

**Meeting Minutes  
April 18, 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 6:00 p.m. on Tuesday, April 18, 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  
Deputy Clerk to the Board Arlissa Eason

**Absent:** Clerk to the Board Kristine M. Smith

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**-INFORMAL SESSION-**

**CALL TO ORDER**

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

**REMOVAL OF ITEMS FROM CONSENT**

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

**23-0206** Commissioner Leake

## **Meeting Minutes**

**April 18, 2023**

**23-0209** Commissioner Leake

**23-0214** Commissioner Leake

**23-0215** Commissioner Leake

**23-0218** Commissioner Leake

**23-0219** Commissioner Leake

**23-0221** Commissioner Leake

**23-0222** Commissioner Leake

### **STAFF BRIEFINGS - None**

#### **23-0230      CLOSED SESSION**

Motion was made by Commissioner Jerrell, seconded by Commissioner Griffin and unanimously carried (9-0) to go into Closed Session for the following purpose(s): Land Acquisition.

*The Board went into Closed Session at 5:16 p.m. and came back into Open Session at 5:39 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, an invocation by Commissioner Griffin and the Pledge of Allegiance to the Flag; after which, the matters below were addressed.*

### **AWARDS/RECOGNITION**

**23-0251      OATH OF OFFICE FOR BOCC CHAIR GEORGE DUNLAP TO THE NORTH CAROLINA  
SHERIFFS EDUCATION AND TRAINING STANDARDS COMMISSION**

## Meeting Minutes

April 18, 2023

The Board received information to recognize BOCC Chair George Dunlap, who was appointed by Governor Roy Cooper to the North Carolina Sheriffs Education and Training Standards Commission.

*Background: One County Commissioner is appointed by the Governor to the North Carolina Sheriffs Education and Training Standards Commission as recommended from three nominees from the North Carolina Association of County Commissioners.*

*The responsibilities of the Sheriffs' Commission include but are not limited to, the certification of all deputy sheriffs, detention officers, and telecommunicators employed in the 100 Sheriffs' Offices in this state, as well as the establishment, maintenance, and upgrading of acceptable training courses.*

*The county commissioner appointed by the North Carolina Association of County Commissioners shall serve a term of two years.*

The Honorable Judge Karen McCallum administered the oath.

### **23-0213      ~~REMOVED: PROCLAMATION - "A DAY OF REMEMBRANCE" HONORING THE HEROES AND VICTIMS OF THE UNC-CHARLOTTE MASS SHOOTING (CHAIR DUNLAP)~~**

***A request from UNC was received to remove the proclamation from the agenda.***

Motion was made by Commissioner Leake, seconded by Commissioner Powell and unanimously carried (9-0) to remove from the agenda the proclamation recognizing the four-year anniversary of "A Day of Remembrance" and honoring the Heroes and Victims of the University of North Carolina at Charlotte (UNC-Charlotte) mass shooting.

### **23-0231      PUBLIC ART MOMENT**

The Board received a presentation on Public Art piece "Walls Alive".

*Background: On January 5, 2021, the Board of County Commissioners approved the addition of an agenda topic to the second Regular meeting of the month entitled Public Art Moment. The item, with the help of the Arts & Science Council, will highlight a piece of public art - a different one each month. The purpose of this item is to raise public awareness and appreciation for the tax dollars that are spent on public art each year. This month's featured art piece called "Walls*

## Meeting Minutes

April 18, 2023

*Alive" by California artist Cork Marcheschi and is located at the Revolution Park Sports Academy in District 2.*

Commissioner Griffin gave the presentation.



**Meeting Minutes**  
**April 18, 2023**



**Meeting Minutes**  
**April 18, 2023**



**Meeting Minutes**  
**April 18, 2023**  
**23-0232**

**PUBLIC APPEARANCE**

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

1. Dr. Doug Robinson Topic – Healthcare
2. James Searcy Topic – Recognizing April as *Second Chance Month*

**23-0230      CLOSED SESSION – LAND ACQUISITION – EAST CHARLOTTE PROPERTY**

Motion was made by Commissioner Meier, seconded by Commissioner Rodriguez-McDowell and unanimously carried (9-0) to authorize the County Manager to negotiate and execute all documents necessary for acquisition of Tax Parcel 105-211-02 (+/- 21.552 acres) in the extra-territorial jurisdiction of the City of Charlotte for park and recreation purposes from Cynthia Rachel Stafford Parker for a purchase price of \$1,882,500.

**23-0230      CLOSED SESSION – LAND ACQUISITION – FERRELLTOWN PARK EXPANSION**

Motion was made by Commissioner Meier, seconded by Commissioner Rodriguez-McDowell and unanimously carried (9-0) to authorize the County Manager to negotiate and execute all documents necessary for acquisition of a portion of Tax Parcel 019-351-23 (+/- 7.0 acres) in the Town of Huntersville for park and recreation purposes from Jesse A. Goodwin and spouse, Kimberly A. Goodwin for a purchase price of \$280,000.

**APPOINTMENTS – None**

**PUBLIC HEARINGS - None**

**ADVISORY COMMITTEE REPORTS – None**

**MANAGER’S REPORT**

**Meeting Minutes**  
**April 18, 2023**

**23-0217      RECOGNITION OF THE CURRENT ABOVE & BEYOND @ WORK WINNER**

The Board received information to recognize Christie Osorio as the latest Above & Beyond @ Work Winner.

Dena R. Diorio, County Manager gave the presentation.

*Background: The Above & Beyond Winner @ Work award is presented to employees who go the extra mile. Christie Osorio, from the Medical Examiner's Office will receive her award at the April 18th BOCC meeting.*

**Comments**

Chair Dunlap expressed his gratefulness for Christie Osorio being recognized for her work with the Medical Examiner's Office.

**23-0253      MECKLENBURG EMS AGENCY (MEDIC) FY2023 COMPRESSION ALLEVIATION**

*Background: This action will alleviate compensation compression which occurred as a result of the minimum wage increases during the prior fiscal year. In consultation with Willis Towers Watson and in alignment with Mecklenburg County, Medic seeks to address the wage compression effective April 18, 2023 by applying calculations based on years of service and performance. Given the importance of recruiting and retention for Medic due to current staffing deficits, this additional funding is needed to allow for unbudgeted compensation adjustments during the current fiscal year.*

JP Peterson, Executive Director of Medic gave the presentation.



## Meeting Minutes

### April 18, 2023



### CURRENT STATE

- \* Medic engaged with a third party vendor to review compensation management similar to the County
  - County worked with Mercer for evaluation
  - Medic worked with Willis Towers Watson for evaluation
- \* County Compression changes approved for April implementation
- \* Medic wishes to follow suit with same timeline

## BACKGROUND

- \* Medic continues to struggle with recruitment, retention and compensation distribution
  - National and local shortage of credentialed workers
  - Compression with increased minimums over the years
- \* Engaged with Willis Towers Watson (WTW) for our annual compensation study with focus on structures and compression
- \* Recommended next steps for FY23:
  - Update compensation structures
  - Implement compression alleviation strategies



## SUMMARY OF ADJUSTMENTS

- \* Salary Structure Updates – Support Staff
  - Re-align midpoints to market 50<sup>th</sup> percentile
  - Ensure midpoint progressions and range spreads are progressive
- \* Salary Structure Updates – Field Staff
  - Align midpoints to market 75<sup>th</sup> percentile for mission critical and high turnover roles
  - Ensure midpoint progressions and range spreads are progressive



## SUMMARY OF ADJUSTMENTS

### \* Target Position Update

#### ▪ Telecommunicators

- Increase minimum from \$20.00 to \$25.00
- Local competitors have implemented pay increases and offer sign-on bonuses, i.e. CMPD/CFD minimum is now \$24.07 with \$4,000 sign-on
- Vacancy rating has been as high as 20% this fiscal year

### \* Compression Alleviation

#### ▪ Best practice is to consider two factor approach

- Time in current position
- Most recent performance review
- Application of combination of these two, maximum of 7%



## IMPLEMENTATION

### \* Estimate of Cost for FY23 (April – June)

### \* Structure Update – impacts 60 employees

- 30 Telecommunicators = \$77,636.26 (comp and benefits)

### \* Compression Alleviation – impacts 567 employees

	Base Salary Impact	Benefits Impact	Total Impact
Salary Structure	\$77,586.26	\$18,620.70	\$96,206.96
Compression Alleviation	\$258,302.21	\$61,922.53	\$320,294.74
Total Costs	<b>\$335,888.47</b>	<b>\$80,613.23</b>	<b>\$416,501.70</b>



**Meeting Minutes**  
**April 18, 2023**



Motion was made by Commissioner Jerrell, seconded by Commissioner Meier to amend the 2022-2023 Annual Budget Ordinance to appropriate \$416,502 of General Fund Balance (0001) within the Department of Emergency Medical Services (EMS).

**Comments**

Commissioner Cotham thanked him for his presentation. She asked when they looked at vacancies if they only considered compensation. *Mr. Peterson said they had a lot of different things proposed for 2024, which included, sign-on bonuses, retention bonuses, and pathway programs to get people in the door. He said that was a significant effort at retention for current employees. He said the proposal was specific to wages.*

Commissioner Cotham asked if that this what the employees needed. She asked if they had talked to the employees who left or were thinking about leaving. She said that often other factors may have contributed to them leaving such as work schedules or advance training. She asked if he was sure they were on the right track. *Mr. Peterson said the proposal was one piece of the puzzle and that there were numerous other things they were working on that were monetary and nonmonetary to make their lives better.*

Commissioner Rodriguez-McDowell thanked him. She asked about the slide referencing implementation and if there were only 30 telecommunicators. *Mr. Peterson said yes,*

## Meeting Minutes

**April 18, 2023**

*concerning pay band adjustments, they identified 60 people within the organization that would benefit from the pay band adjustment. He stated that the majority was in the administrative category. He said the bulk of people were telecommunicators.*

Commissioner Rodriguez-McDowell asked if they were the employees making \$19 an hour to \$20 and being bumped up to \$25. She asked him to explain the 567 employees with the compression alleviation. *Mr. Peterson said yes, they were being bumped to \$25. He said starting wages used to begin at \$15. He said when they brought the starting wages to \$20, there was a significant impact and people who had worked there a few years didn't see the significant increase as someone who was brand new. He said they looked at this fully, at everyone at MEDIC.*

Commissioner Rodriguez-McDowell asked if the change would impact mainly the upper-level employees. *Mr. Peterson clarified that the change would stretch across to everyone. He stated the people that would receive the most benefit in the percentage of raise would be the employees with the most tenure at MEDIC.*

Commissioner Rodriguez-McDowell asked concerning the employees going up to \$25 per hour, if there was a plan to keep the employees moving up the pay band. *Mr. Peterson said they would look at the change every year. He stated in 2022 there was a rapid change in pay in North Carolina but in 2023, it stabilized. He said in the future, if there were changes, they would look into them.*

Commissioner Rodriguez-McDowell said she supported this 100% and the change as well.

Commissioner Griffin thanked Mr. Peterson. He said he hoped they would work with high school students to get them interested and also with students at CPCC through workforce development programs. He said he would love to hear from him in the future when those opportunities presented themselves. *Mr. Peterson said they currently worked with high schools and CPCC and because of the Board's support with providing them with ARPA funding they had a fully funded pathway program.*

Commissioner Jerrell said he appreciated Mr. Peterson's leadership and liked his proactive posture. He said you could see the difference with respect to employee retention. He said he supported the ask/request. He asked in what consisted of the benefits, as he understood the salary portion. *Mr. Peterson said it included about 33%, which included pensions, medical benefits, disability, and retirement.*

Commissioner Jerrell asked what the starting salary was for graduates. *Mr. Peterson said it was \$20 an hour.*

## **Meeting Minutes**

### **April 18, 2023**

Vice Chair Powell asked for the total number of employees with MEDIC. *Mr. Peterson said there was around 630.*

Vice Chair Powell asked if there had been a measured increase as the population increased, or had it been 630 for some time. *Mr. Peterson said it had been that way for a while as they were having difficulty with recruitment and retention.*

Vice Chair Powell said no division or department was perfect. She said the compression issue had been longstanding and she fully supported the ask.

Chair Dunlap said this item had been a learning opportunity in numerous ways. He said this item was an example of why they had fund balance and why they needed it.

Motion was unanimously carried (9-0) to amend the 2022-2023 Annual Budget Ordinance to appropriate \$416,502 of General Fund Balance (0001) within the Department of Emergency Medical Services (EMS).

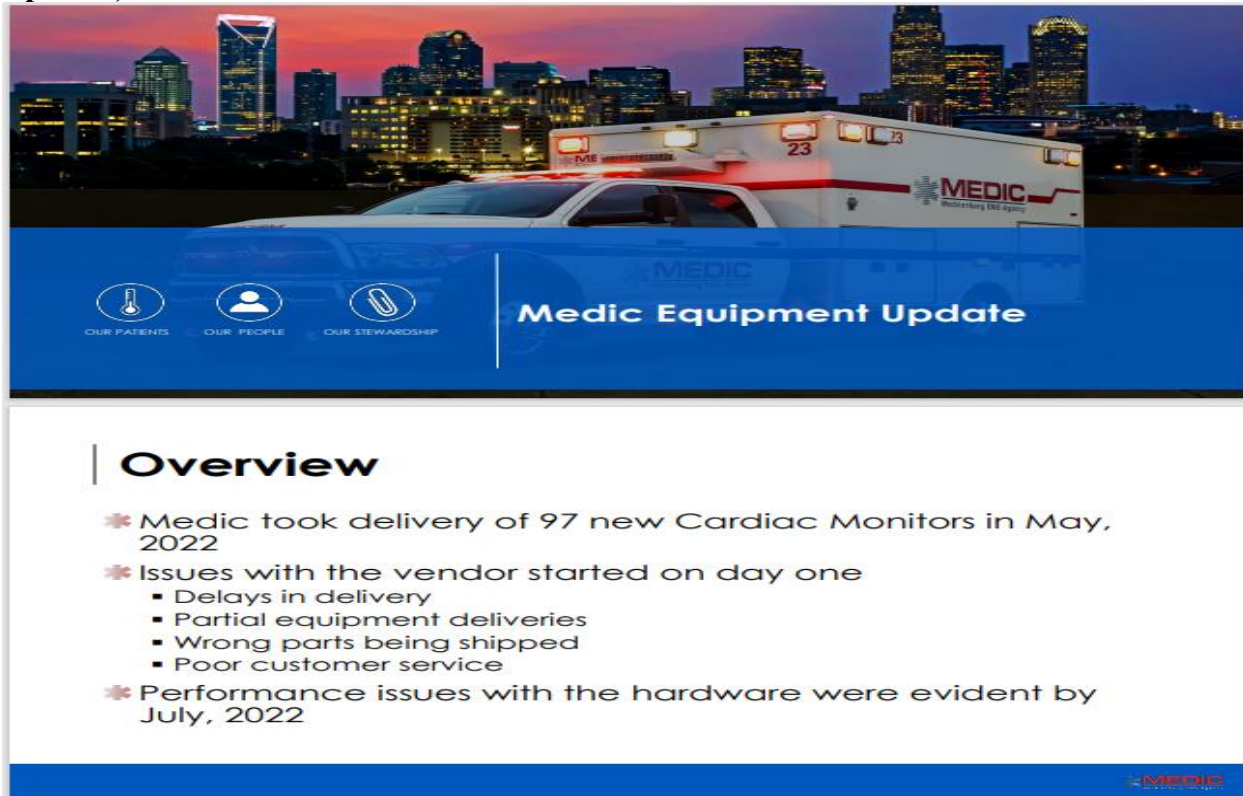
#### **23-0254: MECKLENBURG EMS AGENCY (MEDIC) EQUIPMENT REPLACEMENT**

*Background: This action will enable Medic to purchase new cardiac monitoring devices to replace the currently utilized equipment, which has failed to perform as promised from the manufacturer. The current equipment will be returned, and a full refund will be pursued once the new equipment is deployed in the EMS system, ensuring there is no gap in Medic's ability to respond to calls and treat patients. This funding is necessary at this time to fulfill an immediate equipment purchase from a different company while reimbursement from the existing vendor is pursued.*

JP Peterson, Executive Director of Medic gave the presentation.

## Meeting Minutes

### April 18, 2023



The slide features a header image of a city skyline at night with a white ambulance in the foreground. The ambulance has "MEDIC" and "23" on its side. Below the image is a blue banner with three icons: a flask for "OUR PATENTS", a person for "OUR PEOPLE", and a paperclip for "OUR STEWARDSHIP". To the right of these icons, the text "Medic Equipment Update" is displayed. The main content area is white and contains the following text:

### Overview

- \* Medic took delivery of 97 new Cardiac Monitors in May, 2022
- \* Issues with the vendor started on day one
  - Delays in delivery
  - Partial equipment deliveries
  - Wrong parts being shipped
  - Poor customer service
- \* Performance issues with the hardware were evident by July, 2022

The slide concludes with a blue footer bar containing the "MEDIC" logo on the right side.



## Equipment Issues and Impact

- \* There have been 54 documented issues with the devices themselves and 139 documented issues of faulty ancillary components since deployment
- \* Device failures have caused delays in therapy
- \* Device failures have caused delays in diagnosis
- \* There have been no adverse outcomes to any patients



## Additional Context

- \* Medic has spoken with three other Agencies experiencing similar issues with this cardiac monitoring system and ancillary equipment
  - Large hospital based EMS agency in NC
    - Same issues with devices
    - Deploying new alternative monitors in April
    - Pursuing a refund of cost from the current vendor
  - Large fire department based service in FL
    - Same issues with the devices
    - Deployed new alternative monitors in February
    - Pursuing a refund of cost from the current vendor
  - Smaller EMS agency in PA
    - Same issues with the devices
    - Deployed new alternative monitors in June of '22
    - Received a full refund





## Additional Context

- \* Medic has been in constant contact with the current vendor since the first performance issues occurred
- \* Issues were quickly escalated by Medic to the VP of the vendor organization
- \* Weekly cadence calls occur between Medic and the vendor team members
- \* Medic hosted a team from the vendor's Business Unit in January to troubleshoot the issues
- \* Outside of the vendor admitting there are performance issues, no progress has been made on a solution



## Recommended Next Steps

- \* Medic needs to replace the current cardiac monitor devices ASAP
- \* Medic has vetted an alternative monitor that is reliable
- \* The alternative vendor can have product delivered ~45 days following a PO
- \* Deployment of new devices will take another 30 days post delivery
- \* The cost will be approximately \$4.8mm



**Meeting Minutes**  
**April 18, 2023**



Motion was made by Commissioner Leake, seconded by Commissioner Powell, to amend the 2022-2023 Annual Budget Ordinance to appropriate \$4,864,110.89 of General Fund Balance (0001) to Medic for the purchase of new cardiac monitoring devices.

**Comments**

Commissioner Altman asked what they were doing currently since they knew the monitors they currently had were unreliable to ensure clinical excellence. *Mr. Peterson said they had backups in place, on every ambulance along with an AED on every ambulance and firetruck.*

Commissioner Altman asked if they had equipment to accurately diagnose the status of the heart to know if they needed to be shocking. *Mr. Peterson said in the event that happened they would have to bring in a second ambulance to be able to assist that patient.*

Commissioner Altman asked for clarification of how they understood the status of the heart if the current machines were defective. *Mr. Peterson said they hadn't lost their ability to read an EKG, they would, depending on location, hurry to get the patient to the hospital or consult with another ambulance.*

Commissioner Altman said there could be a gap in time where someone needed to be shocked and they couldn't shock them. *Mr. Peterson said in reference to being able to read an EKG,*

## Meeting Minutes

**April 18, 2023**

*Cardiac Arrest and a Heart Attack were different. He said it was important to them to find something more reliable in case the device failed.*

Commissioner Altman asked in the short time, what were they doing to protect patients while they waited for the new equipment. Mr. Peterson said the most important thing was that they were able to provide electrical therapy to a patient that needed it. He said that was his primary concern, hence the backup on every ambulance in case the primary monitor failed.

Commissioner Leake thanked Mr. Peterson. She asked when they found out they had problems. *Mr. Peterson said the problems began to appear around July/August of 2022. He said it took some time to determine there was a systemic problem with the monitors.*

Commissioner Leake asked if they had not received delivery of the replacements. *Mr. Peterson said they had not received a solution from the vendor.*

Commissioner Leake asked what they would do in the meantime. *Mr. Peterson said they had been continuing to work with the vendor every week to identify and correct issues, hence the backups on each ambulance.*

Commissioner Leake asked if they were able to utilize other support systems in the County or surrounding communities. *Mr. Peterson said no, and it was not necessary, if there was an issue with one there were up to 55 ambulances out on the road at any given time that could assist.*

Commissioner Leake asked if the County Manager was aware. *County Manager Diorio said they had been working closely with MEDIC for a few months to resolve the issue, but they were at a place where they needed to replace the monitors.*

Commissioner Leake asked if they were using the same company, and asked how long they would have to wait. *County Manager Diorio said they were using a different company. Mr. Peterson said the monitors would arrive in 45 days or less, and about 30 days to do training.*

Commissioner Cotham thanked Mr. Peterson. She said they spent about \$4.8 million on the original ones and asked if they'd purchased from that vendor before. *Mr. Peterson said yes, they had about a decade long history with them.*

Commissioner Cotham asked if he anticipated an issue with receiving a refund from them. *Mr. Peterson said he didn't know but would know soon.*

Commissioner Cotham asked if they'd learned anything and if he thought they'd done enough vetting. *Mr. Peterson said yes to both questions. He said they went through their normal RFP*

## **Meeting Minutes**

**April 18, 2023**

*process and the company is worldwide and they felt comfortable and safe using the company. He said it was concerning and a lot to learn.*

Commissioner Cotham asked if they were an American made product. *Mr. Peterson said they were made in the United Kingdom.*

Chair Dunlap thanked him for bringing this item before the Board. He said due to the backups and other ambulances, this should not alarm the community. He said it was a prudent decision to replace the faulty equipment, while they worked to resolve the issue.

Motion was unanimously carried (9-0) to amend the 2022-2023 Annual Budget Ordinance to appropriate \$4,864,110.89 of General Fund Balance (0001) to Medic for the purchase of new cardiac monitoring devices.

### **23-0233      DEPARTMENTAL DIRECTORS' MONTHLY REPORTS**

The Board received as information the department directors' monthly management reports. The monthly management reports can be accessed online via public dashboards at:

<https://meck.co/DataDashboard>

*Background: The County Manager has requested department directors develop department management monthly reports highlighting key activities and initiatives within the departments and that reports show relevant performance indicators of departmental activity.*

### **STAFF REPORTS & REQUESTS - NONE**

### **COUNTY COMMISSIONERS REPORTS & REQUESTS**

#### **23-0229      2023 BOCC MEETING SCHEDULE REVISIONS**

*Background: The 2023 BOCC Meeting Schedule was approved at the December 6, 2022 BOCC Regular Meeting.*

*The following dates are to be changed:*

## **Meeting Minutes**

**April 18, 2023**

*(Budget/Public Policy Meeting) from Tuesday, May 23 to Monday, May 22 at Valerie C. Woodard Center, 3205 Freedom Drive, Charlotte, NC 28208.*

*(2nd Budget Public Hearing) from Wednesday, May 24 to Thursday, May 25*

*Both these dates are being changed to accommodate the BOCC's participation in the 2023 NCACC County Advocacy Days taking place May 23 and 24 in Raleigh, North Carolina*

*(Regular Meeting) Wednesday, from Wednesday, July 5 to Thursday, July 6  
This meeting is being changed due to the Fourth of July holiday occurring on Tuesday.*

Motion was made by Commissioner Powell, seconded by Commissioner Meier and unanimously carried (9-0) with Commissioners Altman, Cotham, Dunlap, Griffin, Jerrell, Leake, Meier, Powell, and Rodriguez-McDowell, voting yes, to go amend the 2023 Mecklenburg Board of County Commissioners Meeting Schedule.

## **CONSENT ITEMS**

**Motion was made by Commissioner Griffin, seconded by Commissioner Rodriguez-McDowell and unanimously carried (9-0) with Commissioners Altman, Cotham, Dunlap, Griffin, Jerrell, Leake, Meier, Powell, and Rodriguez-McDowell, voting yes, to approve the following item(s):**

### **23-0200 MINUTES**

Approve the following Meeting Minutes:

January 19, 2022 Closed Session

April 5, 2022 Regular Meeting

April 12, 2022 Budget/Public Policy Workshop

### **23-0207 TEMPORARY CONSTRUCTION EASEMENT - OAK HILLS PARK**

## **Meeting Minutes**

### **April 18, 2023**

Authorize the County Manager to grant a Temporary Construction Easement (+/- 0.062 acres) to Oakdale Owners, LLC on Mecklenburg County owned Tax Parcel 033-261-05(Oak Hills Park) for the construction of a sanitary sewer.

*Background: Across 485 from the County's Oak Hills Park, Oakdale Owners, LLC ("Oakdale") is developing a new residential townhome community. Oakdale has requested to tie into the existing Charlotte Water sanitary sewer on Oak Hills Park. Construction of the sanitary sewer line will require the residential developer to access a portion of Mecklenburg County property at Oak Hills Park. Oakdale has requested +/- 0.062 acres of Temporary Construction Easement (TCE) from the County (tax parcel 033-261-05) to complete grading activities associated with this work. The permanent easement rights being built by Oakdale will be granted to the City of Charlotte under the County Managers authority to grant utility easements.*

*The request has been reviewed by the Park and Recreation Department and it has been determined that the request will not negatively impact the park property. County will be compensated an appraised value of \$1,950,.00 for the TCE.*

#### **23-0212 REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE (MCAPCO)**

Schedule a comment period beginning April 18, 2023, for proposed revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO); and schedule a public hearing on May 25, 2023, at 6:00pm to receive public comments.

*Background: To initiate the process necessary to adopt revisions to MCAPCO in response to state certification requirements and US Environmental Protection Agency grant requirements.*

*MCAPCO provides for the administration and enforcement of an air pollution control program for the protection of the environment and protection of the public health and applies throughout Mecklenburg County, North Carolina, including but not limited to all cities, towns, hamlets, and villages whether incorporated or unincorporated. The proposed revisions involve adjustments to permitting and compliance monitoring fees found in MCAPCO Regulation 1.5231 - "Air Quality Fees."*

*Persons wishing to review and/or comment on the proposed revisions during the comment period should contact:*

*Leslie H. Rhodes, Director*

**Meeting Minutes**

**April 18, 2023**

*Mecklenburg County Air Quality*

*2145 Suttle Avenue*

*Charlotte, NC 28208*

*Leslie.Rhodes@mecklenburgcountync.gov*

## Meeting Minutes

### April 18, 2023

#### NOTICE OF PUBLIC HEARING PROPOSED AIR QUALITY ORDINANCE AMENDMENTS

The Mecklenburg County Board of Commissioners, pursuant to the requirements of G.S. 143.215.112 and G.S. 130A-39, has opened a public review and comment period, and scheduled a public hearing regarding proposed amendments to the Mecklenburg County Air Pollution Control Ordinance, and incorporation of the proposed amendments into the Mecklenburg County portion of the North Carolina State Implementation Plan set forth in 40 CFR 52.1770. The public hearing will be held May 24, 2023, at 6:00 pm, or as soon thereafter as the agenda allows, in the Meeting Chamber of the Charlotte Mecklenburg Government Center located at 600 East Fourth Street, Charlotte, NC. The proposed amendments to the Ordinance have been provided to the North Carolina Division of Air Quality, and USEPA, Region IV for their review. The proposed amendments were approved by the Mecklenburg County Air Quality Commission during their March 27, 2023 meeting.

The Mecklenburg County Air Pollution Control Ordinance (MCAPCO) provides for the administration and enforcement of an air pollution control program for the protection of the environment and protection of the public health and applies throughout Mecklenburg County, North Carolina, including but not limited to all cities, towns, hamlets, and villages whether incorporated or unincorporated. The proposed amendment involves adjustments to permitting and compliance monitoring fees found in MCAPCO Regulation 1.5231 – “Air Quality Fees.”

Interested persons are encouraged to review the amendments either on the Mecklenburg County Air Quality website, [airquality.mecknc.gov/mcapco](http://airquality.mecknc.gov/mcapco), or during normal business hours at Mecklenburg County Air Quality's offices located at 2145 Suttle Avenue, Charlotte, NC 28208, or by requesting the information by calling (704) 336-5430.

Persons wishing to submit comments regarding the incorporation of these amendments into MCAPCO are invited to do so. Comments must be received on or before May 24, 2023, and may be submitted in writing addressed to Leslie H. Rhodes, Director, Mecklenburg County Air Quality, 2145 Suttle Avenue, Charlotte, NC 28208. Also, comments may be submitted via e-mail to the following address:

[Leslie.Rhodes@mecklenburgcountync.gov](mailto:Leslie.Rhodes@mecklenburgcountync.gov).

Anyone needing special accommodations if attending the public hearing and/or if this information is needed in an alternative format because of a disability should contact the Clerk to the Board. The Clerk is located at 600 East Fourth Street, in the Charlotte- Mecklenburg Government Center, 11<sup>th</sup> floor, (980-314-2939), fax (704-336-5887) or by E-mail: [kristine.smith@mecklenburgcountync.gov](mailto:kristine.smith@mecklenburgcountync.gov). We request at least 72-hour notice prior to the meeting to make the appropriate arrangements.

Kristine Smith, Clerk to the Board



**1.5231 AIR QUALITY FEES**

(a) For the purpose of this Regulation, the following definitions apply:

- (1) **“Actual Emissions”** means the actual rate of emissions in tons per year of any air pollutant emitted from the facility over the preceding calendar year. Actual emissions shall be calculated using the source’s or sources’ actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. Actual emissions shall include fugitive emissions as specified in the definition of major source in 40 CFR 70.2. For fee applicability and calculation purposes under this Regulation, actual emissions shall not include emissions beyond the normal emissions such as during violations, malfunctions, start-ups and shut downs, and emissions from permit exempt activities listed in MCAPCO Regulations 1.5211 - “Applicability”, Subparagraphs (g)(1) and (g)(2) [for non-Title V facilities] or 1.5503 - “Definitions”, Subparagraph (7) “Insignificant activities because of category” [for Title V facilities].
- (2) **“Administrative Change”** means an ownership transfer, or change to a construction date, test date, monitoring range, or reporting procedure.
- (3) **“Ambient Monitoring”** means the systematic assessment of pollutant levels by measuring the quantity and types of pollutants in the surrounding, outdoor air. For fee applicability purposes, facilities having actual emissions of any regulated air pollutant shall pay an ambient monitoring fee based on Facility Category as listed in Table 1 of this Regulation.
- ~~(3)~~(4) **“B Facility”** means a facility whose potential emissions are equal to or exceed 25 tons per year, but are less than 100 tons per year for any regulated pollutant under MCAPCO Article 2.0000 - “Air Pollution Control Regulations and Procedures”.
- ~~(4)~~(5) **“Burning Approval Inspection”** means the activity conducted by the Mecklenburg County Fire Marshal to verify information necessary for the issuance of special burning approvals as specified in MCAPCO Regulation 1.5106 - “Open Burning”.
- ~~(5)~~(6) **“C Facility”** means a facility whose potential emissions are less than 25 tons per year for any regulated pollutant under MCAPCO Article 2.0000 - “Air Pollution Control Regulations and Procedures”.
- ~~(6)~~(7) **“Fiscal Year”** means the Federal Fiscal Year (FFY). The Federal Fiscal Year runs from October 1 of the prior year through September 30 of the year being described. For example, the 2012 Federal Fiscal Year (FFY2012) is the period from October 1, 2011 through September 30, 2012.
- ~~(7)~~(8) **“General Facility”** means a facility obtaining a permit under MCAPCO Regulations 1.5221 - “Permitting of Numerous Similar Facilities” or 1.5509 - “Permitting of Numerous Similar Facilities”.
- ~~(8)~~(9) **“Minor Modification”** means a Title V permit modification made pursuant to MCAPCO Regulation 1.5515 - “Minor Permit Modifications”.
- ~~(9)~~(10) **“Model”** means a refined modeling demonstration required to be submitted by the facility to determine compliance with MCAPCO Section 2.1100 - “Control of Toxic Air Pollutants”.
- ~~(10)~~(11) **“NESHAP Facility”** means a facility subject to a national emission standard for hazardous air pollutants in MCAPCO Regulation 2.1110 - “National Emission Standards for Hazardous Air Pollutants”.
- ~~(11)~~(12) **“NESHAP Amounts of Asbestos”** means amounts of asbestos containing materials

## Meeting Minutes

### April 18, 2023

that when measured equals or exceeds 160 square feet or 260 linear feet or 35 cubic feet and regulated by MCAPCO Regulation 2.1110 - "National Emission Standards for Hazardous Air Pollutants", which references 40 CFR 61.141 "Definitions".

~~(+2)~~~~(13)~~ **"NESHAP Demolition and Renovation"** means a demolition or renovation project which is subject to the national emission standard for hazardous air pollutants in MCAPCO Regulation 2.1110 - "National Emission Standards for Hazardous Air Pollutants", which references 40 CFR 61.141 "Definitions".

~~(+3)~~~~(14)~~ **"NESHAP Notification"** means the required information for the renovation/demolition of a facility as defined by MCAPCO Regulation 2.1110 - "National Emission Standards for Hazardous Air Pollutants".

~~(+4)~~~~(15)~~ **"New or Significant Modification"** means a Title V permit application for a facility not previously required to have a permit under MCAPCO Section 1.5500 - "Title V Procedures" or a Title V permit modification made pursuant to MCAPCO Regulation 1.5516 - "Significant Permit Modification".

~~(+5)~~~~(16)~~ **"Performance Testing"** means testing required by a facility's permit, or as requested by the Director.

~~(+6)~~~~(17)~~ **"PSD Facility"** means a plant site having one or more sources subject to the prevention of significant deterioration requirements of MCAPCO Regulation 2.0530 - "Prevention of Significant Deterioration" or a plant site applying for a permit for a major stationary source or a major modification subject to MCAPCO Regulation 2.0530 - "Prevention of Significant Deterioration".

~~(+7)~~~~(18)~~ **"Registered Facility"** means a facility supplying information as required in MCAPCO Regulation 2.0202 - "Registration of Air Pollution Sources".

~~(+8)~~~~(19)~~ **"SB (Select B)"** means a B facility as defined in this Regulation, where the potential of pollutant(s) emitted are equal to or exceed 25 tons of either volatile organic compounds (VOCs) or nitrogen oxides (NOx).

~~(+9)~~~~(20)~~ **"Stage I Facility"** means a permitted facility required under MCAPCO Regulation 2.0928 - "Gasoline Service Stations Stage I" to install Stage I controls as defined in MCAPCO Regulation 2.0901 - "Definitions".

~~(20)~~~~(21)~~ **"Synthetic Minor Facility"** means a facility that would be a Title V facility except that the potential emissions are reduced below the thresholds defined in "Title V facility" of this Regulation by one or more physical or operational limitations on the capacity of the facility to emit an air pollutant. Such limitations shall be enforceable by EPA and may include air pollution control equipment, restrictions on hours of operation, and the type or amount of material combusted, stored or processed.

~~(21)~~~~(22)~~ **"Title V Facility"** means a facility that has or will have potential emissions of:

- (A) 100 tons per year or more of at least one regulated air pollutant,
- (B) 10 tons per year or more of at least one hazardous air pollutant, or
- (C) 25 tons per year or more of all hazardous air pollutants combined.

~~(22)~~~~(23)~~ **"Variance Request"** means the information submitted subject to MCAPCO Regulation 1.5305 - "Variances".

~~(23)~~~~(24)~~ **"112(r) Facility"** means a facility that is required to submit and implement a Risk Management Plan under 40 CFR 68 - "Chemical Accident Prevention Provisions"

(b) Fees shall be charged for processing an application or group of applications submitted simultaneously for an air permit, for administering and monitoring compliance with the terms of a

Meeting Minutes  
April 18, 2023

facility's air permit and for other specified air quality activities conducted by the Department.  
For federal fiscal year FY2015 and beyond, the following fees will be in effect as of October 1, 2014, July 1, 2023, until revised:

Table 1. ~~FY2015 and Beyond~~ Permit Application and Annual Administering and Compliance Fees

FACILITY CATEGORY	PERMIT APPLICATION FEES		ANNUAL ADMINISTERING AND COMPLIANCE FEES			
			FACILITY FEE	ACTUAL EMISSION FEE/TPY	NON ATTAINMENT	Ambient Monitoring
Registered	<del>\$200</del> <u>\$240</u>		N/A	N/A	N/A	<u>N/A</u>
Stage I/II	<del>\$200</del> <u>\$240</u>		<del>\$400</del> <u>\$120</u>	<del>\$50</del> <u>\$60</u>	<del>\$200</del> <u>\$240</u>	<u>\$300</u>
C	<del>\$250</del> <u>\$300</u>		<del>\$625</del> <u>\$750</u>	<del>\$50</del> <u>\$60</u>	<del>\$200</del> <u>\$240</u>	<u>\$300</u>
B	<del>\$250</del> <u>\$300</u>		<del>\$1250</del> <u>\$1,500</u>	<del>\$50</del> <u>\$60</u>	<del>\$200</del> <u>\$240</u>	<u>\$300</u>
SB	<del>\$500</del> <u>\$600</u>		<del>\$1750</del> <u>\$2,100</u>	<del>\$50</del> <u>\$60</u>	<del>\$500</del> <u>\$600</u>	<u>\$300</u>
Synthetic Minor	<del>\$750</del> <u>\$900</u>		<del>\$5400</del> <u>\$6,480</u>	<del>\$50</del> <u>\$60</u>	<del>\$500</del> <u>\$600</u>	<u>\$300</u>
PSD	<del>\$12000</del> <u>\$14,400</u>		N/A	N/A	N/A	<u>N/A</u>
NSR	<del>\$12000</del> <u>\$14,400</u>		N/A	N/A	N/A	<u>N/A</u>
112(r)	NA		<del>\$500</del> <u>\$600</u>	NA	NA	<u>N/A</u>
General	50% of the otherwise applicable fees					
	NEW or RENEWAL or SIGNIFICANT MODIFICATION	MINOR MODIFICATION	FACILITY FEE	ACTUAL EMISSION FEE/TPY	NON ATTAINMENT	Ambient Monitoring
Title V	<del>\$10000</del> <u>\$12,000</u>	<del>\$4000</del> <u>\$1,200</u>	<del>\$9500</del> <u>\$11,400</u>	<del>\$50</del> <u>\$60</u>	<del>\$500</del> <u>\$600</u>	<u>\$300</u>

Table 2. ~~FY 2015 and Later~~ Fees Specific to Certain Facility Activities or Requests

Performance Testing	<del>\$500</del> <u>\$600</u>	Submitted with the annual administering and compliance fee for each source test conducted the previous calendar year as listed in the fee invoice
Administrative Change Permit Application	<del>\$400</del> <u>\$120</u>	Submitted with the proper documentation for an ownership transfer, or change to a construction date, test date, monitoring range, or reporting procedure
Model Review	<del>\$500</del> <u>\$600</u>	Submitted with the application fee for any permit application that requires review of a model demonstration to determine compliance with MCAPCO Sections 2.1100 – "Control of Toxic Air Pollutants"

## Meeting Minutes

### April 18, 2023

**Table 3. ~~FFY2015 and Beyond~~ Other Air Quality Fees**

<b>Variance Request</b>	<del>\$200</del> <b>\$240</b>	Submitted with the required variance documentation
<b>Burning Approval Inspection</b>	<del>\$25</del> <b>\$30</b>	Submitted with application to designated authority

(c) For the purposes of this Regulation, a single facility is defined to be any contiguous area under one ownership and in which permitted activities occur. If a facility or source belongs to more than one category, the fees shall be those of the applicable category with the highest fees. No fees, except for burning approval inspection fees, are required to be paid under this Regulation by a farmer who submits an application or receives an approval that pertains to his farming operations. The fee paid for tons of emissions excludes the following emissions: carbon monoxide, any pollutant that is regulated solely because it is a Class I or II substance listed pursuant to Section 602 of the federal Clean Air Act (ozone depleters), any pollutant that is regulated solely because it is subject to a regulation or standard pursuant to Section 112(r) of the federal Clean Air Act (accidental releases), and the amount of actual emissions of each pollutant that exceeds 4,000 tons per year.

(d) The appropriate permit application fee listed in Paragraph (b) of this Regulation is required for technical changes such as changing the location of a source; adding additional emission sources, pollutants, or control equipment; or changing a permit condition such that a change in air pollutant emissions could result. An administrative change permit application fee is required for administrative changes such as ownership transfers, construction date changes, test date changes, or reporting procedure changes. With exception of permits modified in accordance with MCAPCO Regulation 1.5232 - "Issuance, Revocation, and Enforcement of Permits", no permit application fee is required for changes to a permit initiated by the Director to correct processing errors, to change permit conditions, or to implement new standards.

(e) Payment of permit application fees and annual administering and compliance monitoring fees shall be by check, ~~or~~ money order, or electronic payment made payable to Mecklenburg County Air Quality. The payment should refer to the air permit application or permit number.

(f) The payment of the permit application fee required by Paragraphs (b) or (d) of this Regulation shall accompany the permit or permit modification application and is non-refundable. If the permit application fee is not paid when the application is filed, the application shall be considered incomplete until the fee is paid.

(g) Facilities paying the initial administering and compliance monitoring fee will be billed after the facility notifies the Department in accordance with MCAPCO Regulation 1.5214 - "Commencement of Operation".

(h) A facility which has permanently ceased operations at a site and requests that the permit(s) be voided, will not be required to pay the next annual administering and compliance monitoring fee for said permits. To resume the operation(s) after permit(s) have been voided will require the issuance of a new permit. A facility that is moved to a new site may receive credit for any unused portion of an annual administering and compliance monitoring fee if the permit for the old site is



## Meeting Minutes

### April 18, 2023

relinquished. Only one annual administering and compliance monitoring fee needs to be paid annually for each facility.

(i) If a permit holder fails to pay an annual administering and compliance monitoring fee within 30 days after being billed, the Director shall rebill and impose a penalty in the amount of 10% of the fee for each month the payment is late. For continued failure to pay past 60 days, the Director may initiate action to revoke the permit.

(j) The fees as determined in Paragraph (b) of this Regulation for Title V facilities may be adjusted as of September 30th of each year for inflation. The inflation adjustment shall be done by the method described in 40 CFR 70.9(b)(2)(iv).

(k) The following fees shall be charged for the processing of a NESHAP demolition & renovation notification. The payment of the demolition & renovation NESHAP notification fee shall be by check, ~~or~~ money order, or electronic payment made payable to Mecklenburg County.

**NESHAP Demolition & Renovation Notification Fees**

TYPE OF NOTIFICATION	FEE AMOUNT PER NOTIFICATION	
Renovations subject to notification requirements of MCAPCO 2.1110	<del>\$300</del> <b>\$365</b>	
Moving or relocation of structure (as single unit)	None or < NESHAP amounts of asbestos present	With removal of NESHAP amounts of asbestos
<250 sq. ft.	\$50	\$50
≥250 sq. ft.	\$100	\$100
Demolitions subject to notification requirements of MCAPCO 2.1110	None or < NESHAP amounts of asbestos present	With removal of NESHAP amounts of asbestos
Area or Floor Space		
<500 sq.ft.	\$50	\$50
≥500 but <5000 sq.ft.	\$350	\$650
≥5000 but <10,000 sq.ft.	\$450	\$750
≥10,000 sq.ft.	\$650	\$950

Should the NESHAP notification be canceled, the fees paid are refundable upon written request to the Director, except for a \$50 service charge for each notification.

**Meeting Minutes**  
**April 18, 2023**

*MCAQ History Note:*

*Amended Eff. December 18, 2018; DATE*

**23-0220      TAX REFUNDS**

Approve refunds in the amount of \$9,184.35 for registered motor vehicles as statutorily required to be paid as requested by the County Assessor; and approve refunds in the amount of \$7,490.99 as statutorily required to be paid as requested by the County Assessor.

*Background: This Board action is necessary to approve registered motor vehicle tax refunds resulting from clerical errors, value changes and appeals processed in the statewide vehicle tax system.*

*This Board action is necessary to approve tax refunds resulting from clerical errors, audits and other amendments, including revaluation appeals. There is accrued interest of \$120.80 in the refund amount of \$7,490.99. Refunds total \$7,490.99.*

**23-0226      NORTHEAST PROPERTY LEASE**

Adopt a resolution titled "Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to Christ Point Church".

*Background: At its March 7th meeting, the Board adopted a resolution entitled "Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to Christ Point Church". Subsequently, the Clerk to the Board published a notice of the Board's intent to the lease in the Charlotte Observer consistent with that resolution. The final action the Board needs to take to approve the lease is adoption of the attached resolution authorizing the lease.*

**Meeting Minutes**  
**April 18, 2023**

**MECKLENBURG COUNTY  
BOARD OF COMMISSIONERS  
RESOLUTION AUTHORIZING LEASE OF 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:

<b>Location</b>	The barn, chapel, parking lot, and associated buildings on Tax Parcel 029-301-19
<b>Term</b>	Two (2) years
<b>Rent</b>	\$2,500 per month
<b>Use Times</b>	Friday at 6:00 AM through Sunday at 9:00 PM weekly
<b>Maintenance/Repairs</b>	The Church shall be responsible for any and all routine preventive maintenance including janitorial.
<b>Utilities and Services</b>	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 approve a lease arrangement with the Church, as described above, and authorizes and the County

**Meeting Minutes**  
**April 18, 2023**

Manager, or her designee, to negotiate and execute a formal lease arrangement with the Church, consistent with the business terms outlined above.

Adopted the \_\_\_\_ day of April, 2023.

Approved as to Form:

\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Clerk to the Board

(SEAL)

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



**Meeting Minutes  
April 18, 2023**

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**23-0234      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:

**23-0206      DEPARTMENT OF SOCIAL SERVICES (DSS) ARPA ECONOMIC SERVICES DIVISION FUNDS**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried (9-0) to amend the 2022-2023 Annual Budget Ordinance to recognize, receive, and appropriate an increase in revenue and expenses of \$1,327,071 from the Federal Supplemental Nutrition Assistance Program (SNAP) American Rescue Plan Act (ARPA) administrative allocation in the General Fund (0001).

*Background: Mecklenburg County has been allocated Supplemental Nutrition Assistance Program (SNAP) administrative funds in the amount of \$1,327,071 from the American Rescue Plan Act. The Economic Services Division (ESD) provides eligibility services for SNAP to vulnerable populations. DHHS allocated funding to counties to support efforts of administering the FNS program due to the workload increases that counties are experiencing as a result of increased food insecurity due to the pandemic. Funds will support our work with existing and temporary staff with processing applications, recertifications and enhancing call center capacity to help support operations. Matching funds are not required.*

**23-0209      GRANT APPLICATION - OVERDOSE DATA TO ACTION: LIMITING OVERDOSE THROUGH COLLABORATIVE ACTIONS IN LOCALITIES**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried (9-0) to approve the submission of a grant application to the Centers for Disease Control (CDC) for Overdose Data to Action: Limiting Overdose through Collaborative actions in Localities up to \$5,000,000 for a five-year period (September 1, 2023 – September 30, 2028); and if awarded, recognize, receive, and appropriate the amount awarded to the General Grants Fund (G001) for the duration of the award; and adopt the required grant project ordinance for

## Meeting Minutes

April 18, 2023

Centers for Disease Control (CDC) Overdose Data to Action: Limiting Overdose through Collaborative actions in Localities in the General Grant Fund (G001).

*Background: The Mecklenburg County Health Department is requesting approval to apply for the CDC Overdose Data to Action: Limiting Overdose through Collaborative actions in Localities grant. Grant funds will be used to support:*

- 1. Decreasing non-fatal and fatal drug overdoses, overall and especially among disproportionately affected and underserved populations, with a primary focus on overdoses involving opioids and/or stimulants, including polysubstance use.*
- 2. Reducing health inequities related to overdose by closing gaps in access to care and services*
- 3. Integrating harm reduction strategies and principles.*
- 4. Improving linkages to and re-engagement and retention in services, care, treatment, and recovery, focused on opioid use disorder (OUD) and stimulant use disorder (StUD).*
- 5. Building overdose surveillance infrastructure. Collaborating with Novant and Atrium as well as other health partners across the region to share data and inform of trends.*
- 6. Track and address emerging drug threats. Strengthen CMPD and MCPH data sharing.*

**Meeting Minutes**  
**April 18, 2023**

**GRANT PROJECT ORDINANCE**

**WHEREAS,** Mecklenburg County is applying and/or has been awarded a grant from the Centers for Disease Control. The grant has been made available to Mecklenburg County under the Overdose Data to Action: Limiting Overdose through Collaborative Actions in Localities up to the amount of \$5,000,000; and

**WHEREAS,** the grant funds must be used to focus on core prevention and surveillance Strategies; 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 Centers for Disease Control 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 (name of grant) and to undertake the project. The County Manager is directed to take steps necessary to ensure compliance with all spending and reporting requirements Centers for Disease Control.
- Section 3. The following revenues are anticipated for Mecklenburg County in the General Grants Fund (G001) to complete this project:
- Overdose Data to Action: Limiting Overdose through Collaborative Actions in Localities up to the amount of \$5,000,000**
- Section 4. The following expenses are appropriated for Mecklenburg County in the General Grants Fund (G001) to complete this project:
- Overdose Data to Action: Limiting Overdose through Collaborative Actions in Localities up to the amount of \$5,000,000**

Adopted this \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

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

**Meeting Minutes**  
**April 18, 2023**

**23-0214      SCHEDULE PUBLIC HEARING FOR CLOSING THE RIGHT-OF-WAY OF PUCKETT ROAD**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried (9-0) to set a public hearing for June 6, 2023, to hear all interested parties who appear with respect to closing the right-of-way for Puckett Road; and adopt resolution declaring intent to close the right-of-way for Puckett Road.

*Background: The adjacent property owners have petitioned to close the right-of-way for Puckett Road (2.107 acres). Petitioners are requesting the abandonment of all the right-of-way. Each remaining parcel will have ingress and egress. The petitioners own all the parcels that would be impacted if the right-of-way for Puckett Road is closed. On May 26, 2021, NCDOT informed the petitioner that the right-of-way petitioned to be closed was not State maintained.*

*To close a right-of-way in the unincorporated part of the County, General Statute 153A-241 requires the Board of County Commissioners to adopt a resolution declaring its intent to close the public road and call a public hearing. The attached Exhibit A map shows the current right-of way for Puckett Road and the portion petitioned to be closed.*

*Mecklenburg County Land Use and Environmental Services Agency has determined that in its opinion closing the right-of-way of Puckett Road would not deprive any individual owning land in the vicinity of said right-of-way of reasonable ingress and egress to their property and would not be contrary to the public interest. Charlotte-Mecklenburg Planning and the Mecklenburg County Fire Marshal's Office reviewed the petition and have no objection to the closing of the portion of said right-of-way. A recombination plat approved by the City of Charlotte Planning Department and filed access easements assure that the residents in the area that are utilizing these roads have safe ingress and egress to State maintained roads. Once closed, the 2.107-acre former right-of-way will ...*

**MECKLENBURG COUNTY  
BOARD OF COMMISSIONERS**

**RESOLUTION DECLARING INTENT TO CLOSE ALL OF PUCKETT ROAD  
RIGHT-OF-WAY**

**WHEREAS**, North Carolina General Statute 153A-241 specifies that a county may permanently close any public road or easement within the county and not within the city except public roads or easements for public roads under the control and supervision of the North Carolina Department of Transportation and specifies the procedure to be followed; and

**WHEREAS**, petitioners have requested that 2.107-acres of right-of-way for Puckett Road as shown on the Exhibit A map attached hereto be closed; and

**WHEREAS**, Charlotte-Mecklenburg Planning and the Mecklenburg County Fire Marshal's Office reviewed the petition and have no objection to the closing of the portion of said right-of-way. Mecklenburg County Land Use and Environmental Services Agency (LUESA) has determined that in its opinion the closing of the portion of said right-of-way petitioned for closing would not deprive any individual owning land in the vicinity of said right-of-way of reasonable ingress and egress to their property, and would not be contrary to the public interest; and has determined that the North Carolina Department of Transportation does not maintain said right-of-way; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mecklenburg Board of County Commissioners does hereby declare its intent to close the right-of-way of Puckett Road (2.107 acre) as shown on the attached Exhibit A map, and as required by G.S. 153A-241 does hereby set a public hearing on the question of whether to close said right-

**Meeting Minutes**  
**April 18, 2023**

of-way for June 6, 2023 at 6:30 PM in the Meeting Chamber on the first floor of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina and does hereby instruct the Clerk to the Board of Commissioners to have a Notice of Intent published once a week for three successive weeks before the hearing; and does hereby instruct the LUESA to send or have sent by registered or certified mail a copy of this resolution and Exhibit A map and Notice of Intent to each owner as shown on the County tax records of all properties adjoining the said right-of-way of Puckett Road who did not join in the request to have said portion of the right-of-way closed; and to have a notice of the closing and the public hearing posted in at least two places at said right-of-way.

ADOPTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

\_\_\_\_\_  
Clerk to the Board of  
County Commissioners

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

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

**Meeting Minutes**  
**April 18, 2023**

**NOTICE OF PUBLIC HEARING  
BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG ON  
THE REQUEST TO ABANDON ALL OF THE RIGHT-OF-WAY FOR PUCKETT  
ROAD IN MECKLENBURG COUNTY**

Notice is hereby given that a public hearing will be held by the Mecklenburg Board of County Commissioners in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street on June 6, 2023 at 6:30 p.m., or as soon thereafter as the agenda permits, on a request to abandon all of the right-of-way for Puckett Road. Parties in interest and residents shall have an opportunity to be heard at the hearing and may obtain information on the requested abandonment from the Mecklenburg County Land Use and Environmental Services Agency, 2145 Suttle Avenue either by phone (980) 314-3235 or email ([David.Goode@MecklenburgCountyNC.gov](mailto:David.Goode@MecklenburgCountyNC.gov)).

Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format because of a disability, contact the Clerk to the Board at least seventy two (72) hours prior to the meeting, either by phone (980) 314-2939, e-mail ([Kristine.Smith@MecklenburgCountyNC.gov](mailto:Kristine.Smith@MecklenburgCountyNC.gov)) or by mail at 600 East Fourth Street, Charlotte, N.C. 28202.

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Kristine M. Smith, Clerk to the Board

**Meeting Minutes**  
**April 18, 2023**

**23-0215      BUDGET AMENDMENT - HEALTH DEPARTMENT (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried (9-0) to amend the FY 2022-2023 Budget Ordinance to recognize, receive and appropriate an increase of state revenue of \$240,998 from the North Carolina Division of Public Health for the Environmental Health program in the General Fund (0001).

*Background: The North Carolina Division of Public Health (DPH) notified the Health Department of funding that will allow the Local Health Department's environmental health program to implement state-mandated sanitation regulations. The funds are to be used to support local Food and Lodging programs and activities.*

**23-0218      DONATION - VOCATIONAL SKILLS FUNDS FROM LOWE'S OF CHARLOTTE - SHERIFF'S OFFICE**

Motion was made by Commissioner Leake, seconded by Commissioner Altman and unanimously carried (9-0) to accept the donation of a \$2,000.00 Lowe's e-gift card to the Mecklenburg County Sheriff's Office in the Special Revenue Fund (8251) and authorize use of the donation to purchase tools needed for the upcoming vocational classes and return \$3,121.94 of a \$5,000.00 donation of Lowe's store credit, previously approved by the Board of County Commissioners (reference action item 19-5759).

*Background: The Mecklenburg County Sheriff's Office (MCSO) has established a partnership with Lowe's Home Improvement to purchase tools needed for vocational classes provided to the residents housed at the Mecklenburg County Detention Center-Central. This e-gift card donation will provide \$2,000.00 for the purchase of tools. Previously, the BOCC approved a \$5,000.00 store credit on 11/6/2019. Prior to COVID-19, the MCSO expended \$1,878.06 of the \$5,000.00 donation for the purchase of necessary materials, leaving a balance of \$3,121.94. On 12/5/2022, the MCSO was advised by Lowe's that the store credit was deactivated. The MCSO staff explained how the pandemic impacted all vocational programming and asked if the monies could be reactivated based on the goal of restarting classes. Lowe's advised that they could not reactivate the store credit; however, Lowe's generously agreed to donate a \$2,000.00 e-gift card in support of vocational programs.*

**23-0219      CONVEYING OF PROPERTY-SHERIFF'S OFFICE**



**Meeting Minutes**  
**April 18, 2023**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried (9-0) to adopt a Resolution approving the conveyance of property from the Mecklenburg County Sheriff's Office to the Chester County, S.C. Sheriff's Office.

*Background: This action will allow the Mecklenburg County Sheriff's Office to transfer ALERT equipment that has been deemed surplus and obsolete. The equipment transfer includes body bags, emergency apparatus, expired gas masks, etc. that was designated for the ALERT team and funded from Urban Areas Security Initiative (UASI) Program. The ALERT team has been disbanded and the Charlotte Fire Department (CFD) has advised that they do not want the equipment returned. This equipment will be disbursed to the Chester County, SC Sheriff's Office. Per North Carolina General Statute G.S. 160A-280, donations to other governmental units of any equipment deemed to be obsolete, surplus or unused are allowed.*

**Meeting Minutes**  
**April 18, 2023**

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS**  
**RESOLUTION ON DONATION OF EQUIPMENT**  
**TO CHESTER COUNTY, SC SHERIFF'S OFFICE**

**WHEREAS**, the Mecklenburg County Sheriff's Office has obsolete ALERT equipment that is no longer needed due to the disbandment of the ALERT team; and

**WHEREAS**, the obsolete ALERT equipment includes body bags, pop-up canopies, emergency apparatus, etc.; and

**WHEREAS**, the Mecklenburg County Sheriff has learned that the Chester County, SC Sheriff's Office is in need of such equipment; and

**WHEREAS**, NCGS 160A-280 allows one North Carolina local government to donate obsolete or unused personal property to another governmental unit within the United States; and

**WHEREAS**, as required by law a notice has been posted at least 5 days prior to the April 18, 2023 Board of County Commissioners meeting indicating that the Board of Commissioners would consider donating the obsolete ALERT equipment to Chester County, SC Sheriff's Office; now, therefore, be it

**RESOLVED**, that the Mecklenburg County Board of Commissioners does hereby approve donating the obsolete ALERT equipment to Chester County, SC Sheriff's Office and authorizes the County Manager, or his designee, to take all necessary actions to convey title to such equipment to the Chester County, SC Sheriff's Office.

Adopted the 18th day of April 2023.

Approved as to Form:

\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Clerk to the Board

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

**Meeting Minutes**  
**April 18, 2023**

**23-0221      DUKE LIGHTING SERVICE CONTRACT AMENDMENT - ENDERLY PARK**

Motion was made by Commissioner Leake, seconded by Vice Chair Powell and unanimously carried (9-0) to approve an amendment to the Duke Energy lighting service contract for Enderly Park.

*Background: This is to amend RFBA 22-7912 contract with Duke Energy to install and maintain 13 fixtures for 3 years at \$248.56 per month. The new rate is \$188.60 per month.*

**23-0222      INTERLOCAL AGREEMENT WITH THE CITY OF CHARLOTTE TO FUND IMPROVEMENTS AT CHERRY PARK**

Motion was made by Commissioner Leake, seconded by Commissioner Altman and unanimously carried (9-0) to authorize the County Manager to enter into an Interlocal Agreement with the City of Charlotte to accept \$250,000 to fund improvements to Cherry Park; and recognize, receive, and appropriate \$250,000 from the City of Charlotte for Cherry Park improvements; and approve FY2023 Authorization Park and Recreation Capital Ordinance in the amount of \$250,000.00.

*Background: In 2017, a developer contributed \$250,000 to the City of Charlotte for either traffic improvements or park improvements in the Cherry neighborhood. City Department of Transportation (CDOT) staff reached out to County Park and Recreation staff to see if the money could be used at Cherry Park. Cherry Park did not rank low in the 2019 inventory and assessment for Meck Playbook, however many of the amenities could use some attention.*

*Park and Rec participated in public meetings with CDOT in December 2022 and February 2023 to determine the community's priorities for improvements to the park. County staff is in the process of reviewing that feedback, which will inform the design moving forward.*

*City Council approved the resolution to enter into an Interlocal Agreement with and transfer the funds to the County at their March 13, 2023 meeting. Once the funds are received, Park and Recreation staff will proceed with design and construction of the improvements at Cherry Park.*

## Meeting Minutes

### April 18, 2023

#### INTERLOCAL AGREEMENT Cherry Park

THIS INTERLOCAL AGREEMENT ("Agreement") is made as of the \_\_\_\_ day of \_\_\_\_\_, 2023, by and between **MECKLENBURG COUNTY**, a political subdivision of the State of North Carolina ("County") and the **CITY OF CHARLOTTE**, a municipal corporation of the State of North Carolina, ("City") may be individually referred to herein as "party", and collectively referred to herein as "parties".

WHEREAS, the City supports improvements to the Cherry neighborhood, specifically as it relates to the County's desire to make improvements to Cherry Park;

WHEREAS, pursuant to Section V subpart e of the Development Standards for rezoning petition no. 2017-177 (approved June 17, 2018), the City received funds in the amount of two hundred and fifty thousand dollars (\$250,000.00) from Southern Real Estate as a Traffic Calming Contribution (the "Developer Contribution") to be used in the City's discretion for either traffic improvements or park improvements to the Cherry neighborhood;

WHEREAS, the Charlotte Department of Transportation ("CDOT") and the Mecklenburg County Park and Recreation Department ("Park & Rec") conducted neighborhood meetings on December 5, 2022, and February 2, 2023, to receive input and identify neighborhood priorities for investments to Cherry Park and traffic calming;

WHEREAS, the County currently owns and maintains Cherry Park, located at 1509 Baxter Street in Charlotte, NC;

WHEREAS, based on the neighborhood's input, Park & Rec has identified and prioritized park improvements to Cherry Park ("Cherry Park Improvements");

WHEREAS, the City desires to transfer the Developer Contribution funds to the County to make the Cherry Park Improvements;

WHEREAS, pursuant to Article 20 of Chapter 160A of the N.C. General Statutes, the parties wish to memorialize the terms of the Developer Contribution transfer from the City to the County for the purposes of making the Cherry Park Improvements.

NOW, THEREFORE, for just and adequate consideration, the receipt of which is hereby acknowledged by each party, County and City hereby agree as follows:

1. The Recitals set forth above are true and accurate.
2. Transfer Amount. Subject to the terms herein, City agrees to make a one-time transfer to the County in the amount of \$250,000.00 (the "Transfer Amount")
3. Timing of Transfer. Subject to the terms herein, City shall provide the Transfer Amount to the County within thirty (30) days after execution of this Agreement.

Meeting Minutes  
April 18, 2023

-2-

4. Conditions Regarding Transfer. Notwithstanding anything to the contrary contained herein, the parties agree and acknowledge that City's transfer to the County of the Transfer Amount in no way obligates or commits City to enter into any other transaction or incur any additional costs or liability whatsoever, including but not limited to, providing any additional funds to the County or participating in the construction of the Cherry Park Improvements. Additionally, City shall have no obligation to maintain and/or repair the Cherry Park Improvements. The County commits to using the Transfer Amount exclusively for the Cherry Park Improvements and to complete the Cherry Park Improvements no later than December 31, 2026. In the event that the Cherry Park Improvements are determined to not be feasible due to circumstances beyond the control of either party, the Transfer Amount will be returned to City within thirty (30) days and this Agreement shall be terminated and neither party shall have any further obligations or rights hereunder.

5. Upon completion, the Cherry Park Improvements will be owned and maintained by County.

6. The parties agree and acknowledge that this Agreement shall not constitute or form any form of partnership or joint venture between the parties.

7. Term. This Agreement is effective from \_\_\_\_\_ (the "Effective Date") and shall remain in effect until the earlier of completion of the Cherry Park Improvements or December 31, 2026.

8. Termination. Either party may terminate this Agreement at any time, without cause, upon no less than ninety (90) days written notice to the other party. If terminated before construction of the Cherry Park Improvements has begun, County shall return the Transfer Amount to City within thirty (30) days. If construction of the Cherry Park Improvements has begun, City shall only be entitled to funds remaining of the Transfer Amount for the Cherry Park Improvements that have not been completed.

9. Authority to Terminate. The following persons are authorized to terminate this Agreement on behalf of City: (a) the City Manager, and any Assistant City Manager or any designee of the City Manager; (b) the Department Head of the City department responsible for administering this Agreement.

10. Governing Law. This Agreement shall be governed and construed under the laws of the State of North Carolina.

11. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but such counterparts, when taken together, shall constitute one agreement.

12. Binding Effect. This Agreement shall inure to the benefit of, and shall be binding upon, the parties hereto and their respective legal representatives, successors and assigns.

13. Time of the Essence. Time is of the essence of this Agreement and the provisions contained herein.

14. Further Assurances. The parties hereby agree to execute such further documents or instruments as may be necessary or appropriate to carry out the intention of this Agreement.

**Meeting Minutes**  
**April 18, 2023**

-3-

15. No Waiver. The waiver, either expressed or implied, by any party hereto of any term and condition of this Agreement, shall not constitute a relinquishment by said party of its right to enforce the term or condition at any later date, unless this Agreement is amended in writing to so provide for an unconditional waiver.

16. Severability. In the event that any one or more of the provisions of this Agreement shall for any reason be held to be invalid or unenforceable, the remaining provisions of this Agreement shall be unimpaired, and shall remain in full force and effect and be binding upon the parties hereto.

17. Modification. This Agreement may not be altered, amended, modified or otherwise changed in any respect whatsoever, except by a writing duly executed by all of the parties affected by such modification or by their authorized representatives. Any modification or waiver of any one provision shall not constitute waiver or modification of any other provision not expressly waived or modified.

(SIGNATURES ON FOLLOWING PAGE)

**Meeting Minutes**  
**April 18, 2023**

-4-

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

**MECKLENBURG COUNTY,**  
a political subdivision of the State of North Carolina

By: \_\_\_\_\_  
Dena R. Diorio, County Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid,  
certify that Dena R. Diorio, personally came before me this day and acknowledged that  
she is the County Manager of Mecklenburg County, a political subdivision of the State of  
North Carolina, and that by authority duly given and as the act of the County, the  
foregoing instrument was signed in its name.

Witness my hand and official stamp or seal this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

☞ [NOTARY SEAL] (MUST BE FULLY LEGIBLE)



**Meeting Minutes**  
**April 18, 2023**

-5-

**CITY OF CHARLOTTE,**  
a municipal corporation

By: \_\_\_\_\_  
Marcus Jones, City Manager

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid,  
certify that Marcus Jones personally came before me this day and acknowledged that he  
is the City Manager of the City of Charlotte, a municipal corporation, and that by  
authority duly given and as the act of the City, the foregoing instrument was signed in its  
name.

Witness my hand and official stamp or seal this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

☞ [NOTARY SEAL] (MUST BE FULLY LEGIBLE)

**Meeting Minutes  
April 18, 2023**

**MECKLENBURG COUNTY, NORTH CAROLINA  
FY 2023 AUTHORIZATION PARK AND RECREATION  
CAPITAL PROJECT ORDINANCE**

The following ordinance was offered by Commissioner \_\_\_\_\_, who moved its adoption:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA THIS THE 18<sup>TH</sup> DAY OF APRIL 2023:

Section I. That for the purpose of providing funds, together with any other available funds for the following projects:

Cherry Park Neighborhood Park-\$250,000

Including the design, acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefore, \$250,000 is hereby appropriated. Under an Interlocal Agreement with the City of Charlotte, the County has committed to including this project in the FY2019-2023 Capital improvement Plan.

Section II. That it is estimated that the following revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from Sale of Bonds, Grants, Pay-As-You-Go/Other County Funds and \$250,000 reimbursed from the City of Charlotte:

2022-2023 fiscal year	\$250,000
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These will be the maximum amounts of cash available to pay project expenses per fiscal year unless the Director of Finance determines that an additional amount of cash can be made available during a fiscal year or years.

Section III. That the Director of Finance is authorized from time to time to transfer as a loan from the General Fund or unspent bond proceeds in the Capital Projects Funds, cash in an amount necessary to meet obligations until such time as permanent financing, if any, is arranged, at which time repayment, if required, will be made; and the Director of Finance is authorized to sign the Declaration of Official Intent to Reimburse Expenditures as required by Internal Revenue Service regulations.

The motion to adopt the foregoing ordinance was made by Commissioner \_\_\_\_\_ and was adopted by the following vote:

Ayes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Noes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
County Attorney

Park & Rec FY2023-Cherry Park

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

**Meeting Minutes**  
**April 18, 2023**

**23-0235      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 Meier, seconded by Commissioner Griffin and unanimously carried (9-0) that there being no further business to come before the Board that the meeting be adjourned at 7:35 p.m.

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Arlissa Eason, Deputy Clerk to the Board

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George Dunlap, Chair