

**MARCH 7, 2018**

**MINUTES OF MECKLENBURG COUNTY, NORTH CAROLINA  
BOARD OF COUNTY COMMISSIONERS**

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street, Charlotte, North Carolina at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Wednesday, March 7, 2018.

**ATTENDANCE**

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

**Absent:** None

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**-INFORMAL SESSION-**

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

**CLOSED SESSION**

**18-4542 CONSULT WITH ATTORNEY**

Prior to going into Closed Session, County Attorney Wade thanked the Board for their appointment of him as the new Mecklenburg County Attorney on February 20, 2018, effective March 6, 2018.

County Attorney Wade announced and introduced James "Ed" Yeager, the County's new Deputy County Attorney.

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

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Puckett, Ridenhour and Scarborough voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

***The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:30 p.m.***

**REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) to be removed from Consent and voted upon separately. The items were 18-4526, 18-4531, 18-4532, and 18-4536.

Motion was made by Commissioner Leake, seconded by Commissioner Cotham and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to move Consent Item 18-4526 Proclamation - Social Work Appreciation Month from the Consent section of the agenda to the Awards/Recognition section.

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

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

**-FORMAL SESSION-**

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

**PUBLIC APPEARANCE**

**18-4539 PUBLIC APPEARANCE**

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

Sheriff Irwin Carmichael, Chief Thomas Plummer, and Capt. Daniel Stitt- Sheriff Carmichael addressed Section 287(g) of the Immigration and Nationality Act and the Mecklenburg County Sheriff's Office participation in the program.

Sheriff Carmichael said he wanted to clarify some misinformation that had been stated at the Board's February 20, 2018 meeting.

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Sheriff Carmichael said he would send the Board a letter giving specific details about the 287(g) program, but in the interim, would note the following:

- The 287(g) program is a federal database that allows law enforcement to identify “exactly” who it has in its jail and in the community.
- He said knowing who was in the jail was critical for the protection and safety of staff working in the jail and for the community.
- Out of 34,895 arrest processes in 2017, 397 arrestees had a detainer placed on them. This represents one percent of all arrests.
- Sheriff Deputies do not go to bus stops, nor do they participate in Immigration Customs Enforcement or ICE community roundups.
- A person will never encounter 287(g) unless they are arrested for breaking the law.
- The Sheriff’s Office only uses the program to identify a person that has been arrested for breaking the law.
- ICE makes all deportation determinations and not the Sheriff’s Office.
- The Board will be provided copies of the posters displayed by the Sheriff at the meeting of arrestees in Mecklenburg County that were charged with crimes such as murder, arson, burglary, statutory rape of a child under the age of 15, kidnapping and trafficking drugs.
- Persons arrested were asked two questions. Where were they born and where was their citizenship? Depending on their answer, Sheriff Deputies determine if an ICE interview was warranted.
- Sheriff Carmichael said he, along with County Commissioners, were “bound” by oath to uphold the law.
- Board members were invited to come to the Sheriff’s Office to see how the process worked for a better understanding of the program.

Former N.C. Senator Charlie Dannelly spoke in support of the naming of Third Ward Park to “James Dennis Rash Third Ward Neighborhood Park.” He said Mr. Rash devoted a great deal of his time to making Third Ward what it was today. He said all of Mr. Rash’s work with respect to development in Third Ward was done with much care and concern for residents of Third Ward.

Former Senator Dannelly concluded and said Mr. Rash did “tremendous” things, not just for Third Ward, but for the City of Charlotte, the University of NC at Charlotte, and for the State of NC.

*Note: Former Senator Dannelly’s remarks are noted also later in the minutes, under the*

Debra Franklin signed up to speak but was unable to be present.

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**AWARDS/RECOGNITION**

**18-4526 PROCLAMATION - SOCIAL WORK APPRECIATION MONTH**

Motion was made by Commissioner Leake, seconded by Commissioner Puckett and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to adopt a Proclamation designating March 2018 as “Social Work Appreciation Month” in Mecklenburg County.

The proclamation was read by Commissioner Leake and accepted by Social Services Deputy Director of Economic and Adult Services Men Tchaas Ari.

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**APPOINTMENTS**

**18-4543 APPOINTMENTS**

**Waste Management Advisory Board**

The vote was taken on the following nominees for appointment consideration to the Waste Management Advisory Board:

- |                |   |
|----------------|---|
| Chuck Duncan   | Commissioner Leake  |
| Jeremy O'Brien | Commissioners Clarke, Cotham, Puckett, Ridenhour, and Scarborough |

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*Note: Monique Horace was nominated on February 20, 2018, however, she asked that her name be removed from consideration.*

Chair Scarborough announced the appointment of Jeremy O’Brien to the Waste Management Advisory Board to fill an unexpired term, expiring April 30, 2020.

*Note: He replaced Elizabeth Knapp, who resigned.*

**Womens Advisory Board**

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

Takiyah Amin	None
Michelle Ferlauto	Commissioners Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour, and Scarborough
Shannon Myers	Commissioner Clarke
Kimberly Nelson	Commissioners Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour, and Scarborough
Jodie Ohr	Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour, and Scarborough
Ashley Reid	Commissioners Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour, and Scarborough
Corelutta Reid	Commissioners Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour, and Scarborough

*Note: Destiny Jenkins was nominated but was removed from consideration because she was currently serving on another advisory board.*

Chair Scarborough announced the appointment of Michelle Ferlauto and Kimberly Nelson to the Women’s Advisory Board to fill an unexpired term, expiring November 30, 2018; Jodie Ohr to fill an unexpired term expiring April 30, 2018; Ashley Reid to fill an unexpired term expiring June 30, 2019; and Corelutta Reid to fill an unexpired term expiring April 30, 2019.

*Note: They replace Linda Carr, Allyson Dunlap, Charlene Henderson, Joy Marshall, and Lashonda McGregor.*

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**Juvenile Crime Prevention Council**

Motion was made by Commissioner Puckett, seconded by Commissioner Cotham and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour, and Scarborough voting yes, to appoint Ryan Atkinson to the Juvenile Crime Prevention Council as the Business Community representative to fill an unexpired term expiring June 30, 2019.

*Note: He replaced Aundrea Dean, who resigned.*

The following persons were nominated for appointment consideration to the Juvenile Crime Prevention Council:

Phyllis Barnette	by Commissioner Cotham
Deandre Dukes	by Commissioner Puckett
Jana Savory	by Commissioner Cotham
Gina Sirhan	by Commissioner Puckett

*Note: Appointments will occur on March 20, 2018.*

**PUBLIC HEARINGS**

**18-4514      PROPOSED AMENDMENTS TO HEALTH ORDINANCE GOVERNING PUBLIC SWIMMING POOLS**

Motion was made by Commissioner Puckett, seconded by Commissioner Fuller and unanimously carried with Commissioners, Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour, and Scarborough voting yes, to open the hearing on proposed amendments to the Mecklenburg County Health Ordinance Governing Public Swimming Pools.

Health Director Gibbie Harris addressed proposed amendments to the Mecklenburg County Health Ordinance Governing Public Swimming Pools. She was assisted by the Health Department's Environmental Manager Lisa Corbitt.

*Note: The Mecklenburg County Health Ordinance Governing Public Swimming Pools went into effect May 18, 1999. The Health Ordinance Governing Public Swimming Pools established local enforceable standards for permitting, operation, maintenance, and abandonment of public swimming pools in Mecklenburg County. Public Swimming Pools in Mecklenburg County must meet the requirements of both the Local Health Ordinance and the North Carolina Public Swimming Pool Rules.*

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*The Health Department proposes amending the Mecklenburg County Health Ordinance Governing Public Swimming Pools in response to an internal review of the regulations. The proposed amendment will:*

- 1. Replace the words "Health Ordinance" or "Ordinance" with the words "Rules" or "Rule".*
- 2. The Local Health Ordinance and the State Public Swimming Pool Rules have telephone requirements. Due to technology changes since 1999 the instructions to contact 911 may not always be accurate.*
  - a. Remove the telephone requirement from section 7e of the Lifeguard/Safety Requirements.*
    - i. A telephone shall be installed in the pool area that is readily accessible anytime the pool is being used. The telephone shall be capable of directly dialing 911. Instructions shall be posted by the telephone stating IN CASE OF EMERGENCY DIAL 911. The name and address of the facility shall be clearly posted on or near the telephone.*
    - b. Public Swimming pools will be required to be in compliance with the telephone requirements contained in state swimming pool rules found in 15A North Carolina Administrative Code 18A. 2530(f). The following is the state requirements that the County will comply with:*
      - i. A telephone capable of directly dialing 911 or other emergency notification system shall be provided and accessible to all pool users. The telephone shall be permanently affixed to a location inside the pool enclosure or outside the enclosure within 75 feet of a bather entrance. The telephone shall be visible from within the pool enclosure or a sign shall be posted indicating the location of the emergency telephone. A sign with legible letters shall be posted at the telephone providing dialing instructions, address of the pool location and the telephone number. Where the telephone does not directly access 911, the emergency notification system shall:*
        - 1. Provide 24-hour monitoring of all incoming calls by a telecommunicator who answers only emergency calls;*
        - 2. Be capable of routing calls to the local 911 telecommunicator via the 911 dedicated emergency trunk line; and*
        - 3. Electronically transfer Automatic Number Identification and Automatic Locator Identification for the emergency telephone at the pool to the Enhanced 911 system for all calls routed to 911.*

Director Harris and Ms. Corbitt addressed questions from Board members.

Shawn Lyons spoke and said there should be a size restriction on drink containers that persons could bring to a pool.

Motion was made by Commissioner Dunlap, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to close the hearing on proposed amendments to the

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Mecklenburg County Health Ordinance Governing Public Swimming Pools and approve the proposed amendments to the Mecklenburg County Health Ordinance Governing Public Swimming Pools.

**MECKLENBURG COUNTY RULES 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 regulations 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 regulations 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

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overflow trough to the deepest point on the pool floor that is at least one-foot horizontal distance from any main drain.

(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

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

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operation of an annual pool shall be valid for a period of up to 12 months. All annual pool permits shall expire on April 30.

(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 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

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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

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

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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 14-4 and punished by a fine not to exceed five hundred dollars (\$500.00).

(b) The Director may bring a civil proceeding in the Mecklenburg County Superior Court to 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 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 regulations shall be in full force and effective from and after March 20, 2018.

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

**18-4537 PUBLIC HEARING - NAMING OF THIRD WARD PARK TO "JAMES DENNIS RASH THIRD WARD NEIGHBORHOOD PARK"**

Motion was made by Commissioner Puckett, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to open the public hearing on the request to name Third Ward Park to the "James Dennis Rash Third Ward Neighborhood Park."

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*Note: In 1978, under the leadership of Hugh McColl and Dennis Rash, NCNB (now Bank of America) formed the first U.S. bank-owned, community development corporation to promote the revitalization of inner-city residential neighborhoods. Dennis became its first President and served as such for the next 23 years.*

*In 1981, NCNB Community Development Corporation (CDC) became interested in the renewal of Third Ward, which was then a neighborhood of detached, single-family homes in the shadow of a scrapyard stretching from the railroad tracks to Cedar Street. The City had already acquired and cleared some of the Third Ward land and had initiated efforts to acquire the scrapyard land. Mr. Rash envisioned the development of urban-scale townhouses on some of the City's vacant land, but was eager not to disturb the existing neighborhood or displace its residents. To that end, he created a nonprofit corporation for the neighborhood, The Committee to Restore and Preserve Third Ward, Inc. (with resident Mildred Baxter Davis as its president), which in turn formed a joint venture with NCNB CDC.*

*Mr. Rash who passed away on July 25, 2017, was a lifetime champion of urban neighborhoods, such as Third Ward and Fourth Ward in Charlotte. "For that and his other considerable contributions to this city and state, renaming the park in his memory and honor would be entirely deserved."*

*The naming application was endorsed by both the Central Park Region Advisory Council and the Park and Recreation Commission.*

The following person appeared to speak in favor of the renaming:

Former N.C. Senator Charlie Dannelly, who spoke during Public Appearance, spoke in support of naming Third Ward Park the "James Dennis Rash Third Ward Neighborhood Park."

He said Mr. Rash devoted a great deal of his time to making Third Ward what it was today. He said all of Mr. Rash's work with respect to development in Third Ward was done with much care and concern for residents of Third Ward.

Former Senator Dannelly concluded and said Mr. Rash did "tremendous" things, not just for Third Ward, but for the City of Charlotte, the University of NC at Charlotte, and for the State of NC.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to close the public hearing and approve the naming Third Ward Park, the "James Dennis Rash Third Ward Neighborhood Park."

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**ADVISORY COMMITTEE REPORTS**

**18-4541 LIBRARY BOARD OF TRUSTEES ANNUAL REPORT**

The Board received as information the annual report of the Library Board of Trustees.

The report was given by Library Board of Trustees Vice-Chairman Robert E. Harrington. He was joined at the podium by Lee Keesler, Chief Executive Officer, Charlotte-Mecklenburg Library.

Mr. Harrington and Mr. Keesler addressed questions from Board members.

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

Board members thanked the presenters for their report.

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

**MANAGER'S REPORT**

County Manager Diorio reported on the NACo Legislative Conference held March 3-7 in Washington, DC that she, along with other staff and Board members, Fuller, Clarke, and Dunlap attended.

Commissioners Clarke, Dunlap, and Fuller also commented on the conference.

County Manager Diorio introduced the County's new Legislative Liaison Skylar Tanner.

**DEPARTMENTAL DIRECTORS' MONTHLY REPORTS**

**STAFF REPORTS & REQUESTS**

**18-4485 SOLID WASTE MANAGEMENT PROGRAM STAFFING – LUESA**

LUESA Director Ebenezer Gujjarlapudi addressed staffing needs for Solid Waste Management.

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Motion was made by Commissioner Puckett, seconded by Commissioner Leake and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve the addition of eleven (11) staff positions for Solid Waste LUESA, as noted below. Authorize necessary fund transfer in the Solid Waste Enterprise Fund for equipment, as noted below

*Note: LUESA's Solid Waste Management staff regularly evaluates business operations to identify opportunities for improved service delivery. LUESA has identified two areas where certain solid waste activities can be internalized and save money - 1) Household Hazardous Waste and 2) Recycling Collection at County buildings. LUESA Solid Waste would internalize the Household Hazardous Waste operations that currently exist at all of the Full Service Drop Off Centers. To adequately cover all of the Full- Service Acceptance Facilities, seven (7) employees would be needed for the Household Hazardous Waste function. This would save approximately \$300,000 annually. Additionally, four (4) full time employees would be added to internalize the recycling collection activities that occur at County, CPCC and CMS locations. LUESA also would acquire two trucks to complete this work, and funding for that is contained within the Solid Waste Enterprise Fund. This would save \$1.89 million over a seven-year period.*

*The external contracts that facilitate the existing work will expire in June 2018, and it is desired to obtain permission from the Board of County Commissioners to add the additional employees this fiscal year, in order to provide seamless transition of work in July 2018. The specific positions that would be added to LUESA Solid Waste would be:*

- seven (7) Maintenance & Operations Specialists,*
- two (2) Sr. Maintenance & Operations Techs and;*
- two (2) Environmental Supervisors.*

*The cost of these employees will be absorbed in FY 2018 by lapsed salaries. Employees would be brought on-board during the 4th quarter of FY 2018.*

*These additional County employees will also enhance service by providing assistance to our customers needing help unloading heavy items and providing seamless service at all Mecklenburg County solid waste drop-off sites.*

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

## **COUNTY COMMISSIONERS REPORTS & REQUESTS - NONE**

### **CONSENT ITEMS**

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

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**18-4529      STORM WATER PROGRAM - FY18 HAZARD MITIGATION FLOODPLAIN ACQUISITION**

Accept the Offer of Sale of Real Estate from Tomoaki, LLC, owner of property located at 3601 Urbana Drive, Charlotte, NC (tax parcel 059-131-04), for \$120,000 and authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises

*Note: Since late 1999, Mecklenburg County has used local storm water fee revenue to acquire property that will minimize the risk of potential loss of life and property damage from flooding while enhancing the natural and beneficial functions of the floodplain (creating open space, expanding greenways, constructing wetlands, etc.).*

**18-4533      TAX REFUNDS**

Approve refunds in the amount of \$43,603.19 and interest as statutorily required to be paid as requested by the County Assessor.

*Note: This Board action is necessary to approve tax refunds resulting from clerical errors, audits and other amendments, including revaluation appeals. Accrued interest is estimated to be \$1,479.49.*

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

**18-4540      MINUTES**

Approve Minutes of Regular meeting held February 20, 2018 and Closed Session January 3, 2018 and February 20, 2018.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**18-4531      GRANT APPLICATION - HOUSING OPPORTUNITIES FOR PEOPLE WITH AIDS**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve submission of a grant application totaling \$30,000 for a one-year period (July 1, 2018 - June 30, 2019) to the Carolinas CARE Partnership to provide housing case management and short-term rent, mortgage and utility payments to prevent

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homelessness of qualified persons living with HIV/AIDS; and if awarded, recognize, receive and appropriate awarded funds.

Commissioner Leake removed this item from Consent for more public awareness and for clarity on what the funds would be used for.

**18-4532 GRANT APPLICATION - SMART START OF MECKLENBURG COUNTY**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve submission of two renewal grant applications totaling \$849,674 for a one-year period (July 1, 2018 - June 30, 2019) to Mecklenburg Partnership for Children of Mecklenburg County to support programs promoting child health and safety; and if awarded, recognize, receive and appropriate awarded funds.

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

**18-4536 LIGHTING SERVICE CONTRACTS DUKE ENERGY - SECOND WARD GYM**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to approve 3 contracts with Duke Energy at the Second Ward Gym:

1. 3-year contract at \$18.64 per month for an exterior flood light
2. 10-year contract at \$99.60 per month for parking lot lighting
3. 10-year contract at \$155.30 per month for pedestrian walkway lighting

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

**ADJOURNMENT**

Motion was made by Commissioner Puckett, seconded by Commissioner Ridenhour and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:15 p.m.

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Janice S. Paige, Clerk

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Ella B. Scarborough, Chair