Roadmap

Chetty Study (2014)



Charlotte ranked 50th out of 50 on upward mobility

Spurred a call to action across the community

ECE Action Plan (2017)



Recognized the need to improve access to early care and education

Led to MECK Pre-K, expansion of child care subsidy, workforce pipeline initiatives, etc.

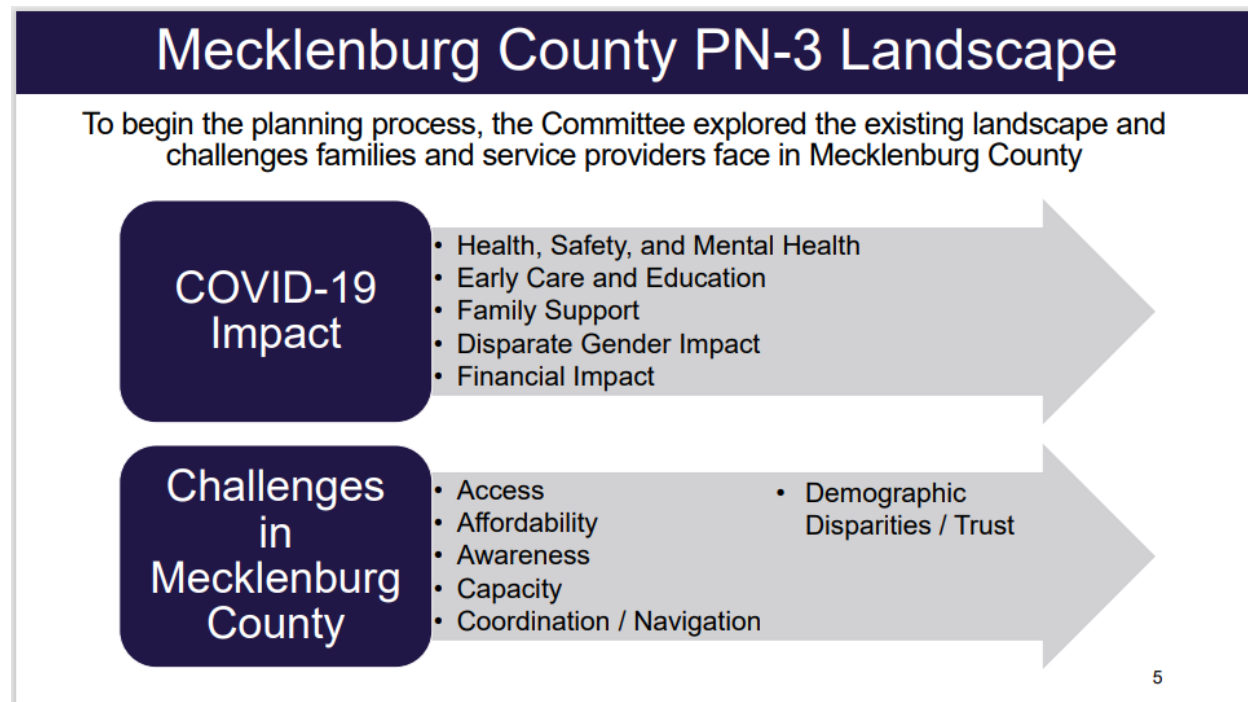
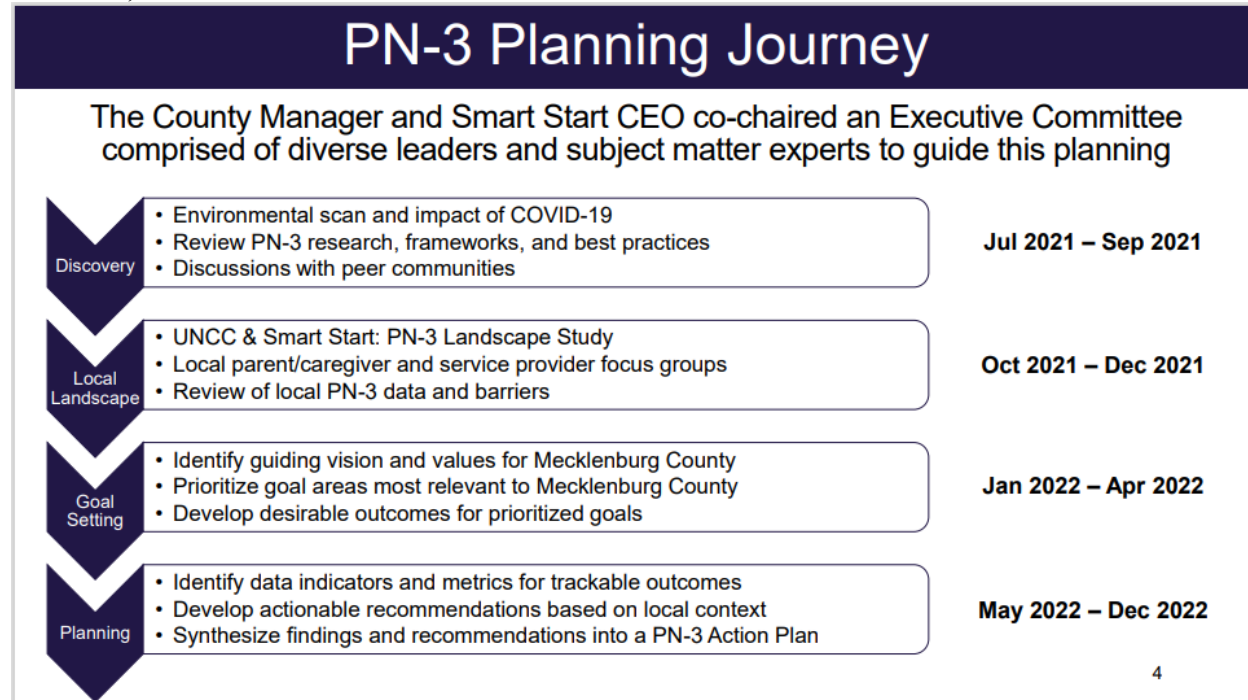
PN-3 Action Plan (2023)



Research shows the earliest years of a child's life are the most crucial for development

Families need the resources and support to create and sustain environments that set children up for success

3



PN-3 Priority Goal Areas

After reviewing the local landscape and available research, the Committee prioritized three goal areas

Healthy & Equitable Births

- ☐ People can plan and intentionally build families
- ☐ Women remain healthy before, during, and after pregnancy
- ☐ Children are born healthy at full-term

Optimal Child Health & Development

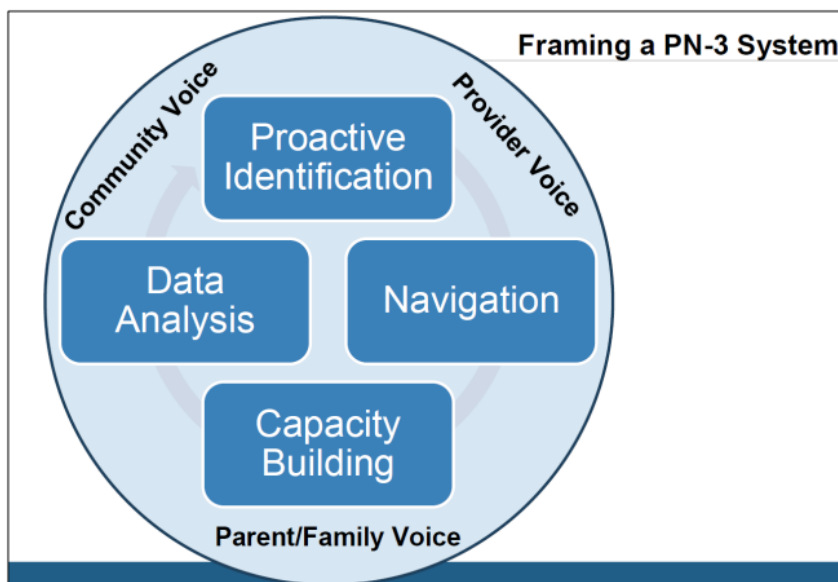
- Infants and Toddlers:
- ☐ Receive the proper nutrition and resources to physically develop and thrive
 - ☐ Experience healthy brain development and master early learning skills
 - ☐ Experience and express a range of emotions, while also developing close relationships

Parental Health & Emotional Well-Being

- ☐ Caregivers are aware of available services across the community
- ☐ Caregivers can access the services they need to care for themselves and support early childhood development
- ☐ The community has an interconnected system of services and supports that help caregivers remain mentally and emotionally engaged with their families

6

Building a PN-3 Infrastructure and System



Mecklenburg County as a community has a wide array of services for children and families, but can improve the coordinated infrastructure required to better meet the needs of our residents

7

PN-3 Recommendations

The Committee identified five key recommendations to address the priority needs of children and families in Mecklenburg County

- 1 **Data** – Improve PN-3 data collection and sharing to better evaluate community-level outcomes and adjust PN-3 programming proactively to meet community needs
- 2 **Proactive Identification** – Work with community partners and families to provide greater access to social determinants of health and child development screenings to identify needs proactively
- 3 **Navigation** – Improve navigation and referral processes to better connect families to needed PN-3 services
- 4 **Capacity** – Partner with community organizations and local service providers to expand access to high-quality PN-3 services
- 5 **Community Engagement** – Support community organizations in leading family engagement & education work to capture family voice and ensure parents/caregivers feel empowered to support their families

8

Next Steps

- 1) Finalize and release the PN-3 Action Plan:
 - Executive Summary
 - Discovery & Landscape Mapping
 - Vision
 - Goals & Outcomes
 - Recommendations
- 2) Develop toolkit (1-pagers, presentations, etc.) to more easily share information about the PN-3 Action Plan with the community
- 3) Expand engagement efforts with key community partners (e.g., health care providers) to lift up recommendations
- 4) Begin developing detailed implementation plans for prioritized recommendations

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Comments

Commissioner Cotham said she hoped the program helped those that the data truly represented. She said due to COVID, tracking the number of those program participants could not be done. She spoke about violence and kids being traumatized after the pandemic. She said the data needed to be decimated to see the real issues associated with the after-pandemic effects.

Commissioner Altman said when listening to the presentation she was reminded of a previous presentation with the County Economist that referred to childcare infrastructure. She said having childcare offered as a County employer would be a great benefit to offer perspective hires, and that the options needed to be explored.

Commissioner Griffin said he appreciated the presentation, and in terms of strategic leadership, the Board was moving in the right direction.

Commissioner Jerrell said that based on some of the data presented the growth was moving in a positive direction as it related to children and Meck PreK, and he thought that was phenomenal. He thanked previous Boards, Commissioner Fuller, and County Manager Diorio for making actionable efforts to grow the Meck PreK program to what it was currently, and for continuing to make it a priority.

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Commissioner Rodriguez-McDowell said she was proud of the Board for the work that had been done so far. She said she agreed that it was a lot of data, but the data was needed to study systems and create policy foundations. She said she appreciated the deep dive into information because it created building blocks that would make a difference in the future of the County.

Chair Dunlap left the dais at 8:14 p.m. and came back as later noted in the minutes.

Commissioner Meier said she was excited about all the data being presented. She said the information was needed in order to prove the reasons why the tax dollars needed to be spent on creating such programs in the future. She said she was an advocate for access to primary care and was very excited about the programs being proposed.

Commissioner Leake made historical references to previous initiatives by other Board members and County Manager Diorio as they related to children's wrap-around services. She talked about challenges faced by foster children and the importance of male figures in childcare. She thanked Mr. Gibbons and County Manager Diorio for all their work in the children's initiatives they had supported.

Chair Dunlap returned to the meeting at 8:19 p.m.

Chair Dunlap said he had a concern with it came to a resident applying to three of the programs the County had. He said having a universal application process for residents to navigate the programs would be ideal. *Mr. Gibbons said they were currently working with CMS in gathering data and making outreach efforts to parents to navigate the application process. He said they were working on a centralized intake approach. He said the challenges were logistical and technology-related, and they were working to get to a point where all programs were more centralized.*

DEPARTMENTAL DIRECTORS' MONTHLY REPORTS - NONE

STAFF REPORTS & REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS & REQUESTS - NONE

CONSENT ITEMS

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Motion was made by Commissioner Leake, seconded by Commissioner Meier, and unanimously carried (9-0), to approve the following item(s):

23-0119 ACQUISITION OF FLOOD PRONE PROPERTY UNDER HAZARD MITIGATION GRANT PROGRAM 4393-0092-R

Accept the Offer of Sale of Real Estate from Abner and Melinda Reyes, owners of the property located at 6432 Mounting Rock Road, Charlotte, NC (tax parcel 167-221-45), for \$300,000 and authorize the Manager to execute all paperwork necessary to complete the transaction; and Authorize local emergency response agencies to use the structures for training exercises.

Background: Since late 1999, Mecklenburg County has used storm water fee revenue to acquire flood prone property. Buyouts reduce the risk to life and property during floods, while also enhancing the natural and beneficial functions of the floodplain. Mecklenburg County uses the land as open space, to expand greenways, to construct wetlands, etc.

Storm Water Services (STW) has been working on voluntary flood buyouts of 15 properties in the Sugar Creek floodplain within McDowell Farms neighborhood. The development was built compliant with the floodplain maps in the 1980's. However, new Flood Insurance Rate Maps in 2004 showed a 5-ft increase in the floodplain. STW pursued FEMA grant funds for a voluntary buyout through the Hazard Mitigation Grant Program (HMGP) in February 2020. The grant was approved in 2022.

This action is consistent with goals in the Environmental Leadership Action Plan which supports the Environmental Leadership Policy adopted by the Board of County Commissioners (BOCC). These acquisitions are part of Storm Water's 15-year CIP risk reduction goals and consistent with recommendations in the Flood Risk Assessment and Risk Reduction Plan, adopted by the BOCC on May 1, 2012.

The buyout is voluntarily. The purchase and demolition are funded by a combination of Federal, State, and local STW capital funds. The requested actions will consist of acquiring the properties and demolishing the existing buildings. The purchase price is based upon a current fair market value appraisal. Consistent with past practices, the actual expenditure could be reduced if the owner received any insurance payments for flood damage within the previous 36 months and did not spend those funds on repairs.

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STW staff allows training opportunities for local police and fire personnel prior to demolition of flood prone buildings. In addition, STW staff has established a process with Habitat for Humanity of Charlotte to maximize the responsible reuse of materials prior to structure demolition while protecting the health of the community.

23-0127 TAX REFUNDS

Approve refunds in the amount of \$2,594.29 as statutorily required to be paid as requested by the County Assessor.

Background: This Board action is necessary to approve tax refunds resulting from clerical errors, audits, and other amendments, including revaluation appeals. There is no accrued interest associated with the \$2,594.29 Meck refunds. Refunds total \$2,594.29.

23-0128 PARKLAND DONATION - BACK CREEK PARK EXPANSION

Accept donation of Tax Parcel 051-462-46 (+/- 6.562 acres) for incorporation into the existing County-owned Back Creek Park from Austin Estates, LLC.

Background: The subject property owner, Austin Estates, LLC, has agreed to donate Tax Parcel 051-462-46 (+/- 6.562 acres) for inclusion into the existing Back Creek Park. The donation is being made as part of the subdivision approval process for the Austin Estates single-family residential development.

The existing Back Creek Park is roughly 128 acres in size and is located off Back Creek Church Road and west of I-485. The donation is consistent with Park and Recreation's Greenway Master Plan that calls for the addition of parkland, greenway, and open space within the County. It is also consistent with the County's Environmental Leadership Action Plan.

23-0133 CULLMAN AVENUE PROPERTY TEMPORARY CONSTRUCTION EASEMENT

Authorize the County Manager to negotiate and execute a Temporary Construction Easement to 300 East 36 Development Holdings, LLC ("Developer") on County-owned Tax Parcel 083-031-07 (+/- 0.919 acres) for construction of a mixed-used development on an adjacent parcel.

Background: Tax Parcel 080-031-07 (+/- 0.919 acres) in the NODA neighborhood was purchased by the County in 2005 for storm water purposes. Adjacent to the County-owned parcel and at the

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corner of Cullman Avenue and E. 36th Street, the Developer is planning a mixed-use eight story building. The development will include 294 residential apartments, 6,900 SF of ground floor retail space with a landscaped plaza along 36th Street, and 350 parking spaces. To facilitate construction of the project, the developer has requested a temporary construction easement from the County on tax parcel 080-031-07 for a period of two years. The County's property will be used for construction staging and storage, parking for construction workers, and the project's construction trailer.

County Storm Water Services has reviewed this request and are agreeable to use of the property. A stipulation of the agreement is that no construction activities are to take place on the County's property. The County will be compensated \$48,825 for the TCE plus additional fees to cover the County's staff and legal review of the TCE.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

23-0138 PULLED CONSENT ITEMS

Commissioners may remove agenda items from the Consent Agenda for a separate vote, to bring public awareness or to make comments. The following items were pulled and voted upon separately:

23-0118 BUDGET AMENDMENT - HEALTH DEPARTMENT (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Altman, and unanimously carried (9-0), to amend the 2022-2023 Annual Budget Ordinance to recognize, receive, and appropriate an increase of \$205,176 in federal revenue from the North Carolina Department of Health and Human Services, Division of Public Health (DPH) to the General Fund (0001) for the WIC Client Services Program in the Health Department.

Background: The North Carolina Division of Public Health (DPH) awards federal funds to the Health Department to support some public health programs. The Health Department received notification of increased funding of \$205,176 for the WIC Client Services program as the average monthly participation has risen above 103% of the base caseload assignment for January 1, 2023 - May 31, 2023.

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The funding increase will enhance the Health department's ability to provide supplemental nutritious foods, nutrition education, and referrals for health care for low-income persons during critical periods of growth and development.

23-0125 AFFIRM AWARD - DELTA DENTAL SMILES 4 KIDS

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell, and unanimously carried (9-0), to affirm the submitted application for funding in the amount of \$5,000 Delta Dental Smiles 4 Kids; and if awarded, amend the 2022 - 2023 annual budget ordinance to recognize, receive, and appropriate the award amount to the general fund (0001) within Public Health.

Background: Mecklenburg County Health Department screens students across the County for cavities or oral health issues and recommends or refers students to get pediatric dental care when necessary. This grant funding would pay for toothbrushes to be distributed in the oral health screening visits with students, increasing access to dental care equipment in hopes of improving oral health and reducing the absenteeism due to poor dental hygiene.

23-0129 GRANT APPLICATION - SMART START OF MECKLENBURG COUNTY

Motion was made by Commissioner Leake, seconded by Commissioner Altman, and unanimously carried (9-0), to affirm the submission of a renewal grant application to Mecklenburg Partnership for Children of Mecklenburg County for funding up to \$424,756 to support programs promoting child health and safety for grant period July 1, 2023 - June 30, 2024.

Background: The Communicable Disease team, including Child Care Health & Nurse Consultants, will ensure childcare facilities have a plan for potential future infectious disease outbreaks, will focus on providing consultation for healthy weight initiatives, provide information and resources for early intervention and special education services and will inspect and consult with childcare facility staff. FY20-21 Early Childhood Profile Smart Start data shows that 73% of children are enrolled in 4-5 star childcare facilities, but that leaves 27% of children who are attending lower starred facilities. Also, 3.3% of children who receive early intervention or special education services in Mecklenburg County is outside the range (more than 4% and less than 10%) set for the County based on the distribution of identified children among counties. The amount of children ages 0-4 at a healthy weight within Mecklenburg County is 68.5%, which meets the bare minimum requirement of 66.1% and falls short of the high performing requirement goal of 70%, so there is work to be done with this grant funding.

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**23-0130 CONSTRUCTION CONTRACT - MECKLENBURG COUNTY HAL MARSHALL
SITE IMPROVEMENTS**

Motion was made by Commissioner Leake, seconded by Commissioner Altman, and unanimously carried (9-0), to award a construction contract to Wharton-Smith, Inc. in the amount of \$804,443.00.

Background: This contract is for fencing, gates, and access control to provide secure parking for the Sheriff's Office Field Operations Division and the VAPA (Visual & Performing Arts) Center, the arts consortium leasing space from the County. This contract also includes fencing and gates to secure the County-owned vacant lots across Montfort Point Street from the Hal Marshall Center. The decorative fencing to be installed is approved for use in the Uptown Mixed-Use District (UMUD) Zoning District.

**23-0131 GRANT APPLICATION - NC DEPARTMENT OF ADULT CORRECTION (NCDAC)
INTERMEDIARY AGENCY FOR LOCAL REENTRY COUNCILS (LRC) - CRIMINAL
JUSTICE SERVICES (CJS)**

Motion was made by Commissioner Leake, seconded by Commissioner Altman, and unanimously carried (9-0), to affirm submission of a grant application to NC Department of Adult Correction for the Intermediary Agencies (NCDAC) for Local Reentry Councils (LRC) Grant up to \$150,000 for assisting justice-involved citizens living in local communities; and if awarded, adopt a grant project Ordinance for the Intermediary Agencies for LRC Grant in the General Grant Fund G001; and if awarded, recognize, receive, and appropriate the award amount to the General Grant Fund G001 within CJS.

Background: Criminal Justice Services Re Entry Services Unit has delivered services to residents returning to Mecklenburg County from incarceration in the local jail, and State and Federal prisons since 2013. The requested funding will allow the Criminal Justice Services Re Entry Services Unit to increase educational and vocational opportunities available in Mecklenburg County through multiple partnerships. Employment, trade skills training and entrepreneurship training will be supported to develop additional avenues for employment for the re-entering population.

Grant funds are for a 1-year period with up to \$150,000 beginning July 1, 2023 and ending June 30, 2024. A formal grant application was due to the North Carolina Department of Public Safety on March 3, 2023, to be eligible for funding. A match is not required.

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GRANT PROJECT ORDINANCE

WHEREAS, Mecklenburg County is applying and/or has been awarded a grant from the NC Department of Adult Correction. The grant has been made available to Mecklenburg County under the Intermediary Agencies for local reentry councils (LRC) Grant up to the amount of \$150,000; and

WHEREAS, the grant funds must be used to assist justice-involved citizens living in local Communities; and

WHEREAS, the Mecklenburg County Board of County Commissioners deems this activity to be a worthy and desirable undertaking;

NOW, THEREFORE, PURSUANT TO N.C.G.S. 159-13.2, BE IT ORDAINED BY THE MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS that:

Section 1. The project described in the NC Department of Adult Correction grant application is hereby authorized to be undertaken for the duration of the grant.

Section 2. The County Manager is authorized to execute the grant agreement and other documents that are required or appropriate for the County to receive the Intermediary Agencies for local reentry councils (LRC) Grant and to undertake the project. The County Manager is directed to take steps necessary to ensure compliance with all spending and reporting requirements NC Department of Adult Correction.

Section 3. The following revenues are anticipated for Mecklenburg County in the G001 fund to complete this project:

Grant	\$150,000.00
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Section 4. The following expenses are appropriated for Mecklenburg County in the G001 fund to complete this project:

Grant	\$150,000.00
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Adopted this ____ day of _____

Clerk to the Board

Ordinance recorded in full in Ordinance Book 51, Document # 93.

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23-0135 REGISTER OF DEEDS AUTOMATION ENHANCEMENT AND PRESERVATION SPECIAL REVENUE FUND

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell, and unanimously carried (9-0), to amend the Register of Deeds Automation Enhancement and Preservation Special Revenue Fund (8528) to recognize and appropriate \$800,000 in fee revenue for automation and enhancements.

Background: This fund was established pursuant to NCGS §161-11.3, effective January 2, 2002, to provide new automation and/or preservation of the historical record collection at the Register of Deeds Office by setting aside 10% of all fees collected by the Register of Deeds and Vital Records offices. By this action, the Board will recognize and appropriate revenue held in this fund for on-going software and maintenance fees for the land records software and database at the Register of Deeds and Vital Records Offices, and to be used to provide for preservation and enhancements of the Register of Deeds' Historical Record Collection.

23-0141 NORTHEAST PROPERTY LEASE

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell, and unanimously carried (9-0), to adopt a Resolution titled "Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to Christ Point Church".

Background: On February 16, 2023, the County closed on roughly 33.54 acres of land in the City of Charlotte that will be used for a local park. The site is north of I-485 with frontage on Ridge Road, across from the Highland Creek neighborhood. The land was previously owned by several members of the Oehler family and includes several single-family structures, a barn, a chapel, and several other outbuildings. Following the County entering into a contract with the Oehler family, members of Christ Point Church approached staff with a request to use the barn, chapel, parking lot, and two associated building for a period of two years while the church is under construction on a new facility on land adjacent to the parkland at 4301 Ridge Road. The church used the same structures for services and other activities when the property was owned by the Oehler family.

The proposed lease includes the following major business terms:

Location - The barn, chapel, parking lot, and associated buildings immediately adjacent to Tax Parcel 029-301-19

Term - Two (2) years

Meeting Minutes**March 7, 2023***Rental Rate - \$2,500 per month**Use - Friday at 6:00 AM through Sunday at 9:00 PM weekly**Maintenance and repairs - Tenant shall be responsible for any and all routine and preventive maintenance, including janitorial**Utilities - The tenant shall be responsible for all utility payments including but not limited to water, gas, electricity, sewer, storm water, and data*

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**MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
RESOLUTION DECLARING INTENT TO LEASE PROPERTY
TO CHRIST POINT CHURCH**

WHEREAS, in February 2023, Mecklenburg County ("County") closed on the purchase of approximately 33.54 acres of land for future park amenities on Ridge Road in northeast Charlotte; and

WHEREAS, the previous owners leased portions of the land to Christ Point Church ("Church") for fellowship services; and

WHEREAS, the Church approached the County about leasing those same portions of land to the Church for a period of two (2) years while the Church completes construction of a new church building on nearby land at 4301 Ridge Road; and

WHEREAS, the County and the Church have agreed to allow the Church to lease portions of County-owned property on Tax Parcel 029-301-19 based on the following proposed business terms:

Location	The barn, chapel, parking lot, and associated buildings on Tax Parcel 029-301-19
Term	Two (2) years
Rent	\$2,500 per month
Use Times	Friday at 6:00 AM through Sunday at 9:00 PM weekly
Maintenance/Repairs	The Church shall be responsible for any and all routine preventive maintenance including janitorial.
Utilities and Services	The Church shall be responsible for all utility payments including but not limited to water, gas, electricity, sewer, storm water, telecommunications, and data; and

WHEREAS, the County's Park and Recreation Department has determined that the property that the Church desires to lease will not be needed by the County during the term of the lease; and

WHEREAS, pursuant to G.S. 160A-272 the Board of Commissioners has determined that it would be in the public's interest for it to agree to the arrangement proposed by the Church; now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners does hereby declare its intent to enter into a lease arrangement with the Church, as described above, and directs the

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Clerk of the Board to publish a notice of the Board's intent to approve the lease arrangement with the Church, at the Board's April 18, 2023 meeting as required by law.

Adopted the ____ day of March 2023.

Approved as to Form:

County Attorney

Clerk to the Board

(SEAL)

Resolution recorded in full in Ordinance Book 51, Document # 94.

23-0142 BROWNFIELDS APPLICATION AND AGREEMENT - EAST CHARLOTTE PARKLAND

Motion was made by Commissioner Jerrell, seconded by Commissioner Altman, and unanimously carried (9-0) to prepare and submit a Brownfields Property Application to the North Carolina Department of Environmental Quality ("DEQ") for Tax Parcel 109-161-60 (+/- 27.465 acres) in the City of Charlotte; and negotiate and execute a Brownfields Agreement with the DEQ upon the site receiving program eligibility.

Background: In November 2021, the County entered into a contract with Partners for Parks, Inc. for the purchase of 27.465 acres of property at 8131 East W.T. Harris Boulevard for a future local park. The park's conceptual plan includes such potential uses as sports courts, an active sports area, a loop trail, shelters, and restrooms. Following entering into the contract, the County proceeded with conducting due diligence activities including environmental testing. Results of initial environmental assessment concluded there were several recognized environmental conditions (RECs) including nearby property that was used as an orchard, nearby property that was used as an aircraft storage yard from the 1960s through the 1980s and documented volatile organic compounds (VOCs) and chlorinated VOC groundwater.

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Additional testing by the consultant hired by the County, ECS, revealed levels of certain contaminants above the regulatory standard in certain groundwater and soil samples taken from the property. Based on this as well several meeting with State DEQ staff, County staff recommends the County filing an application and receiving program eligibility determination for the Brownfields program prior to taking ownership of the property. The Brownfields program provides for State liability protection to cleanup soil, groundwater, and other affected areas in exchange for making the site safe for the intended use. This may be accomplished by implementing land use restrictions and other controls such as capping the impacted soil.

Upon the County receiving a positive program eligibility notification (2-4 months), the County would close on the property and negotiate the terms of the Brownfields Agreement with the State. The County's agreement with Partners for Parks grants the County the ability to use proceeds from the sale of the property that would ordinarily go to Partners for Parks for the cleanup of the site. The County is purchasing the property from Partners for Parks for a purchase price of \$2,700,000. Upon closing on the property, Partners for Parks will retain 25% (\$675,000) of the purchase and 75% (\$2,025,000) will come back to the County for use in implementing the requirements of the future Brownfields agreement and construction of the park.

23-0144 REPEAL BOARD OF HEALTH RULES AND ORDINANCES

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell, and unanimously carried (9-0), to repeal the 1982 Board of Health Rules Governing Milk Sanitation, 1990 Rule Regulating Medical Waste, 1980 Ordinance Governing Mobile Home Parks and 1978 Ordinance Governing Massage Parlors, Health Salons, and Related Business within Mecklenburg County.

Background: Milk sanitation falls under the jurisdiction of NC Department of Agriculture. Mecklenburg County no longer has any involvement with milk sanitation. The rule is no longer applicable. Medical waste is now under the jurisdiction of NC DEQ Division of Waste Management, Solid Waste section, which regulates the storage transportation, treatment, and disposal of medical waste. Mecklenburg County has no involvement with medical waste.

Regulations of Mobile Homes for permitting and compliance has been moved under zoning. Neither the health department nor LUESA plays any role in regulating mobile homes. Regulations of the Business or Profession of Massage does not fall under LUESA or health department. Business licenses are issued by the City of Charlotte. The North Carolina Board of Massage and Bodywork therapy regulates the massage profession.

The Rules and Ordinances noted above are no longer applicable under the County's jurisdiction and should therefore be repealed.

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MECKLENBURG COUNTY
RESOLUTION REPEALING THE BOARD OF HEALTH RULE GOVERNING MILK
SANITATION WITHIN MECKLENBURG COUNTY

WHEREAS, the Board of Commissioners of Mecklenburg County, as a Consolidated Human Services Agency (CHSA), exercising the powers and duties of a local board of health adopted a Board of Health Rule, regulating the production, transportation, processing, handling, sampling, examination, labeling and sale of Grade A pasteurized milk and milk products; the inspection of dairy farms, milk haulers and plants and the issuing, suspension, and revocation of permits to milk producers, haulers, plants, and distributors, effective September 7, 1982; and

WHEREAS, this Board of Health Rule should be repealed as the local health department does not enforce any rules or regulations related to milk pasteurization. All jurisdiction for milk regulation falls under the North Carolina Department of Agriculture; and

WHEREAS, based upon the recommendation of the public health department director, the Board of Commissioners of Mecklenburg County finds it no longer necessary to retain this rule.

Now, therefore,

Be it RESOLVED by the Board of Commissioners of Mecklenburg County, North Carolina, that the Board of Health Rule, governing milk sanitation within Mecklenburg County be hereby repealed.

This 7th day of March 2023.

George Dunlap, Chairman

Clerk to the Board

Resolution recorded in full in Ordinance Book 51, Document # 96.

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MECKLENBURG COUNTY
ORDINANCE AND RESOLUTION REPEALING THE BOARD OF HEALTH RULE
AND COUNTY ORDINANCE REGULATING MEDICAL WASTE WITHIN
MECKLENBURG COUNTY

WHEREAS, the Board of Commissioners of Mecklenburg County, as a Consolidated Human Services Agency (CHSA), exercising the powers and duties of a local board of health adopted a Board of Health Rule and County Ordinance, regulating the storage, treatment, and disposal of medical waste within Mecklenburg County and municipalities, effective November 19, 1990; and

WHEREAS, based upon the recommendation of the public health director, this Board of Health Rule should be repealed as the local health department does not enforce any rules or regulations related to medical waste. The North Carolina Department of Environmental Equality (NC DEQ) Division of Waste Management, Solid Waste Section regulates the storage, transportation, treatment, and disposal of medical waste.

Now, therefore,

BE IT ORDAINED, by the Board of Commissioners of Mecklenburg County, North Carolina, that the Board of Health Rule and County Ordinance, regulating medical waste within Mecklenburg County be hereby repealed.

This 7th day of March 2023.

George Dunlap, Chairman

Clerk to the Board

Ordinance recorded in full in Ordinance Book 51, Document # 97.

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Adopted January 16, 1978
Amended February 6, 1978

AN ORDINANCE LICENSING AND REGULATING
THE BUSINESS OR PROFESSION OF MASSAGE

BE IT ORDAINED by the County of Mecklenburg that:

MASSAGE PARLORS, HEALTH SALONS,
AND RELATED BUSINESSES.

Purpose of article.

To protect public health, safety, welfare and morals, the following privilege license provisions and regulations are ordained for the privilege of carrying on the business, trade, or profession of massagist and for the operation of carrying on of the businesses, trades, or professions commonly known as massage parlors, bath parlors, health salons, physical culture studios, or similar establishments wherein massage or physical manipulation of the human body is carried on or practiced.

The provisions of this article shall not apply to a regularly established and licensed hospital, sanitarium, nursing home, nor to an office or clinic operated and regularly used by a duly qualified and licensed medical practitioner, osteopath, or chiropractor in connection with the practice of medicine, chiropractic, or osteopathy; nor will they apply to any treatment given in the residence of a patient if administered by a licensed physician, osteopath or registered physical therapist or chiropractor.

Definitions.

Unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

- (1) 'Massage' means the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.
- (2) 'Massage business' means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, and massage parlors.
- (3) 'Business or profession of massage' includes the massage or treatment of any person for a fee or in expectation of a gratuity from the person massaged.
- (4) 'Massagist' means any person engaged in the business or profession of massage.
- (5) 'Private parts' shall mean the penis, scrotum, mons veneris, vulva or vaginal area.

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Prohibited Acts.

- (a) It shall be unlawful for any massage business as herein defined, to knowingly provide, allow or permit a massage or treatment to be given by a person to a person of the opposite sex.
- (b) It shall be unlawful for any massagist to massage or treat a person of the opposite sex.
- (c) It shall be unlawful for any person to massage or to offer to massage the private parts of another for hire.

Licensing.

- (a) No person, partnership, corporation or association shall operate a massage business as herein defined unless such person, partnership, corporation or association shall have first applied for and received a privilege license from the City-County Tax Collector.
- (b) No person shall engage in the business or profession of massage unless such person shall have first applied for and received a privilege license from the City-County Tax Collector. Each application shall be accompanied by a medical certificate signed by a physician that the applicant was examined by the physician and that the applicant is free of any communicable disease. A new medical certificate shall be required with each application for renewal of the privilege license.
- (c) Each applicant for a license issued pursuant to this section shall pay a privilege license tax in the following amounts:

- | | |
|---|----------|
| (a) Massage Parlors, Health Salons
and related businesses. | \$150.00 |
| (b) Massagists. | 25.00 |

Employer To Use Only Licensed Employees.

No person, corporation, partnership, or association licensed hereunder shall permit any person to massage or treat any person upon the premises operated by the licensee unless the person giving such massage or treatment has been issued a license as herein required.

Penalties.

Violation of any of the provisions of this article by any person shall constitute a misdemeanor and upon conviction shall be punished by a fine not to exceed \$50.00, or imprisoned for not more than 30 days, or both. Each and every violation shall constitute a separate and distinct offense.

This ordinance shall be in full force and effect from and after its adoption, provided, however, any person engaged in the business, trade or profession of massagist, and any person, partnership, corporation or association engaged in the operation of massage business shall have 30 days in which to comply with the licensing provisions of this ordinance.

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AN AMENDMENT TO AN ORDINANCE LICENSING AND
REGULATING THE BUSINESS OR PROFESSION OF MASSAGE

WHEREAS, on January 16, 1978 the Mecklenburg County Board of Commissioners adopted "An Ordinance Licensing and Regulating the Business or Profession of Massage", as amended on February 6, 1978; and

WHEREAS, Mecklenburg County desires to further amend "An Ordinance Licensing and Regulating the Business or Profession of Massage" as a result of the adoption of "Mecklenburg County Ordinance Governing Licenses for Health Massage/Bodywork Therapists"; now, therefore,

BE IT ORDAINED by the Board of Commissioners of Mecklenburg County:

Section 1. The second paragraph of Purpose of article of "An Ordinance Licensing and Regulating the Business or Profession of Massage" shall be amended by adding a sentence to read as follows:

The provisions of this Ordinance shall also not apply to health massage/bodywork therapists wherever they may be engaged in the business or profession of health massage/bodywork therapy, who are licensed under "Mecklenburg County Ordinance Governing Licenses for Health Massage/Bodywork Therapists."

Section 2. This ordinance shall become effective upon its adoption.

Adopted this the 17th day of May, 1993.

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MECKLENBURG COUNTY
ORDINANCE REPEALING THE LICENSING AND REGULATING THE BUSINESS
OR PROFESSION OF MASSAGE ORDINANCE

WHEREAS, the Board of Commissioners of Mecklenburg County adopted an Ordinance entitled "An Ordinance Licensing and Regulating the Business or Profession of Massage" effective January 16, 1978; and

WHEREAS, the regulation of the business of massage does not fall under the jurisdiction of the health department, but under the authority of the North Carolina Board of Massage and Bodywork Therapy; and

WHEREAS, the Board of Commissioners of Mecklenburg County finds it no longer necessary to retain this ordinance and upon the recommendation of the public health director, now desires to repeal the Ordinance.

Now, therefore,

BE IT ORDAINED, by the Board of Commissioners of Mecklenburg County, North Carolina, that the Ordinance entitled "An Ordinance Licensing and Regulating the Business or Profession of Massage" be and is now hereby repealed.

This 7th day of March 2023.

George Dunlap, Chairman

Clerk to the Board

Ordinance recorded in full in Ordinance Book 51, Document # 98.

ORDINANCE GOVERNING MOBILE HOME PARKS

BE IT ORDAINED by the Board of County Commissioners of the
County of Mecklenburg, North Carolina:

Section 1. Purpose. The purpose of this ordinance is to safeguard life and property by regulating and providing for the inspection of utility connections, mobile homes, accessory buildings and other health related conditions in existing mobile home parks. These regulations have reasonable and substantial regard for public health, safety, and the general welfare of the public, while avoiding requirements which present unreasonable hardships or unnecessary inconvenience during the normal use and occupancy of mobile homes and buildings.

Section 2. Definitions. For the purpose of this ordinance the terms used herein are defined as follows:

- (a) Certificate of Occupancy. Authorization to occupy part or all of a mobile home park. The certificate is issued or revoked by the Mecklenburg County Department of Building Standards and Code Enforcement.
- (b) Debris. The term debris shall mean the worthless remains that result from the destruction or breaking down of anything.
- (c) Garbage. The term garbage shall mean the refuse of animal or vegetable matter from a kitchen, market, or store.
- (d) Litter. The term litter shall mean worthless rubbish or refuse scattered about.
- (e) Mobile Home. "Mobile Home" means a portable manufactured housing unit designed for transportation on its own chassis and for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. As used in this ordinance a mobile home may also mean a double wide mobile home which is two or more portable manufactured housing units designed for transportation on their own chassis and connects on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.
- (f) Mobile Home Park. Mobile home park shall mean any site or tract of land, in contiguous ownership, upon which mobile home spaces are provided for mobile home occupancy.
- (g) Mobile Home Park Owner. Mobile home park owners may be private owners or corporate owners. Reference herein to owners shall

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also include Mobile Home Park Managers or Operators acting as representatives of the owner.

- (h) Mobile Home Space. Mobile home space shall mean a plot of land within a mobile home park designed for the accommodation of a single mobile home.
- (i) Mobile Home Stand. Mobile home stand is that portion of the mobile home space designed for and used as the area occupied by the mobile home.
- (j) Private Drive or Driveways. Private drive or driveways shall mean any street or road within the mobile home park, not publicly maintained, but utilized as access by the residents of the mobile home park, their guests, the public, and by public and private service vehicles.
- (k) Refuse. The term refuse shall mean material rejected or thrown aside as worthless.
- (l) Trash. The term trash shall mean any accumulation of waste materials no longer of any use, including but not limited to paper, sweepings, dust, rags, bottles, cans, cardboard, excelsior, grass or shrubbery cuttings, leaf rakings, etc.

Section 3. Conformance with Ordinance.

- (a) It shall be unlawful for any person to construct or engage in the construction of any mobile home park or make any addition or alteration to an existing mobile home park within the zoning jurisdiction of Mecklenburg County unless a final plan of the mobile home park has been approved by the Charlotte/Mecklenburg Planning Commission. No new mobile home park or mobile home park addition shall be occupied without having a valid Certificate of Occupancy issued by the Mecklenburg County Department of Building Standards and Code Enforcement.
- (b) It shall be unlawful to operate an existing mobile home park within the jurisdiction of the Mecklenburg County Zoning Ordinance unless the mobile home park owner shall have made application for a Certificate of Occupancy within sixty (60) days of the effective date of this ordinance and shall have been issued a Certificate of Occupancy as provided in Section 4 of this ordinance.
- (c) Once a Certificate of Occupancy for a mobile home park has been issued, it shall be unlawful to operate that mobile home park without having a valid Certificate of Occupancy.

SEP 15 1983

Section 4. Certificate of Occupancy.

- (a) Within sixty (60) days from the effective date of this ordinance all existing mobile home parks shall apply for an annual Certificate of Occupancy from the Mecklenburg County Department of Building Standards and Code Enforcement.
- (b) Within six (6) months following the effective date of this ordinance, the Mecklenburg County Environmental Health Department and Mecklenburg County Department of Building Standards and Code Enforcement shall inspect all mobile home parks within the jurisdiction of Mecklenburg County as to their conformity with the minimum health and safety regulations set forth in Sections 6 through 9 in this ordinance.
- (c) Mobile home park operators shall be notified in writing as to the corrections necessary to bring the park into compliance with these standards. Such corrections shall be made within a reasonable time, but not exceeding six (6) months from the date of notification. Operation of a mobile home park after the date six (6) months from the date of notification without a valid Certificate of Occupancy shall be unlawful.
- (d) The Mecklenburg County Department of Building Standards and Code Enforcement may, after due notice, amend, suspend or revoke the Certificate of Occupancy for failure to maintain the park in compliance with regulations which apply to a specific park. A mobile home park owner has the right of appeal to the Mecklenburg County Housing Appeals Board, the North Carolina Department of Insurance or the Mecklenburg County Zoning Board of Adjustment as specified in Section 13 of this ordinance.
- (e) The Certificate of Occupancy may be revoked for a specified section of a mobile home park which is in violation. Occupancy shall be allowed to continue in those portions of the park which are in conformity with the standards set forth herein.

Section 5. Annual Inspections of Mobile Home Parks.

- (a) The Mecklenburg County Department of Building Standards and Code Enforcement and Environmental Health Departments may conduct as many inspections of mobile home parks as are deemed necessary to insure compliance with applicable standards.
- (b) The mobile home park owners in Mecklenburg County shall pay to the Mecklenburg County Department of Building Standards and Code Enforcement an annual inspection fee. This fee shall be payable initially upon application for the Certificate of Occupancy. The fee shall be paid annually each year thereafter by January 30 as long as the park remains in operation. Provided, however, that if the initial inspection fee is paid during the last four months of 1980, the mobile home park operator shall not be required to reapply and pay an additional

inspection fee in January of 1981 and the initial Certificate of Occupancy shall be valid until January 30, 1982 unless earlier revoked pursuant to Section 4. of this ordinance.

- (c) Annual Inspection Fee: \$1.00 per space with a \$100.00 maximum per mobile home park.
- (d) The Certificate of Occupancy for a mobile home park may be revoked if the annual inspection fee is not paid.

Section 6. Construction Requirements.

- (a) Construction of a new mobile home park or any alterations or increases in spaces in existing mobile home parks shall be reviewed and approved by the Zoning Administrator for conformance with the Mecklenburg County Zoning Ordinance prior to any work being done.
- (b) A building permit is required for all accessory buildings.

Section 7. Park Requirements.

- (a) No more than one (1) mobile home shall be parked on any mobile home space. If a recreation vehicle or camper is used as a place of residence, each shall be placed on a separate space.
- (b) Each mobile home space shall have room for parking at least one car in addition to space for the mobile home.
- (c) Roads shall be maintained in a manner to insure safe passage of vehicles in all weather, be free of pot holes and be open to permit passage of all emergency and service vehicles at all times.
- (d) Every mobile home space shall be graded as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

Section 8. Removal of Trash and Hazardous Conditions.

- (a) All debris, garbage, litter, refuse and trash (except when stored in a sanitary manner awaiting disposal as required by Section 9(e)) shall be removed from the mobile home park.
- (b) All wiring in facilities owned by the mobile home park owner shall be in compliance with the National Electrical Code. Such facilities include individual service poles, public facilities, and wiring in or on any mobile home owned by the mobile home park or park owners.

SEP 15 1990

Section 9. Utility Connections. All park utility installations owned by a mobile home park shall comply with applicable building and health codes of Mecklenburg County and the State of North Carolina, and the requirements of the North Carolina Utilities Commission.

- (a) Electrical Supply. Electrical Utility Service shall be installed according to applicable articles of the National Electrical Code.
- (b) Mobile Home Equipment. Each mobile home shall be required to connect with the utilities provided at each mobile home space.
- (c) Water Supply. Each mobile home park shall provide adequate water supply from a source approved by the Mecklenburg County Environmental Health Department. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual mobile home shall be obtained only from faucets or other plumbing connections located within each mobile home.
- (d) Sewage Disposal. Each mobile home park shall be provided with an adequate sewage disposal system either by connections to a public or private sewer system or a septic tank system constructed in compliance with the regulations of the Mecklenburg County Environmental Health Department. All sewage wastes from each mobile home park, including wastes from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned shall be piped into the mobile home park sewage disposal system.
- (e) All garbage, trash, debris, litter and refuse in each mobile home park shall be stored in a sanitary manner and regularly disposed of in a manner consistent with the standards and regulations of the Mecklenburg County Environmental Health Department.
- (f) Fuel Oil Storage. Any fuel oil storage system provided by the mobile home park owners shall have a minimum storage capacity of 100 gallons of fuel per home and be installed in a safe manner.

Section 10. Park Information. At the time of making application for the Certificate of Occupancy, each park owner shall furnish the Mecklenburg County Building Standards and Code Enforcement Department with:

- (a) A legible map, drawing or sketch of the mobile home park showing the park entrance, streets, and mobile home spaces by number.

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- (b) A plan showing provisions for fire protection.

Within thirty (30) days of any change in the configuration of the mobile home park affecting the entrance, streets or mobile home spaces, the owner shall furnish a revised map, drawing or sketch to the Buildings Standards and Code Enforcement Department.

Section 11. Registration. The operator of each mobile home park shall keep a current register containing an accurate record of all occupants and owners of mobile homes in the park.

The register shall contain the following information:

- (a) Name and permanent address of owner.
- (b) Space number in which each mobile home is parked.
- (c) Date occupant/mobile home owner occupied space within the park.

Section 12. Notification. The mobile home park operator shall (a) notify the Mecklenburg County Department of Building Standards and Code Enforcement whenever any mobile home space is rented or leased and (b) notify the mobile home owner to secure all required permits from Mecklenburg County Department of Building Standards and Code Enforcement.

Section 13. Appeals and Hearings. Building Code matters shall be appealed to the North Carolina Department of Insurance. Zoning matters shall be appealed to the Mecklenburg County Zoning Board of Adjustment. All other matters shall be appealed to the Mecklenburg County Housing Appeals Board established by the Housing Code for Mecklenburg County.

Section 14. Enforcement. This ordinance may be enforced in any one or more of the following ways as prescribed by law:

- (a) Violation a misdemeanor - Any person, firm or corporation who violates any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not exceeding fifty dollars (\$50.00) and/or imprisoned not exceeding thirty (30) days. Each day that a violation continues to exist shall be considered to be a separate offense.
- (b) Injunction and Order of Abatement - The provisions of this ordinance may be enforced by injunction and order of abatement. When a violation of this ordinance occurs, Mecklenburg County, through the County Attorney or other official designated by the Board of County Commissioners of Mecklenburg County, may apply

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to the appropriate division of the General Court of Justice for a mandatory and prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon the property.

If the defendant fails or refuses to comply with the injunction or order of abatement within the time allowed by the Court, he may be cited for contempt and Mecklenburg County may execute the order of abatement as provided in N.C.G.S. 153A-123(e). If the County executes the order, the costs of execution shall constitute a lien on the property as provided in N.C.G.S. 153A-123(e).

- (c) Other remedies. The provisions of this ordinance may be enforced in any other manner set forth in N.C.G.S. 153A-123.

Section 15. Conflict with Other Provisions. In the event any provision, standard, or requirement of this ordinance is found to be in conflict with any provision of any other ordinance or code of Mecklenburg County or any of the General Statutes of North Carolina, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the County shall prevail.

Section 16. Severability. If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision hereof, and to that end, the provisions of this ordinance are hereby declared to be severable.

Section 17. Implementation. This ordinance shall become effective upon approval by the Board of County Commissioners.

Adopted the _____ day of _____, 1980.

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MECKLENBURG COUNTY
ORDINANCE REPEALING THE GOVERNING MOBILE HOME PARKS
ORDINANCE

WHEREAS, the Board of Commissioners of Mecklenburg County adopted an Ordinance entitled "Ordinance Governing Mobile Home Parks" effective September 15, 1980; and

WHEREAS, the regulation of mobile homes for permitting and compliance, does not fall under the jurisdiction of the health department nor the Land Use and Environmental Services Agency (LUESA), but under the authority of the Zoning Department; and

WHEREAS, the Board of Commissioners of Mecklenburg County finds it no longer necessary to retain this ordinance and upon the recommendation of the public health director and the LUESA director, now desires to repeal the Ordinance.

Now, therefore,

BE IT ORDAINED, by the Board of Commissioners of Mecklenburg County, North Carolina, that the Ordinance entitled "Ordinance Governing Mobile Home Parks" be and is now hereby repealed.

This 7th day of March 2023.

George Dunlap, Chairman

Clerk to the Board

Ordinance recorded in full in Ordinance Book 51, Document # 99.

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23-0145 AMENDMENT TO RULES - MECKLENBURG COUNTY PUBLIC SWIMMING POOLS AMENDMENT TO RULES - BOARD OF HEALTH RULE REGULATING RESIDENTIAL SWIMMING POOLS AMENDMENT TO RULES - BOARD OF HEALTH RAT CONTROL

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell, and unanimously carried (9-0), to approve amendments to Mecklenburg County Public Swimming Pools and Residential Swimming Pool Rules and Mecklenburg County Board of Health Rule Governing Rat Control.

Background: The Mecklenburg County Board of Commissioners, as a Consolidated Human Services Agency (CHSA) exercising the powers and duties of a local board of health is responsible for adopting rules to protect and promote the public health of the community. From time to time, it becomes necessary to enact, amend, repeal, or revise previously adopted rules and make necessary changes to meet current public health needs. The Board finds it necessary to amend the Board of Health rule adopted May 18, 1999, under GS 130A-39 and amended March 20, 2018, governing public swimming pools in Mecklenburg County and all Cities and Towns, whether incorporated or unincorporated. Among other technical changes, the Board AMENDS Section 3(b) of the Rule to change the expiration date of annual permits; AMENDS Section 10(a) to include the correct statutory citation for a violation of the Rule to be a misdemeanor pursuant to G.S. 130A-25; and AMENDS Section 10(b) to clarify that the Director's has the authority to seek a civil injunction to enforce the Rule at his discretion.

In addition, the Board finds it necessary to amend the Board of Health Rule adopted May 18, 1999, under GS 130A-39 governing residential swimming pools in Mecklenburg County, including, but not limited to all Cities and Towns, whether incorporated or unincorporated. Among other technical changes, AMENDS Section 2 of the Rule to update the definition of "spa;" AMENDS Sections 5(b) and 7(a) to remove requirements related to the proximity of a pool to drinking water wells; AMENDS Section 5(d) to clarify that building permits are required for construction of a pool; AMENDS Section 7(b)(6) to clarify requirements of service gates that are part of a driveway; ADDS a new Section 7(b)(7) to clarify that pool barriers cannot consist of vegetation or bodies of water; AMENDS Section 8(a)(d) to reflect the current effective date and exception for pools in existence prior to May 18, 1999; AMENDS Section 8(c) to clarify the Director's authority to order that a pool be drained if determined to be an imminent hazard; ADDS a new Section 9(a) to include a civil penalty of \$100.00 per day for violating the Rule; AMENDS Section 9(b) to include that a violation of the Rule will be a misdemeanor pursuant to

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G.S. 130A-25; and AMENDS Section 9(c) to clarify the Director has the authority to seek a civil injunction to enforce the Rule at his discretion.

In addition, the Board finds it necessary to amend the Board of Health rule adopted May 18, 1999, under GS 130A-39. governing the control of rats in Mecklenburg County and all Cities and Towns, whether incorporated or unincorporated. Among other technical changes, ADDS a new Section 12(a) to the Rule to include a civil penalty of \$100.00 per day for violating the Rule; AMENDS Section 12(b) to include a violation of the Rule will be considered a misdemeanor pursuant to G.S. 130A-25; AMENDS Section 12(c) to clarify the Director's authority to seek a civil injunction to enforce the Rule at his discretion; and ADDS a new Section 13 to include an appeal procedure as required by G.S. 130A-24.

MECKLENBURG COUNTY BOARD OF HEALTH RULE GOVERNING PUBLIC SWIMMING POOLS

Be it ordained by the Mecklenburg County Board of Commissioners (while exercising the powers of the Board of Health, which powers it has assumed and conferred upon itself by action pursuant to G.S. 153A-77) that the following rules governing the permitting, operation, maintenance, and abandonment of public swimming pools in Mecklenburg County, for the protection of the public health, are hereby adopted pursuant to Chapter 130A-39(a) of the General Statutes of North Carolina. These rules shall apply throughout Mecklenburg County, North Carolina, including, but not limited to all cities and towns, whether incorporated or unincorporated. These rules do not replace North Carolina Rules Governing Public Swimming Pools found in 15A NCAC 18A .2500, but apply in addition to those rules.

SECTION 1: PURPOSE

The following rules are enacted for the purpose of protecting the health and safety of citizen's utilizing public swimming pools in Mecklenburg County. The rules also set in place a framework for the collection of fees to offset the cost of performing inspections mandated by the North Carolina Commission for Health Services, and allow County Staff to investigate and abate nuisance conditions created by improper operation of public swimming pools.

SECTION 2: DEFINITIONS

The following definitions shall apply throughout this Rule:

- (a) "Annual pool" means those public swimming pools that are permitted to operate more than seven months per year. For the purpose of determining how many months a pool operates, any day of operation in a given month will be considered a full month of operation.
 - (b) "Board of Health" or "Board" means the Mecklenburg County Board of County Commissioners acting as the Board of Health pursuant to North Carolina General Statute 153A-77.
 - (c) "Department" means the Mecklenburg County Health Department.
 - (d) "Director" means the Health Director for Mecklenburg County. The term also means the authorized representative of the Director.
 - (e) "Permit" means a paper, sign, placard, certificate, or other official document indicating permission has been granted pursuant to these rules for the operation of a public swimming pool for a specified period of time.
 - (f) "Person" means an individual, firm, partnership, association, public or private institution, municipality, political subdivision of the State of North Carolina, governmental agency, public or private corporation, or any combination thereof.
 - (g) "Pool Depth" means the vertical distance from the centerline of the skimmer or the top of the overflow trough to the deepest point on the pool floor that is at least one foot horizontal distance from any maindrain.
 - (h) "Public health hazard" means a situation which is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.
 - (i) "Public nuisance" means a situation which creates a continuing and unreasonable interference
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with the use and enjoyment of property and may cause injury to another if not corrected.

(j) "Public swimming pool" means any structure, chamber, or tank containing an artificial body of water used by the public for swimming, diving, wading, recreation, or therapy, together with buildings, appurtenances, and equipment used in connection with the body of water, regardless of whether a fee is charged for its use. The term includes municipal, school, hotel, motel, apartment, boarding house, athletic club, or other membership facility pools and spas. For the purpose of this Rule, the term does not apply to a private pool serving a single-family dwelling and used only by the residents of the dwelling and their guests. It also does not apply to therapeutic pools used in physical therapy programs operated by medical facilities licensed by the Department of Human Resources or operated by a licensed physical therapist, nor to therapeutic chambers drained, cleaned, and refilled after each individual use. For the purpose of applying Sections 8 and 9 of this rule, the term includes facilities which formerly operated as a public swimming pool but which are not currently permitted or operating. Public swimming pools are classified as:

- (1) "Swimming pools" - all public swimming pools except spas and wading pools.
- (2) "Spas" - special facilities designed for recreational and therapeutic use which are not drained, cleaned, or refilled after each individual use. Spas may include, but are not limited to, units designed for hydrojet circulation, hot water, cold water mineral bath, air induction bubbles, or any combination thereof. Common terminology for spas includes "therapeutic pool," "hydrotherapy pool," "whirlpool," "hot spa," and "hot tub."
- (3) "Wading pools" - small, shallow pools not more than 24 inches deep designed for use by children.

(k) "Seasonal pool" means those public swimming pools that are permitted to operate no more than seven consecutive months per year. Permits for seasonal pools shall run from April 1 until October 31.

(l) "Wastewater" means the liquid waste generated by water-using fixtures and appliances. The term includes water generated during pool backwash, pool drainage, and maintenance activities.

SECTION 3: PUBLIC SWIMMING POOL OPERATION PERMITS

(a) No public swimming pool shall be operated without having been issued a valid operating permit by the Mecklenburg County Health Department. The permit shall be posted in a location designated by the Director where it can be readily observed by the public upon entering the pool area.

(b) A permit for the operation of a seasonal pool shall be valid for a period of up to 7 consecutive months beginning April 1. All seasonal pool permits shall expire on October 31. A permit for the operation of an annual pool shall be valid for a period of up to 12 months. **All annual pool permits shall expire on May 31.**

(c) Whenever, upon inspection of the facilities, equipment, or operating methods of any facility covered by this rule, the Director finds conditions or practices exist which represent a public health hazard, the Director shall notify the operator in writing or verbally followed by a written notice to immediately abate the public health hazard. Upon receipt of such notice the operator shall immediately abate the public health hazard, or shall cease operation of the facility if this will result in abatement of the hazard. The facility shall remain closed until an inspection by the Director reveals the public health hazard has been abated.

(d) Whenever, upon inspection of the facilities, equipment, or operating methods of any facility covered by this rule, the Director finds conditions or practices exist which represent a public

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nuisance, the Director shall notify the operator in writing or verbally followed by a written notice to abate the public nuisance within a reasonable period of time, not to exceed 30 days. The operator shall abate the public nuisance within the period of time allotted. If the public nuisance is not abated within the time allotted, the operator shall cease operation of the facility if this will result in abatement of the nuisance. Once closed, the facility shall remain closed until an inspection by the Director reveals the public nuisance has been abated.

(e) No permit to operate shall be valid unless the operator is also in possession of a valid operation permit issued under Title 15A North Carolina Administrative Code 18A .2500 "Rules Governing Public Swimming Pools."

SECTION 4: FEES

(a) A plan review fee, in an amount approved by the Board, shall be submitted in conjunction with plans and specifications required for construction or remodeling of a public swimming pool.

(b) A permit fee, in an amount approved by the Board, shall be submitted with each application for a public swimming pool or the annual renewal of an existing permit.

(c) Application for renewal of public swimming pool permits shall be completed during the month of February. Applications not received by the close of business on the last work-day of February shall be assessed a late penalty in an amount approved by the Board. An application shall not be deemed to have been received until the printed form mailed to the owner or his agent is reviewed, updated, signed, returned, and received by the Department along with the appropriate payment.

SECTION 5: APPEALS

(a) Any owner may appeal a decision made by the Director in the application of this Rule. Appeals shall be conducted in accordance with North Carolina General Statutes 130A-24(b) through (d).

(b) No person shall take any action prohibited by the Director until there is a final resolution of the grievance.

SECTION 6: INSPECTION AND REPORTS

(a) The Director shall make such inspections, surveys, and investigations, collect samples of water and other substances found on the premises of public swimming pools, and make or cause to be made such laboratory analyses as may be necessary to determine that every public swimming pool complies with the standards and requirements set forth in this rule. The Director is authorized and empowered to enter upon and make inspections of the premises of any public swimming pool while it is in operation or in use and at any other reasonable time. The operator shall assist in any reasonable way with such inspections.

(b) It shall be the duty of every public swimming pool owner or operator to maintain and furnish the Director such records and information as may be required for ascertaining compliance with this rule.

SECTION 7: LIFEGUARD/SAFETY REQUIREMENTS

(a) The following classifications shall apply to public swimming pools for the purpose of determining lifeguard requirements:

(1) Type "A" - Any pool operated by a municipality, community organization, neighborhood

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association, school, college, university, athletic club, institutional facility, country club, or similar facility.

(2) Type "B" - Any pool operated by a hotel, motel, apartment complex, condominium owners association, or similar facility.

(3) Type "C" - Any public spa.

(b) Type A pools with a pool depth of five feet or less shall provide, on the premises, a lifeguard or other person trained in lifesaving techniques who regularly surveys the pool area but is not required to remain in the pool area. A suitable alarm shall be provided at poolside to summon such lifeguard or other person to the pool area in the event of an emergency.

(c) Type A pools with a pool depth greater than five feet shall provide a lifeguard or lifeguards trained in lifesaving techniques at poolside at all times when the pool is open for operation.

(d) Lifeguards shall not be required at Type B or Type C pools; however, no pool, regardless of type, shall be used when a lifeguard or other person is not present.

(e) When practical difficulties or unnecessary hardships would result from application of the lifeguard requirements of this Rule, the person owning the pool may request a variance from the requirements. The Director may vary or modify the lifeguard requirements on a case by case basis to accommodate such difficulties or hardships.

SECTION 8: CLOSURE/ABANDONMENT OF POOLS

(a) At the end of the swimming season, the pool water, structure, or chamber shall be treated, altered, or maintained so as to prevent the development of insanitary conditions.

(b) Pools under construction or which are no longer being operated shall be maintained in a manner so as to prevent the development of insanitary conditions, potential injury, or possible drowning.

SECTION 9: WASTEWATER DISPOSAL STANDARDS

(a) Wastewater from the swimming pool, including backwash water and water resulting from periodic drainage of the pool, shall be discharged into a sanitary sewer. There shall be no direct physical connection between the sewer system and any drain from the swimming pool or circulation system.

(b) Alternate equivalent methods of wastewater disposal may be approved by the Director. No method of wastewater disposal is permissible which would create a public health hazard or public nuisance.

SECTION 10: PENALTIES AND REMEDIES

(a) Any person who violates any provision of this Rule shall be guilty of a misdemeanor in accordance with NCGS 130A-25.

(b) The Director may bring a civil proceeding in the Mecklenburg County Superior Court to seek an injunction or otherwise enforce the provisions of this Rule in accordance with Article 1 Part 2 of Chapter 130A of the General Statutes of the State of North Carolina.

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SECTION 11: SEVERABILITY/CONFLICT

(a) If any provision or clause of this rule shall be declared invalid, such declaration shall not invalidate any other provisions or clause of this rule.

(b) If any rule contained in this rule conflicts with any State rule governing the construction, remodeling, or operation of a public swimming pool, the more stringent rule, as determined by the Director, shall apply.

SECTION 12: PRIOR RULES REPEALED

All ordinances, rules, and regulations heretofore adopted by the Mecklenburg County Board of Health regulating public swimming pools are hereby repealed.

SECTION 13: EFFECTIVE DATE

These Rules shall be in full force and effective from and after _____.

Rule recorded in full in Ordinance Book 51, Document # 100.

MECKLENBURG COUNTY BOARD OF HEALTH RULE GOVERNING RESIDENTIAL SWIMMING POOLS

Be it ordained by the Mecklenburg County Board of Commissioners (while exercising the powers of the Board of Health, which powers it has assumed and conferred upon itself by action pursuant to G.S. 153A-77), that the following rules governing the construction, alteration, maintenance, operation and use of residential swimming pools in Mecklenburg County, for the protection of the public health, are hereby adopted pursuant to Article 2 of Chapter 130A-39(a) of the General Statutes of North Carolina. These rules shall apply throughout Mecklenburg County, North Carolina, including, but not limited to all cities and towns, whether incorporated or unincorporated.

SECTION 1: PURPOSE

The following rules are enacted for the purpose of protecting the health and safety of citizens residing near residential swimming pools in Mecklenburg County. This will be accomplished by requiring installation of effective barriers to prevent unauthorized access to the pool, particularly by children and non-swimmers. The rules also set in place a framework for the collection of fees to offset the cost of performing the work and allow County staff to investigate and abate hazard and nuisance conditions created by improper operation of residential swimming pools.

SECTION 2: DEFINITIONS

(a) "Board of Health" or "Board" means the Mecklenburg County Board of Commissioners acting as the Board of Health pursuant to North Carolina General Statute 153A-77.

(b) "Construction completion" means the time at which a pool is capable of holding water.

(c) "Contractor" means the company or individual under contract to construct a swimming pool, or owner who constructs a swimming pool for his own use.

(d) "Director" means the Health Director for Mecklenburg County. The term also means the authorized representative of the Director.

(e) "Owner" means the person responsible for ownership of the property on which a pool is located.

(f) "Person" means an individual, firm, partnership, association, public or private institution, municipality, political subdivision of the State of North Carolina, governmental agency or a public or private corporation, organized or existing under the law of this State or any other state or county.

(g) "Imminent hazard" means a situation which is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.

(h) "Public health nuisance" means a situation which creates continuing and unreasonable interference with the use and enjoyment of property and may cause injury to another if not corrected.

(i) "Spa" means a structure intended for either warm or cold water where prolonged exposure is not intended and are not typically drained and refilled after each use. It may include, but is not limited to, hydrotherapy, air induction bubbles, and recirculation. .

(j) "Structural modification" means a change which would require renovation of equipment, piping, structures, appurtenances, or similar items but does not mean a change which would require merely the addition of equipment, piping, structures, fencing, or similar items in order to bring a facility into compliance with the provisions of this rule.

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(k) "Residential swimming pool" or "residential pool" means an artificial structure, basin, chamber or tank containing a body of water for the primary purpose of swimming, diving, recreational, or therapeutic bathing. As used in this Rule the term is limited to pools which are fitted with a filter for clarifying pool water, or which are designed to be fitted with a filter, whether installed or not. The term shall not include facilities located inside a residence, storable pools designed for seasonal setup and use which are stored at the end of the swimming season, or spas installed on decks or porches if a fitted hard cover designed to prevent entry is maintained in place at all times when the spa is not in use.

(m) "Wastewater" means the liquid waste generated by water-using fixtures and appliances. As used in this Rule, the term includes water generated during pool backwash, pool drainage, and maintenance activities.

SECTION 3: VARIANCES

(a) When unnecessary hardships would result from enforcing the precise provisions of this Rule, the Director may vary or modify the application of any provision of the Rule on a case by case basis so long as the spirit of the Rule is observed; public health, safety and welfare secured; and substantial justice done.

(b) Each application for a variance shall be submitted in writing to the Director by the person owning or controlling the pool, or his authorized agent. The request shall identify the specific rule from which the variance is requested, the reason(s) for the request, the consequences anticipated if the request is not approved, details of any construction or operational changes that would be made at the pool to offset adverse effects that might result if the request is approved, and any other information needed by the Director to make an informed decision regarding the request.

SECTION 4: APPEALS

(a) Any owner may appeal a decision made by the Director. Appeals shall be conducted in accordance with North Carolina General Statutes 130A-24(b) through (d).

(b) No person shall take any action prohibited by the Director until there is a final resolution of the appeal.

SECTION 5: SITING AND APPROVAL OF RESIDENTIAL SWIMMING POOLS

(a) No person shall construct, install, extend, alter or modify a residential swimming pool unless they have received approval from the Director.

(b) The Director shall approve or deny a construction request based on a review of the application submitted. However, the Director may conduct a site visit prior to approving or denying a construction request on any site if a septic tank system, including required repair area, is located or proposed to be installed within 200 feet of the proposed swimming pool location, or where on-site verification of information contained in the application is desired.

(c) Application for approval to construct a residential swimming pool shall be made on forms provided by the Director. The application shall include:

- (1) An accurately dimensioned site plan showing the proposed pool location, buildings located on the property, location or proposed location of the septic tank system including the drain field and any required repair area, any well located within 100 feet of the proposed site, and the location of fences, gates, and materials comprising the pool barrier.
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(2) Specifications and methods for disposal of wastewater from the pool including backwash water and water drained from the pool.

(3) Specifications for the water supply to serve the pool.

(d) The owners shall be responsible for obtaining all required building permits for construction of the pool. Upon completion of construction, the Director may conduct an inspection to ensure the pool was installed as submitted on the site plan, and to ensure that neither a public health nuisance nor an imminent hazard will result from operation of the pool as constructed.

(e) An approval granted based on false, misleading, or inaccurate information may be withdrawn by the Director at any time.

(f) A non-refundable fee in an amount approved by the Board shall be submitted with each approval request form.

SECTION 6: OPERATION AND MAINTENANCE

(a) At the end of the swimming season, the pool water, structure, or chamber shall be treated, altered, or maintained so as to prevent the development of insanitary conditions.

(b) Pools under construction or which are no longer being operated shall be maintained in a manner so as to prevent the development of insanitary conditions, potential injury, or possible drowning.

(c) Wastewater from the swimming pool shall be discharged into a sanitary sewer. There shall be no direct physical connection between the sewer system and any drain from the swimming pool or circulation system.

(d) Alternative equivalent methods of wastewater disposal may be approved by the Director. No method of wastewater disposal is permissible which would create a public health hazard or public nuisance.

SECTION 7: SITE LAYOUT

(a) The residential swimming pool shall be located the maximum feasible distance from any septic tank system in the area; however, under no circumstances shall the residential swimming pool be located less than a minimum horizontal distance of

(1) 15 feet from any septic tank system or area designated for repair as specified in 15A North Carolina Administrative Code 18A.1900 "Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal."

(b) Residential swimming pools shall be protected by a fence, wall, building, or other enclosure, or any combination thereof, which completely encloses the swimming pool area such that all of the following conditions are met:

(1) A 44 inch (112 cm) minimum height (from the outside approach) is provided entirely around the swimming pool;

(2) The horizontal space between vertical members of the enclosure shall not exceed four inches (102 mm);

(3) The height of any opening under the bottom of the enclosure shall not exceed four inches (102 mm);

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- (4) Openings under and through a fence or barrier with the gate(s) closed shall be sized so that a 4 inch (102 mm) diameter sphere cannot be passed through the opening.
- (5) All gates and doors shall be equipped with self-closing and positive self-latching closure mechanisms and shall be capable of being locked.
- (6) Self-closing, self-latching gates shall not be required for service gates used for vehicular traffic if kept locked at all times except when being actively used to prevent young children and other unwary persons from entering the pool area and there is at least one other separate gate meeting all the requirements of Section 7(b)(1) through Section 7(b)(5) are met.

(7) No portion of any barrier used to enclose the swimming pool shall be made of silt or plastic fencing or any other type of material of a temporary nature. **Vegetation or bodies of water shall not be used to meet the barrier requirement.**

(c) The wall of an above ground swimming pool shall be considered an effective barrier in areas where it complies with the height requirements required in Section 7(b)(1). When the pool wall serves as a portion of the barrier, stairs allowing access to the pool shall be removed when bathers are not using the pool or in attendance unless a gate or gates meeting the requirements of Section 7(b)(1) through 7(b)(5) are installed to limit access to the stairs.

(d) All residential pool enclosures shall be completed at the time the pool is allowed to contain water.

SECTION 8: COMPLIANCE

(a) Except as otherwise set forth herein, pools constructed on or after May 18, 1999 shall comply fully with the Rule herein.

(b) Those sections of this Rule which would require structural modifications of facilities existing prior to May 18, 1999 shall not apply provided such facilities do not create an imminent hazard due to lack of such modification.

(c) In the event that an imminent hazard shall result from a failure to make structural repairs to a facility as of May 18, 1999, such modifications may be required to the extent necessary to eliminate the hazard. The Director may take any necessary actions under North Carolina General Statute 130A-20 to abate the hazard, including but not limited to issuance of a notice of imminent hazard requiring the owner to drain all the water from a pool at the owner's expense.

SECTION 9: PENALTIES AND REMEDIES

(a) Any person who violates any provision of this Rule shall be subject to payment of a civil penalty not to exceed one hundred dollars (\$100.00) per day as authorized by North Carolina General Statute 153A-77. Each day of a continuing violation shall constitute a separate violation. Each violation of a specific provision of these Rules shall be a separate violation. The Director or a person duly designated by the Director shall be authorized to send a civil penalty citation to the violator stating the nature of the violation, the amount of the penalty, and directing that the violator pay the penalty within fifteen (15) days of the receipt of the citation. The Director may modify a penalty upon finding that additional or different facts should have been considered in determining the amount of the assessment.

(b) Any person who violates any provision of this Rule shall be guilty of a misdemeanor in accordance with North Carolina General Statute 130A-25.

(c) The Director may bring a civil proceeding in the Mecklenburg County Superior Court to

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seek an injunction or otherwise enforce the provisions of this Rule in accordance with Article 1 Part 2 of Chapter 130A of the General Statutes of the State of North Carolina.

SECTION 10: SEVERABILITY

If any provision or clause of this Rule shall be declared invalid, such declaration shall not invalidate any other provision or clause of this Rule.

SECTION 11: PRIOR RULES REPEALED

All ordinances, rules and regulations heretofore adopted by the Mecklenburg County Board of Health regulating residential swimming pools are hereby repealed.

This Rule is not intended to repeal any greater restriction imposed by any other State law or local government ordinance. Whenever the provisions of any other law, ordinance, regulation or restriction impose higher standards than are required by the provisions of this Rule, this Rule does not prohibit enforcement of any such law, ordinance, regulation or restriction.

SECTION 12: EFFECTIVE DATE

These Rules shall be in full force and effective from and after _____.

Rule recorded in full in Ordinance Book 51, Document # 101.

**MECKLENBURG COUNTY BOARD OF HEALTH RULE
GOVERNING RAT CONTROL**

Be it ordained by the Mecklenburg County Board of Commissioners (while exercising the powers of the Board of Health, which powers it has assumed and conferred upon itself by action taken pursuant to G.S. 153A-77) that the following rules governing the control of rats of public health significance through the elimination of food and harborage for rats, proper storage of foods and foodstuffs, rat proofing of certain buildings, maintenance of buildings in a rat free condition, and eradication of established rat populations (of public health significance) for the express purpose of protecting the public health, are hereby adopted pursuant to Chapter 130A-39(a) of the General Statutes of North Carolina. These rules shall apply throughout Mecklenburg County, North Carolina including, but not limited to, all cities and towns, whether incorporated or unincorporated.

SECTION 1: PURPOSE

It is the intent of these rules to control and reduce the rat population of Mecklenburg County by modifying the environment to create conditions adverse to the continued reproduction, colonization, and existence of rats. The Mecklenburg County Health Department shall establish an effective program of rodent control, including, but not limited to, alleviation of insanitary conditions, elimination of food and harborage, rat proofing of certain buildings, rat eradication, proper storage of foods and foodstuffs, maintenance of premises in a rat free condition, application of rodenticides, and elimination of all other conditions found to be supportive of rat populations. This shall be accomplished through education, onsite inspections, public information, conciliation, persuasion, and these having failed, by administrative and judicial proceedings, for the explicit purpose of controlling rats, the presence of which constitute a danger to the public health, impair the comfort and convenience of the residents, and jeopardize enjoyment of life and property.

SECTION 2: DEFINITIONS

- (a) **"Board of Commissioners"** means the Mecklenburg County Board of Commissioners.
- (b) **"Building"** means any structure, whether public or private, which is devoted to or designed for occupancy of any kind, for the transaction of business of any nature, for the rendering of professional services, for amusement, for the display, sale, or storage of goods, wares, or merchandise, or for the performance of work or labor.
- (c) **"Burrow"** means a below ground nest or harborage for rats.
- (d) **"Debris"** means the worthless remains that result from the destruction or breaking down of anything.
- (e) **"Director"** means the Health Director for Mecklenburg County. The term also means the authorized representative of the Director.
- (f) **"Evidence of Rats"** means the natural presence of rat runs, burrows, fecal droppings, rubmarks, gnaw marks, tail drag marks, tracks or other signs which may be associated with the presence or rats, as well as the visual sighting, hearing, smelling, or otherwise sensing of the presence of rats.
- (g) **"Garbage"** means the refuse of animal or vegetable matter from households, businesses, or any other activity.
- (h) **"Harborage"** means any place which provides shelter or protection for rats, thus favoring their reproduction, presence, or continued existence on the premises.

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(i) **“Occupant”** means the person who has the use of or occupies any building or any part thereof or who has the use or possession, actual or constructive, of the premises, whether the actual owner or tenant. In the case of vacant buildings or vacant portions of a business building, or in case of occupancy in whole or in part by the owner, the owner of the building shall be deemed to be, and shall have the responsibility of an occupant of such building.

(j) **“Opening”** means any opening in the foundation, sides of walls, ground or first floor, basement, chimneys, eaves, grills, windows, ventilators, walk grates, elevators of a building, and any pipes, wires, or other installations through which a rat may enter.

(k) **“Owner”** means the person owning the building or premises.

(l) **“Person”** means individuals, firms, partnerships, associations, public or private institutions, municipalities, political subdivisions of the State of North Carolina, governmental agencies, and public or private corporations.

(m) **“Premises”** means a parcel of real property, including all buildings located thereon.

(n) **“Rat”** means a long tailed rodent belonging to the genus *Rattus*, including the Norway Rat and Roof Rat.

(o) **“Rat Eradication”** means the elimination or extermination of rats from premises and from rat harborages of any kind by measures such as baiting, fumigation, or trapping and, where necessary, rat-proofing such that the premises and rat harborages are completely freed of rats, and there is no evidence of rat infestation remaining.

(p) **“Rat-Proof Container”** shall mean a garbage can or other container reasonably impervious to rats.

(q) **“Rat-Proofing”** means to prevent the ingress of rats into buildings from the exterior or from one building to another. It consists of the closing, with material impervious to rat gnawing, of all openings in the exterior walls, ground or first floors, basements, roofs, and foundations that may be reached by rats from the ground by climbing or by burrowing.

(r) **“Rat-Tight Condition of Sewers”** means the condition achieved by the construction and maintenance of sewer lines, manholes, and all other parts of the sewer system in such a manner as to prevent rats from exiting through openings or breaks.

(s) **“Refuse”** means material rejected or thrown aside as worthless.

(t) **“Rubmark”** means a dark, sometimes greasy mark formed from contact by the rat’s body.

(u) **“Run”** means a narrow pathway of beaten earth and vegetation swept clear of debris by the frequent travel of a rat.

(v) **“Trash”** means any accumulation of waste materials no longer of any use, including, but not limited to paper, sweepings, dust, rags, bottles, cans, or cardboard.

SECTION 3: GENERAL PROVISIONS

All premises within Mecklenburg County, shall be free of rats and maintained in a rat-free condition. Rat harborages shall be eliminated, buildings shall be maintained in a rat-proof condition, foods and foodstuffs shall be stored and handled so as to be inaccessible to rats, and, where rat infestation is evident, effective measures of rat eradication shall be instigated by the person occupying the premises or in the absence of an occupant, by the owner.

SECTION 4: STORAGE AND HANDLING OF FOOD AND FOODSTUFFS

All food for human consumption and feed for animals and fowl shall be stored in rat-free and rat-proof containers, compartments, or rooms unless stored in a rat-free and rat-proof building. Feed for animals and fowl shall not be left on the ground, on the floor or left in feed pans, trough, and other feeder containers any longer than necessary to feed the animals and fowl unless such feeder equipment is made inaccessible to rats. Foods for human consumption shall not be left

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on floors, counters, or otherwise exposed so as to provide food for rats. When feeding birds, the feed should be kept at all times on raised platforms which are made inaccessible to rats. Bird food shall not be placed on the ground when there is evidence of rats on the premises or on nearby premises.

SECTION 5: STORAGE AND DISPOSAL OF GARBAGE, REFUSE, AND DEBRIS

No person shall place, leave, dump, or permit to accumulate any garbage, refuse, debris, or trash on any premises, alley, or roadway, so as to afford food or harborage for rats. All garbage and small dead animals shall be placed and stored in rat-proof containers until collected.

SECTION 6: RAT HARBORAGE

(a) Conditions which provide rat harborage shall not exist on premises. No person shall accumulate or permit the accumulation of boxes, bottles, cans, containers, junk appliances, or other similar objects which afford rat harborage.

(b) When there is evidence of rats upon premises, the following persons shall be jointly and severally responsible to remove from such premises objects of the type described in the immediately foregoing paragraph, upon request of the Director:

- (1) The person who placed such objects upon the premises; and
- (2) The occupant of the premises, if the objects are in or on a part of the premises which the occupant occupies or controls; and
- (3) The owner of the premises if the owner leased the part of the premises containing such objects with such objects upon the premises, or the objects are in or on a part of the premises which is vacant or occupied by the owner, or the objects are upon a part of the premises which the owner maintains or controls even though the premises are occupied by another.

(c) When there is evidence of rats in and around useful materials, such as firewood, lumber, or building material, indicating the presence of a rat harborage, and the Director requests, the owner of such useful material shall store them at least fifteen (15) inches above ground. If the owner of such useful materials cannot be found after inquiry, the Director may treat them as abandoned property and either sell the useful materials at public auction and pay the net proceeds of the sale into the general fund of the County, or send the useful materials to a designated landfill for disposal, or give the useful materials to any governmentally owned agency located in the County for use by that agency.

SECTION 7: RAT- PROOFING

(a) The owner of any building shall be responsible to rat-proof that building when evidence of rats exist in, under, or around said building, and the Director cites to the owner or to the owner's rental agent for the building, such evidence and also requests that the owner rat- proof the building. Nothing contained in the foregoing sentence shall bar any right of action the owner of the building may have against the lessee for breach of the lease, but the owner may not plead the terms of any such lease in bar of the owner's responsibility set forth in the foregoing sentence. Methods and materials used for rat-proofing shall be sufficient to stop the ingress of rats into buildings from the exterior and from one building to another.

(b) All buildings shall be maintained free of rats and in a rat-free condition. It shall be the responsibility of each and every occupant of a building to maintain that portion of the building which he or she occupies or controls, free of rats and in a rat-free condition. It shall be the responsibility of the owner of a building to maintain free of rats and in rat-free condition the unoccupied parts of his or her building and the parts of such building over which a non-owner

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occupant does not exert control.

SECTION 8: FAILURE TO RESTORE RAT-PROOFING MATERIALS:

NEW OPENINGS TO BE SEALED

No person shall remove rat-proofing from any building for any purpose and fail immediately thereafter to restore the same in a rat-proof condition or to make any new openings that are not immediately thereafter closed or sealed against the entrance of rats.

SECTION 9: DEMOLITION, MOVING OR REMOVING BUILDINGS

(a) Whenever any person desires to demolish, move or remove, in whole or in part, any building or structure, such person shall first obtain approval from the Director, in a manner designated by the Director, stating that the premises are free of rats before beginning work on the demolition, moving or removing of said building or structure. Fees may be assessed for inspections required to obtain approval. Prior to the demolition or moving of the building, or as approved by the Director, it shall be the duty of the owner to remove all rat harborage from the premises where the building is or was located.

(b) If the proposed demolition or moving of a building, or part thereof, is not commenced within sixty (60) days, or as designated by the Director, after the issuance of the aforesaid approval by the Director, the same shall be deemed null and void, and before proceeding with said demolition or removal, a new approval and/or permit shall be obtained.

SECTION 10: SEWERS

(a) The owner or person responsible for the maintenance of a sewer system or any portion thereof shall maintain to the greatest extent possible said system in a rat-tight, rat-free condition at all times. Whenever the owner or responsible person is notified by the Director that there is evidence of rat infestation in the sewer, that person shall institute rat eradication measures immediately and shall maintain the eradication measures in a satisfactory manner until the sewers are rat free.

(b) New sewer lines must be constructed and all existing ones maintained in such a manner as to prevent the exit of rats from sewers. Whenever the owner or responsible person is notified by the Director that there is evidence of rats burrowing or otherwise exiting from the sewer system, that person shall institute with reasonable dispatch the necessary repairs to the said sewer line to prevent the exit of rats.

SECTION 11: RIGHT OF ENTRY-INSPECTION

The Director shall have the right of entry upon any premises where entry is necessary to carry out the provisions of this Rule. If consent for entry is not obtained, an administrative search and inspection warrant shall be obtained pursuant to G.S. 15-27.2. However, if an imminent hazard exists, no warrant is required for entry upon the premises.

SECTION 12: PENALTIES AND REMEDIES

(a) Any person who violates any provision of this Rule shall be subject to payment of a civil penalty not to exceed one hundred dollars (\$100.00) per day as authorized by North Carolina General Statute 153A-77. Each day of a continuing violation shall constitute a separate violation. Each violation of a specific provision of these Rules shall be a separate violation. The Director or a person duly designated by the Director shall be authorized to send a civil penalty citation to the violator stating the nature of the violation, the amount of the penalty, and directing that the violator pay the penalty within fifteen (15) days of the receipt of the citation. The Director may

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modify a penalty upon finding that additional or different facts should have been considered in determining the amount of the assessment.

(b) Any person who violates any provision of this Rule shall be guilty of a misdemeanor in accordance with NCGS 130A-25.

(c) The Director may bring a civil proceeding in the Mecklenburg County Superior Court to seek an injunction or otherwise enforce the provisions of this Rule in accordance with Article 1 Part 2 of Chapter 130A of the General Statutes of the State of North Carolina.

SECTION 13: APPEALS

Any action to enforce this Rule may be appealed pursuant to the procedures set forth in NCGS 130A-24.

SECTION 14: SEVERABILITY

If any provision or clause of this Rule shall be declared invalid, such declaration shall not invalidate any other provision or clause of this Rule.

SECTION 15: PRIOR RULES REPEALED

All ordinances, rules, and regulations heretofore adopted by the Mecklenburg County Board of Health regulating rat control are hereby repealed.

SECTION 16: EFFECTIVE DATE

These Rules shall be in full force and effective from and after _____.

Rule recorded in full in Ordinance Book 51, Document # 102.

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23-0139 COMMISSIONER REPORTS

Commissioners shared information of their choosing within the guidelines as established by the Board, which included, but not limited to, past and/or upcoming events.

ADJOURNMENT

Motion was made by Commissioner Altman, seconded by Commissioner Meier, and unanimously carried (9-0), that there being no further business to come before the Board that the meeting be adjourned at 8:45 p.m.

Kristine M. Smith, Clerk to the Board

George Dunlap, Chair