

**Meeting Minutes  
April 4, 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 04, 2023.

**ATTENDANCE**

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

**Absent:** None

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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

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identified were Items:

23-0174 Commissioner Leake  
23-0177 Commissioner Leake  
23-0179 Commissioner Leake  
23-0182 Commissioner Leake  
23-0185 Commissioner Leake  
23-0186 Commissioner Leake  
23-0189 Commissioner Leake  
23-0204 Commissioner Leake

### **STAFF BRIEFINGS - None**

#### **23-0195      CLOSED SESSION**

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

***The Board went into Closed Session at 5:13 p.m. and came back into Open Session at 5:42 p.m.***

There was an open session discussion about voting to move item # 23-0223 (Golf Courses/Commercial Revaluations) up on the agenda to **COUNTY COMMISSIONERS REPORTS & REQUESTS**. The vote was 6-3 with Dunlap, Griffin, and Leake voting no.

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

### **-FORMAL SESSION-**

#### **CALL TO ORDER**

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

#### **23-0195      CLOSED SESSION – LAND AQUISITIONS**

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Motion was made by Commissioner Powell, seconded by Commissioner Leake, and unanimously carried (9-0) with to authorize the county manager to negotiate and execute all of the documents necessary for the acquisition of Tax Parcel 017-021-04 and 017-021-05 (+/- 31.74 acres) from I. Thomas Yopp III and his wife Dorothy Kay Bessey for a purchase price of \$2,500,000 for Parks and Recreation purposes.

Motion was made by Commissioner Leake, seconded by Commissioner Powell, and unanimously carried (9-0) to authorize the county manager to negotiate and execute all of the documents necessary for the acquisition of Tax Parcel 031-152-27 and 031-152-28 (+/- 17.409 acres) from Matthew J. Torma for the purchase price of \$555,000 for Parks and Recreation purposes.

## **AWARDS/RECOGNITION**

### **23-0161      PROCLAMATION - NATIONAL COUNTY GOVERNMENT MONTH (CHAIR DUNLAP)**

*Background: Across the nation over 3,069 counties, parishes, and boroughs serving more than 330 million Americans provide essential services to create healthy, safe, and vibrant communities. Counties fulfill a vast range of responsibilities and deliver services that touch nearly every aspect of our residents' lives.*

*Mecklenburg County takes pride in our responsibility to protect and enhance the health, wellbeing, and safety of our residents in efficient and cost-effective ways and strives to be a place to live, learn, work, and recreate with a continued focus on Reducing Racial Disparities, Funding Pre-K, Affordable Housing, Mental Health, Parks and Greenways, and Environmental Leadership.*

Chair Dunlap read the proclamation.

Motion was made by Commissioner Rodriguez-McDowell, seconded by Commissioner Powell and unanimously carried (9-0) to adopt a proclamation declaring April 2023 as County Government Month in Mecklenburg County.

# Mecklenburg County

## North Carolina

### Proclamation

**WHEREAS**, the nation's 3,069 counties serving more than 330 million Americans provide essential services to create healthy, safe, and vibrant communities; and

**WHEREAS**, counties fulfill a vast range of responsibilities and deliver services that touch nearly every aspect of our residents' lives; and

**WHEREAS**, Mecklenburg County and all counties take pride in our responsibility to protect and enhance the health, well-being and safety of our residents in efficient and cost-effective ways; and

**WHEREAS**, under the leadership of National Association of Counties President Denise Winfrey, NACo is highlighting how "Counties RISE!," demonstrating exemplary Resiliency, Inclusion, Solvency, and Empowerment; and

**WHEREAS**, each year since 1991 the National Association of Counties has encouraged counties across the country to elevate awareness of county responsibilities, programs and services; and

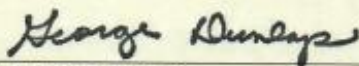
**WHEREAS**, Mecklenburg County strives to be a place to live, learn, work and recreate with a continued focus on Reducing Racial Disparities, Funding Pre-K, Affordable Housing, Mental Health, Parks and Greenways, and Environmental Leadership.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Mecklenburg Board of County Commissioners does hereby proclaim April 2023 as

#### **"NATIONAL COUNTY GOVERNMENT MONTH"**

and encourage all County officials, employees, and residents to join the Board in this special observance.

This 4<sup>th</sup> Day of April 2023



George R. Dunlap, Chair  
Mecklenburg Board of County Commissioners



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### 23-0180 PROCLAMATION - DECLARING APRIL 2023 AS NC REENTRY MONTH COMMISSIONER COTHAM)

*Background: The State of North Carolina has declared April 2023 as NC Reentry Month and the North Carolina Department of Adult Correction will hold the 2023 NC Reentry Conference: Cultivating Cross-Sector Collaborations in Charlotte from April 3<sup>rd</sup> to April 5<sup>th</sup>, 2023. All citizens are encouraged to join in supporting persons and families living with criminal histories and those who work to ensure their transition back into the community is successful.*

Commissioner Cotham read the proclamation.

Motion was made by Commissioner Cotham, seconded by Commissioner Meier and unanimously carried (9-0) to adopt a Proclamation declaring April 2023 as NC Reentry Month in Mecklenburg County.

Hope Marshall accepted the presentation and made remarks.

Kenny Robinson from Freedom Fighters spoke on behalf of those formerly incarcerated and said thank you to the Board. He reported that North Carolina's recidivism rate was at 40%, whereas the rate of recidivism for Mecklenburg County was at 10%.



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# Mecklenburg County North Carolina Proclamation

**WHEREAS**, the State of North Carolina has declared April 2023 as NC Reentry Month; and

**WHEREAS**, the North Carolina Department of Adult Correction will hold the *2023 NC Reentry Conference: Cultivating Cross-Sector Collaborations* in Charlotte from April 3<sup>rd</sup> to April 5<sup>th</sup>, 2023; and

**WHEREAS**, Mecklenburg County receives approximately 1200 residents returning from State and Federal incarceration annually, and 11,000 people in Mecklenburg are under correctional supervision at any given time; and

**WHEREAS**, transitioning back into the community is overwhelming for many who are formerly incarcerated as well as their families and communities; too many individuals face unfair legal and practical barriers to reentry; and

**WHEREAS**, formerly incarcerated people are 10 times more likely to experience homelessness than those who have not been formerly incarcerated with the highest rates being those incarcerated more than once, those recently released, those of color and women; and

**WHEREAS**, the unemployment rate among the formerly incarcerated people is 27% higher than the U.S. unemployment rate at any point, including during the Great Depression, five times higher than the rate for the general US population; and

**WHEREAS**, 30-40% suffer from chronic disease including diabetes, hypertension, kidney problems, and lung disease and up to 20% have significant mental illness and 50% likely suffer from substance use disorder; and

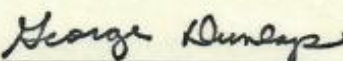
**WHEREAS**, recently released prisoners are 74 times more likely than the general population to die of a heroin overdose in the first 2 weeks post-release, and most formerly incarcerated individuals do not have health insurance; and

**WHEREAS**, every person leaving incarceration should have housing, employment, and health care, not be unfairly excluded from housing, employment, occupational licenses, or public benefits, and

**WHEREAS**, by focusing on prevention, reentry, and social support, we can ensure that Mecklenburg County supports and offers second chances and opportunities for all people.

**NOW, THEREFORE, BE IT RESOLVED**, the Mecklenburg County Board of Commissioners does hereby proclaim April 2023 as Reentry Month in Mecklenburg County, North Carolina, and urges all citizens to join in supporting persons and families living with criminal histories and those who work to ensure their transition back into the community is successful.



  
George Dunlap, Chair  
Mecklenburg Board of County Commissioners

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**PUBLIC ART MOMENT – N/A**

**23-0196                      PUBLIC APPEARANCE**

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

Tarik Kiley    Topic: Interview with Aresena, a local musician

**APPOINTMENTS**

**23-0205                      APPOINTMENTS- HUMAN RESOURCES ADVISORY COMMITTEE**

Appointment were needed on the Human Resources Advisory Committee to fill one (1) three-year term expiring June 30, 2026.

Motion was made by Commissioner Leake, seconded by Commissioner Griffin and unanimously carried (9-0) to appoint Steve Jerrett to the Human Resources Advisory Committee, to fill one (1) three-year term expiring June 30, 2026.

**23-0203                      APPOINTMENTS- BICYCLE ADVISORY COMMITTEE**

Reappointment was needed on the Bicycle Advisory Committee for one (1) three-year term expiring March 31, 2026. Frank Devine was eligible for reappointment.

Motion was made by Commissioner Jerrell, seconded by Commissioner Powell and unanimously carried (9-0) to re-appoint Frank Devine, to the Bicycle Advisory Committee, for one (1) three-year term expiring March 31, 2026.

**23-0202                      APPOINTMENTS- NURSING HOME COMMUNITY ADVISORY COMMITTEE**

Reappointments were needed on the Nursing Home Community Advisory Committee for two (2) three-year terms expiring May 31, 2026. Leslie Ben Guirat and Kathy Dowd were eligible for reappointment.

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Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried (9-0) to re-appoint Leslie Ben Guirat and Kathy Dowd to the Nursing Home Community Advisory Committee, for two (2) three-year terms expiring May 31, 2026.

### **23-0192      APPOINTMENTS- ALCOHOLIC BEVERAGE CONTROL BOARD**

Nominations were needed for the Alcoholic Beverage Control Board to fill one unexpired term expiring June 30, 2023 and one full 3-year term beginning July 1, 2023 and expiring June 30, 2026.

There were 13 eligible candidates.

Commissioner Rodriguez-McDowell nominated Wilhelmenia Rembert, Sam Spencer, and Constance Green-Johnsons.

Commissioner Altman nominated Jerry Neal and Nicholas Peach.

Commissioner Jerrell nominated Carolyn Millen.

All nominees must fill out a questionnaire and be interviewed, per Board policy.

Note: Reverend Jordan Boyd resigned and Ken Carrick Jr.'s term will end June 30th, 2023.

### **23-0193      APPOINTMENTS- BOARD OF EQUALIZATION AND REVIEW**

Reappointment was needed on the Board of Equalization and Review for one (1) three-year term expiring March 31, 2026.

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried (9-0) to re-appoint Bailey Patrick Jr, to the Board of Equalization and Review, for one (1) three-year term expiring March 31, 2026.

Nominations were needed for the Board of Equalization and Review to fill two (2) unexpired terms expiring March 31, 2024, and three (3) three-year terms expiring March 31, 2026, effective May 1, 2023.

Kathy Davis, Nobie Thrasher, Nicholas Vilord, Lucas Young, and Sir Lawrence Lee-Conley were nominated.



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All nominees must be interviewed, per Board policy.

**PUBLIC HEARINGS - NONE**

**ADVISORY COMMITTEE REPORTS**

**23-0194      CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE- ANNUAL  
REPORT**

The Board received an Annual Report of the Charlotte-Mecklenburg Community Relations Committee.

*Background/justification: Their vision was to be recognized as a global model in building community harmony by advocating for diversity, equity, and access for all. The Committee has been around for over 60 years. There were 34 of 45 seats filled. The subcommittees were redeveloped to represent the current community lived in. They included Arts and Environment, Community Equity, Housing and Economic Crisis, CRC Pride, Public Relations, Race & Cultural Relations, and Special Events. The CRC is committed to removing barriers, fighting for equity, amplifying community, and standing for justice.*

Vanessa Clarke, CRC Chair, and Terry Bradley, Deputy Director, Community Relations Committee, gave the presentation.

# Charlotte-Mecklenburg Community Relations Committee

## 2023 Annual Report

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PREPARED FOR THE MECKLENBURG  
BOARD OF COUNTY COMMISSIONERS



## Community Relations Committee

*VISION: Be recognized as a global model in building community harmony by advocating for diversity, equity and access for all.*

*MISSION: CRC empowers, collaborates, engages and promotes opportunities to create positive outcomes.*

CRC is a 45-member team of professionals and volunteers who serve as civil rights and human relations advocates. This committee also provides counsel to Community Relations staff.

For over 60 years, CRC has represented an inclusive community, successfully built relationships and promoted harmony.

CRC works to ensure fairness for all and remove barriers that impede the community from living in harmony.



## CRC At-A-Glance

- Current Membership: 34 of 45 seats filled
  - Charlotte Mayor appoints eight members
  - Charlotte City Council appoints 16 members
  - Mecklenburg Board of County Commissioners appoints 21 members
- CRC's Primary Functions:
  - Provide authentic feedback on community issues
  - Assist in the facilitation of communication between the committee, community, and elected officials
  - Promote civic opportunities, respect, and understanding among all residents
  - Advocate for equity across Charlotte-Mecklenburg

## Redevelopment of Subcommittees

**Arts and Environment** – Focus on local organizations to support the arts and the health of our local environment.

**Community Equity** – Work with organizations that focus on youth, seniors and disability topics to create a more inclusive community for everyone.

**Housing and Economic Crisis** – Focus on providing resources to those in need through collaboration with elected officials and local organizations.

**CRC Pride** - Collaborate with other organizations to support and educate others about the rights and anti-discrimination efforts of the LGBTQIA+ community.

**Public Relations** – Internal focus on member onboarding, coordinating speakers for monthly CRC meetings, planning the annual CRC retreat, coordinate the CRC newsletter and special communications.

**Race & Cultural Relations** – Will educate about and celebrate racial and cultural differences. Will focus on creating conversations that speak on prejudices and discrimination regarding racism, sexism, ageism, etc.

**Special Events** – Plan and execute special events related to Community Relations.



## Community Equity



- *Put Down the Guns, Pick Up the Weight:* Current multi-engagement event aimed at encouraging youth to join a progressive weight and fitness program
  - Promotes community engagement
  - Fosters a safe community for youth to participate in athletics, focus on their health, and turn away from guns, drugs, and violence
- Supported the Safe Trick or Treating Zone during Halloween weekend 2022

## CRC Pride

- Hosted a table at the 2023 Charlotte Pride Job Fair on February 16 at Central Piedmont Community College's Central Campus.
- Planned annual participation in the Charlotte Pride Festival; quarterly participation in a major LGBTQIA+ event



## Public Relations



The Public Relations Subcommittee is working on revamping the new member orientation. This Subcommittee also:

- Develops and distributes the CRC Newsletter to keep community members informed about committee work, events, and other relevant topics
- Newsletter distribution:
  - 2,400+ subscribers
  - 8,000+ city employees
  - 6,000+ county employees



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#### Race and Cultural Relations

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- Met with the city's Economic Development department to discuss the Albemarle Road Corridor Project and its effect on the international businesses and residences in the area
- Attended the Welcoming Interactive Charlotte Conference to learn methods to better work with persons of multi cultures
- Conducted outreach at international festivals
- Planned visits to various cultural institutions for CRC members to hear speakers and experience different cultures



#### Special Events

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- Assisted with interviews, planning and logistics for the annual Charlotte-Mecklenburg Police-Community Relations Awards. Sixteen officers received the award in 2022 and over \$51,000 in sponsorship was raised
- Assisted with the events and awards celebration for the annual Dr. Martin Luther King Jr. Holiday Celebration
- Hosted Town Hall meetings to address community concerns during the pandemic
- Hosted a table at the Community Relations Open House in September 2022

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Charlotte-Mecklenburg  
Community Relations  
Department

Administration	ADA Program
Community Affairs	Dispute Settlement Program
Fair Housing/NDO/SOIP	



### Americans With Disabilities Act Program



- ADA guarantees equal opportunity for individuals with disabilities
- Conducted 25 citywide ADA training sessions this fiscal year
- Monthly Lunch & Learns began in January 2023 to elevate conversations about disabilities across the city and county, and engage community partners in this work
- Currently tracking 8,315 ADA barriers indicated in the Transition Plan
- Individuals can file ADA complaints and grievances (within 60 days of the alleged violation) to the Community Relations ADA program office at [charlotteADA@charlottenc.gov](mailto:charlotteADA@charlottenc.gov).



## Community Affairs

- Worked with 250+ students through Peer Club Program this school year
- Continued focus on increasing youth engagement through events, field trips, and conflict resolution training
- Increased community engagement by attending festivals, events and community meetings
- Continued work to build police-community relations
- Over the coming year, this division will be developing a plan to host more community conversations around issues impacting our residents

## Dispute Settlement Program

**FY23**



- Mediated/Conciliated 1,093 cases
- \$127,600 criminal justice dollars saved
- During pandemic, served four summary ejectment courtrooms daily
- Partnered with RAMP, Crisis Assistance Ministry, Good Fellows and Good Friends to assist over 1,500 tenants with rental assistance needs
- Provided town hall structured meetings to address increasing HOA issues
- Continued to recruit and train new volunteer mediators
- Continued to foster partnerships with CMPD, Sheriff's Office, Courts, City and County departments





## Fair Housing

**FY23**

- Investigated over 38 Fair Housing cases and negotiated \$17,500 in settlements for complainants
- Nondiscrimination Ordinance staff investigated 12 cases, the majority of which have been disability-related employment complaints, \$58,700 have been negotiated in settlements
- Source of Income protections are in place and team is available to receive complaints
- April commemorates 55 years of the Fair Housing Act and staff will partner with various organizations to host a series of education and outreach events

## Moving CRC Forward

The CRC remains dedicated to promoting harmony, addressing community concerns and working to support City and County priorities to make Charlotte-Mecklenburg a place where all people can live, work, play and thrive. This requires understanding committee challenges and developing effective solutions.

### Challenges

1. Member turnover due to attendance
2. Member engagement
3. Subcommittee balance




### Potential Solutions

1. Option to hold meetings virtually, revise attendance policy
2. Better alignment of projects and initiatives to meet community needs
3. Update to subcommittee structure to ensure that each group has a balanced number of members

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# Looking Forward



**EMPOWER**

The CRC is committed to:

- Removing barriers
- Fighting for equity
- Amplifying community voices
- Standing for justice

**COLLABORATE**

The CRC recognizes that:

- Everyone needs to be part of the solution
- There is strength in working together
- No one of us is as good as all of us

**ENGAGE**

The CRC will be a:

- Facilitator of dialogue
- Bridge to connect our diverse community
- Builder of community harmony

**OPPORTUNITIES FOR ALL**

The CRC will focus on:


- Promoting awareness that emphasizes inclusion
- Ensuring fairness and accessibility so everyone has an equal opportunity to succeed

**Thank you for your continued support of the Charlotte-Mecklenburg Community Relations Committee. We feel our partnership is vital to a healthy community in promoting harmony, facilitating resolution and celebrating diversity.**

**Please contact us for more information or assistance.**

**Vanessa Clarke**  
CRC Chair  
[crc.chairperson@gmail.com](mailto:crc.chairperson@gmail.com)

**Terry Bradley**  
Deputy Director  
[terry.bradley@charlottenc.gov](mailto:terry.bradley@charlottenc.gov)



## Comments



## **Meeting Minutes**

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Chair Dunlap asked about the many vacancies on the advisory board.

Vanessa Clarke explained that when the state of emergency was lifted and they started meeting in person the resignations began.

Vice Chair Powell commented that the virtual option does cause some disengagement and disconnection and recommended describing the requirements and expectations in advance.

Vice Chair Powell asked if they had been contacted by Lions Services about their crosswalk. She said 240 employees had to cross Tryon Street every day who were blind or visually impaired and were scared because people weren't following the rules of the crosswalk. *Vanessa Clarke stated she did not have information.* Vice Chair Powell stated she would forward the email to them.

Ms. Clarke said she now looks at the applications, calls the applicants for an interview, let them know what the expectations were, and offers for them to come to the meetings ahead of time.

Commissioner Leake commented that it was important to take care of those who could not take care of themselves and stated it was important to come to the Board to gather support.

Commissioner Jerrell asked about the 8,315 barriers, how they were reported, if there were improvements and who was responsible. *Terry Bradley said a total assessment was done by a private consultant on all City-owned properties to look at ADA compliance, and since then had been making corrections as they went along. He said a SharePoint site was being created with all those barriers outlined and a tracking mechanism. He said they would be creating an annual report to update where they were and how much money was spent.*

Commissioner Jerrell asked what the main drivers of the barriers were and how were they reported. *Terry Bradley stated that individuals could call and report the barriers, and the number included everything in buildings, including desk height, water fountains, etc and they had over 100 buildings.*

Chair Dunlap asked how to report an issue. *Mr. Bradley said he could be emailed at [terry.bradley@charlottenc.gov](mailto:terry.bradley@charlottenc.gov) or call 311.*

## **MANAGER'S REPORT**

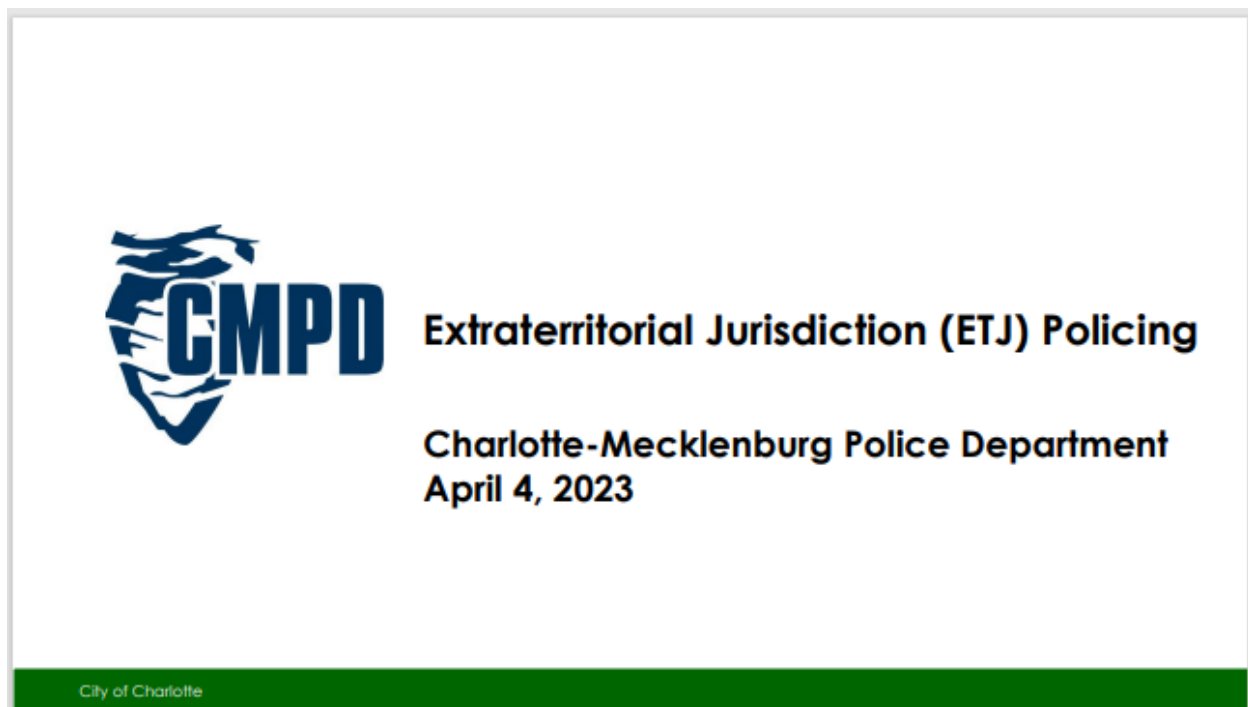
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**23-0083      LAW ENFORCEMENT SERVICE DISTRICTS UPDATE**

The Board received an update regarding Law Enforcement Service Districts (LESDs) in Mecklenburg County for law enforcement services in the extra territorial jurisdiction (ETJ) areas of the County.

*Background: A LESD is a specific defined area where a law enforcement service tax can be levied to provide law enforcement services to the defined service district. In FY2019, the Board of County Commissioners established six (6) separate LESDs for the unincorporated areas of the County based on Extra-Territorial Jurisdictions (ETJ). In addition, the County entered into three separate, five-year service agreements with the City of Charlotte, Huntersville and Cornelius to provide law enforcement services in the ETJ. The purpose of the briefing is to provide the Board with an update on the LESD in preparation for new service agreements to begin in Fiscal Year 2024.*

Charlotte-Mecklenburg Police Deputy Chief Tonya Arrington gave the first presentation.



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## OVERVIEW

- Mission, Vision, Core 4
- Jurisdiction
- Work Accomplished
- Crime Recap
- Ongoing Work



City of Charlotte

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MISSION, VISION AND CORE 4

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### MISSION AND VISION

#### **Mission –**

CMPD implements solutions and expands collaborative relationships within our organization and community to enhance trust, fairness and respect to increase public safety.

#### **Vision –**

We envision becoming the trusted, respected and sought-after community partner by serving our citizens and taking care of our employees.

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### CORE 4 STRATEGIC PRIORITIES



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## JURISDICTION



### ETJ JURISDICTION

#### CMPD ETJ:

- Unincorporated Mecklenburg County
- Complex geography spread out around the outer edges of the jurisdiction
- Primarily falls within 5 CMPD Patrol Divisions:
  - North
  - University City
  - Hickory Grove
  - Steele Creek
  - Freedom

#### CMPD Population:

City of Charlotte	921,127
ETJ	+ 69,509
CMPD Jurisdiction	990,636





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## SERVICE AREAS

- **Charlotte-Mecklenburg Police Department (CMPD) jurisdiction:**
  - City of Charlotte and ETJ
  - Mint Hill ETJ
  - Pineville ETJ
  - Davidson ETJ
  - McGuire
- Services include standard patrol responses and specialty units, such as canine, crime scene and aviation support when needed.
- The six surrounding towns provide police services within their respective town limits.

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WORK ACCOMPLISHED

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## ETJ OFFICER ACTIVITY IN 2022 (TOTALS)

TOTALS FOR 2022	AMOUNTS
Total ETJ Events	49,797
Total Units Assigned	51,244
Total Service Time (hours)	15,296



## ETJ OFFICER ACTIVITY IN 2022

ETJ	Event Type	Number of Events	Number of Units Assigned	Total Service Time (Hrs)
Charlotte	CONTACT/SUSPICIOUS ACT	2472	2605	813.7
	OTHER OFFICER INITIATED	19890	20355	7,477.6
	TRAFFIC STOPS	2670	3119	867.7
	<b>Events in Charlotte ETJ</b>	<b>25032</b>	<b>26079</b>	<b>9,159.0</b>
Davidson	CONTACT/SUSPICIOUS ACT	0	0	0.0
	OTHER OFFICER INITIATED	8	9	3.3
	TRAFFIC STOPS	2	2	1.7
	<b>Events in Davidson ETJ</b>	<b>10</b>	<b>11</b>	<b>5.0</b>
McGuire	CONTACT/SUSPICIOUS ACT	9	9	2.2
	OTHER OFFICER INITIATED	2379	2379	1,135.4
	TRAFFIC STOPS	2	2	0.1
	<b>Events in MCGUIRE ETJ</b>	<b>2390</b>	<b>2390</b>	<b>1,137.7</b>
Mint Hill	CONTACT/SUSPICIOUS ACT	632	654	329.7
	OTHER OFFICER INITIATED	17544	17702	3,416.0
	TRAFFIC STOPS	57	77	35.4
	<b>Events in Mint Hill ETJ</b>	<b>18233</b>	<b>18433</b>	<b>3,781.1</b>
Pineville	CONTACT/SUSPICIOUS ACT	361	365	66.0
	OTHER OFFICER INITIATED	3541	3609	517.5
	TRAFFIC STOPS	230	356	173.2
	<b>Events in Pineville ETJ</b>	<b>4132</b>	<b>4330</b>	<b>1,182.7</b>

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### ETJ CALLS FOR SERVICE IN 2022

Response  
times mirror  
larger  
division  
response  
times

ETJ	Original Priority Assigned	Number of Calls	Number of Units Assigned	Total Service Time (Hrs)	Avg Response Time (Mins)
Charlotte	PRIORITY 1 (emergency)	2537	7583	7,169.1	9.5
	PRIORITY 2 (urgent)	1231	3119	2,371.2	17.6
	PRIORITY 3 (immediate)	6996	14035	9,344.7	19.9
	PRIORITY 5 (routine)	3573	4879	3,624.2	54.0
	All Calls in Charlotte ETJ	13638	25607	22,589.2	21.1
Davidson	PRIORITY 1 (emergency)	2	2	0.2	5.4
	PRIORITY 2 (urgent)	1	2	0.0	5.6
	PRIORITY 3 (immediate)	10	95	3.8	14.2
	PRIORITY 5 (routine)	3	4	0.0	18.7
	All Calls in Davidson ETJ	16	23	4.0	13.4
McGuire	PRIORITY 1 (emergency)	0	0	0.0	n.c.
	PRIORITY 2 (urgent)	0	0	0.0	n.c.
	PRIORITY 3 (immediate)	2	2	0.0	17.8
	PRIORITY 5 (routine)	2	2	0.0	36.2
	All Calls in MCGUIRE ETJ	4	4	0.0	27.8
Mint Hill	PRIORITY 1 (emergency)	192	633	628.4	8.3
	PRIORITY 2 (urgent)	105	282	242.1	15.2
	PRIORITY 3 (immediate)	513	1067	819.2	19.0
	PRIORITY 5 (routine)	254	456	371.7	32.1
	All Calls in Mint Hill ETJ	1064	2438	2,060.4	19.9
Pineville	PRIORITY 1 (emergency)	117	388	327.2	8.9
	PRIORITY 2 (urgent)	62	172	128.2	13.9
	PRIORITY 3 (immediate)	315	595	448.3	18.3
	PRIORITY 5 (routine)	157	253	289.3	32.4
	All Calls in Pineville ETJ	651	1418	1,191.8	19.6



### ETJ SPECIALIZED UNIT ACTIVITY IN 2022

CMPD ETJ Officer Activity - Specialized Units			
ETJ	Specialized Unit	Number of Events	Total Service Time (hrs)
Charlotte	Aviation	5	4.2
	K9	12	8.1
	Motorcycle	174	53.5
Mint Hill	Aviation	6	1.9
	K9	4	6.0
	Motorcycle	5	18.0
Pineville	Aviation	0	0.0
	K9	2	1.8
	Motorcycle	9	7.2

CMPD ETJ Calls for Service - Specialized Units			
ETJ	Specialized Unit	Number of Events	Total Service Time (hrs)
Charlotte	Aviation	29	15.4
	K9	64	99.4
	Motorcycle	18	75.8
Davidson	Aviation	3	0.7
	K9	2	0.3
	Motorcycle	0	0.0
Mint Hill	Aviation	2	1.3
	K9	4	6.8
	Motorcycle	3	11.6
Pineville	Aviation	2	1.1
	K9	2	0.8
	Motorcycle	1	0.1

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## ASSIST OTHER AGENCY / JURISDICTION



### ASSIST OTHER AGENCY / JURISDICTION IN 2022

CMPD ASSIST OTHER AGENCY/JURISDICTION COMPUTER AIDED DISPATCH STATISTICS					
CAD EVENT TYPE	EVENT COUNT		CAD EVENT TYPE	SERVICE TIME HOURS	
	2021	2022		2021	2022
ASSIST CORNELIUS PD	4	4	ASSIST CORNELIUS PD	27.4	10.3
ASSIST HIGHWAY PATROL	427	618	ASSIST HIGHWAY PATROL	877.0	1756.4
ASSIST HUNTERSVILLE PD	2	7	ASSIST HUNTERSVILLE PD	4.9	31.1
ASSIST MATTHEWS PD	43	32	ASSIST MATTHEWS PD	74.6	50.6
ASSIST MINT HILL PD	27	22	ASSIST MINT HILL PD	32.5	54.4
ASSIST PINEVILLE PD	22	14	ASSIST PINEVILLE PD	71.0	56.7
ASSIST OTHER AGENCY (CABA)	0	1	ASSIST OTHER AGENCY (CABA)	0.0	2.5
ASSIST OTHER AGENCY (CORN)	0	1	ASSIST OTHER AGENCY (CORN)	0.0	10.1
ASSIST OTHER AGENCY (MATT)	6	8	ASSIST OTHER AGENCY (MATT)	7.9	10.6
ASSIST OTHER AGENCY (MINT)	9	2	ASSIST OTHER AGENCY (MINT)	21.0	4.8
ASSIST OTHER AGENCY (PINE)	13	11	ASSIST OTHER AGENCY (PINE)	32.8	36.0
ASSIST OTHER AGENCY (UNIO)	1	2	ASSIST OTHER AGENCY (UNIO)	0.7	0.9
ASSIST OTHER JURISDICTION (GAST)	0	1	ASSIST OTHER JURISDICTION (GAST)	0.0	0.3
ASSIST OTHER JURISDICTION (MINT)	1	0	ASSIST OTHER JURISDICTION (MINT)	3.8	0.0
ASSIST OTHER JURISDICTION (PINE)	0	1	ASSIST OTHER JURISDICTION (PINE)	0.0	20.0
TOTAL	555	724	TOTAL	1153.6	2044.8

Note: Statistics subject to further analysis and revision and do not represent a complete inventory of all assistance provided to other agencies/jurisdictions.



## CRIME RECAP



### ETJ CRIME (VIOLENT AND PROPERTY) 2021 COMPARED TO 2022

ETJ Area	2021	2022	%Change
Charlotte	1261	1342	6.4%
Mint Hill	37	62	67.6%
Pineville	30	25	-16.7%
Davidson	0	0	0.0%
McGuire	0	0	0.0%



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## ETJ CRIME 2021 COMPARED TO 2022

ETJ Area		2021	2022	%Change
Charlotte	VIOLENT CRIME	121	134	10.7%
	PROPERTY CRIME	1140	1208	6.0%
Charlotte Total		1261	1342	6.4%
Mint Hill	VIOLENT CRIME	10	14	40.0%
	PROPERTY CRIME	27	48	77.8%
Mint Hill Total		37	62	67.6%
Pineville	VIOLENT CRIME	4	0	-100.0%
	PROPERTY CRIME	26	25	-3.8%
Pineville Total		30	25	-16.7%



ONGOING WORK

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## ONGOING FOCUS

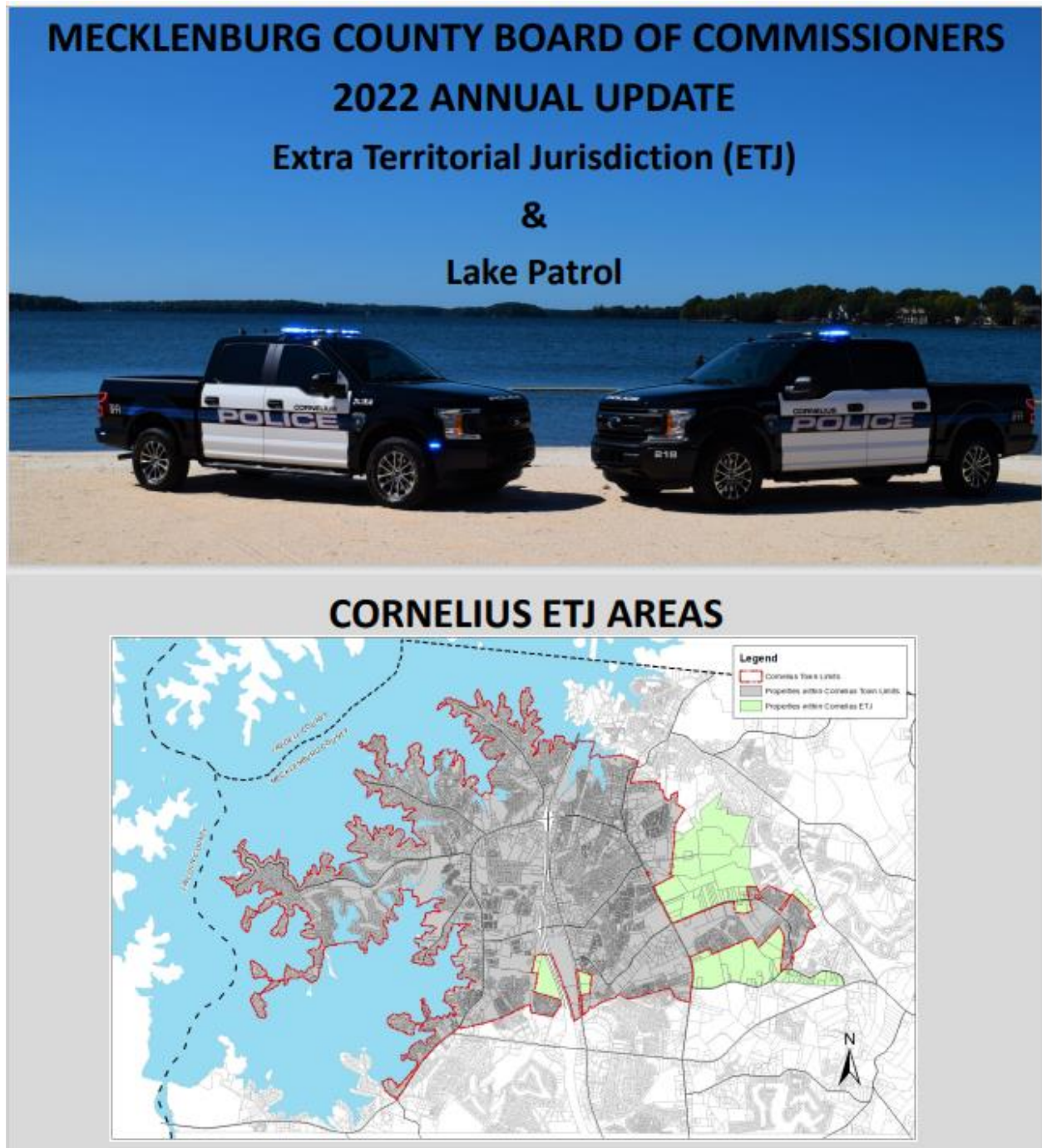
- Officers continue to police ETJ ensuring public safety
- Supporting surrounding towns – helicopter, K-9, etc.
- Working in close collaboration with the CMPD's Crime Analysis Unit to ensure the department continues to staff ETJ with appropriate resources
- The city manager and CMPD are committed to continue this effort



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Chief David Baucom presented an update on Law Enforcement Service Districts, Cornelius.



## ETJ CRIME COMPARISON

	2021	2022	Percent Change
<b>Violent Crimes</b>			
Homicide	0	0	0%
Rape	0	0	0%
Robbery	0	0	0%
Aggravated Assault	1	1	0%
<b>Property Crimes</b>			
Larceny	1	5	400%
Burglary	0	0	0%
B&E Vehicle	2	0	-100%
Auto Theft	0	0	0%
Arson	0	0	0%

## ETJ POLICE ACTIVITY

### Special Operations Division Deployment:

- The SWAT Team has not been deployed in the ETJ
- Maritime Operations and Tactics (M.O.A.T.)

### Non-Sensitive Special Police Initiatives

- Traffic Safety Initiatives
  - ✓ Speed Enforcement
  - ✓ Seatbelt Checks
  - ✓ Monitor Top Crash Locations
- Lake Safety Initiatives
  - ✓ Vessel Safety Checks
  - ✓ Monthly Safety/Educational Events During the Boating Season
  - ✓ Lake Norman Safety Day

### Evidence and Property Collected

- Four pieces of evidence collected in 2022

### Crime Trends

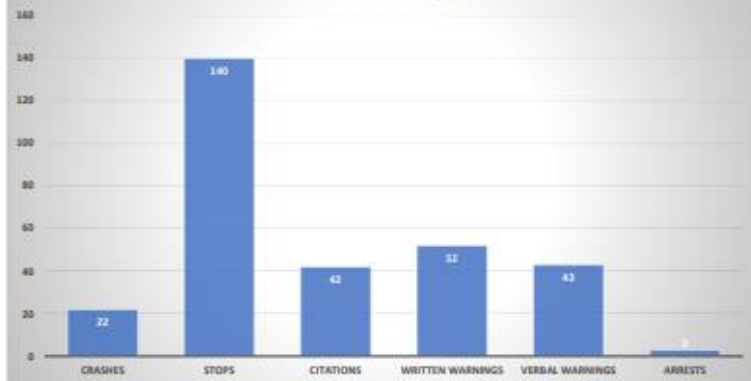
- No Crime Trends Noted

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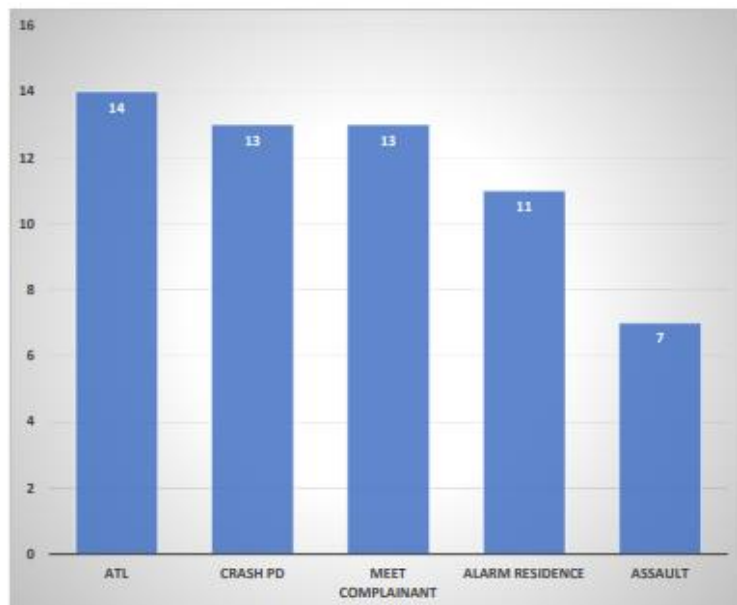
ETJ  
POLICE  
ACTIVITY



Traffic Safety



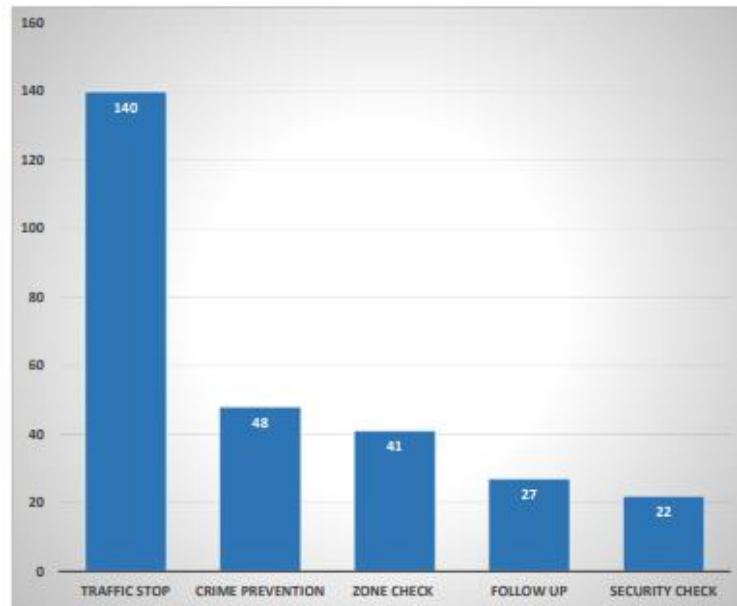
TOP 5  
CITIZEN  
CALLS  
FOR SERVICE  
ON LAND





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**TOP 5  
OFFICER  
INITIATED  
CALLS ON  
LAND**



**LAKE PATROL  
ETJ  
POLICE  
ACTIVITY**



Officer and Citizen Generated Calls

	2022
Total Calls	594
911 Calls	117
Officer Initiated	226
Non-Emergency	247
Walk-in's	3

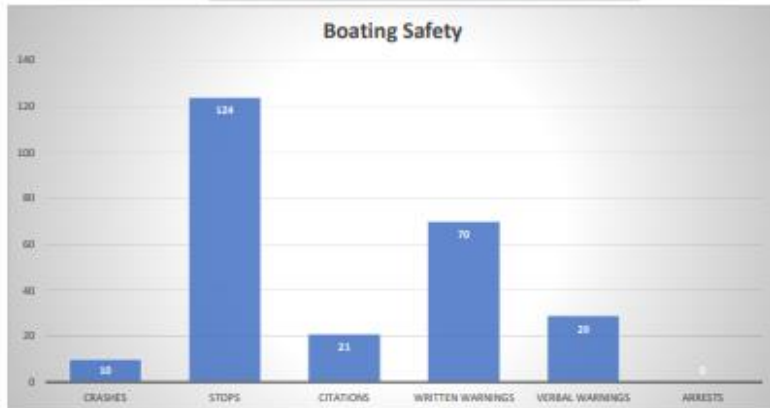
Personnel Response

	2022
Total Units	629
Total Personnel	900
Response Time (Land)	7.5
Response Time (Lake)	7

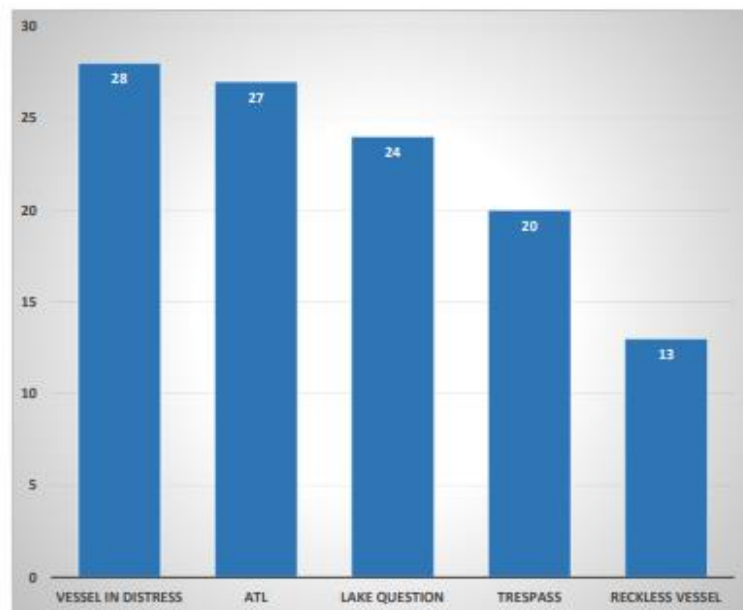


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LAKE PATROL  
ETJ  
POLICE  
ACTIVITY

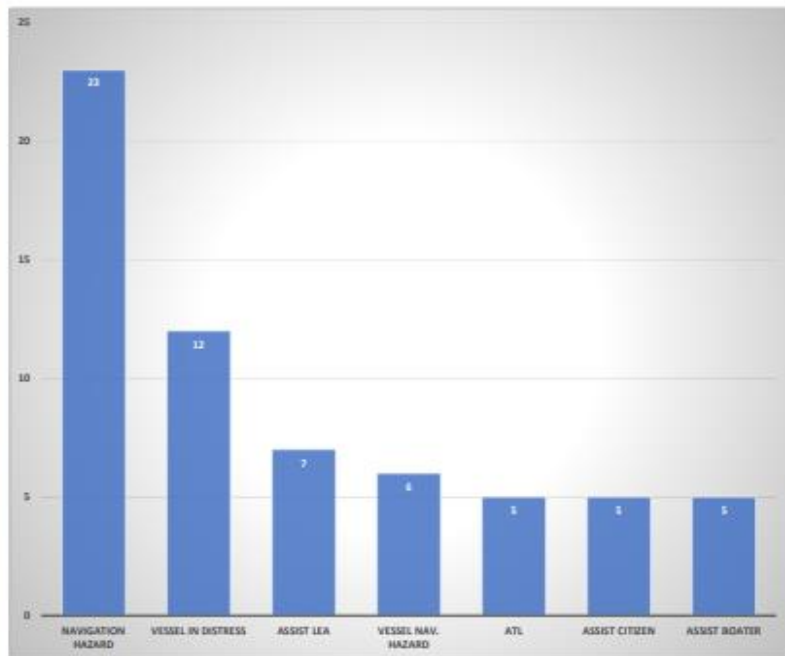


LAKE PATROL  
TOP 5  
CITIZEN  
CALLS  
FOR SERVICE



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## LAKE PATROL TOP 5 OFFICER INITIATED CALLS



## LAKE PATROL COMMUNITY AND EDUCATION EVENTS

- Community Dock Safety Days
- Vessel Safety Check Events
- Cornelius Summer Camp
- Ride-A-Longs
- Big Day at the Lake
- Paddle Board Race at PYC



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### LAKE PATROL COMMUNITY AND EDUCATION EVENTS

- Parade of Lights
- National Safe Boating Week
- PYC Light Parade
- Citizen Academy Presentation
- Love Where You Lake
- Float it Forward



### LAKE PATROL EVENT AND SAFETY REQUESTS

- Lake Norman Marine Commission
  - Monthly Meeting
  - Education Committee
  - Buoy Committee
- Asian Festival/Dragon Boat Races
- Big Day at the Lake
- Lake Clearing Exercise



## LAKE PATROL EVENT AND SAFETY REQUESTS

- Lake Norman Safety Day
- Personal Watercraft (PWC) Safety Seminar
- Lake Norman Christmas Boat Parade to Benefit Little Smiles



## LAKE PATROL TRAINING





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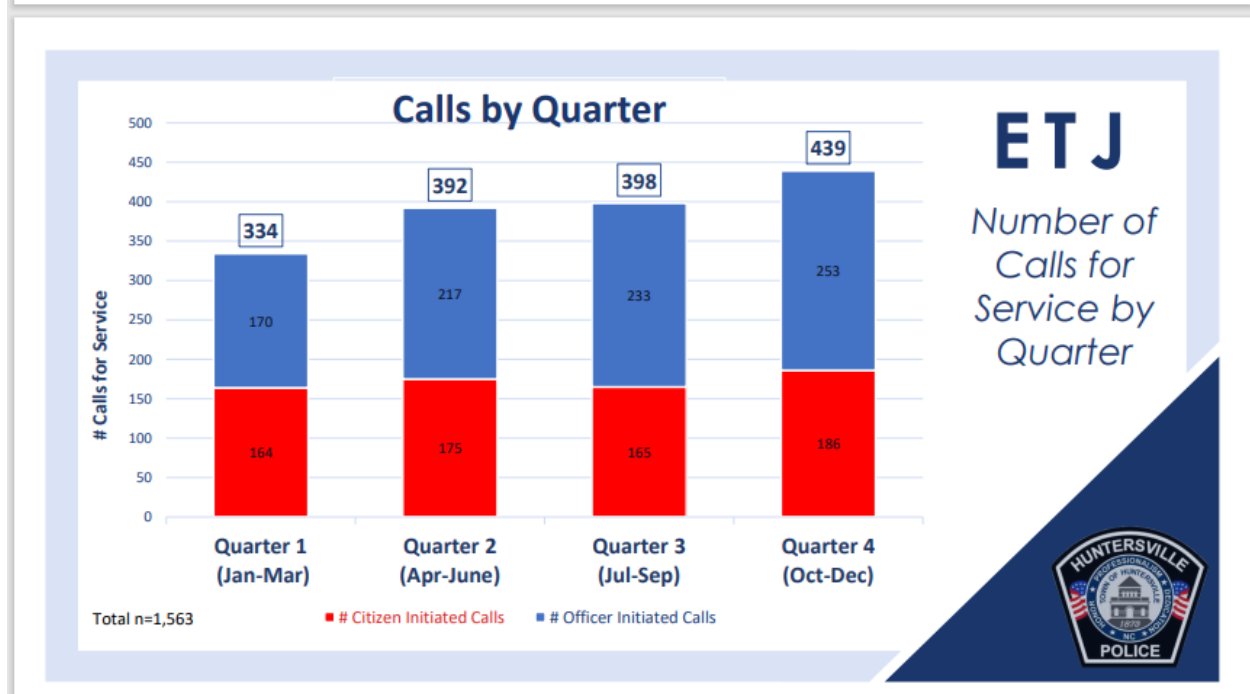
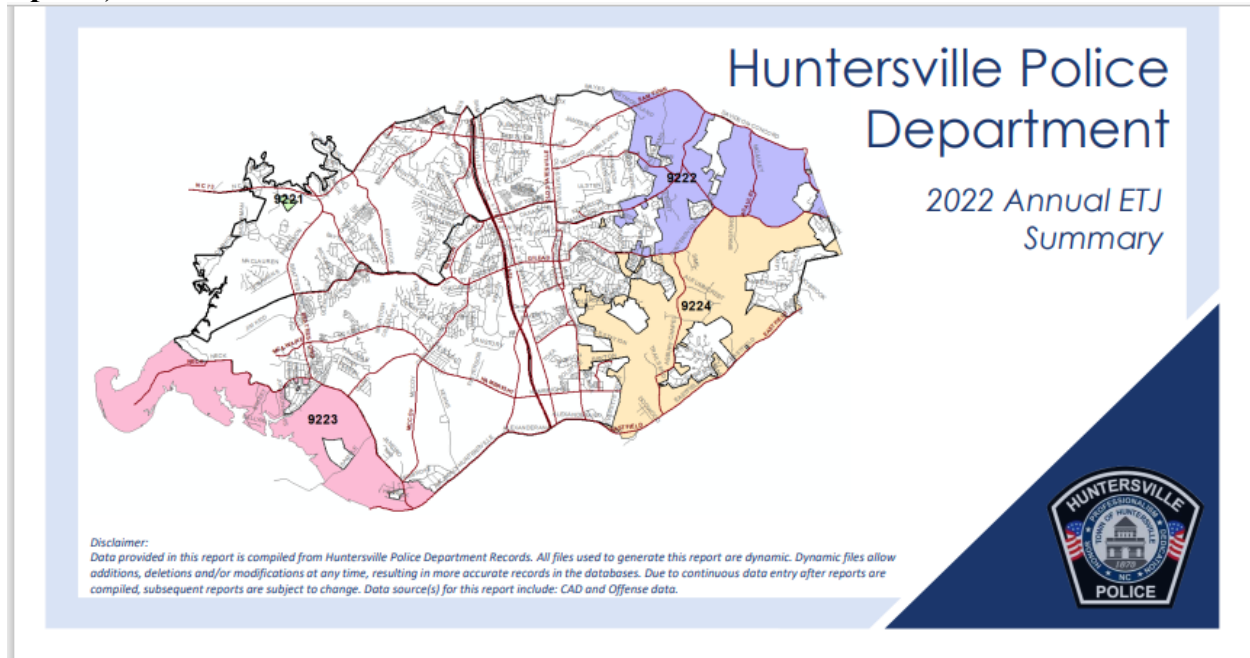
QUESTIONS?



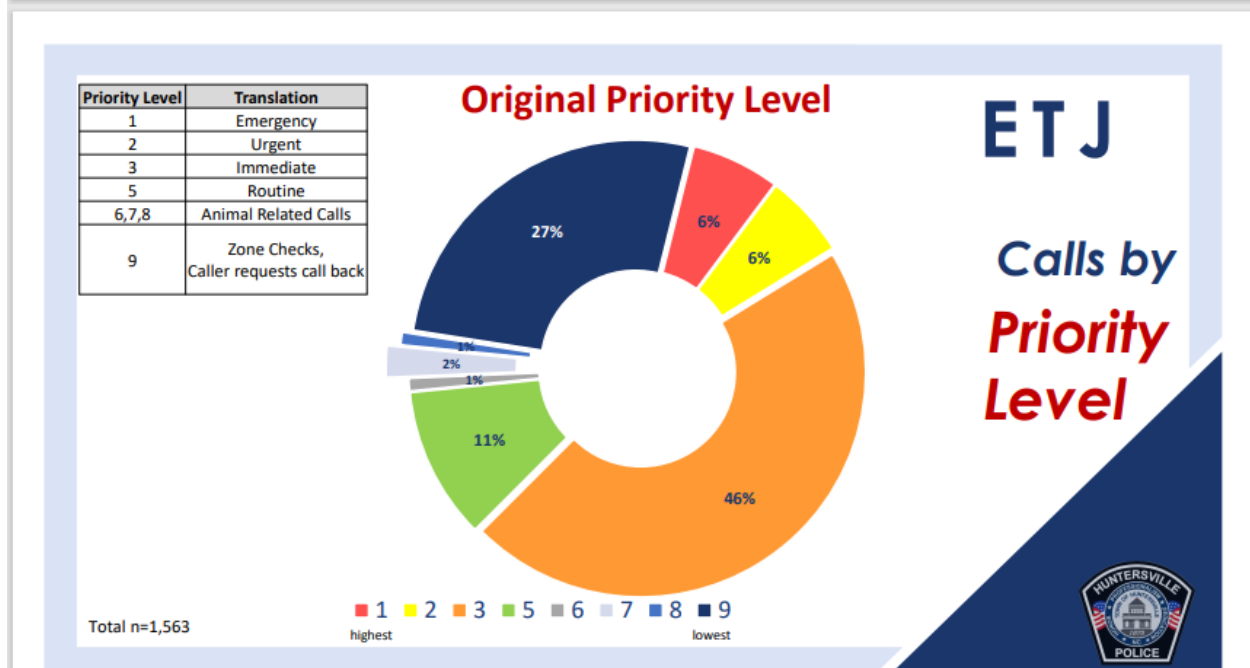
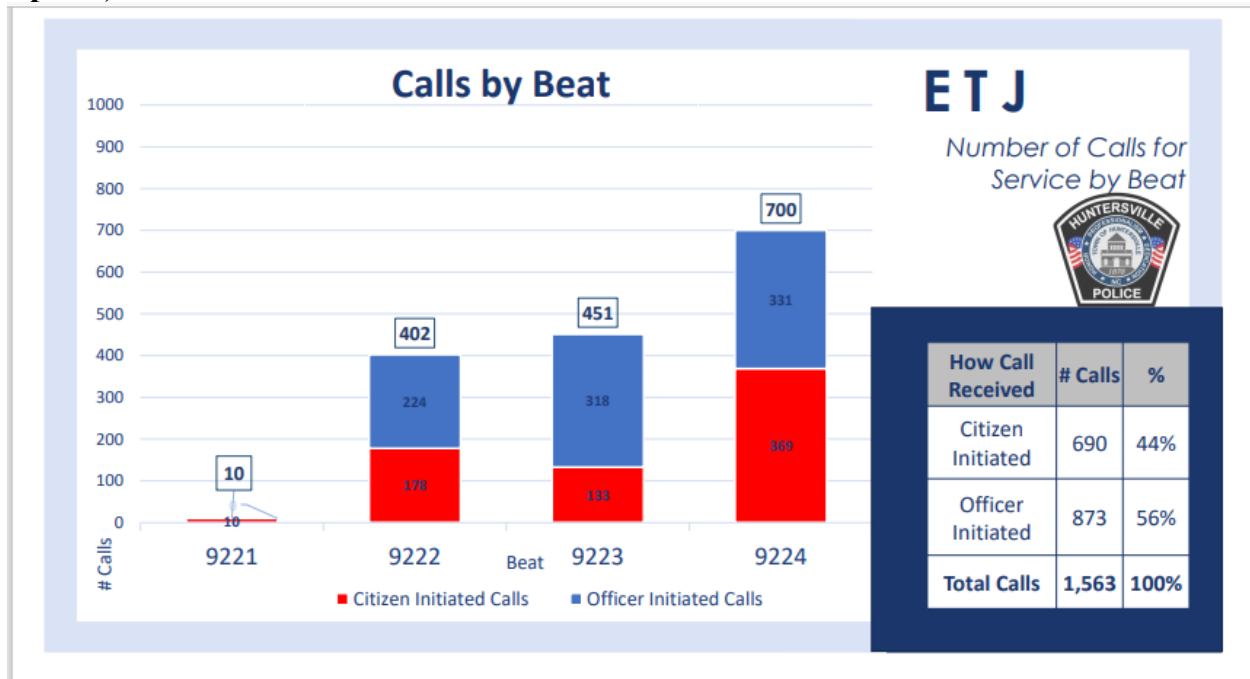
Huntersville Police Major Barry Graham presented an update on Law Enforcement Service Districts, Huntersville.



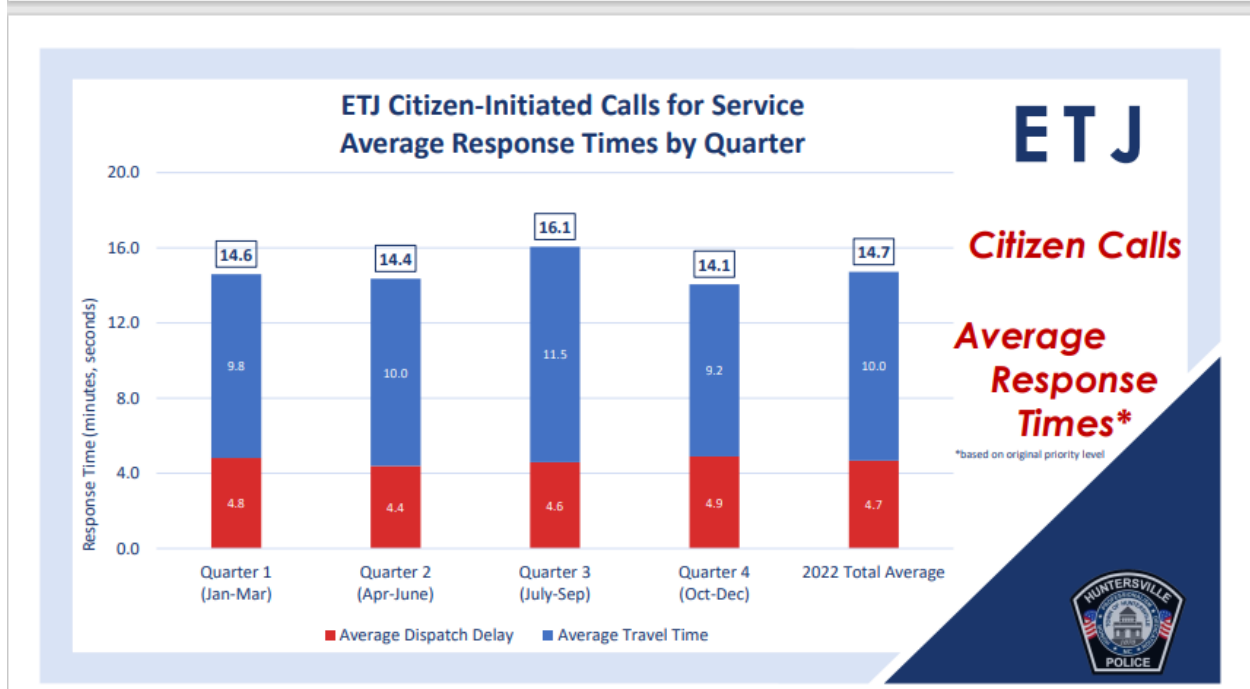
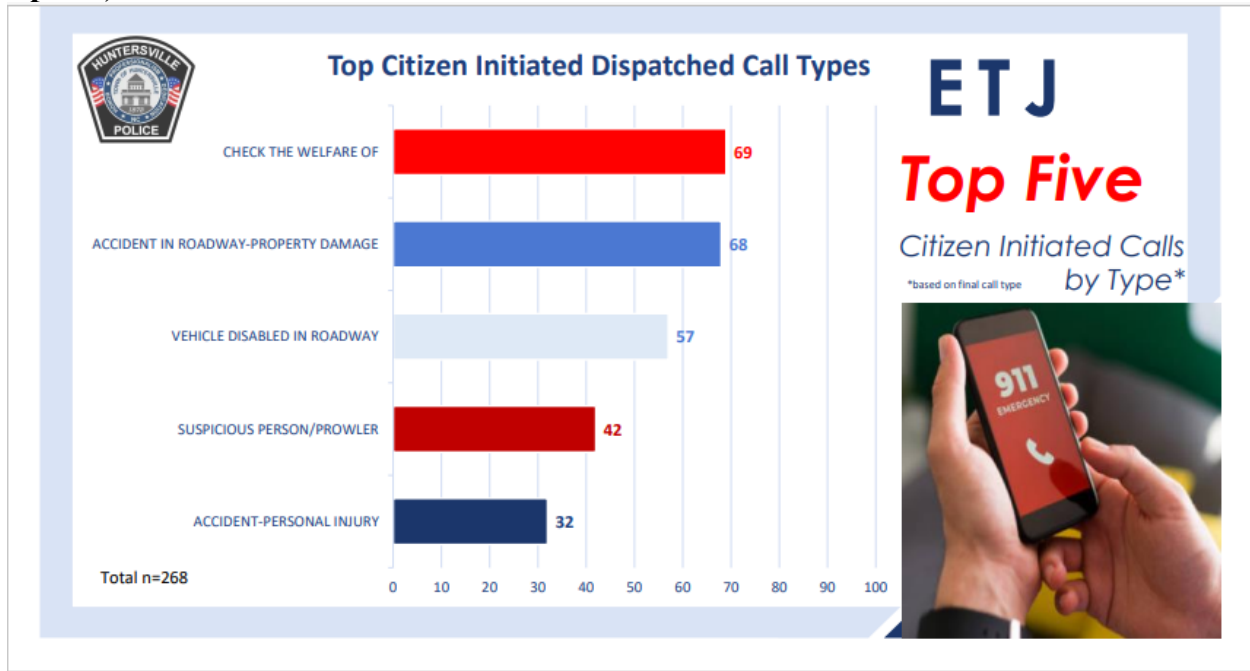
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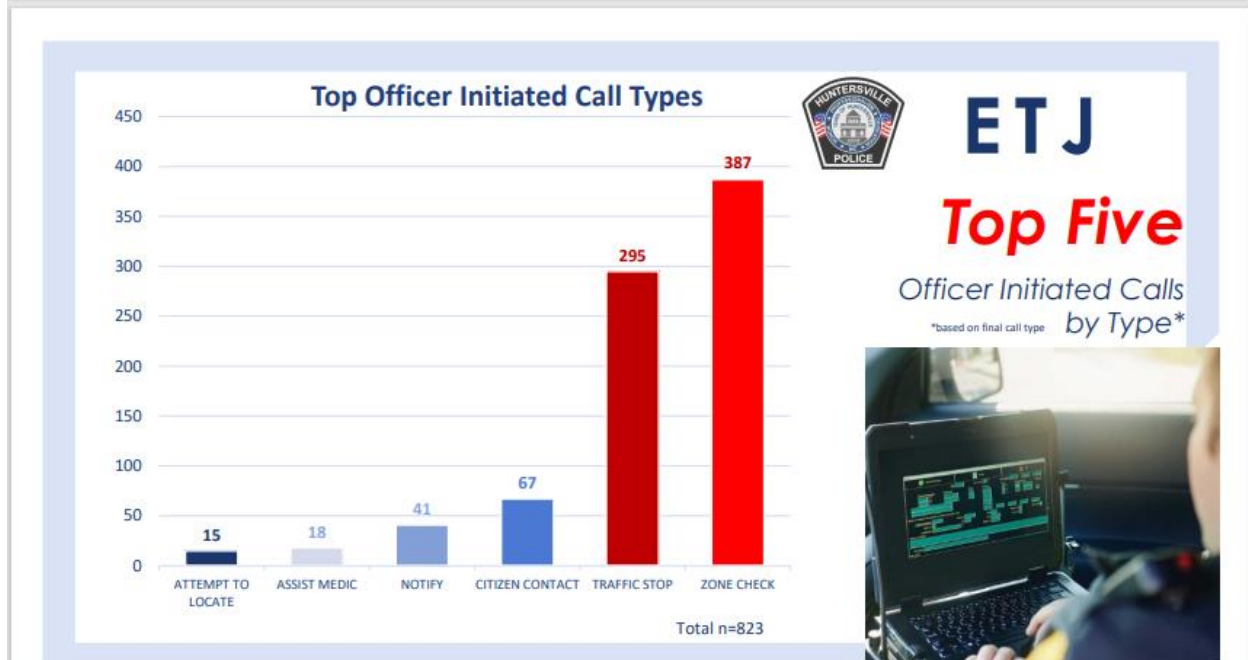
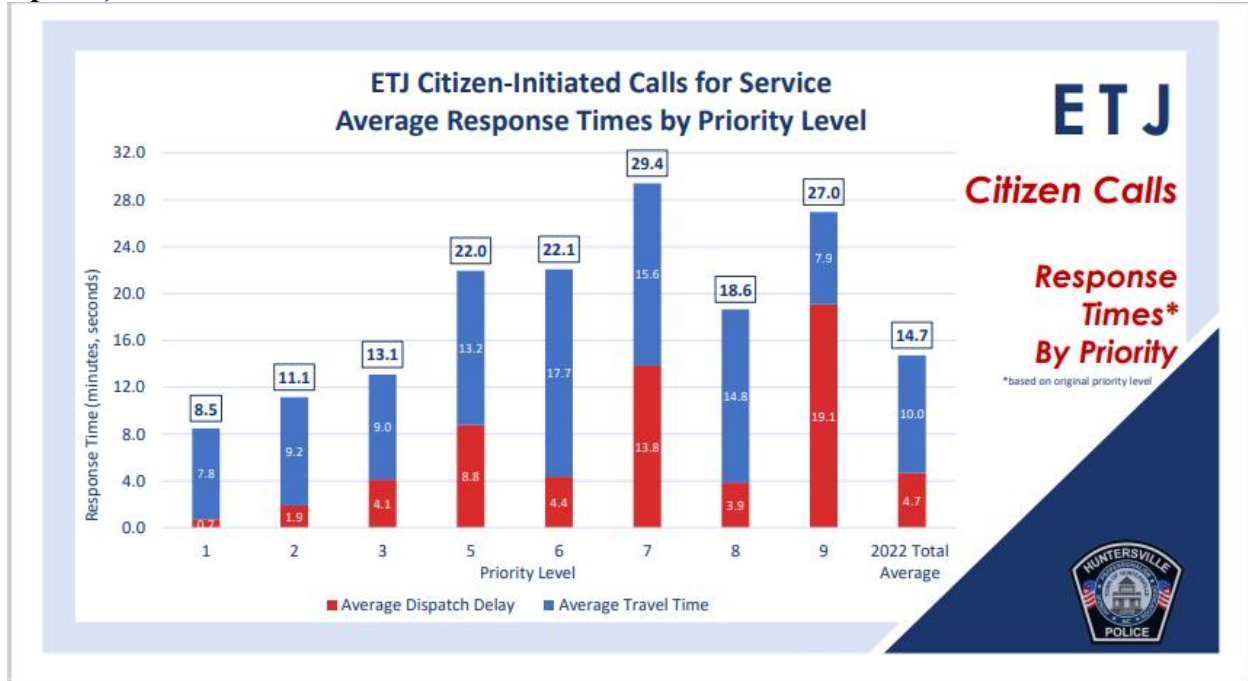
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Meeting Minutes  
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## Meeting Minutes April 4, 2023

765 hours of officer time spent

609 total traffic related calls for service  
including 295 traffic stops

111 citations written and 174 warnings given

124 traffic crashes including with 33 personal  
injuries (including one fatality)



**ETJ  
Traffic  
Safety**


## 2022 ARRESTS IN ETJ

n=22

ARREST_NO	ARR_DATE	ARR_TIME2	ARR_DAY	ADDRESS	BEAT	CHARGE_DESC
1849978	1/22/2022	1529	SUN	11309 DOGWOOD LN	9224	ASSAULT WITH DEADLY WEAPON WITH INTENT TO KILL - Assault w/ gun (Aggravated) POSSESSION OF STOLEN FIREARM/PISTOL/GUN - Possession of Stolen Property POSSESSION OF FIREARM BY CONVICTED FELON - Carrying Concealed Weapon/Firearms OPERATE MV WHILE FLEEING/ATTEMPT TO ELUDE LAW ENF (F) - Violation of Other State Statute
1850083	1/24/2022	1712	MON	14101 RAMAH CHURCH RD	9222	CARRYING CONCEALED GUN (M) - Carrying Concealed Weapon/Firearm
1850639	2/1/2022	2224	TUE	14400 RAMAH CHURCH RD	9222	DRIVING WHILE IMPAIRED - Driving While Impaired
1852471	3/1/2022	157	TUE	8529 MT HOLLY-HUNTERSVILLE RD	9223	DRIVING WHILE IMPAIRED - Driving While Impaired
1853319	3/14/2022	2151	THU	7209 SAMPLE RD	9223	ASSAULT ON GOVERNMENT OFFICIAL OR EMPLOYEE - RESIST/DELAY/OBSTRUCT PUBLIC OFFICER
1853553	3/18/2022	122	FRI	1111 SUNSET MAPLE LN	9222	SPEEDING DRIVE WHILE LICENSE REVOKED NOT IMPAIRED REVOCATION BASED
1856215	4/27/2022	1931	MON	14101 RAMAH CHURCH RD	9222	COMMUNICATING THREATS - Non-aggravated Assault VANDALISM - Vandalism/Criminal Damage to Property
1857019	5/9/2022	1854	MON	14107 MORNINGGATE ST	9222	ASSAULT ON A FEMALE BY MALE AT LEAST 18 YEARS OF AGE - Assault w/ gun (Aggravated)
1858317	5/29/2022	1845	THU	5744 NECK RD	9223	DWI VESSEL ON WATERS OF STATE
1858780	6/5/2022	1825	THURS	5744 NECK RD	9223	DWI VESSEL ON WATERS OF STATE
1861036	7/10/2022	1756	SUN	11350 BEATTIES FORD RD	9223	BREAK OR ENTER MOTOR VEHICLE - Larceny over \$200 value EXTRADITION/FUGITIVE OTHER STATE-Other Criminal Charge Not Covered in Code HABITUAL FELON - Violation of Other State Statute
1861414	7/16/2022	10	SAT	14401 RAMAH CHURCH RD	9222	DRIVING WHILE IMPAIRED - Driving While Impaired
1863084	8/15/2022	1900	MON	7499 SAMPLE RD	9223	DRIVING WHILE IMPAIRED - Driving While Impaired
1866268	10/5/2022	649	WED	13029 CHOPIN RIDGE	9222	FIRST DEGREE BURGLARY OF AN OCCUPIED DWELLING HOUSE/APT OPERATE MV WHILE FLEEING/ATTEMPT TO ELUDE LE (F) FELONY CONSPIRACY - Other Criminal Charge Not Covered in Code
1866270	10/5/2022	710	WED	13029 CHOPIN RIDGE	9222	FIRST DEGREE BURGLARY OF AN OCCUPIED DWELLING HOUSE/APT FELONY CONSPIRACY - Other Criminal Charge Not Covered in Code
1866272	10/5/2022	710	WED	13029 CHOPIN RIDGE	9222	FIRST DEGREE BURGLARY OF AN OCCUPIED DWELLING HOUSE/APT POSSESSION OF FIREARM BY CONVICTED FELON - Carrying Concealed firearm FELONY CONSPIRACY-Other Criminal Charge Not Covered in Code
1866274	10/5/2022	649	WED	13029 CHOPIN RIDGE	9222	FIRST DEGREE BURGLARY OF AN OCCUPIED DWELLING HOUSE/APT Burglary - Attempted Forcible Entry POSSESSION OF FIREARM BY CONVICTED FELON - Carrying Concealed Weapon/firearms FELONY CONSPIRACY - Other Criminal Charge Not Covered in Codes
1866276	10/5/2022	710	WED	13029 CHOPIN RIDGE	9222	FELONY AID AND ABET - Other Criminal Charge Not Covered in Code
1868258	11/6/2022	555	SUN	9397 BEATTIES FORD RD	9223	POSSESS W/INTENT TO SELL/DELIVER MARIJUANA Sale/Manufacture/Distribution of Drugs: Marijuana FELONY POSSESS MARIJUANA - Possession of Drugs: Marijuana POSSESS MARIJUANA PARAPHERNALIA CARRYING CONCEALED GUN (M) - Carrying Concealed Weapon/Firearm
1868992	11/17/2022	1950	THU	13043 REGENT GROVE	9222	DRIVING WHILE IMPAIRED - Driving While Impaired
1868938	11/17/2022	344	THU	16715 DAVIDSON-CONCORD RD	9222	DRIVING WHILE IMPAIRED - Driving While Impaired
1870504	12/12/2022	2228	MON	12613 MCGINNIS LN	9224	ASSAULT ON GOVERNMENT OFFICIAL OR EMPLOYEE - Assault w/physical force (Aggravated) RESIST/DELAY/OBSTRUCT PUBLIC OFFICER DISCHARGE DUTIES - Violation of Other State Statute



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<div> <div>ETJ NIBRS</div> <div>Group A Crime</div> <div>2019-2022</div>  </div>						
NIBRS Group A Offense	2019	2020	2021	2022	% change 2022 vs 2021	4 Yr Avg
Aggravated Assault	5	3	5	4	-20.0%	4
Simple Assault	14	18	7	12	71.4%	13
Forcible Rape	0	1	1	1	0.0%	1
Forcible Fondling	1	0	0	3	300.0%	1
Statutory Rape	0	0	1	0	-100.0%	0
Intimidation	4	5	5	10	100.0%	6
Kidnapping	2	0	0	0	n.c	1
<b>NIBRS Group A Crimes Against Persons Total</b>	<b>26</b>	<b>27</b>	<b>19</b>	<b>30</b>	<b>57.9%</b>	<b>26</b>
Arson	0	0	1	0	-100.0%	0
Burglary/B&E	9	21	20	15	-25.0%	16
Credit Card/Teller Fraud	1	0	0	0	n.c	0
Damage/Vandalism Of Property	9	7	11	15	36.0%	11
Embezzlement	0	0	0	2	200.0%	1
False Pretenses/Swindle	0	4	1	3	200.0%	2
Identity Theft	2	2	2	3	50.0%	2
Motor Vehicle Theft	6	3	0	5	500.0%	4
Pocket-Picking	0	0	0	2	200.0%	1
Purse-Snatching	0	0	0	1	100.0%	0
Robbery	1	0	1	0	-100.0%	1
Stolen Property Offenses	1	1	1	1	0.0%	1
Theft From Building	8	19	15	14	-6.7%	14
Theft From Motor Vehicle	11	12	4	7	75.0%	9
Theft of Motor Vehicle Parts from Vehicle	1	0	0	1	100.0%	1
All Other Thefts	13	14	21	17	-19.0%	16
Wire Fraud	0	0	1	0	-100.0%	0
<b>NIBRS Group A Crimes Against Property</b>	<b>62</b>	<b>83</b>	<b>78</b>	<b>86</b>	<b>10.3%</b>	<b>77</b>
Betting/Wagering	1	1	0	0	n.c	1
Drug Equipment Violations	12	12	3	12	300.0%	10
Drug/Narcotic Violations	13	15	11	17	55.0%	14
Gambling Equipment Violations	0	0	1	0	-100.0%	0
Weapon Law Violations	1	3	4	8	100.0%	4
<b>NIBRS Group A Crimes Against Society</b>	<b>27</b>	<b>31</b>	<b>19</b>	<b>37</b>	<b>94.7%</b>	<b>29</b>
<b>Grand Total</b>	<b>115</b>	<b>141</b>	<b>116</b>	<b>153</b>	<b>31.9%</b>	<b>131</b>

### Comments for all three police departments

All of the commissioners thanked them.

Commissioner Powell asked how it was known if a person was in the ETJ. *Major Graham said they tracked the call from where it was received. He said each one of the areas was broken into an emergency service zone. He said when a call came in, the map would show what zone the call came from. He said the officers were assigned a zone so it didn't make a difference if it was in the City or an ETJ, they worked within their zone and gave the same service to both.*

Commissioner Powell said they were taking heat on Northlake Mall and asked how the Board could help CMPD, especially regarding Northlake Mall and encouraging businesses to stay there. *Deputy Chief Tonya Arrington said they were dedicated to keeping the Northlake Mall area staff and that she appreciated the gratitude and support the elected officials gave. She said they supplement the off-duty personnel with on-duty personnel in that area during business hours.*

Deputy Chief Tonya Arrington said all the police departments would say they needed more staffing.

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Commissioner Cotham said several years ago they were trying to improve this service. She said County Manager Diorio collaborated and listened to the elected officials and was instrumental in that improvement. She thanked them and stated it had come a long way.

Chair Dunlap thanked everyone.

**23-0190       SCHOOL HEALTH STAFFING UPDATE**

The Board received a presentation from Ursula Douglas, School Health Director, and Angela Lee, Assistant Health Director for Preventive Health.

## **Operation NIES (Nurse in Every School)**



Operation NIES 2023

## **Current School Nurse Requirements**

- RN with BSN Preparation
- 2 years of nursing experience
- National School Nurse Certification within 3 years of hire

Operation NIES 2023

Commissioner Powell left the dais at 7:53 and returned when noted in the minutes

# Dilemma

- 50+ fulltime vacancies in School Health
- Program vacancy rate persist at 30%
- ~60% of MCPH vacancies
- Pervasive issue since 2013 addition of 36 RN positions
- Need to close the gap

Operation NIES 2023

## Significance & Potential Consequences

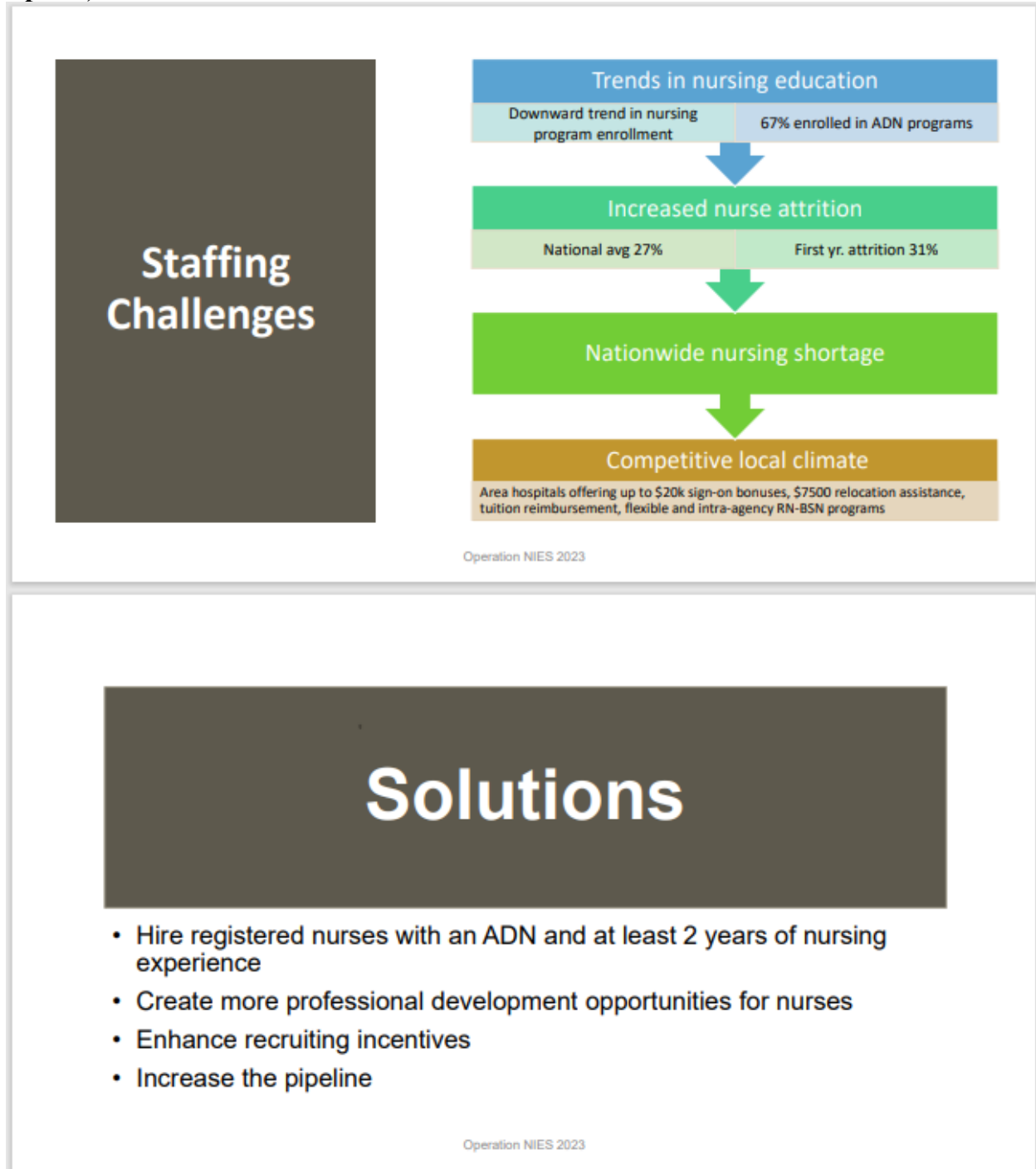
Inability to meet community commitment to full-time school nurse in each school

Increased workload and stress could result in lower job satisfaction resulting in low team morale, and resignations which further threaten workforce

Potential for poorer health outcomes in population served

Operation NIES 2023

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Vice-Chair Powell returned to the dais at 7:58 p.m.



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## NEW: School Health Clinical Ladder

### Public Health Nurse (RN w/ADN)

- Program Entry for RN (w/ ADN)
- Incentivize RN-BSN enrollment
- Prioritize Public Health Certification completion during orientation and create opportunities for continuing education/mentorship
- Assigned to low acuity school

### Public Health Nurse (RN w/ BSN)

- Program Entry for BSN, MSN,DNP w/out national certification
- Prioritize national certification within first 3 years

### Senior Public Health Nurse (RN w/ BSN)

- Reclassified 16 existing school nurse positions
- Serve as subject-matter experts, student preceptors & ADN mentors
- National School Nurse Certification required in first year of hire

Operation NIES 2023

## Enhanced Incentive Structure

### Public Health Nurse (RN w/ ADN)

- \$3,000 sign-on bonus
- RN-BSN program enrollment assistance
- Immediate access to tuition reimbursement for RN-BSN program only

### Public Health Nurse (RN w/ BSN)

- \$7,500 sign-on bonus

### Public Health Nurse (RN w/ BSN + NCSN)

- \$10,000 sign-on bonus

- *Incentives will be distributed partially at hire and completion of first year*
- *Incentives will require 2-year employment commitment*

Operation NIES 2023

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### Next Steps

- **Expand network to increase the nursing pipeline**
  - Finalizing plans for scholarships for UNC-C and Northeastern BSN students
  - With addition of ADN opportunities, launch discussions with CPCC
- **Implement clinical ladder**
  - Support and incentivize professional development of nursing staff
  - Incentivize commitment to educational standards in nursing
  - Promote retention of nursing staff
- **Maintain professional standards of excellence**

9

### Comments

Commissioner Meier thanked the presenters.

Commissioner Griffin thanked them and asked about challenges passing the TEAS and asked about working with high schools to have nursing clubs to understand what was needed to get the BSN. *Ms. Douglas said she would like to explore those opportunities.*

Commissioner Griffin said it would be ideal to grab them early on and keep them together through high school and to CPCC.

Commissioner Jerrell stated it was a critical problem and stated it was important for the community to understand the program. He thanked them and spoke about his excitement for the proposed solution.

Commissioner Altman asked about flexible work environments and if full-time employment was required. *Ursula Douglas said there was some level of flexibility, summers off, and there was limited part-time staff that worked two to three days per week.*

Commissioner Leake thanked them and stated she appreciated everything that was being done.

## **Meeting Minutes April 4, 2023**

Commissioner Leake said students from Phillip O. Berry were supposed to be job-ready. She said nursing was one of the first programs, along with other high schools. She said what happened to programs depended on the quality of leadership. She said nobody was holding the system accountable.

Commissioner Leake said they should be pairing with Winston-Salem State.

Chair Dunlap thanked them for their presentation.

### **DEPARTMENTAL DIRECTORS' MONTHLY REPORTS - NONE**

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

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

#### **23-0223      GOLF COURSES/COMMERCIAL REVALUATIONS (COMMISSIONER MEIER)**

The Board received an overview of the country club/commercial revaluations process and overview of the area hospitals' revaluations and exemptions process.

*Background: Due to this reval year where commercial properties were valued at a lower rate than residential properties- reversing past trends-there has been a public outcry to justify the appearance of inequity.*

Commissioner Laura Meier addressed this matter stating that the public had questions i.e., was this a state statute, how much discretion do they have when it came to valuing golf courses and other commercial properties including hospitals, as well as speaking about concerns about placing the burden on residents. She said the County had been focusing on equity and this was not supporting those efforts.

Ken Joyner, Mecklenburg County Tax Assessor, gave a presentation.

Mr. Joyner began his presentation with the following statement:

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"I think it's important to understand as we go out and we visit 100-plus neighborhood associations, civic clubs, one of the first things that we say is we're valuing over 400,000 parcels, as of a given day. So it would be a ridiculous statement for me to say that we have every parcel and every valuation correct when the notices go out. So that is what the appeals process is set up for. We give the opportunity for everyone to be heard as a part of that process. So I think it's important that as we have gotten to now over two weeks since the notices went out, we have been working with over 7,000 of our customers in the informal review process at this point. It is how we go about doing this. The last time we did over 30,000 informal reviews. We did 10,000 formal appeals to the Board of Equalization and Review and a little over 750 appeals to the state level. So the process of the revaluation and a mass appraisal is fairness in equity. The state statutes are built upon the values of the property. The values as of those appraisal dates. Our appraisal date is January 1, 2023. So our values are based upon Uniform Standards of Professional Appraisal Practice. We follow the standards of our IAAO, the International Association of Assessing Officers. When I was hired by a prior Board, some of our members were a part of that process, they had identified that they wanted us and this office to achieve the Certificate of Excellence in assessment administration from the IAAO. We did that back in 2017. We were one of only 40 taxing jurisdictions in the world that had achieved that. We are in that recertification process now. What that means is we have a third party that is following our work and stating that we are meeting the standards in the appraisal world by doing mass appraisal.



## Items of Discussion



Golf Course  
Valuation



Hospital Exemption



Shopping Mall  
Valuation

## GOLF COURSES

### Golf Course Appraisal

- ▶ NCGS 105-283 All property, real and personal, shall as far as practicable be appraised or valued at its true value in money.
- ▶ NCGS 105-317 Appraisal of real property; adoption of schedules, standards, and rules.
- ▶ Under GS 105-286 Each county must reappraise all real property in accordance with the provisions of G.S. 105-283 and G.S. 105-317 as of January 1 of the year set out in the following schedule and every eighth year thereafter, unless the county is required to advance the date



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### Golf Course Valuation



Golf Course Valuations for the 2023 Revaluation were completed in the same manner as they were for the 2019 Revaluation



Kenneth Voss and Associates was retained to provide Mecklenburg County with the valuations for the 27 courses within.



Values were established by reviewing data from sales, cost, and income from the various courses .

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### Kenneth Voss Resume

**Kenneth Voss, MAI, SRA, AI-GRS, CAE, GCA**

#### Experience

Mr. Voss is the Principal of Kenneth Voss & Associates, LLC, in Atlanta, Georgia, a company specializing in market analyses and appraisals of real property. KVA engages in appraising, consulting, and market analysis with valuation experience and market analyses relative to various commercial-type properties, including, but not limited to, apartments, condominiums, shopping centers, hotels, motels, land use developments, office buildings, special-use properties, and retail/service facilities. Prior to opening his own appraisal practice, Mr. Voss was associated with Hoeffert & Associates, Southfield, Michigan, and a former Vice President with Tennenbaum & Associates, Kansas City, Missouri. Mr. Voss is also an independent contractor with Team Consulting. Mr. Voss has spent over 50-years in county and state government, tax consulting and independent appraisal work. Mr. Voss has consulted with various taxing jurisdictions on complex properties and valuation issues. Mr. Voss, as a Hearing Officer is considered an expert in commercial and residential valuation.

#### Professional Designations and Certifications

**MAI** Appraisal Institute Professional Designation  
**SRA** Appraisal Institute Professional Designation  
**AI-GRS** Appraisal Institute Professional Designation  
**CAE** International Association of Assessing Officers Professional Designation  
**GCA** Georgia Certified Appraiser  
Senior National Instructor, IAAO Courses 101, 102, 112, 201, various seminars and workshops  
Commonwealth of Virginia: Appraisal Pre-License Education Instructor Certification  
Licensed Certified General Real Estate Appraiser: Georgia  
Georgia Department of Revenue, Appraiser IV Certification (Inactive)  
Certified Hearing Officer, State of Georgia

#### Author and Lecturer

"Highest and Best Use," National Association of Review Appraisers, 1989

Mr. Voss served as a moderator and speaker at various Annual Conferences and seminars hosted by the International Association of Assessing Officers, State Judges Association, Georgia Association of Assessing Officials, ABA/IPT Advanced Tax Seminar, and other appraisal organizations  
IAAO: Setting the Record Straight on Fee Simple, 2019

#### Education

Bachelor of Arts, East Carolina University, Greenville, North Carolina  
Master of Arts, Lindenwood College, St. Charles, Missouri; emphasis in Real Estate  
Various real estate courses offered by the Appraisal Institute and other appraisal organizations including Highest and Best Use Analysis, Standards of Professional Appraisal Practice, Advanced Income Capitalization, and Advanced Applications. Various valuation/evaluation seminars and courses completed under the Appraisal Institute and International Association of Assessing Officers.

#### Professional Organizations

Appraisal Institute (AI)  
Atlanta Chapter, Appraisal Institute  
International Association of Assessing Officers (IAAO)  
Georgia Association of Assessing Officials (GAAO)  
Marine Corps Reserve Officers Association (MCROA)

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### PROPERTY TYPES APPRAISED

Lodging Facilities:	Limited Service: Hampton Inn, Holiday Inn Express, Full Service: Hilton, Holiday Inn Crown Plaza, Ritz Carlton, Marriott Full Service Resorts: Hawaiian Village (Hawaii), Morning Star (USVI)
Large Industrial Complexes:	Alcoa Aluminum, Alcoa, Tennessee (1,000,000/SF +) Engelhard Kaolin Plants, Irwin, Georgia (300 improvements) Boeing Aircraft, Mesa, Arizona Hughes Electronics, Mesa, Arizona Honeywell International, Phoenix, Arizona Caterpillar, Griffin, Georgia Tyson Poultry, Camilla, Georgia Continental Cement Company, Buffalo, Iowa Arconic Aluminum Plant, Bettendorf, Iowa
Anchor Department Stores:	Dillard's, Atlanta, Georgia Dillard's, Douglasville, Georgia Macy's, Duluth, Georgia Macy's, Clayton, Georgia
Retail Stores:	CVS Eckerd Walmart Convenience Stores Medical Offices
Warehouse, Distribution:	Goodyear, McDonough, Georgia (1,000,000/SF +) Walmart, North and South Carolina Dollar General, Alachua, Florida Mars Candies, Marietta, Georgia
Land:	Subdivision Analysis for development Timberland and large land tracts Conservation easements Agricultural
Special Use:	Ethanol Plants Landfills Assisted Living Facilities (LHFC Section 42 and 519) Paper Mills Michigan Bell Telephone, Upper Peninsula, Michigan (121 sites) Hospitals Kaolin Clay Mining and Processing Plants Silver Mountain Ski Resort Mtn. Use Facility Lake Lanier Island Recreation Complex
Golf Courses:	Mecklenburg County, North Carolina (2019 and 2023 Revaluations) Douglas County, Nebraska (Revaluation) Charleston National, Mt. Pleasant, SC Brentwood Country Club, Brentwood, TN Sapelo Hammond, Townsend, GA Rendering decisions on numerous golf courses in Georgia as a Hearing Officer (11-years) Consulted and analyzed numerous golf course appraisals.
Uniformity Analysis:	Bexar County, Texas Fulton County, Georgia McDuffie County, Thomas County, Washington County, Georgia Bexar County, Texas
Personal Property:	BASF Machinery & Equipment, Wilkerson County, Georgia Claxon Manufacturing, City of St. Louis, Missouri Various manufacturing properties, St. Charles County, Missouri Reviewed Business Personal Property depreciation tables
Review Appraiser:	Shopping Centers Multi-family Complexes (Apartments) Land tracts (Subdivision) Assisted Living Facilities A variety of commercial and industrial properties Litigation Support for various Georgia Counties
Consulting:	Marshall Valuation Services, reviewing Cost Approach techniques and Power Point presentation to large, based clientele; Marshall Valuation Services/CareLogic Commercial Cost Approach
<b>COURT QUALIFICATIONS</b>	
Hearing Officer:	Georgia Counties: Baldwin, Bartow, Ben Hill, Bibb, Chatham, Clark, Clayton, Cobb, Colquitt, Crisp, Dawson, DeKalb, Douglas, Fannin, Forsyth, Fulton, Gilmer, Glynn, Gordon, Greene, Gwinnett, Habersham, Hancock, Hart, Jeff Davis, McDuffie, McIntosh, Monroe, Muscogee, Oconee, Paulding, Pickens, Richmond, Spalding, Tift, Union, Walker, Washington, Whitfield, Worth
Arbitration:	Georgia Counties: DeKalb, McIntosh

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### Expert Witness:

United States Virgin Islands  
Idaho State Board of Equalization  
Indiana State of Board of Tax Appeals, Elkhart County  
Idaho District Court  
Tennessee State Board of Equalization  
Board of Tax Appeals, Kansas (BOTA)  
Missouri State Tax Commission  
Property Assessment Appeals Board, Iowa (PAAB)  
District Court, 14<sup>th</sup> Judicial District, State of Oklahoma  
District Court, Shoshone County, Idaho

### Georgia Superior Court:

Gwinnett, Henry, McDuffie, Washington, Wayne, Wilkinson

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2023 Mecklenburg County Golf Course Values					
Course	Parcel #	2023 Value	2023 Cost	2019 Value	2022 Value
Ballantyne Country Club	22312122	\$10,039,000	\$14,866,403	\$9,000,000	\$9,000,000
Birkdale Golf Club	00914117	\$3,370,800	\$7,291,201	\$2,400,000	\$2,400,000
Carmel Country Club	21166101	\$16,976,200	\$29,083,048	\$23,000,000	\$23,000,000
Carolina Golf Club	11709101	\$5,118,000	\$5,754,000	\$4,900,000	\$4,900,000
Cedarwood Golf Club	21126426	\$3,104,700	\$7,545,892	\$5,500,000	\$5,500,000
Charles T Myers Golf Course	10803115	\$2,285,420	\$6,321,174	\$4,000,000	\$4,000,000
Charlotte Country Club	09515147	\$12,272,300	\$17,831,815	\$22,000,000	\$15,500,000
Divide, The	19513105	\$1,025,900	\$5,564,143	\$739,800	\$554,850
Dr. Siford @ Revolution Park	14503102	\$2,403,900	\$7,164,612	\$3,500,000	\$3,500,000
Harry L. Jones, Sr. Golf Course	14323103	\$2,416,800	\$8,182,871	\$4,000,000	\$4,000,000
Highland Creek	02923104	\$2,329,600	\$4,590,000	\$1,550,000	\$1,550,000
Myers Park Country Club	17505135	\$16,540,700	\$16,325,189	\$16,500,000	\$16,500,000
Northstone Country Club	01117483	\$6,057,800	\$7,937,236	\$7,000,000	\$5,875,225
Olde Sycamore Golf Club	19729401	\$2,383,000	\$6,057,580	\$2,433,935	\$2,162,625
Palisades, The	21716102	\$11,995,700	\$10,807,869	\$6,000,000	\$3,966,651
Paradise Valley Par 3	04719112	\$916,500	\$1,737,678	\$800,000	\$800,000
Peninsula Club	00163117	\$11,266,200	\$13,820,545	\$12,000,000	\$9,678,400
Pine Island Country Club	03139101	\$3,390,000	\$4,616,832	\$3,600,000	\$3,600,000
Pine Lake Golf Club	13529101	\$3,109,900	\$6,845,357	\$4,000,000	\$4,000,000
Piper Glen	22503105	\$5,225,600		\$6,360,000	\$6,360,000
Providence Country Club	22929218	\$7,970,100	\$11,697,399	\$9,900,000	\$9,900,000
Quail Hollow	20956101	\$9,886,500	\$17,964,312	\$13,500,000	\$13,500,000
Raintree	22519215	\$11,253,800	\$19,714,003	\$8,500,000	\$8,500,000
River Run Golf Club	00737199	\$9,888,300	\$12,603,847	\$8,500,000	\$8,500,000
Skybrook	02111114	\$2,582,200	\$5,984,101	\$1,700,000	\$1,700,000
Sunset Hills	03734101	\$1,156,200	\$2,193,000	\$3,500,000	\$3,500,000
Tradition	02935163B	\$2,692,486	\$5,877,852	\$1,400,000	\$1,400,000

## Sales of Golf Courses in NC/SC from 2020-2022

Hayesville	NC	28904 Ridges at Mt. Harbour	9/3/2019	\$ 1,757,500	18
Raleigh	NC	27617 Brier Creek Country Club	11/1/2019	\$ 9,800,000	18
Waxhaw	NC	28173 FirethorneCountry Club	7/17/2020	\$ 6,375,000	18
Holly Springs	NC	27540 Devils Ridge Golf Club	7/17/2020	\$ 4,000,000	18
Fletcher	NC	28732 Broadmoor Golf Links	7/31/2020	\$ 2,750,000	18
Clemmons	NC	27012 Salem Glen Golf & CC	4/2/2021	\$ 2,250,000	18
Windsor	NC	27983 Scotch Hall Preserve	4/29/2021	\$ 4,200,000	18
Southern Pine	NC	28387 Southern Pines Golf Club	5/21/2021	\$ 2,500,000	18
Taylorsville	NC	28681 Brushy Mt. Golf Club	5/26/2021	\$ 2,350,000	18
Charlotte	NC	28269 Highland Creek Golf Club	7/30/2021	\$ 2,160,000	18
Matthews	NC	28104 The Divide Golf Club	7/30/2021	\$ 1,500,000	18
Calabash	NC	28467 Brunswick Plantation & GC	3/1/2022	\$ 2,750,000	27
Huntersville	NC	28078 Birkdale Golf Course	5/11/2022	\$ 7,500,000	18
Hilton Head	SC	29928 Shipyard Golf Club	1/29/2020	\$ 8,616,035	18
Hilton Head	SC	29928 Port Royal Golf & Racket Club	1/29/2020	\$ 8,616,035	54
Hilton Head	SC	29926 Oyster Reef Golf Club	1/29/2020	\$ 8,615,035	18
Greer	SC	29651 Greer Golf	2/6/2020	\$ 1,050,000	18
Rock Hill	SC	29730 The Links Waterford Golf Club	2/28/2020	\$ 2,250,000	18
Longs	SC	29568 Colonial Charters Golf Club	6/18/2020	\$ 1,506,996	18
Spartanburg	SC	29306 The Carolina CC	7/23/2020	\$ 1,595,000	18
Pawleys Island	SC	29585 Heritage Golf Course	4/25/2022	\$ 5,000,000	18
Myrtle Beach	SC	29579 Legends Golf Course	4/25/2022	\$28,000,000	54
Hilton Head	SC	29926 Palmetto Hall Plantation Club	6/14/2022	\$ 6,500,000	36
Myrtle Beach	SC	29579 Grande Dunes Members Club	10/12/2022	\$ 4,300,000	18

The following persons appeared to speak on agenda item 23-0223.

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Greg Jarrell	Topic – rules of the system
Christopher Burfield	Topic – inequality of the appraisals; inaccessible data
Kate Murphy	Topic – teachers and affordable housing

Mr. Joyner answered questions that were given to him by a Mecklenburg County resident.

Mr. Joyner said the three approaches to value were determined by the appraiser. The income approach becomes the most valid approach in the market. The other valuation methods available included the cost approach and the sales comparison approach. It was stated there was room for change in the valuations. All of the appeals would be worked through. It was stated there were also appeals throughout the four-year cycle. The values could be appealed to on an annual basis. It was stated that it was unconstitutional in North Carolina to set different property taxes on commercial properties. All valuations must be uniform.

Mr. Joyner continued his presentation.





## Hospital Authority

- ▶ NCGS 105-278.1 exempts real and personal property owned by units of government.
- ▶ Under GS 105-278.1(c)(3)(c): “A hospital authority created under GS 131E -17” is a unit of local government.
- ▶ The Charlotte Mecklenburg Hospital Authority is a hospital authority under GS 131E -17.
- ▶ [Link to Statutes](#)
- ▶ It was originally incorporated June 26, 1943 as Charlotte Memorial Hospital Authority of Charlotte, North Carolina.
- ▶ In September 1961 the name was changed to The Charlotte -Mecklenburg Hospital Authority.
- ▶ Therefore, any real or personal property that The Charlotte -Mecklenburg Hospital Authority owns is exempt from taxation.
- ▶ However, the Hospital Authority pays taxes on certain parcels. A representative from their office meets with our exemption team annually to evaluate parcels and their use.

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## Other Hospitals

- ▶ NCGS 105-278.8 exempts real and personal property owned by nonprofit hospitals if the property is actually and exclusively used for charitable hospital purposes.
- ▶ 105-278.8 (c) A charitable hospital purpose is a hospital purpose that has humane and philanthropic objectives; it is a hospital activity that benefits humanity or a significant rather than limited segment of the community without expectation of pecuniary profit or reward. However, the fact that a qualifying hospital charges patients who are able to pay for services rendered does not defeat the exemption granted.
- ▶ This statute applies to hospitals such as those operated by Novant.
- ▶ [Link to NCGS 105-278.8](#)

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## Property Tax Annual Process for Hospital Owned Property

- ▶ The **Hospital Authority** is automatically exempt without application.
  - ▶ Per NCGS they are treated like any other government entity.
  - ▶ Meet annually to review parcels impacted.
- 
- ▶ All **other hospital entities** must submit an AV-10 application requesting exemption during the January listing and exemption period.
  - ▶ Once the application is approved, the exemption is applied.
  - ▶ An audit application will be sent every 4 years to confirm they still meet the qualifications of receiving the exemption.

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## Malls

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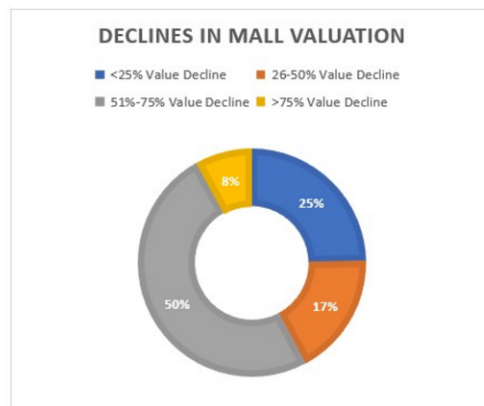
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## Malls in the News



## TREPP Data Indicates value changes since Loan inception as of 10/21



Source: Trepp sample of 62 CMBS regional mall loans.

## Mall Valuation Indicators

### 2022 Q4 PWC Investor Survey

- ▶ Discount rate has increased from 7.23% to 7.88%
- ▶ Overall Cap rate has increased from 6.18% to 7.33% (Value of \$1 worth of NOI 15.7% less)
- ▶ Residual (reversion) Cap rate has increased 7.05% to 7.40% (indicating lower value of future resale of asset - 4.73% lower resale).
- ▶ Market Rent Changes decreased from 1.10% to 0.60% (indicating almost flat rent forecast)
- ▶ Forecast Expense Changes increased from 2.9% to 3.67% (indicating increased operating exp.)
- ▶ Marketing times increased from 10.2 months to 11.8 months (longer to sell)

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## Notes from Bidencepe and Associates

### Economic challenges:

- ▶ Covid19 increased retail pressures in driving customers to online platforms and delivery services changing consumer patterns more quickly.
- ▶ Increasing interest rate climate as of 01/01/2023 indicate upward pressure on cap rates and increased cost of debt. Fed Funds rate increased from 0.08% in January 2022 to 4.10% in December 2022. Increased cost of debt typically has a negative effect on prices.
- ▶ Inflation in 2020 was 1.4%, then 2021 was 7.0%, and 2022 was 6.5%. Increasing costs / prices place downward demand pressures for retailers.

### Functional issues:

- ▶ Typical malls are viewed as dated retail concepts. Typically newer retail centers embrace lifestyle and mixed use entertainment centers.
- ▶ Redevelopment potential of malls that do not own the adjoining anchor pads is less than wholly owned malls. Existing parking and common area agreements limit redevelopment.

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South Park Mall	2019 Assessment	2023 Assessment
Main Parcel 17706104	\$323,303,400	\$273,933,700
Anchor Parcel 17706115	\$11,750,000	\$14,899,400
Macy's		
Anchor Parcel 17706111	\$16,477,100	\$23,085,100
Dillard's		
Anchor Parcel 17706119	\$12,919,000	\$11,866,800
Nordstrom		
Anchor Parcel 17706110A	\$19,600,000	\$25,532,200
Belks		
Anchor Parcel 17706121	\$13,615,700	\$9,947,800
Neiman-Marcus		
Parcel 17706110B	\$24,161,300	\$21,933,100
Parking Garage		
Associated Parcel 17706105	\$13,373,900	\$29,159,300
South Park Mall		
Total	\$435,200,400	\$410,357,400

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Northlake Mall	2019 Assessment	2023 Assessment
Main Parcel 02509125	\$149,470,000	\$133,570,700
Anchor Parcel 02509131	\$9,128,200	\$11,444,100
Dillard's		
Anchor Parcel 02509133	\$8,700,000	\$10,906,800
Belk		
Anchor Parcel 02509132	\$9,300,000	\$9,683,500
Macy's		
Total	\$176,598,200	\$165,605,100

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Carolina Place Mall	2019 Assessment	2023 Assessment
Main Parcel 22114105	\$163,000,000	\$156,867,500
Anchor Parcel 22114106	\$9,000,000	\$10,470,700
Belk		
Anchor Parcel 22114114	\$10,000,000	\$14,378,700
Dicks Sporting Goods		
Anchor Parcel 22114115	\$9,657,700	\$11,235,200
Dillards		
Total	\$191,657,700	\$192,952,100

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## Key Takeaways

Golf Courses valued by an independent consultant with the most weight given to the income approach to value.

Hospitals are considered exempt properties based on statutes covered within tonight's presentation and are reviewed by staff annually

Shopping Mall assessments are based on income information from the market as well as data supplied from the Commercial Data Study

## QUESTIONS



### Comments

Commissioner Rodriguez-McDowell said people didn't think this was fair. She said the largest tax burden was being put on the homeowners. She said people needed to see the revaluation process was not political but where the greatest burden was placed. She said residents' income wasn't looked at when deciding how to value their properties.

Commissioner Meier raised concerns about the system and said she did not understand why the income approach was the best. She asked what would it take from the Board to change the State statute. *Attorney Tyrone Wade said it would have to be added to the legislative agenda and changed it in Raleigh.*

Commissioner Meier asked when the last time this was revisited. *Mr. Joyner said sometime around 1971 or 1973 when the Machinery Act was put together, with a few adjustments since then but on the exemption and qualification side and not on the process side.*

Commissioner Leake spoke about gentrification and the system. She said poor people always carried the load of the taxation process.



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Commissioner Altman asked for clarification on the different standards for selling land and why 2023 had value and cost while 2019 and 2022 just had value. *Mr. Joyner said It was reported that the 2023 value was the information and the value placed on the properties, the 2023 cost was the data that the consultant put together on his cost-approach. He said 2019 was the value that went out at the reval the last time and 2022 was the value on the bills that went for each of the properties. The value method was chosen for 2023 due to the consultant's professional opinion that the income approach had a better approach to value. He said an acre of land was valued higher for homes rather than golf courses because there were different restrictions on how the parcel could be sold.*

Commissioner Altman asked if the same method for the golf courses was used in 2019. *Mr. Joyner said it was.*

Commissioner Powell said it appeared that some statutes were based on perpetuating inequities and the hospital authority was considered an extension and an arm of government and being exempt from taxes when it was such a profitable non-profit. She asked if they could appeal someone else's property as a property owner. She said the golf courses seemed to be undervalued. She asked if the Board could appeal the evaluation of golf courses. *Mr. Joyner said owners of real property could appeal their own or anyone else's value.*

Commissioner Powell talked about Quail Hollow and its value. *Mr. Joyner said there was also personal property of value at Quail Hollow so there were two components to their overall value.* Commissioner Griffin spoke about the unfairness of the statutes and the current strategy in place.

Commissioner Griffin said rules were set up to favor one or the other and what it would take would be a concerted effort by citizens and individuals either through judicial action or through protests to get things changed.

Commissioner Cotham said 2011 was extremely unfair and difficult. She said credibility and trust came back to the County. She said there weren't as many people complaining as they did years ago. She said the County still had to follow the law, even if it didn't like them.

Commissioner Jerrell spoke about the valuation of the golf courses compared to the valuation of personal property and asked if it were out of bounds to get a second opinion. He said at what point was it said that that was not the right approach. *Mr. Joyner said they could work with the Board of Equalization and Review which would take them through that process and could ask for additional information in their role serving as that valuation board for the County.*

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Commissioner Jerrell made a motion, seconded by Commissioner Meier to have the Board of Equalization review the process and bring them additional information.

Chair Dunlap said the legislature made the rules and it was the elected officials' obligation to follow the rules. He said the assessor was not the person responsible. He said to change the rules the legislature had to be changed because they made the rules and had them change the Machinery Act.

Chair Dunlap cautioned the Board against making an issue of something it had no control over.

County Manager Diorio said she didn't want the public to think that the County was manipulating a process for an outcome because they didn't like the outcome received. She said it undermined the credibility and accountability of the entire process.

Chair Dunlap stated that the public could come and listen to a presentation, and they had the option to have their concerns heard and appeal their appraisals through the BER.

Commissioner Meier asked if it was appropriate to ask for a review of the golf courses. Chair Dunlap said the legislature set the rules. He said it went back to the Machinery Act. He said they would have to challenge the act.

### **CONSENT ITEMS**

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

#### **23-0176      CONSTRUCTION MANAGER @ RISK - SUBCONTRACTOR PREQUALIFICATIONS FOR BUILDING SECURITY IMPROVEMENTS**

Authorize the attached Subcontractor Prequalification procedure provided by Samet Corporation for Building Security Improvements to multiple County facilities.

*Background: The Board of County Commissioners authorized the use of the Construction Manager @ Risk Contract Methodology for this project at its September 07, 2022 meeting in accordance with G.S. 143-128.1. Samet Corporation was subsequently selected as the Construction Manager @ Risk for this project at the Board's January 18, 2023 meeting.*

*Revisions to state law 2014-42 (H1043), amends G.S. 143-135.8 by establishing specific procedural requirements for when and how local governments may prequalify construction*

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*contractors to bid on construction and repair contracts. These requirements also apply to the prequalification of subcontractors by a Construction Manager at Risk under G.S. 143- 128.1(c)*

*Samet Corporation has provided a prequalification process based on the new statutory requirements that meet the following criteria:*

- 1. Be uniform, consistent, and transparent in its application to all bidders.*
- 2. Allow all bidders who meet the prequalification criteria to be prequalified to bid on the construction or repair work project (in other words, a bidder who meets the prequalification criteria must be allowed to bid on the project).*
- 3. The prequalification criteria, which must comply with all of the following:*
  - a. Be rationally related to construction or repair work.*
  - b. Not require that the bidder has previously been awarded a construction or repair project by the governmental entity.*
  - c. Permit bidders to submit history or experience with projects of similar size, scope or complexity.*
- 4. Clearly state the assessment process of the criteria to be used.*
- 5. Establish a process for a bidder to protest to the governmental entity its denial of prequalification. The protest process must be completed prior to the bid opening to allow sufficient time for a bidder whose protest is successful to submit a bid on that project.*
- 6. Outline a process by which the basis for denial of prequalification will be communicated in writing, upon request, to a bidder who is denied prequalification.*

*The focus of these new requirements is to ensure that a prequalification process is conducted transparently, using criteria that relates to the specific project being bid and are applied objectively and fairly to all bidders. The new requirements also give bidders an opportunity to learn why they were denied prequalification and to appeal that denial.*

*The Construction Manager plans to meet or exceed the following County MWBE Goals for participation in construction sub-contracts:*

*MBE- 8%.*

*WBE- 8%*

*Total Goal- 16%*

## **23-0188      TAX REFUNDS**

Approve refunds in the amount of \$299,787.55 as statutorily required to be paid as requested by the County Assessor.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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**23-0199      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:

**23-0174      GRANT APPLICATION - INFLATION REDUCTION ACT FUNDING FOR CLEAN AIR ACT ACTIVITIES**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried (9-0) to approve submission of a grant application to United States Environmental Protection Agency (USEPA) for Inflation Reduction Act Funding up to \$100,000 for ambient air monitoring and permitting and enforcement activities required by the Clean Air Act; and If awarded, adopt a grant project ordinance for the Inflation Reduction Act Funding for Clean Air Act Activities in the General Grant Fund (G001); and if awarded, recognize, receive, and appropriate the award amount to the General Grant Fund (G001) within the Land Use and Environmental Services Agency.

*Background: Mecklenburg County Air Quality (MCAQ) is requesting approval to apply for up to \$100,000 in funding from the United States Environmental Protection Agency (USEPA). This grant opportunity is non-competitive, and no matching County funds are required. Allowable use of the funds includes supplementing existing activities under sections 103 of the Clean Air Act such as ambient air quality monitoring activities. Specifically, MCAQ will request to use funding to complete the implementation of federally required Photochemical Assessment Monitoring.*

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**GRANT PROJECT ORDINANCE**

**WHEREAS,** Mecklenburg County is applying and/or has been awarded a grant from the United States Environmental Protection Agency (USEPA). The grant has been made available to Mecklenburg County under the Inflation Reduction Act up to the amount of \$100,000; and

**WHEREAS,** the grant funds must be used to supplement existing activities allowed under Section 103 of the Clean Air Act including air quality monitoring activities; 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 USEPA 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 Inflation Reduction Act Funding for Clean Air Act Activities and to undertake the project. The County Manager is directed to take steps necessary to ensure compliance with all spending and reporting requirements USEPA

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

<b>Grant</b>	<b>\$100,000</b>
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Section 4. The following expenses are appropriated for Mecklenburg County in the G001 to complete this project:

<b>Grant</b>	<b>\$100,000</b>
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Adopted this \_\_\_\_ day of \_\_\_\_\_

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

***Ordinance recorded in full in Ordinance Book 51, Document # 105.***

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**23-0177**

**BOARD OF HEALTH RULES - RABIES AND OTHER ZOONOSSES**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried (9-0) to approve amendments to Board of Health Rules governing Rabies and other Zoonoses.

*Background: The Mecklenburg County Board of Commissioners, as a Consolidated Human Services Agency (CHSA) exercising the powers and duties of a local Board of Health, adopted a Board of Health rule in June 2019 governing the control of rabies and other zoonoses in Mecklenburg County. From time to time, it becomes necessary to enact, amend, repeal, or revise previously adopted rules and make necessary changes to meet current public health needs. The Board finds it necessary to amend the Board of Health rule adopted in June 2019 to amend Section 6 to add "other local law enforcement agencies;" amend Section 8 to update the penalty section; add a new Section 9 to reference an appeals procedure as required by N.C.G.S. 130A-24; and make necessary clarifying changes.*





**MECKLENBURG COUNTY BOARD OF HEALTH  
RULE GOVERNING THE CONTROL OF RABIES  
AND OTHER ZOONOSES**

Be it ordained by the Mecklenburg County Board of Commissioners (while exercising the power of the Board of Health, which powers it has assumed and conferred upon itself by action taken pursuant to G.S. 153A-77) that the following rule for the protection of public health and safety is hereby adopted pursuant to authority granted by Chapter 130A-39(a) of the General Statutes of North Carolina, and shall apply throughout Mecklenburg County, North Carolina, including, but not limited to, all cities and towns, whether incorporated or unincorporated.

**SECTION 1: PURPOSE**

Rabies and other animal-borne infections are recognized as a potential health threat in Mecklenburg County. The following rule is enacted for the purpose of protecting the health of the people of Mecklenburg County through effective control of zoonotic diseases and animal-inflicted injuries. This rule has been directed specifically to, but not limited to, the control and elimination of the diseases with zoonotic potential.

**SECTION 2: DEFINITIONS**

- (a) "**Animal**" means every vertebrate nonhuman species of animal, wild or domestic, male or female, including, but not limited to dogs, cats, livestock, and other mammals, birds, reptiles, amphibians and fish.
- (b) "**Bite Wound**" means any penetration of the skin by an animal's teeth; scratches or abrasions which may have been in contact with animal's saliva or animal licks of mucosal surfaces or open wounds.
- (c) "**Cat**" means a domestic feline of either sex.
- (d) "**Certified Rabies Vaccinator**" means a person appointed and certified to administer rabies vaccine to animals in accordance with NCGS 130A-186.
- (e) "**County**" means Mecklenburg County, both incorporated and unincorporated territory.
- (f) "**Dog**" means a domestic canine of either sex.
- (g) "**Harboring an Animal**" means an animal shall be deemed to be harbored if it is fed or sheltered unless the animal is being boarded for a fee.
- (h) "**Health Director**" means the Director of the Mecklenburg County Health Department or his or her authorized agent.
- (i) "**Licensed Veterinarian**" means a professional licensed to practice veterinary medicine in North Carolina.

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- (j) **"Owner"** means any person, group of persons, firm, organization, association, society, club, lodge, partnership, syndicate, trustee, estate, corporation, or other legal entity owning, keeping, having charge of, sheltering, feeding, or harboring any animal(s).
- (k) **"Person"** means individual, firm, corporation, association, society or other legal entity.
- (l) **"Quarantine"** means strict confinement under restraint by leash, closed cage, or paddock, or in any other manner approved by the Health Director on the private premises of the owner or at an approved facility, of all animals specified in the order of the Health Director.
- (m) **"Rabies"** means in humans and animals, hydrophobia, an acute viral disease of the central nervous system usually transmitted to humans through the introduction of saliva or other potentially infectious material by an animal bite or scratch or other exposure to mucous membranes.
- (n) **"Rabies Vaccine"** means an animal rabies vaccine licensed by the United States Department of Agriculture and approved for use in this State by the North Carolina Commission for Health Services.
- (o) **"Restraint"** means an animal is under restraint if it is secured by means of a chain, leash or other device and under the control of a person competent to control its actions or confined within a vehicle or within the boundaries of its owner's real property.
- (p) **"Shall"** means binding and mandatory.
- (q) **"Vaccination"** means the administration of an animal rabies vaccine by a licensed veterinarian, a registered veterinary technician under the direct supervision of a licensed veterinarian or certified rabies vaccinator.
- (r) **"Zoonosis"** means an infection or infectious disease transmissible under natural conditions from vertebrate animals to humans.

#### **SECTION 3: POWERS OF THE HEALTH DIRECTOR**

The Health Director shall be solely and entirely responsible for County programs to monitor and control rabies and other zoonotic diseases and shall have the authority to:

- (a) Investigate all reported cases of zoonotic diseases;
- (b) Order quarantines and prevention and containment measures to prevent the spread of zoonotic diseases in the community;
- (c) Organize or assist other City or County agencies to organize at least one rabies vaccination clinics within the County annually or more frequently as deemed necessary by the Health Director;
- (d) Organize such voluntary zoonotic disease control programs as may be needed to protect the health of county residents;
- (e) Take other actions as required or allowed to enforce compliance with the provisions of this Rule or state law;
- (f) In the case of all animal bites or animal bite wounds of humans or other suspected exposures to rabies, the Health Director shall have the authority to determine the need for euthanasia of an animal for the purpose of having that animal's brain tested for the presence of rabies virus.

**SECTION 4: STANDARDS RELATED TO THE SALE OF BIRDS**

(a) This section is applicable to birds being sold from retail or wholesale facilities and is designed to reduce the stress of birds, newly acquired and existing stock; therefore, lowering the chances of an outbreak of a potentially contagious disease, such as Psittacosis (also known as Chlamydiosis):

- (1) All baby birds shall be separated from the adults until accepting food on their own; and new birds shall be placed in a cage separate from the existing stock and quarantined for ten (10) days for any signs of illness. Clean water and food containers shall be offered on a continuous basis and within easy reach of the quarantined bird. If any quarantined bird does show signs of illness, it shall be isolated from all other birds for proper treatment or be taken to an avian veterinarian. The purpose of a quarantine is to protect existing stocks of birds on premises from the introduction of disease and to determine whether or not the new additions are diseased.
- (2) Cages shall have adequate room to prevent tails from touching cage floors when on perch and large enough to allow birds to open wings without touching cage sides. Perches shall be wood dowels of adequate size to afford secure, comfortable grip with enough space to allow all birds to sit comfortably on perches at the same time. Cages shall be cleaned daily and fresh paper placed in the bottom. All cages with adult birds shall have grates in the bottom to prevent contact with feces below.
- (3) A good quality pelleted diet and/or seed should be offered continuously in an adequate number of containers to minimize competition for food. Fresh vegetables and fruit, if possible, shall be given on a daily basis. Clean water should be offered continuously. All food and water containers should be washed at least daily with hot soapy water to prevent contamination and the chance of spreading disease.
- (4) Records on each bird shall include sufficient information to be able to trace a bird's origin in case of a disease outbreak.
- (5) If any bird tests positive for Psittacosis or any disease contagious to humans, the testing veterinarian is required to report the results to the North Carolina Department of Health and Human Services, which reports the results to the Mecklenburg County Health Department. The Health Director has the authority to contact the owner of the bird explaining the health risks and quarantine recommendation. Also, the Health Director has the authority to contact the facility where the bird was purchased requesting to see the records of the bird. The Health Director has the authority to contact the facility where the bird originated and may require testing of other birds at the facility to be assured there are no other infected birds. If there are other infected birds, he has the authority to quarantine the facility for up to 45 days and to require treatment with medicated feed of all birds in that facility.

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#### **SECTION 5: RABIES VACCINATION**

- (a) It shall be unlawful for a person to own or harbor a dog, cat or ferret over the age of four months in the County without a valid rabies vaccination as required by NCGS 130A-185.
- (b) The Health Director shall organize or sponsor at least annually a County-wide rabies vaccination clinic for the purpose of vaccinating dogs and cats. Public notice of the time and place of rabies vaccination clinics shall be provided.

#### **SECTION 6: RABIES CONTROL**

- (a) When the Health Director reasonably suspects that a dog, cat or ferret has been exposed to rabies, the Health Director shall comply with NCGS 130A-197 and the most current edition of the Compendium of Animal Rabies Prevention and Control in the post-exposure management of such animals.
- (b) All dog, cat, or other animal bite wounds of persons shall be investigated by the Charlotte-Mecklenburg Police Department's Animal Care and Control Bureau or other applicable local law enforcement agency and the details of the incident promptly reported to the Health Director for appropriate medical follow-up.
- (c) All incidents of an animal being bitten by a known rabid animal or any animal displaying symptoms indicative of Rabies shall be investigated by the Charlotte-Mecklenburg Police Department's Animal Care and Control Bureau or other applicable local law enforcement agency and the details of the incident promptly reported to the Health Director for appropriate follow-up.
- (d) The Health Director shall develop and promulgate a policy of pre- and post-exposure rabies prophylaxis of humans. In the absence of this, the latest recommendations of the Centers for Disease Control and Prevention shall apply.

#### **SECTION 7: MISCELLANEOUS**

- (a) The Board of Commissioners shall establish appropriate fees for rabies vaccination clinics during the annual budget process.

#### **SECTION 8: PENALTIES AND REMEDIES**

- (a) Any person who violates any provision of this Rule shall be guilty of a misdemeanor in accordance with NCGS 130A-25.
- (b) The Director may bring a civil proceeding in the Mecklenburg County Superior Court to seek an injunction or otherwise enforce the provisions of this Rule in accordance with Article 1 Part 2 of Chapter 130A of the General Statutes of the State of North Carolina.

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**SECTION 9: APPEALS**

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

**SECTION 10: SEVERABILITY**

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

**SECTION 11: PRIOR RULES REPEALED**

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

**SECTION 12: EFFECTIVE DATE**

This Rule shall be in full force and effective from and after April 4, 2023.



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**23-0179 PUBLIC AUCTION FOR DISPOSAL OF SURPLUS EQUIPMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried (9-0) to adopt a resolution authorizing sale of surplus personal property by public auction on April 22, 2023.

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS  
Resolution Authorizing Sale of Surplus Personal Property by Public Auction**

**WHEREAS**, North Carolina G.S. 160A-270(b) allows the County to sell surplus personal property at public auction upon adoption of a resolution or order authorizing the appropriate official to dispose of the surplus property at public auction; and

**WHEREAS**, the County Manager has recommended that the surplus property listed on the attached Exhibit-A should be sold at public auction,

**NOW, THEREFORE, BE IT RESOLVED**, by the Mecklenburg County Board of Commissioners that the County Manager or her designee is authorized to sell the surplus property described on Exhibit A at public auction on the day of April 22, 2023, at 9:00 am at 5550 Wilkinson Blvd, Charlotte, North Carolina, as per the terms and conditions in accordance with North Carolina G.S. 160A-270(b) and in compliance with County policies. The terms of the sale shall be net cash. The County Manager or her designee is directed to publish at least once and not less than ten (10) days before the date of the auction, a copy of this Resolution or a notice summarizing its content as required by North Carolina General Statute 160A-270(b).

Adopted on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
George Dunlap, Chairman  
Mecklenburg County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Kristine M. Smith, Clerk to the Board

***Resolution recorded in full in Ordinance Book 51, Document #107***



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### **23-0182 GRANT APPLICATION - BJA FY23 BODY-WORN CAMERA PROGRAM TO SUPPORT LAW ENFORCEMENT AGENCIES - U.S. DEPARTMENT OF JUSTICE/ OFFICE OF JUSTICE PROGRAMS/BUREAU OF JUSTICE ASSISTANCE (SHERIFF'S OFFICE)**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried (9-0) to approve submission of a grant application to the U.S. Department of Justice/Office of Justice Programs/Bureau of Justice Assistance (BJA) in the amount of up to \$125,000; and if awarded, adopt a grant project ordinance for the BJA FY23 Body-worn Camera Program to Support Law Enforcement Agencies grant in the General Grants Fund (G001); and if awarded, recognize, receive, and appropriate awarded funds to the General Grants Fund (G001).

*Background: FY23 Body-worn Camera Program to Support Law Enforcement Agencies funds will be used to purchase eighty-five Body-worn Cameras (BWC) and required infrastructure to be utilized within Detention Center Central (DCC). The body-worn cameras will be worn by all detention officers assigned to housing units within the detention center. Detention Center Central currently has fixed video surveillance cameras. The body-worn cameras will improve visual and audio coverage of movement and activity within the housing units. This will improve accountability and transparency while providing an increased level of security for officers and mitigating false accusations and potential litigation. Total adjusted project cost is approximately \$250,000.*

*The grant application deadline is April 11, 2023.*

*A 50% local match is required for this grant in the amount of up to \$125,000. Match will come from Concealed Handgun Permit (CHP) revenue within the Sheriff's Office Special Revenue Fund.*

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**GRANT PROJECT ORDINANCE**

**WHEREAS,** Mecklenburg County has been awarded a grant from the U.S. Department of Justice. The grant has been made available to Mecklenburg County under the BJA FY23 Body-worn Camera Program to Support Law Enforcement Agencies grant in the amount of \$125,000; and

**WHEREAS,** the grant funds must be used by state and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system; 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 by the U.S. Department of Justice 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 BJA FY23 Body-worn Camera Program to Support Law Enforcement Agencies grant and to undertake the project. The County Manager is directed to take steps necessary to ensure compliance with all spending and reporting requirements of the U.S. Department of Justice.
- Section 3. The following revenues are anticipated for Mecklenburg County in the General Grants Fund to complete this project:
- Body-worn Camera Program - Support Law Enforcement Agencies grant \$125,000**
- Section 4. The following expenses are appropriated for Mecklenburg County in the General Grants Fund to complete this project:
- Body-worn Camera Program to Support Law Enforcement Agencies grant \$125,000**

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

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

***Ordinance recorded in full in Ordinance Book 51, Document #108***

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**23-0185      BUDGET AMENDMENT - DEPARTMENT OF SOCIAL SERVICES (DSS)**  
**(REVENUE/EXPENSE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried (9-0) to recognize, receive, and appropriate an increase in federal revenue of \$29,509 from the North Carolina Department of Health and Human Services (NCDHHS), Division of Aging and Adult Services (DAAS) in the General Grant Fund (G001) within Mecklenburg County Department of Social Services (DSS).

*Background: Counties in North Carolina received an increase in their Adult Protective Services (APS) allocation from the American Rescue Plan Act from the Division of Aging and Adult Services (DAAS). Mecklenburg County DSS previously received \$100,658 that was approved by the BOCC on 3/15/22 (RFBA# 22-7458), and will receive an additional \$29,509. Funding will be used within the Services for Adults Division (SFA) to provide and arrange for essential needs of individuals receiving mandated and statutory adult protective services for planning and mobilization programs. The essential service needs for only those who meet the statutory requirement for APS can include the provision of medical care for physical and mental health, assistance in personal hygiene, assistance with obtaining appropriate food, clothing, seeking, and providing heated and ventilated shelter, providing for protection from health and safety hazards, and protection from abuse, neglect, and exploitation.*

**23-0186      DUKE LIGHTING SERVICE CONTRACT AMENDMENT - INDEPENDENCE PARK**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried (9-0) to approve 10-year contracts with Duke Energy at Independence Park Phase II- Replace existing contract for Duke to install and maintain 27 fixtures for 10 years at \$1,439.37 per month.

*Background: This is to amend RFBA 22-7856 contract with Duke Energy to replace outdated pole lights with high efficient LED lighting for current renovation projects at Independence Park. The original contract pricing was \$1454.37 per month, for 29 fixtures, the cost is being reduced by \$14.98 and reduce by 2 fixtures.*

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**23-0189      GREENWAY DONATION - BEAVERDAM CREEK**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried (9-0) to accept donation of Tax Parcel 141-171-01 (+/- 12.340 acres) for incorporation into the existing County-owned Berewick Park from Dixie River Land Company, LLC.

*Background: The subject property owner, Dixie River Land Company, LLC, has proposed to donate Tax Parcel 141-171-01 (+/- 12.340 acres). The land is adjacent to the existing Berewick Park and also located at the confluence of Beaverdam Creek and Beaverdam Creek Tributary, making this property highly desirable for Park and Recreation.*

*The existing Berewick Park is roughly 164 acres in size and is located off Dixie River Road and southwest of I-485 Outer Loop. The donation is consistent with Park and Recreation's Greenway Master Plan that calls for the addition of parkland, greenway and open space within the County. It also is consistent with the County's Environmental Leadership Action Plan.*

**23-0204      BOARD OF HEALTH RULES - RECREATIONAL WHITEWATER SYSTEMS**

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried (9-0) to approve amendments to Board of Health Rules governing Recreational Whitewater Systems.

*Background: The Mecklenburg County Board of Commissioners, as a Consolidated Human Services Agency (CHSA) exercising the powers and duties of a local Board of Health, adopted a Board of Health rule effective January 2017 governing recreational whitewater systems in Mecklenburg County. From time to time, it becomes necessary to enact, amend, repeal, or revise previously adopted rules and make necessary changes to meet current public health needs. The Board finds it necessary to amend Section 10 to update the penalty section to include correct statutory authority; add a new Section 12 repealing prior inapplicable rules and regulations; and make necessary clarifying changes.*

## **MECKLENBURG COUNTY BOARD OF HEALTH RULE GOVERNING RECREATIONAL WHITEWATER SYSTEMS**

Be it ordained by the Mecklenburg County Board of Commissioners (while exercising the powers of a Board of Health, which powers it has assumed and conferred upon itself by action pursuant to G.S. 153A-77) that the following rule governing the permitting, operation, maintenance, and abandonment of Recreational Whitewater Systems in Mecklenburg County, for the protection of the public health, is hereby adopted pursuant to Chapter 130A-39(a) of the General Statutes of North Carolina. This rule shall apply throughout Mecklenburg County, North Carolina, including, but not limited to all cities and towns, whether incorporated or unincorporated.

### **SECTION 1: PURPOSE**

The following rule is enacted for the purpose of creating an environment that is not hospitable to potentially pathogenic microorganisms to protect the health and safety of members of the public utilizing a Recreational Whitewater System in Mecklenburg County. Recreational Whitewater Systems incorporate inherently dangerous activities that may present a risk to the public. This rule is also to set in place a framework for the collection of fees to offset the cost of performing inspections, and allow County Staff to investigate and abate Imminent Hazard and nuisance conditions created by improper operation of a Recreational Whitewater System.

### **SECTION 2: DEFINITIONS**

The following definitions shall apply throughout this Rule:

- (a) "Board of Health" or "Board" means the Mecklenburg County Board of County Commissioners acting as a Board of Health pursuant to North Carolina General Statute 153A-77.
- (b) "Department" means the Mecklenburg County Health Department.
- (c) "Director" means the Health Director for Mecklenburg County. The term also means the authorized representative of the Director.
- (d) "Imminent Hazard" means a situation that 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.
- (e) "Recreational Whitewater System" or "System" means an artificial recirculated body of water primarily used for interactive outdoor activities including but not limited to whitewater rafting, kayaking, and paddle boarding where recreational swimming does not occur, and where the System is not regulated by the NC Department of Labor as an amusement ride or by the NC Department of Health and Human Services as a public swimming pool.
- (f) "Permit" means a paper, sign, placard, certificate, or other official document indicating permission has been granted pursuant to this Rule for the operation of a Recreational Whitewater System for a specified period of time.
- (g) "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.
- (h) "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.
- (i) "Recreational System Operator" or "Operator" means a person or persons who is

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responsible for the operation, maintenance, system safety and record keeping. The Recreational System Operator shall be responsible for operating the System and shall be trained on all operating equipment, disease and injury prevention, water chemistry and regulatory requirements. The Recreational System Operator shall be required to receive training and certification from the National Swimming Pool Foundation or other organization that provides training on the above listed subjects.

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

#### SECTION 3: WATER QUALITY

(a) The chemical quality of the water in the System must be maintained in an alkaline condition at all times with the pH between 7.0 and 7.8.

(b) Disinfection must be provided in accordance with manufacturers' instructions by a chemical or other process that meets the criteria listed as follows:

- (a) Chlorine is an approved method of disinfection.
- (b) Other methods of disinfection must be approved by the Director and must be:
  - i. registered with the U.S. Environmental Protection Agency for pool water or potable water;
  - ii. provide a residual effect in the water that can be measured by portable field test equipment;
  - iii. must not impart any immediate or cumulative adverse physiological effects to the public when used as directed;
  - iv. must not produce any safety hazard when stored or used as directed;
  - v. must not damage the System components or equipment;
  - vi. must demonstrate a substantial kill of potentially pathogenic microorganisms (*Naegleria fowleri*) at least equivalent to free chlorine at a level of 0.5 part per million in the same body of water when a secondary disinfection method such as ozone or ultraviolet light is active; and
  - vii. must demonstrate reduction of total coliform and fecal coliform to a level at least equivalent to free chlorine at a level of 0.5 part per million in the same body of water when a secondary disinfection method such as ozone or ultraviolet light is active.

(c) When chlorine is used as the disinfectant, a free chlorine residual of at least 0.5 parts per million (ppm) must be maintained and a secondary disinfection method such as ozone or ultraviolet light must be active throughout the Recreational Whitewater System whenever it is open or in use. Recreational Whitewater Systems that use chlorine as the disinfectant may use a stabilizer. The stabilizer must be used per the manufacturer's instructions and have no adverse impact to the members of the public using the System when used as directed.

(d) When chlorine is used as the disinfectant, automatic chemical feeders must be used. Automatic chemical feeders must be manufactured and installed in accordance with NSF/ANSI Standard number 50.

(e) The use of chlorine in its elemental (gaseous) form for disinfection of Systems is prohibited.

(f) The broadcasting of granular chlorine into the water is prohibited.

(g) When liquid chlorine is not being distributed to the System through an automatic chemical



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feeder in order to rapidly bring the free chlorine levels up to 0.5 ppm, a log must be kept including the date, time, location of chlorine addition, and active amounts of free and total chlorine. Rafters, kayakers and paddle boarders must not utilize the area where the liquid chlorine is being added until the free chlorine at the discharge point is less than 10 ppm.

(h) Test kits or equipment capable of measuring disinfectant level, pH, and total alkalinity must be maintained at the Recreational Whitewater System. Recreational Whitewater Systems using a stabilizer must have a test kit capable of measuring the chemical levels.

(i) The Recreational System Operator shall inspect the water system at least 2 times a day and maintain written records of the operating conditions of each of the established sampling points of the System. The inspection must be conducted prior to members of the public entering the System and 4-6 hours after members of the public have had access the System. Records must be maintained at the Recreational Whitewater System for a period of not less than 12 months. Records must include the following:

- (a) daily recording of the disinfectant residual throughout the Recreational Whitewater System;
- (b) daily recording of pH throughout the Recreational Whitewater System;
- (c) daily recording of water temperature; recording of activities pertaining to water maintenance including chemical additions and filter backwash cycles;
- (d) weekly recording of total alkalinity and stabilizer (if used) or equivalent levels; and
- (e) daily recording of the location of organic accumulation throughout the Recreational Whitewater System;
- (f) a record of the date, the volume and location of organic accumulations that are being removed and the method of removal.

(j) The Recreational System Operator shall submit to the Director plans and specifications required for the construction, alteration or remodeling of the water treatment system (disinfection and filtration) for the Recreational Whitewater System.

#### **SECTION 4: RECREATIONAL WHITEWATER SYSTEM OPERATION PERMITS**

(a) No Recreational Whitewater System shall be operated without having been issued a valid operating permit by the Mecklenburg County Health Department.

(b) A permit for the operation shall be valid for a period of up to 12 consecutive months beginning January 1. All permits shall expire on December 31.

(c) Whenever, upon inspection of the System, equipment, or operating methods of any System covered by this Rule, the Director finds conditions or practices exist which represent an imminent hazard, the Director shall notify the Recreational System Operator in writing or verbally followed by a written notice to immediately abate the Imminent Hazard. Upon receipt of such notice the Recreational System Operator shall immediately abate the Imminent Hazard, or shall cease operation of the System until the Imminent Hazard has been abated. The operation Permit shall be immediately suspended for failure to maintain minimum water quality or safety standards creating an Imminent Hazard. The Recreational Whitewater System must remain closed until an inspection by the Director reveals the Imminent Hazard has been abated.

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

## Meeting Minutes

### April 4, 2023

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 Recreational System Operator shall cease operation of the Recreational Whitewater System. The operation Permit shall be immediately suspended for failure to maintain minimum water quality or safety standards creating a Public Nuisance. Once closed, the System must remain closed until an inspection by the Director reveals the Public Nuisance has been abated.

#### **SECTION 5: FEES**

(a) A Permit fee, in an amount approved by the Board, must be submitted with each application for a Recreational Whitewater System Permit or the annual renewal of Recreational Whitewater System Permit.

(b) Application for renewal of a Recreational Whitewater System Permit must be completed during the month of December. Applications not received by the close of business on the last work day of December shall be assessed a late penalty in an amount approved by the Board. An application shall not be deemed to have been received until an application made available to the owner or his agent is reviewed, updated, signed, returned, and received by the Department along with the appropriate payment.

#### **SECTION 6: 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 7: INSPECTION AND REPORTS**

(a) The Director shall make such inspections, surveys, and investigations, collect samples of water and other substances found on the premises of Recreational Whitewater System, and make or cause to be made such laboratory analyses as may be necessary to determine that every Recreational Whitewater System 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 Recreational Whitewater System while it is in operation or in use and at any other reasonable time. The Operator must assist in any reasonable way with such inspections.

(b) It shall be the duty of every Recreational Whitewater System owner or Recreational System Operator to maintain and furnish the Director such records and information as may be required for ascertaining compliance with this Rule.

#### **SECTION 8: CLOSURE/ABANDONMENT OF MANMADE RECIRCULATING WATER SYSTEM**

(a) Recreational Whitewater Systems not open to members of the public must treat, alter or maintain the water, structure, or chamber so as to prevent the development of insanitary conditions.

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

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**SECTION 9: WASTEWATER DISPOSAL STANDARDS**

(a) Wastewater from the Recreational Whitewater System, including backwash water and water resulting from periodic drainage of the Recreational Whitewater System, must acquire all necessary permits and be discharged according to the Permit. There must be no direct physical connection between the sewer system and any drain from the Recreational Whitewater System.

(b) Alternate equivalent methods of wastewater disposal may be approved by the Director. No method of wastewater disposal is permissible which would create an Imminent Hazard or Public Nuisance.

**SECTION 10: PENALTIES AND REMEDIES**

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

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

**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 provision contained in this Rule conflicts with any State rule governing the construction, remodeling, or operation of a Recreational Whitewater System, 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 recreational whitewater systems are hereby repealed.

**SECTION 13: EFFECTIVE DATE**

This Rule shall be in full force and effective from and after April 4, 2023.

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**23-0197**

**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 Griffin, seconded by Commissioner Meier, and unanimously carried (9-0) that there being no further business to come before the Board that the meeting be adjourned at 10:06 p.m.

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Kristine M. Smith, Clerk to the Board

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George Dunlap, Chair