

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

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street, Charlotte, North Carolina at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, June 19, 2018.

ATTENDANCE

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

Absent: None

-INFORMAL SESSION-

Commissioners James and Ridenhour were absent when the meeting was called to order and until noted in the minutes.

The meeting was called to order by Chair Scarborough, 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 were 18-4743, 18-4752, 18-4757, 18-4758, 18-4761, 18-4768, 18-4774, 18-4778, 18-4760 and 18-4783.

STAFF BRIEFINGS

18-4789 MEDIC FEATURE DEPARTMENT REPORT FOLLOW-UP

The Board received information on program to replace Navistar engines from Joe Penner, Executive Director, Mecklenburg Emergency Medical Services Agency (MEDIC). He was assisted by Jeff Keith of his staff. This was a follow-up to the presentation the Board received on May 15, 2018 from Director Penner.

Director Penner addressed the maintenance of MEDIC's fleet, specifically the medium duty ambulances. The following was noted:

- The targeted useful lifespan for the medium duty ambulances was 300,000 miles.
- Sometimes the engines last the entire 300,000 miles and sometimes they do not.
- When the engines do not last, an assessment is made to replace it, or take the vehicle out of service.
- If a vehicle's engine reaches 300,000 miles and it's felt, the vehicle was still useful, a letter is sent to the County asking for permission to keep the vehicle in service longer than the 300,000 miles.
- Currently, there were no vehicles with over 300,000 miles on them.

Director Penner addressed the challenge they were dealing with around defected engines. The following was noted:

- The engines were defective by design by the manufacturer.
- There were 34 vehicles with defected engines.
- Staff scored those vehicles either green, yellow, or red.
 - Green, meaning there were no problems, the vehicle was working well.
 - Yellow, the vehicle was being watched carefully.
 - Red, the vehicle needed to be taken to the dealer to be checked.
- Five engines have been replaced; Five currently at the dealer.
- It takes 35 days to get one vehicle repaired.
- The manufacturer was paying for the replacement of the engines.
- Medic continues to recommend that it works with the manufacturer to get the issue resolved.
- The manufacturer has been very responsive.
- If anything changes regarding managing this issue, Medic will notify County staff.

Comments

Commissioner Dunlap asked had this information been shared with the media. *The response was yes.*

Commissioner Clarke asked for clarity on the number of vehicles with defective engines. *The response was 34 out of a fleet of 72, the 2012 model.*

Commissioner Clarke asked had there been any disruptions in operations or risk to clients because of a defective engine. *Director Penner said this was known as critical vehicle failures, which occurs at times, but not necessarily related to the vehicles in question. He said it could happen with any of the fleet.*

Director Penner said an ambulance was a complex machine and "machines do fail, even with proper maintenance.

Mr. Keith said there were other variables that could come into play, as well, that could delay response and he elaborated.

Commissioner Clarke asked about consequences if all 34 vehicles were placed in the shop for repair. *Director Penner said Medic would be short every second. He said they could not be taken off line, which was why they were managing the situation as outlined.*

Commissioner Clarke asked for the name of the manufacturer involved. *The response was International Navistar.*

Commissioner Clarke asked was this an American company. *The response was yes.*

Commissioner Clarke asked about the vehicle purchase process, which was addressed.

Commissioner Clarke asked was any kind of class action suit pending against the company. *The response was yes, and the class action was still open. Medic's attorney evaluated the matter and Medic could join the class action, but had not done so, because of the working relationship with the local dealer and manufacturer to resolve the issue.*

Commissioner Puckett asked about liability, which was addressed by County Attorney Wade. *He said the issue was being managed.*

Commissioner Puckett asked Director Penner if there was another solution that he'd like better. *Director Penner said the way the issue was being handled by Medic was the best route to take.*

Commissioner Fuller asked about insurance vulnerability, which was addressed.

Commissioner Clarke suggested thought be given to accelerating the vehicle replacement strategy going forward.

This concluded the discussion. The above was not inclusive of every comment but was a summary.

Commissioner Clarke left the meeting and was away until noted in the minutes.

CLOSED SESSION

18-4755

CONSULT WITH ATTORNEY

18-4786

BUSINESS LOCATION AND EXPANSION

Motion was made by Commissioner Puckett, seconded by Commissioner Leake and carried 6-0 with Commissioners Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes, to go into Closed Session for the following purpose(s): Consult with Attorney and Business Location and Expansion.

The Board went into Closed Session at 5:42 p.m. and came back into Open Session at 5:50 p.m.

Commissioners Clarke, James, and Ridenhour were present when the Board came back into Open Session. They entered during Closed Session.

Motion was made by Commissioner Puckett, seconded by Commissioner Ridenhour and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to move up on the Agenda, Items 18-4790 Budget Amendment – Carry Forward of Lapsed Salaries and 18-4782 Fiscal Year 2018-2019 Budget Ordinance.

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

-FORMAL SESSION-

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

AWARDS/RECOGNITION – NONE

PUBLIC APPEARANCE

18-4753 PUBLIC APPEARANCE

No one appeared to speak during the Public Appearance portion of the agenda.

MANAGER'S REPORT

Motion was made by Commissioner Fuller, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to move up on the Agenda, Item 18-4783 Fire Alarm Ordinance.

18-4783 FALSE ALARM ORDINANCE

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes, to adopt the revised False Alarm Ordinance.

Note: The current Mecklenburg County False Alarm Ordinance dates to 1996 and specifically authorizes the Charlotte Mecklenburg Policy Department (CMPD) to respond to alarms in unincorporated areas of Mecklenburg County. Given the recent adoption of interlocal agreements for separate law enforcement services within the ETJ's of the county, revisions were necessary to bring the ordinance into conformity with the changes, effective July 1, 2018.

**MECKLENBURG COUNTY
FALSE ALARM ORDINANCE**

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

SECTION 1. DEFINITIONS

For the purpose of this ordinance, the following words shall have the following meanings:

- (a) Alarm Company. An entity engaged in selling, leasing, installing, servicing, or monitoring alarm systems within Mecklenburg County; this person shall be in compliance with and licensed by the North Carolina Alarm Licensing Board.
- (b) Alarm Permit. A permit issued by the Responsible Law Enforcement Agency allowing the operation of an alarm system within an unincorporated area of the Mecklenburg County.
- (c) Alarm System. Any single device or assembly of equipment designed to signal the occurrence of an illegal entry or other activity requiring immediate attention and to which the Responsible Law Enforcement Agency is expected to respond, but does not include alarms installed in motor vehicles or fire alarms.
- (d) Alarm Signal. A detectable signal, either audible or visual, generated by an alarm system, to which the Responsible Law Enforcement Agency is expected to respond.
- (e) Alarm Systems Coordinator. An employee of the Responsible Law Enforcement Agency designated to administer this Ordinance.
- (f) Alarm User. Any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.
- (g) Automatic Dial Protection Device. An automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically initiates a recorded message or code signal indicating a need for police response.
- (h) Chief of Police. The Chief of Police of the Responsible Law Enforcement Agency or his designee.
- (i) False Alarm. The activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his employees or agents, and signals activated to summon police personnel unless law enforcement response was cancelled by the alarm user or his agent before police personnel arrive at the alarm location. A false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. In addition, an alarm activated during an alarm system testing procedure shall not be considered a false alarm if the user first notifies and receives permission from the user's alarm company, or designee, to test the system. An alarm is false within the meaning of this Ordinance when, upon inspection by the Chief of Police, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system.
- (j) Permit year. A 12-month period beginning on the day and month on which an alarm permit is issued.
- (k) Responsible Law Enforcement Agency. The police agency for a municipality within Mecklenburg County who has entered into an interlocal agreement to provide law enforcement services within designated unincorporated areas of the County.
- (l) Runaway alarm. An alarm system that produces repeated alarm signals that do not appear to be caused by separate human action.

SECTION 2. ALARM USER PERMITS REQUIRED

- (a) Permit required. No person shall use an alarm system, as described in Section 1., which is designed to elicit, either directly or indirectly, a police response without first obtaining a permit for such alarm system from the Responsible Law Enforcement Agency or its designee. No person shall use an alarm system when the alarm permit for that system has been revoked pursuant to Section 7 of this Ordinance.
- (b) Application. The permit shall be requested on an application form provided by the Responsible Law Enforcement Agency. An alarm user has the duty to obtain an application from the Charlotte-Mecklenburg Police Department.
- (c) Transfer of possession. When the possession of the premises at which an alarm system is maintained is transferred, the person obtaining possession of the property shall file an application for an alarm user permit within thirty (30) days of obtaining possession of the property. Alarm permits are not transferrable.
- (d) Reporting updated information. Whenever the information provided on the alarm user permit application changes, the correct information must be provided by the alarm user to the Alarm Systems Coordinator within thirty (30) days of the change. In addition, each year after the issuance of the permit, permit holders may receive from the Alarm Systems Coordinator a form requesting updated information. The permit holder shall complete and return this form to the Alarm Systems Coordinator if any of the requested information has changed.
- (e) Alarm reset. An alarm user may not install, maintain or use an audible alarm system which can sound continually for more than fifteen (15) minutes.

SECTION 3. ISSUANCE OF PERMIT DECALS

No person shall use an alarm system without posting at the front entrance of the premises served by the alarm system the alarm user permit decal issued by the Responsible Law Enforcement Agency, or its designee. This decal must be prominently posted at the front entrance of the premises so that the information provided on the decal is visible from outside of the structure.

SECTION 4. MULTIPLE ALARM SYSTEMS

If an alarm user has one (1) or more alarm systems protecting two (2) or more separate structures having different addresses, a separate permit will be required for each structure.

SECTION 5. RESPONSE TO ALARM; DETERMINATION OF VALIDITY

- (a) Police Response. Whenever an alarm is activated in the unincorporated area of Mecklenburg County and the Responsible Law Enforcement Agency does respond, a police officer on the scene of the activated alarm system shall inspect the area and shall determine whether the police response was in fact necessary as indicated by the alarm system or whether the alarm was a false alarm.
- (b) Notification. If the police officer at the scene of the activated alarm system determines the alarm to be false, the officer shall make a report of the false alarm. An alarm user shall be notified of each false alarm determination.
- (c) Inspection. The Chief of Police shall have the right to inspect any alarm system on the premises to which a response has been made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this Ordinance.

SECTION 6. REVIEW OF FALSE ALARM DETERMINATIONS

- (a) Request for Review. The Alarm Systems Coordinator shall, when requested by an alarm user, review the determination that an alarm was false. Such review shall be conducted by the Alarm Systems Coordinator only if the alarm user requests in writing such a review within ten (10) days of the date that the alarm user was notified of the false alarm determination. The written request for review of a false alarm determination by the Alarm Systems Coordinator shall include the following information.

- (1) alarm user name;
- (2) address at which alarm is installed;
- (3) date of false alarm that is being contested;
- (4) alarm user permit number;
- (5) facts upon which the request for review of the false alarm determination is made.

SECTION 7. SERVICE CHARGE ASSESSMENT FOR FALSE ALARMS AND REINSTATEMENT OF ALARM USER PERMITS

- (a) Excessive False Alarms. It is hereby found and determined that three (3) or more false alarms within any 12-month period is excessive and constitutes a public nuisance.
- (b) Civil Penalties.
 - (1) The 3rd through 5th false alarms within a 12-month period will result in the alarm user being billed a fifty dollar (\$50.00) service charge per occurrence which shall be considered a bill owed by the alarm user to the local municipality of and may be collected from the alarm user as a civil penalty. Each fifty dollar (\$50.00) service charge incurred for the 3rd through 5th false alarms at the premises described in the alarm user's permit shall be paid within thirty (30) days from date of receipt of the invoice.
 - (2) The 6th false alarm within a 12-month period, and all false alarms thereafter, shall result in the revocation of the alarm user's permit in the following manner:
 - (A) The alarm user shall be given ten (10) days advance written notification that the alarm user's permit will be revoked. This written notice shall set forth the reasons for such revocation.
 - (B) The notice shall specify the date of revocation and that the Responsible Law Enforcement Agency will discontinue responding to alarms that occur at the premises described in the revoked permit after the date of revocation.
 - (C) Reinstatement of both the permit and eligibility for police response to alarm calls will be made only upon receipt of any prior unpaid civil penalties assessed pursuant to this section and receipt of the applicable service charge as set forth below:
 - 6th false alarm - \$100.00
 - 7th false alarm - \$100.00
 - 8th false alarm - \$250.00
 - 9th false alarm - \$250.00
 - 10th and over false alarms - \$500.00 per false alarm
- (c) Permit year. For the purposes of this section, a permit year is a 12-month period beginning on the date of the permit's issuance.
- (d) Discontinuation of Police Response. The failure of an alarm user to make payment of any service charge imposed under this section within thirty (30) days from date of receipt shall result in a discontinuance of police response to alarms that may occur at the premises described in the alarm user's permit until payment is received.

SECTION 8. AUTOMATIC DIAL PROTECTION DEVICES PROHIBITED

No automatic dial protection device shall be used to report, or cause to be reported, any recorded message to the responsible police department.

SECTION 9. PROHIBITED ACTS

- (a) It shall be unlawful for any person to violate any provision of this Ordinance.

- (b) It shall be unlawful for any person to activate a burglary or robbery alarm for the purpose of summoning police when no burglary or robbery, or other crime dangerous to life or property, is being committed or attempted on the premises, or otherwise to cause a false alarm.
- (c) It shall be unlawful for an alarm user to fail to reimburse the local municipality, in accordance with the provisions of this Ordinance, for response(s) by the Responsible Law Enforcement Agency to any false alarm(s).

SECTION 10. ENFORCEMENT OF PROVISIONS

Methods of Enforcement. The local municipality may enforce the provisions of this Ordinance by one or a combination of the following methods:

- (a) Civil Penalty. Any person who violates any provision of this Ordinance may be fined by a civil penalty of one hundred dollars (\$100.00) which may be recovered by the local municipality in a civil action in the nature of a debt if the violator does not pay the penalty within thirty (30) days from the date the violator is notified of the penalty. Any other service charges imposed by this Ordinance may be collected by the local municipality as a civil penalty in a civil action. All service charges and penalties collected by the local municipality pursuant to this Ordinance must be paid to Mecklenburg County within thirty (30) days of receipt unless the local municipality and Mecklenburg County provide in an interlocal cooperation agreement to some other application of such service charges and civil penalties.
- (b) Equitable Remedy. The local municipality may apply to a court of competent jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.

SECTION 11. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is for any reason held invalid, such invalidity shall not affect other provisions or application of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 12. APPLICABILITY

Pursuant to the provisions of N.C.G.S. § 153A-122, this Ordinance is applicable to any municipality within Mecklenburg County where authorized.

SECTION 13. EFFECTIVE DATE

This Ordinance shall be effective the first day of July, 2018.

Ordinance recorded in full in Minute/Ordinance Book _____, Document # _____.

18-4790 BUDGET AMENDMENT - CARRY FORWARD OF LAPSED SALARIES

Motion was made by Commissioner Ridenhour, seconded by Commissioner Dunlap and carried 8-1 with Commissioners Cotham, Dunlap, Fuller, James, Leake, Puckett, Ridenhour and Scarborough voting yes and Commissioner Clarke voting no, to carry forward FY18 lapsed salaries of up to \$6,884,491 as of June 30, 2018 to the FY19 General Fund operating budget. The lapsed salaries will be available from the Department of Social Services (DSS), the Sheriff's Office (SHF), and the Public Health Department (HLT).

Note: During its straw vote meeting on June 12, 2018, the Board made an adjustment to the Manager's FY19 Recommended Budget. The adjustment would increase the FY2019 General Fund operating budget to provide additional support for Charlotte Mecklenburg Schools (CMS). The Board's intent is for CMS to utilize this one-time funding to increase the County's

salary supplement for teachers and certified staff.

The Board was advised of the following initiatives underway to fill the affected positions:

- *DSS has contracted with national experts such as Annie E. Casey to improve the delivery of services and refine its staffing model to improve recruitment & retention;*
- *The County Manager's FY19 Recommended Budget includes a pay plan adjustment for certified & sworn staff to assist the Sheriff's office with recruitment and retention; and,*
- *In FY18, the Board approved \$300K to create a school nurse float pool to assist with workload and improve recruitment & retention in the Public Health Department.*

Fiscal Impact: FY18 lapsed salaries of up to \$6,884,491 will be utilized for the FY19 General Fund CMS operating budget. The Board was advised that this decision would result in a structural deficit in the FY20 budget.

18-4782 FISCAL YEAR 2018 - 2019 BUDGET ORDINANCE

Motion was made by Commissioner Fuller, seconded by Commissioner Dunlap, to adopt the Fiscal Year 2018-2019 Mecklenburg County Budget Ordinance as included in the Board's agenda, which reflects a property tax rate of 82.32 cents.

Note: Approval of the Budget Ordinance would adopt a balanced operating budget of expenditures and revenues for the period of July 1, 2018 through June 30, 2019 as required by the Local Government Budget and Fiscal Control Act. The Budget Ordinance results in a total budget of \$1.73 billion and a property tax rate of 82.32 cents. It reflects the tax rate for the law enforcement service districts for Charlotte, Cornelius, Davidson, Huntersville, Mint Hill, and Pineville at 21.46 cents. Also, the following reflects the tax rates for the fire service districts for the following Extra Territorial Jurisdictions (ETJs): Charlotte = 8 cents; Cornelius = 5.7 cents; Davidson = 8.5 cents; Huntersville = 5 cents; and, Mint Hill = 8 cents.

Note: Prior to the above vote the following persons spoke in support of the supplement for teachers: Melissa Easley, Jamie Worth, and Lawrence Brinson.

Substitute motion was made by Commissioner Puckett, seconded by Commissioner James and failed 5-4 with Commissioners Clarke, Dunlap, Fuller, Leake, and Scarborough voting no and Commissioners Cotham, James, Puckett, and Ridenhour voting yes, to adopt the Fiscal Year 2018-2019 Mecklenburg County Budget Ordinance as included in the Board's agenda, but that the current tax rate of 81.57 cents be maintained; and direct the County Manager to find savings from next year's operating budget to accommodate a tax rate of 81.57 cents, and if those savings can't be found, take the needed funds from fund balance.

Commissioners commented on the substitute motion, prior to the vote being taken.

The vote was then taken on the original motion as noted below:

Motion was made by Commissioner Fuller, seconded by Commissioner Dunlap and carried 6-3 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, and Scarborough voting yes and Commissioner James, Puckett, and Ridenhour voting no, to adopt the Fiscal Year 2018-2019 Mecklenburg County Budget Ordinance as included in the Board's agenda, which reflects a property tax rate of 82.32 cents.

Ordinance recorded in full in Ordinance/Minute Book _____, Document # _____.

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

APPOINTMENTS

18-4756 NOMINATIONS/APPOINTMENTS

ARTS AND SCIENCE ADVISORY COUNCIL

Motion was made by Commissioner Puckett, seconded by Commissioner Fuller and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to reappoint Sabrina Brown (At-large South/East), Vonnie Brown (At-large Central), Tamara Butler (North/West District 2), Shannon Hoff (Central District 4), Jordan Jones (Central District 3), Howard Labiner (South/East District 6), Corie Pauling (North/West District 1), Kathryn Price (South/East District 5), and Tyler Starr (At-large Districts 1 & 2) to the Arts and Science Advisory Council for two-year terms expiring June 30, 2020.

JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner Puckett, seconded by Commissioner Fuller and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to reappoint Brittney Bogues and Deandre Dukes as General Public representatives, Ashleigh Fields and Anna Marsicano as Youth representatives and Scott Littlejohn as the Substance Abuse Professional representative on the Juvenile Crime Prevention Council, for three-year terms expiring June 30, 2021.

The following persons were nominated for appointment consideration:

Phyllis Barnette	by Commissioner Cotham
Jessica Davis	by Commissioner Leake
Jana Ellison	by Commissioner Puckett
Andrew Knoblich	by Commissioner Clarke
Pamela McCarter	by Commissioner Dunlap

Note: An appointment will occur on July 10, 2018

NURSING HOME COMMUNITY

Motion was made by Commissioner Puckett, seconded by Commissioner Fuller and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to reappoint Frederick Benson to the Nursing Home Community Advisory Committee for a three-year term expiring June 30, 2021.

PARK AND RECREATION COMMISSION

Motion was made by Commissioner Puckett, seconded by Commissioner Ridenhour and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to reappoint Peter Engels (Central Region 2), Sterling Martin (North Region 2), Heidi Pruess (At-large), and Rick Winiker (Central Region 3) to the Park and Recreation Commission for three-year terms expiring June 30, 2021.

Motion was made by Commissioner Dunlap, seconded by Commissioner Fuller and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to nominate and appoint Paul Freestone to the Park and Recreation Commission as the Northern Towns representative to fill an unexpired term expiring June 30, 2019.

Note: He replaced Elizabeth Cashion.

Motion was made by Commissioner Dunlap, seconded by Commissioner Fuller and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to nominate and appoint Rufus Kearney to the Park and Recreation Commission as the South Region 3 representative, to fill an unexpired term expiring June 30, 2020.

Note: He replaced Marc Seelinger.

PUBLIC ARTS COMMISSION

Motion was made by Commissioner Puckett, seconded by Commissioner Fuller and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to reappoint Robert Combs to the Public Arts Commission as the Business sector representative for a three-year term expiring June 30, 2021.

REGION F AGING ADVISORY COMMITTEE

Motion was made by Commissioner Puckett, seconded by Commissioner Fuller and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough

voting yes, to reappoint Deborah Atkinson, Irene Phillips and Natalie Tunney as Delegates on the Region F Aging Advisory Committee for three-year terms expiring June 30, 2020.

18-4788 TOWN OF MINT HILL PLANNING BOARD

Motion was made by Commissioner Puckett, seconded by Commissioner Fuller and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour and Scarborough voting yes, to reappoint Thomas Gatz to the Mint Hill Planning Board as an Extraterritorial Jurisdiction Member (ETJ) as recommended by the Town of Mint Hill Board of Commissioners for a two-year term expiring June 30, 2020.

Note: By order of G.S. 160A-362, the Board of County Commissioners shall appoint a Town Planning Board extraterritorial jurisdiction representative. The Mint Hill Board of Commissioners unanimously voted on June 14, 2018 to request that Thomas Gatz be reappointed to the Mint Hill Planning Board as an Extraterritorial Jurisdiction (ETJ) representative, for a term expiring June 30, 2020.

PUBLIC HEARINGS

18-4759 TEFRA HEARING - AHF-TIMBER RIDGE, LLC, ATLANTIC HOUSING FOUNDATION, INC.

Commissioner Jim Puckett introduced the following resolution, a copy of which had been distributed to each Commissioner and the title of which appeared on the agenda, and made a motion, seconded by Commissioner Trevor M. Fuller and carried 8-0, to open the public hearing on the proposed:

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
COUNTY OF MECKLENBURG, NORTH CAROLINA,
APPROVING THE ISSUANCE BY THE PUBLIC FINANCE
AUTHORITY OF ITS MULTIFAMILY HOUSING REVENUE
BONDS (AHF SOUTHEAST PORTFOLIO ACQUISITION), IN AN
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED
\$124,000,000

WHEREAS, AHF-Timber Ridge, LLC, a Delaware limited liability company, of which Atlantic Housing Foundation, Inc., a South Carolina nonprofit corporation and organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), is the sole member (collectively, "Borrower") has requested that the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (the "Authority"), issue its Multifamily

Housing Revenue Bonds (AHF Southeast Portfolio Acquisition), in one or more series (the "*Bonds*"), in an aggregate principal amount not to exceed \$124,000,000, and loan approximately \$7,264,000 of the proceeds of the Bonds to the Borrower for the following purposes:

(A) finance the acquisition of a 101-unit, multi-family affordable housing development, known as Timber Ridge Apartments located at 7123 Barrington Drive, Charlotte, North Carolina 28215 (the "*Project*"); and

(B) pay certain expenses incurred in connection with the authorization and issuance of the Bonds.

WHEREAS, the Project will be owned and operated by the Borrower.

WHEREAS, pursuant to Section 147(f) of the Code and Treasury Regulations Section 5f. 103- 2(f), as amended (collectively, "*Federal Tax Requirements*") and pursuant to Section 66.0304(1)(a) of the Wisconsin Statutes and Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority dated as of September 28, 2010 (collectively, "*Authority Requirements*"), prior to their issuance and after a public hearing held following reasonable public notice, the Bonds are required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the area in which the Project is located;

WHEREAS, the Board of Commissioners (the "*Board*") of the County of Mecklenburg, North Carolina (the "*County*") is the "applicable elected representative" of the County for the Project located within the County;

WHEREAS, the Board has previously approved, by a Resolution adopted by the Board on May 1, 2018 ("Prior Resolution"), the issuance of bonds by the Authority in a principal amount not to exceed \$22,000,000 and application of a portion of such bonds in an amount not to exceed \$944,000 for use by the Borrower in financing the acquisition of the Project and paying certain fees and costs associated with the issuance of such bonds;

WHEREAS, subsequent to the Board's approval of the Prior Resolution, the principal amount of bonds to be issued by the Authority and to be loaned to the Borrower for the aforesaid purposes have increased;

WHEREAS, the Borrower has requested that the Board approve the Authority's issuance of the Bonds in the increased amount of \$124,000,000 and the financing of the Project located within the County in order to satisfy the requirements Federal Tax Requirements and the Authority Requirements; and

WHEREAS, the Board, following notice duly given in the form attached hereto as Exhibit A (the "*TEFRA Notice*"), held a public hearing today regarding the

Authority's issuance of the Bonds and the financing of the Project and now desires to approve the Authority's issuance of the Bonds and the financing of the Project in accordance with the Code; *(Note: No one appeared to speak at the public hearing.)*

BE IT RESOLVED by the Board as follows:

Section 1. Pursuant to and in satisfaction of the requirements of the Federal Tax Requirements and the Authority Requirements, the Board hereby approves (a) the Authority's issuance of the Bonds in an aggregate principal amount of not to exceed \$124,000,000, and (b) the financing of the Project located in the County. This resolution supersedes and replaces in its entirety the Prior Resolution.

Section 2. The County has no responsibility for the payment of the principal of or interest on the Bonds or for any costs incurred by the Borrower with respect to the Bonds or the Project.

Section 3. This resolution is effective immediately on its passage.

On motion of Commissioner Jim Puckett seconded by Commissioner Trevor M. Fuller the foregoing resolution entitled "RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS MULTIFAMILY HOUSING REVENUE BONDS (AHF SOUTHEAST PORTFOLIO ACQUISITION), IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$124,000,000" was duly adopted by the following vote:

AYES: Commissioners Dumont Clarke, Patricia "Pat" Cotham, George Dunlap, Trevor M. Fuller, Vilma D. Leake,
Jim Puckett, Matthew Ridenhour, and Ella B. Scarborough

NAYS: None

Resolution/Extract recorded in full in Ordinance/Minute Book _____, Document # _____.

ADVISORY COMMITTEE REPORTS

18-4766 2018 MECKLENBURG COUNTY CHILD FATALITY PREVENTION AND PROTECTION TEAM ANNUAL REPORT

The Board received the annual report of the Mecklenburg County Child Fatality Prevention and Protection Team (CFPPT).

Bob Simmons, Chair of the CFPPT gave the report.

Note: § 7B-1406. Community Child Protection Teams; Child Fatality Prevention Teams; creation and duties.

(a) Community Child Protection Teams are established in every county of the State. Each Community Child Protection Team shall:

(1) Review, in accordance with the procedures established by the director of the county department of social services under G.S. 7B-1409:

a. Selected active cases in which children are being served by child protective services; and

b. Cases in which a child died as a result of suspected abuse or neglect, and

1. A report of abuse or neglect has been made about the child or the child's family to the county department of social services within the previous 12 months, or

2. The child or the child's family was a recipient of child protective services within the previous 12 months.

(2) Submit annually to the board of county commissioners recommendations, if any, and advocate for system improvements and needed resources where gaps and deficiencies may exist. In addition, each Community Child Protection Team may review the records of all additional child fatalities and report findings in connection with these reviews to the Team Coordinator.

(b) Any Community Child Protection Team that determines it will not review additional child fatalities shall notify the Team Coordinator. In accordance with the plan established under G.S. 7B-1408(1), a separate Child Fatality Prevention Team shall be established in that county to conduct these reviews. Each Child Fatality Prevention Team shall:

(1) Review the records of all cases of additional child fatalities.

(2) Submit annually to the board of county commissioners recommendations, if any, and advocate for system improvements and needed resources where gaps and deficiencies may exist.

(3) Report findings in connection with these reviews to the Team Coordinator.

(c) All reports to the Team Coordinator under this section shall include:

(1) A listing of the system problems identified through the review process and recommendations for preventive actions;

(2) Any changes that resulted from the recommendations made by the Local Team;

(3) Information about each death reviewed; and

(4) Any additional information requested by the Team Coordinator. (1993, c. 321, s. 285(a); 1998-202, s. 6.)

The report addressed:

- Child Deaths by Age, Gender and Race
- Child Deaths by All Causes
- Preventable Deaths as a Percentage of All Infant & Child Deaths
- Impact of Domestic Violence on Children
- Mental Health Needs of Adolescents
- Social Determinants of Health (Infant & Child Deaths)
- Recommendations for Child Fatality Prevention

Commissioners thanked Mr. Simmons for the report.

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

MANAGER'S REPORT

18-4772 CAPITAL PROJECT ORDINANCES

Motion was made by Commissioner Fuller, seconded by Commissioner Puckett and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, Ridenhour, and Scarborough voting yes, to:

- 1) Approve the FY 19 Authorization Land Acquisition Capital Project Ordinance.

**MECKLENBURG COUNTY, NORTH CAROLINA
FY 2019 AUTHORIZATION LAND ACQUISITION
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 19th DAY OF JUNE, 2018.

Section I. That for the purpose of providing funds, together with any other available funds, for providing land for present and future county corporate, open space and community college purposes and the acquisition of improvements thereon and interests in such real property, \$6,600,000 is hereby appropriated.

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

Proceeds from sale of bonds, Pay-As-You-Go/Other County Funds
\$6,600,000

These will be the maximum amounts of cash available to pay project expenses per fiscal year unless the Director of Finance determines that an additional amount of cash can be made available during a fiscal year or years.

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

Ordinance recorded in full in Ordinance/Minute Book _____, Document # _____.

- 2) Approve the FY 19 Authorization School Facilities Approved November 7, 2017 Referendum Capital Project Ordinance

**MECKLENBURG COUNTY, NORTH CAROLINA
FY 2019 AUTHORIZATION SCHOOL FACILITIES
APPROVED NOVEMBER 7, 2017 REFERENDUM
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 19th DAY OF JUNE 2018:

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

Briarwood Elementary School Replacement	Montclair Elementary School Replacement
Collinswood Language Academy(K-8) Replacement School	New Facility for EC Specialty Program
Harding High School Renovation/Addition	New High School-Olympic HS Relief
Lansdowne ES Replacement	West Charlotte High School Replacement
Lincoln Heights Academy Renovation	

Including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, in order to provide additional school facilities in said County to maintain the nine months' school term as required by Section 2 of Article IX of the North Carolina Constitution, \$ 383,879,478 is hereby appropriated.

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

Proceeds from sale of bonds, Pay-As-You-Go/Other County Funds:

2018-2019 fiscal year	\$ 43,633,985
2019-2020 fiscal year	73,987,339
2020-2021 fiscal year	132,439,140
2021-2022 fiscal year	118,431,189
2022-2023 fiscal year	15,387,825

These will be the maximum amounts of cash available to pay project expenses per fiscal year unless the Director of Finance determines that an additional amount of cash can be made available during a fiscal year or years.

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

Ordinance recorded in full in Ordinance/Minute Book _____, Document # _____.

3) Approve the FY 19 Authorization Park and Recreation Capital Project Ordinance

**MECKLENBURG COUNTY, NORTH CAROLINA
FY 2019 AUTHORIZATION PARK AND RECREATION
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 19th DAY OF JUNE 2018:

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

Discovery Place
Druid Hills Neighborhood Park

Independence Park
 Irvins Creek Gwy-Idlewild Road to Lakeview Circle
 McAlpine Creek Gwy-Green Rea Road to Johnston Road
 McDowell Creek Gwy-Upper McDowell at NC76 to Chilgrove Lane
 Plum Creek Gwy-South Bailey Road to South Prong Rocky River Gwy
 Torrence Trib#2-Cats Park and Ride to Rosewood Meadow Dive

Including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefore, \$42,805,288 is hereby appropriated.

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

Proceeds from Sale of Bonds, Pay-As-You-Go/Other County Funds:

2018-2019 fiscal year	\$ 1,922,640
2019-2020 fiscal year	\$ 13,417,894
2020-2021 fiscal year	\$ 23,367,344
2021-2022 fiscal year	\$ 4,097,410

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

Ordinance recorded in full in Ordinance/Minute Book _____, Document # _____.

4) Approve the FY 19 Authorization Government Facilities Capital Project Ordinance.

**MECKLENBURG COUNTY, NORTH CAROLINA
 FY 2019 AUTHORIZATION
 GOVERNMENT FACILITIES
 CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 19th DAY OF JUNE 2018.

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

AFM Administrative Cost
 Jail Central and Jail North Modernization
 Sheriff Office-Field Ops Relocation
 BMC2U Government District Phase II-CCOB
 BMC2U Government District Phase II-CMGC

Including the acquisition and construction of new facilities, the improvement and expansion of existing facilities, project management, the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefore, \$51,579,514 is hereby appropriated.

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

Proceeds from Pay-As-You-Go/Other County Funds:

2018-2019 fiscal year	\$ 9,656,390
2019-2020 fiscal year	12,919,326
2020-2021 fiscal year	9,414,199
2021-2022 fiscal year	9,666,216
2022-2023 fiscal year	9,923,383

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

Ordinance recorded in full in Ordinance/Minute Book _____, Document # _____.

5) Amend the FY 18 Authorization Government Facilities Capital Project Ordinance.

**MECKLENBURG COUNTY, NORTH CAROLINA
FY 2018 AUTHORIZATION
GOVERNMENT FACILITIES
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 19th DAY OF JUNE 2018.

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

BMC2U Community Resource Center-East	BMC2U Government District Phase II
BMC2U Community Resource Center-Southwest	Medical Examiner's Office Clinical Expansion
BMC2U Community Resource Center-West	Motorola Radios and Repeaters
BMC2U Community Resource Center-Northeast	
County Share of Library Support Services Center	

Including the acquisition and construction of new facilities, the improvement and expansion of existing facilities, project management, the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefore, \$116,377,008 is hereby appropriated.

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

Proceeds from Pay-As-You-Go/Other County Funds:

2017-2018 fiscal year	\$ 27,271,924
2018-2019 fiscal year	5,148,779
2019-2020 fiscal year	3,622,343
2020-2021 fiscal year	19,594,441
2021-2022 fiscal year	39,383,469
2022-2023 fiscal year	21,356,052

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

Ordinance recorded in full in Ordinance/Minute Book _____, Document # _____.

DEPARTMENTAL DIRECTORS' MONTHLY REPORTS

18-4776

DEPARTMENT MANAGEMENT MONTHLY REPORTS

The Board received as information the monthly department management reports for June 2018.

Note: The County Manager requested department directors develop department management monthly reports highlighting key activities and initiatives within the departments showing relevant performance indicators of departmental activity.

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

Commissioner Ridenhour left the dais and was absent for the remainder of the meeting.

18-4777

FEATURE DEPARTMENT/AGENCY PRESENTATION: CRIMINAL JUSTICE SERVICES

The Board received a presentation from Criminal Justice Services Director Sonya Harper regarding the department's areas of responsibility and initiatives.

Note: The department has the following divisions, each of which were addressed:

- Business Management
- Research & Planning
- Recovery Courts
- Forensic Evaluations Unit
- Pretrial Services
- Re-Entry Services.

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

Comments

Commissioner Leake asked what was being done in the schools to combat the issue of violence and criminal behavior of youth in an effort to keep them out of the criminal justice system; and what was being done to hold parents and guardians of these children accountable. *Director Harper addressed various efforts that were in place.*

Commissioner Fuller asked about John D. and Catherine T. MacArthur Foundation grant funding received and used for technology, which was addressed.

Commissioner Fuller noted the Pre-trial Services assessment tool. *Director Harper addressed how grant dollars were used as it related to the assessment.*

Commissioner Clarke complimented Director Harper and her staff for their work.

STAFF REPORTS & REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS & REQUESTS

18-4780 SELECTION OF NACO VOTING DELEGATE AND ALTERNATE (CHAIR SCARBOROUGH)

Motion was made by Commissioner Fuller, seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes, to select Commissioner Dunlap to serve as the County's voting delegate and Chair Scarborough as the alternate, at the 2018 National Association of Counties (NACo) Annual Conference to be held July 13-16 in Davidson County, Nashville, Tennessee. In the event the Board's representatives do not pick up the County's ballot, the president of the NC Association of County Commissioners (or his/her designee) is authorized to pick up the County's ballot and cast the County's votes.

CONSENT ITEMS

Motion was made by Commissioner Fuller, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes, to approve the following item(s):

18-4718 BUDGET AMENDMENT - SHERIFF'S OFFICE (INCREASE IN FEDERAL REVENUE AND ASSOCIATED EXPENSES AND CARRYFORWARD OF UNSPENT FUNDS)

1. Recognize, receive and appropriate \$874,802 in federal revenue for the Sheriff's Office.
2. Carry forward to FY2019 up to an estimated \$874,802 for any balance remaining at June 30, 2018 related to the Sheriff's office for any remaining items not purchased by the date that will be purchased in FY2019.

Note: The following items would be funded with the above appropriation:

- *Mobile Unit Laptop and monitor replacements - The current laptops are four years old and out of warranty. Monitors are in need of replacement as well. The cost to maintain the aging equipment has increased significantly. \$125,566*
- *Stancil Center Audio/Visual (A/V) System Upgrade - The existing AV system for the Stancil conference room is failing and some of the equipment has reached the end of life cycle and is no longer supported. \$20,100*
- *Security and Disaster Recovery - Working with County Information Technology services, an assessment will be completed to evaluate the current state of the MCSO IT infrastructure*

and security. Investments in security and disaster recovery will not be made until the assessment has been completed, results and County ITS recommendations have been presented to the technology Governance Committee, and purchases have been approved by the County Manager. \$306,415

- *Video Arraignment System - the current video arraignment system in the Mecklenburg County Courthouse has failed, and been inoperable for the past several weeks. This system is old, and some of the components are no longer supported, making repairs more costly. Without the video arraignment system, Sherriff's Office has to transport all inmates to their first court appearance, which increases the risk and expense of moving inmates back and forth to court, which also slows the court process. A functional video arraignment system preserves due process, while minimizing unnecessary risk and expense. \$72,000*
- *Body Scanner - It is of paramount importance to move forward with the purchase of a body scanner to prevent the introduction of contraband into our facilities, in the event a weapon or other items are missed during conventional searches. \$131,215*
- *Bulletproof Vests - Replace 107 Bulletproof vests that are approaching five-year replacement cycle; includes deputy sheriffs as well as armed detention officers. \$58,152*
- *Office Furniture - Office of Professional Compliance - Current furniture is over twenty years old, has broken parts and is past its serviceability. It needs to be replaced to improve the overall office appearance, functionality and storage capacity. \$45,000*
- *Furniture Replacement/Drone Purchase - Current furniture at Jail North was purchased in 1994 and is damaged, marked up and does not meet current needs. \$92,154*
- *Purchase of 2 UAV Drones will provide perimeter security at the Jail North campus. Training and FAA certification is included. \$24,200.*

With the 23% increase in the reimbursement rate, the federal government pays for housing their inmates in our facilities, we project a \$3 million increase over budget for FY2018, which more than covers the costs above.

18-4746 STORM WATER FEE - RESOLUTION ADOPTING THE CITY OF CHARLOTTE'S MINOR SYSTEM RATES

Adopt the resolution authorizing increasing the Minor System Cost Component of the storm water service charges to be levied within the City of Charlotte.

MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

RESOLUTION AUTHORIZING CHANGING THE MINOR SYSTEM COST COMPONENT OF THE STORM WATER SERVICE CHARGES TO BE LEVIED WITHIN THE CITY OF CHARLOTTE

WHEREAS, on May 17, 1993, the Mecklenburg County Board of Commissioners adopted the “Mecklenburg County Storm Water Management Plan” which sets forth guiding principles and a financial plan for the operation of the comprehensive storm water management program in Mecklenburg County, which plan requires use of a rate structure based on impervious area and a base charge for fixed and administrative costs sufficient to cover such costs; and

WHEREAS, on November 1, 1993, Mecklenburg County and the City of Charlotte entered into “AGREEMENT FOR OPERATION OF A SINGLE STORM WATER SYSTEM IN MECKLENBURG COUNTY” (hereinafter “Agreement”) to deal with the operation and maintenance of the storm water drainage system within the incorporated limits of the City; and

WHEREAS, on May 14, 2018, the City of Charlotte held a public hearing and on June 5, 2018, the Mecklenburg County Board of Commissioners held a public hearing on a proposed change in the minor system component of the storm water service charges to be levied on properties within the City of Charlotte; and

WHEREAS, on June 12, 2018, Mecklenburg County received notification from the City Manager to change the minor system cost component of the storm water service charge to be levied on properties within the City of Charlotte; and

WHEREAS, Section 5(iii) of the Agreement requires that the Board of Commissioners alter the minor system cost component of the service charge to be levied within the City to such amounts as determined by the City Council; now, therefore, be it

RESOLVED by the Board of Commissioners of Mecklenburg County that effective July 1, 2018 the minor system component of the storm water service charge to be levied on properties within the City of Charlotte are as follows:

- \$ 5.85 per month for detached single family properties with 1,999 square feet or less of impervious area (Tier I)
- \$ 8.62 per month for detached single family properties with 2,000 but less than 2,999 square feet of impervious area (Tier II)
- \$ 12.76 per month for detached single family properties with 3,000 but less than 4,999 square feet of impervious area (Tier III)
- \$ 21.11 per month for detached single family properties with 5,000 or more square feet of impervious area (Tier IV)
- \$ 152.35 per month for each acre of impervious surfaces for all other properties, and a prorata share of each portion thereof.

Resolution recorded in full in Ordinance/Minute Book _____, Document # _____.

18-4750

TAX REFUNDS

1. Approve refunds in the amount of \$9,133.14 for registered motor vehicles as statutorily required to be paid as requested by the County Assessor; and

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

2. Approve refunds in the amount of \$10,209.24 and interest as statutorily required to be paid as requested by the County Assessor.

Note: This Board action is necessary to approve tax refunds resulting from clerical errors, audits and other amendments, including revaluation appeals. Accrued interest is estimated to be \$195.17.

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

18-4754 ITEM REMOVED FROM THE AGENDA: MINUTES

18-4763 INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate insurance reimbursement funds in the amount of \$11,522 for Asset and Facility Management and \$41,304 for Park and Recreation.

Note: The County received insurance proceeds based on claims for stolen and damaged items in the identified departments. This Board action provides authority to use the funds for replacement of these items.

18-4765 GRANT APPLICATION - FEMA LETTER OF MAP CHANGE – LUESA

1. Approve submittal of an application for up to \$20,000 in grant funding from Department of Homeland Security - Federal Emergency Management Agency; and
2. If awarded, recognize, receive and appropriate grant funds, to be available for the duration of the grant period; and
3. Authorize the County Manager to execute a contract to implement the grant scope of work as specified in Mapping Activity Statement.

Note: On July 1, 2006 Charlotte-Mecklenburg became the first local entity in the country to be given the authority to process Letters of Map Change (LOMCs) as part of a FEMA pilot program. These LOMCs make conditional and permanent changes to our Flood Insurance Rate Maps, which are used for floodplain management activities such as rating flood insurance, regulating development, assessing existing flood risk, etc.

The requested actions are necessary to continue the program and associated funding into the thirteenth year, so that Charlotte-Mecklenburg Storm Water Services will be reimbursed by FEMA for the actual cost of processing LOMCs within Mecklenburg County, the City of Charlotte and all six towns.

18-4771 BUDGET AMENDMENT - REVALUATION RESERVE FUND TRANSFER AND CARRY FORWARD OF UNSPENT FUNDS

1. Appropriate \$88,140 from the Revaluation Reserve Fund into the County Assessor's Office (CAO) budget for FY19; and
2. Carry forward up to an estimated \$148,300 at June 30, 2018 related to the CAO that was appropriated for technology, temporary salaries, and consultant fees that will be paid during FY19.

18-4773 LUESA FY19 FEE ADJUSTMENT FOR SOLID WASTE (SECOND READING)

Approve revisions to the Mecklenburg County Solid Waste Fee Ordinance.

Note: LUESA Solid Waste proposed to change the Mecklenburg County Solid Waste Fee Ordinance by revising certain fees in the Solid Waste Program area to respond to inflation and contract service fees charged to Mecklenburg County. These changes include, but are not limited to:

1. *Continue implementation of the multi-year fee plan developed in FY2017;*
2. *Maintaining the volumetric fees for residential customers who use County Drop-Off Centers (no increase), and increase the volumetric fees for non-residential/out of county customers who use those centers;*
3. *Incorporate fees to cover the costs associated with accepting, processing, and transporting waste materials to their final disposal point.*
4. *Fees contained in this Ordinance will be effective July 2, 2018.*

Additionally, LUSEA Solid Waste proposed to increase the Residential Solid Waste Availability Fee from the current \$24 per year, to 27.50 per year. This increase was included in the FY 2019 Operating Budget request and was not part of the Mecklenburg County Solid Waste Fee Ordinance.

FY 19

Changes Incorporated

**MECKLENBURG COUNTY SOLID WASTE FEE
ORDINANCE**

WHEREAS, the Board of Commissioners of Mecklenburg County adopted an ordinance entitled "Mecklenburg County Solid Waste Fee Ordinance" effective July 1, 1989; and

WHEREAS, the Board of Commissioners of Mecklenburg County now desires to amend and restate said Ordinance; now, therefore,

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

1. The "Mecklenburg County Solid Waste Fee Ordinance" is hereby amended and restated to read as follows:

Section 1. Definitions

“Approved Yard Waste Product Hauling Partners”: Shall mean haulers approved by Mecklenburg County Solid Waste to haul yard waste products.

“Bulky Waste”: non-putrescible municipal solid waste too large to be accepted by the regular waste collection. Bulky waste items may include discarded furniture (couches, recliners, tables), and plumbing fixtures (bathtubs, toilets, sinks) and other similar items delivered to Mecklenburg County Facilities.

“Business Recycling Partners”: Shall mean those businesses located in Mecklenburg County who host recycling dumpsters and receive collection of Recyclable Material in partnership with the County. Eligibility qualifications shall include that these businesses have successfully demonstrated to the County that they are exempt from the Mecklenburg County Ordinance to Require the Source Separation of Designated Materials from the Municipal Solid Waste Stream for the Purpose of Participation in a Recycling Program established by the County.

“Construction and Demolition Waste” (C&D): shall mean Solid Waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures; inert debris.

“Convenience Center”: Shall mean any County Facility designated by the Director that is open to the public where Yard Waste, Solid Waste and Recyclable Materials are collected either at no charge or for fees posted herein.

“County”: Mecklenburg County, North Carolina, a political subdivision of the State of North Carolina.

“County Facility”, “Mecklenburg County Facility”: Any Solid Waste disposal facility owned, operated, licensed by or under contractual agreements with the County, including, but not limited to the Speedway Landfill.

“Director”: The Director of the Mecklenburg County Solid Waste Division of LUESA, or designee. In Sections herein that require specific approval, such requests shall be made in writing to the Director.

“Hazardous Waste”: shall mean (a) waste which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate State agency by or pursuant to federal or State law, (b) waste which is regulated as hazardous waste under federal or State law, or (c) waste which any County Facility, in its reasonable discretion, determines has the potential for causing safety, health or environmental damage, including but not limited to infectious waste.

“Household Hazardous Waste”: Waste generated by individuals on the premise of a temporary or a permanent residence and composed primarily of materials found in waste generated by residents in their homes that may be considered as hazardous if placed into a landfill or otherwise co-mingled with other Waste. Items such as fertilizer, weed killers, fluorescent light bulbs, acids, and other similar products shall fall into this category of products.

“Household Waste”: Residential Solid Waste generated from non-commercial residential activities excludes any and all hazardous waste materials

“Household Waste Convenience Centers”: See “Convenience Center” above.

“Municipal Partners”: Shall mean Mecklenburg County municipalities having Interlocal Agreements with Mecklenburg County for Solid Waste Management.

“Municipal Solid Waste”: means any solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge, industrial waste managed in a solid waste management facility owned and operated by the generator of the industrial waste for management of that waste, or solid waste from mining or agricultural operations.

“Non-County Residents”: Persons who reside outside of Mecklenburg County.

“Non-County Resident Availability Fee”: An annual fee of \$50.00 per vehicle for residences located outside of Mecklenburg County, payable on a July 1-June 30th basis, that will enable the Non-County Resident that owns the residence to dispose of Solid Waste at a County Facility for a discounted rate as set forth in this Ordinance at County Household Waste Convenience Centers. Payment of this fee shall remain valid for one Fiscal Year Period, and shall not be pro-rated. It may not be transferred, and it shall not entitle the owner to any other privileges other than those provided in this Fee Ordinance.

“Non-Household Waste”: Waste other than household waste, acceptable under the provisions of the North Carolina Solid Waste Management Rules, 10 NCAC 10G. Non-Household Wastes include such wastes as demolition or construction material, shingles, pallets, commercial and industrial wastes, split tires, rubble, and special handling wastes.

“Recyclable Material”: shall mean those materials, which are actually separated or removed from Solid Waste for purposes of use or reuse which are accepted at Convenience Centers.

“Residential Discount”: A reduction in fee for disposal of Solid Waste in specified categories for those persons using a County Facility that are owners of a residence located in Mecklenburg County (and therefore have been charged the County’s Residential Solid Waste Fee), and those Non-County Residents who have paid the annual Non-County Resident Availability Fee.

“Residential Solid Waste Fee”: The availability fee created by the County’s Residential Solid Waste Fee Ordinance, the amount of which is set in the County’s annual Budget Ordinance, which fee is levied annually on residences located in the County.

“Residential Solid Waste”: shall mean Solid Waste generated at dwelling units (including single family structures, multi-family structures, mobile homes, and all other structures used as residential dwellings). Solid Waste from hotels, motels, inns, tourist camps and all other places that are required to collect a room occupancy tax under the Mecklenburg County Ordinance imposing a room occupancy tax is not Residential Waste.

“Special Waste”: shall mean any Solid Waste, or product generated at County Facilities, that requires special or exceptional handling from an operational or equipment standpoint and includes all Solid Waste the disposal of which is defined as special waste by the State of North Carolina Department of Environmental Quality., Division of Solid Waste

“Solid Waste” or “Waste”: Waste that is defined, either by Regulation or Statute, by the State of North Carolina as Solid Waste.

“White Goods”: Discarded appliances, which include but are not limited to inoperative and discarded refrigerators, ranges, water heaters, freezers and other similar domestic and commercial large appliances.

“Yard Waste”: Materials such as brush, grass clippings, limbs less than 5 feet long, leaves, and untreated and unpainted wooden pallets, which are defined as Yard Waste by the State of North Carolina.

Section 2. Requirement to Pay Fees

Except as otherwise provided herein, it shall be unlawful for any vehicle carrying Municipal Solid Waste generated within the designated geographic area covered by the Mecklenburg County Solid Waste Management Plan to enter and to use any County Facility except upon the payment of the fees as set forth in this Ordinance.

Section 3. Speedway Landfill Fee Schedule

Solid Waste that is (i) controlled by contract by Mecklenburg County through interlocal agreements, waste collection agreements, or is Residential Waste generated in the Mecklenburg County Designated Geographic Area, (ii) of a nature that can readily be handled at the Speedway Landfill in accordance with standard operating procedures and practices, and (iii) does not include: (a) Hazardous Waste, (b) Construction and Demolition Waste, (c) Special Waste, (d) Yard Waste, (e) Recyclable Material actually removed from the waste stream, or (f) Household Hazardous Waste collected through household hazardous waste programs, will be accepted at the Speedway Landfill upon payment of the following fees:

- (a) When the scales/weighing systems are in operation, fees shall be computed as follows:

<u>Vehicle Type</u>	<u>Charge</u>
All permitted vehicles	\$33.00 per ton

- (b) When the scales/weighing systems are NOT in operation, fees shall be computed on a cubic yard basis determined by the average density of the materials. 1,000 pounds per cubic yard shall be used for Municipal Solid Waste, unless otherwise demonstrated in writing to the Director.

Section 4.**Tire Fee Schedule**

- (a) Tires – Tires shall be accepted and charged on the following basis:

Description	Requirements	Fee
Automotive and Light Truck Tires NOT on rims at Full-Service Acceptance Locations	Tires must be from <u>Mecklenburg County</u> . Tires must be smaller than 20" bead diameter. Max 15 tires unless prior approval granted.	Up to 5 tires accepted at no charge. Each tire over 5; \$1 per tire.
Automotive and Light Truck Tires ON Rims at Full-Service Acceptance Locations	Tires must be from <u>Mecklenburg County</u> . Tires must be smaller than 20" bead diameter. Max 15 tires unless prior approval granted.	\$2 each
Automotive and Light Truck Tires NOT on rims at Full-Service Acceptance Locations	Tires from outside of Mecklenburg County. Tires must be smaller than 20" bead diameter. Max 15 tires unless prior approval granted.	\$2.50 each
Automotive and Light Truck Tires ON rims at Full-Service Acceptance Locations	Tires from outside of Mecklenburg County. Tires must be smaller than 20" bead diameter. Max 15 tires unless prior approval granted.	\$4.50 each
Tractor Tires and other off road tires delivered to Full-Service Locations NOT on rims.	20" to 26" bead diameter. Larger tires may not be accepted unless prior approval is given and customer pays the full price of such disposal as established by the County's Tire Processing Company. Max 15 tires unless prior approval granted.	\$5.00 each
Automotive and Truck Tires NOT on Rims. Accepted only at the Metal and Tire Facility.	Delivered under the NC State Tire Program and have accompanying Certificate Required by the State, and meet eligibility requirements.	No Charge
Solid Tires from construction/commercial or agricultural machinery or other sources.	Not Accepted	Not Accepted

Dirty Tire Fee	Tires that are coated in mud/dirt or other contaminants may be assessed a separate fee	\$10/ton
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- (b) There will be a \$ 4.00 per tire charge for tires commingled in Solid Waste delivered to the Foxhole (Rt. 521) Landfill.
- (c) Scrap tires will be accepted only at scrap tire collection areas as designated by the Director.

Section 5.**Yard Waste Fee Schedule**

Yard Waste will be accepted at the County's yard waste management facilities upon payment of a fee. The following fees shall be charged depending upon the origin of the material and the amount of material delivered:

- (a.) In some material categories, there may be limits on the quantity or types of materials eligible for the Residential Discount. The Residential Discount shall not apply to any contractors or commercial entities that use any County Facility, nor any material delivered in a commercial vehicle, or vehicle providing services for hire.

Yard Waste Schedule

<u>Vehicle Type</u>	<u>Charge</u>	<u>Charge with Residential Discount Applied</u>
(1) Automobiles, vans w/ side windows all seats in, sedans and station wagons & SUV/Crossovers. No trailers this category.	\$8.50	No Charge
(2) <ul style="list-style-type: none"> Vans (No Side Windows) Pickup Trucks (without built-up sides) & loads up to 2' high, Trailers equal to or less than 8' in length with a load less than 2' high. No logs over 8" in diameter. Loaded Pickup with loaded Trailer Equals 2 units 	\$15.00/per unit	\$8.50/per unit

(3) <ul style="list-style-type: none"> Pickup Trucks (with built-up sides) and load greater than 2' high Trailers greater than 8' in length or with a load greater than 2' high. Logs over 8" in diameter No logs greater than 24" in diameter at Convenience Centers. Max limit 48" at 521 Landfill and Compost Central. 	<p>\$5.30 per cubic yard measured</p> <p>See Appendix A for typical vehicle sizes and resulting fees.</p>	<p>\$3.50 per cubic yard measured</p> <p>See Appendix A for typical vehicle sizes and resulting fees.</p>
(4) Standard Yard Waste No Bags - all vehicle types weighed	\$25.00/ton or \$15.00 load minimum	N/A
(5) Vehicles hauling ONLY pre- chipped wood materials-NO LOGS	\$15.00/ton or \$3.25 per cubic yard	N/A
(6) Vehicles with less than two 32 Gallon Bags	\$8.50	No Charge
(7) Bagged Yard Waste	\$32.50	\$32.50
(8) Vehicles using the scales to determine a weight and then not using the facility for disposal shall pay a \$10 charge.		////////////////////

Section 6.**White Goods Fee Schedule**

White Goods generated within Mecklenburg County will be accepted for processing, recycling and disposal at designated County Facilities at no charge.

Section 7.**Special Household Waste Provision**

Household Waste from residences located outside of Mecklenburg County will be accepted at Mecklenburg County Household Waste Convenience Centers upon payment of the Non-County Resident Availability Fee provided that the disposal of such Waste in County Facilities is not inconsistent with provisions contained in any solid waste management plan adopted by the local government within whose jurisdiction the Household Waste was generated.

After receipt of a Non-County Resident Availability Fee, the County shall issue the Non-County Resident one (1) pass or sticker to be affixed to a single vehicle, registered to the Non-County Resident, which must be displayed upon entry to any Mecklenburg County Household Waste Convenience Center to be eligible for a Residential Discount. After Non-County Residents have paid the annual fee, they shall be eligible for other discounted fees provided for herein, and County Facility availability equal to Mecklenburg County residents.

In lieu of paying the annual Non-County Resident Availability Fee, a single use payment of \$16.00 may be levied upon any Non-County Resident delivering up to five (5), 32-gallon size, or smaller, trash bags of Household Waste. Such payment would be applicable for each separate load of Household Waste. No business wastes will be accepted under this Section for Household Waste. Any commercially placarded vehicle shall be deemed to be hauling non-household waste.

Non-County Residents using Mecklenburg County Household Waste Convenience Centers shall pay all other fees described herein.

Delivery of materials considered as Recycling Materials may be exempt from charge as designated by the Director.

Section 8. **Convenience Center Bulky Waste & Construction and Demolition Waste Fee Schedule**

Bulky Waste & Construction and Demolition Waste will be accepted at the County's Household Waste Convenience Centers upon payment of the following fees:

<u>Vehicle Type & Material Description</u>	<u>Charge</u>	<u>Mecklenburg County Residential Discount Charge</u>
<p>(1) a.) Automobiles, vans w/ side windows all seats in, sedans and station wagons, & SUV/Crossovers. Up to (5) 32 gal trash can equivalents.</p> <p>No trailers this category.</p>	<p>Non-residential/Non-Meck County</p> <p>\$16.00</p>	<p>No Charge</p>
<p>b) Vehicles with the following:</p> <p>1 couch, or sofa, or Lay-Z Boy type chair, or 1 mattress/box springs combo, or equivalent sized materials, equivalent size based on more than (2) 96 gal trash cans (except where other prices are noted herein).</p>	<p>Non-residential/Non-Meck County</p> <p>\$ 16.00</p>	<p>No Charge, unless; More than one visit/day = \$15.00 subsequent visits.</p> <p>More than one couch, chair, mattress/box spring bulky = \$15.00/load</p> <p>*Limit = pickup truck or 8 ft. trailer. Larger loads weighed or use Appendix A C&D rates.</p> <p>Only Applicable to Mecklenburg County residents or patrons who have paid the Annual Fiscal Payment</p>

<p>(2)</p> <ul style="list-style-type: none"> • Vans No Side Windows or seats removed/down. Any commercial van that may have ladder racks or commercial use. • Pickup Trucks (without built-up sides) & loads less than 2' high, • Single Axle Trailers 8' or less in length with a load equal to or less than 2' high. • All units this category less than 3 yd³ each. <p>Loaded Pickup or Vehicle with a Loaded Trailer Equals 2 units</p>	<p>Bulky Waste: \$28.50/per unit</p> <p>Construction Demolition Debris: \$42.50/per unit</p>	<p>Bulky Waste: \$15.00/per unit</p> <p>Construction Demolition Debris: \$25.00/per unit</p>
<p>(3)</p> <ul style="list-style-type: none"> • Pickup Trucks (with built-up sides) and load greater than 2' high or more • Trailers greater than 8' in length, and any trailer with more than one axle, and/or with a load greater than 2' high • No triple-axle trailers flat fee – all must be weighed. 	<p>\$13.50 per cubic yard measured for loads greater than 3 yd³</p> <p>See Appendix A for typical vehicle sizes and resulting fees.</p>	<p>\$9.40 per cubic yard measured</p> <p>Maximum delivery this category is 10 yd³ If over 10 yd³ total load shall be at \$13.50 yd³</p> <p>See Appendix A for typical vehicle sizes and resulting fees.</p>
<p>(4) All vehicle types weighed</p>	<p>\$48.00/ton or \$30.00 load minimum</p>	<p>N/A</p>
<p>(5) Not Used</p>		
<p>(5) Vehicles with up to five (32) Gallon Bag equivalents of Household Trash. Kitchen Trash</p>	<p>\$16.00/vehicle</p>	<p>No Charge</p> <p>Limit One (1) visit to any Drop Center per day. Excess charged at Bulky Fee shown above.</p>

<p>(6) Vehicles using the scales to determine a weight and then not using the facility for disposal shall pay a \$10 charge.</p>		
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No vehicle longer than a standard size pickup truck or vehicle/trailer combination with a payload quantity of greater than 10 cubic yards will be accepted at the Convenience Centers for flat fee.

Vehicles loaded with loads greater than these capacity limitations shall either utilize the 521 Landfill and be weighed, or be pre-approved to use the Convenience Center by the Director and charged the posted cubic yard rate at the Convenience Center. Pre-approval shall be in the form of a written request to the Director, and the vehicle must display an Entry Decal, as described in Section 16 herein.

Section 9. **Foxhole (Rt.521) Landfill Construction and Demolition Waste Fee Schedule**

Construction and Demolition Waste (C&D) and other permitted Solid Waste will be accepted at the County's landfill on US 521 upon payment of the following fees:

- (a) When the scales/weighing systems are in operation, fees for Construction and Demolition Waste shall be computed as follows:

	<u>Vehicle Type</u>	<u>Charge</u>
(1)	All permitted vehicles	\$48.00 per ton/or \$30.00 per load minimum
(2)	All other vehicle types	Shall use the schedule established in Section 9 above
(3)	Vehicles using the scales to determine a weight and then not using the facility for disposal shall pay a \$10 charge.	

- (b) When the scales/weighing systems are NOT in operation, fees shall be computed on a cubic yard basis determined by the average density of the materials. 845 pounds per cubic yard shall be used for Construction and Demolition Waste, unless otherwise demonstrated in writing to the Director.

"Clean Concrete" will be accepted at the County's landfill on US 521 upon payment of the following fees:

	<u>Vehicle Type</u>	<u>Charge</u>
(1)	All permitted vehicles	\$7.00 per ton
(2)	All other vehicle types	\$7.00 per ton

"Clean loads of Shingles" will be accepted at the County's landfill on US 521 upon payment of the following fees:

(a) When the scales/weighing systems are in operation, fees shall be computed as follows:

	<u>Vehicle Type</u>	<u>Charge</u>
(1)	All permitted vehicles	\$31.00 per ton
(2)	All other vehicle types	\$31.00 per ton

“Clean loads of Drywall” will be accepted at the County’s landfill on US 521 upon payment of the following fees:

(a) When the scales/weighing systems are in operation, fees shall be computed as follows:

	<u>Vehicle Type</u>	<u>Charge</u>
(1)	All permitted vehicles	\$31.00 per ton
(2)	All other vehicle types	\$31.00 per ton

Section 10. Fees for Sale of Yard Waste Products

Yard Waste products may be purchased at the County's Yard Waste management facilities upon payment of the following fees, when the following types of products are available:

<u>Product</u>	<u>Charge</u>
• Yard Waste Mulch (1-2 cubic yards)	\$9.34/yd ³
• Yard Waste Mulch (3-29 cubic yards)	\$10.00/yd ³
• Yard Waste Mulch (30-99 cubic yards)	\$8.00/yd ³
• Yard Waste Mulch (100+ cubic yards)	\$6.00/yd ³
• Fill Dirt (1-29 cubic yards)	\$10.00/yd ³
• Fill Dirt (30-99 cubic yards)	\$8.00/yd ³
• Fill Dirt (100+ cubic yards)	\$6.00/yd ³
• Screened Nugget Mulch	\$13.50/yd ³
• Double Hammered Mulch	\$15.00/yd ³
• Nugget Waste Mulch	\$9.34/yd ³
• Pallet Mulch (1-29 cubic yards)	\$10.00/yd ³
• Pallet Mulch (30-99 cubic yards)	\$8.00/yd ³
• Pallet Mulch (100+ cubic yards)	\$6.00/yd ³
• Red Mulch (<95 cubic yards)	\$26.00/yd ³
• Red Mulch (>95 cubic yards)	\$15.00/yd ³
• Compost (1-2 cubic yards)	\$18.65/yd ³
• Compost (3-29 cubic yards)	\$20.00/yd ³
• Compost (30-99 cubic yards)	\$20.00/yd ³
• Compost (100-499 cubic yards)	\$19.00/yd ³
• Compost (500-1000 cubic yards)	\$16.00/yd ³
• Compost (1001-2500 cubic yards)	\$15.00/yd ³
• Compost (2501-4999 cubic yards)	\$14.00/yd ³
• Compost (5000 and more) cubic yards)	\$13.00/yd ³
• Unscreened Compost	\$13.50/yd ³
• Top Soil	\$23.00/ yd ³
• Dump truck Delivery Charge (within 25 miles)	\$95.00/load
• Dump truck Delivery Charge (>25 miles < 40 miles)	\$125.00/load
• Tractor Trailer Charge (within 25 miles)	\$175.00/load

• Tractor Trailer Charge (>25 miles < 40 miles)	\$280.00/load
• Tractor Trailer Delivery Charge (> 40 miles <120 miles)	\$350.00/load
• Bag Compost (2 cu.ft.)	\$4. 25/bag
• Bag Landscape Mix (2 cu.ft.)	\$5.50/bag
• Bag Potting Mix (32 qt.)	\$5.00/bag
• Bag Potting Mix w/fertilizer (32 qt.)	\$5.25/bag
• Bag Annual Perennial Mix (1 cu.ft.)	\$3.75/bag
• Bag Perma Soil (32 qt.)	\$5.50/bag
• Bag Mulch (2 cu. ft.)	\$2.45/bag
• Screened Drywall	\$7.00/ton

- (a) Municipal Partners of Mecklenburg County and Approved Yard Waste Product Hauling Partners shall be charged fees in the lowest price category for products offered for sale.

Section 11. **Televisions, Monitors and Electronic Waste**

- (a.) Televisions and Cathode Ray Tube (CRT) monitors shall be accepted from Mecklenburg County residents and Municipal Partner vehicles at Mecklenburg County Household Waste Convenience Centers at no charge, provided that, County residents shall be limited to no more than three (3) televisions or CRT monitors per visit per day.
- (b) Non-County Residents, and any persons engaged in commercial activity shall pay a \$25 fee for each television or CRT.

Section 12. **Special Handling**

- (a.) At County Facilities, the Director may increase or decrease the fees for Special Wastes, or Wastes that require special handling, including the products listed in Section 10 herein, based on operational conditions or any other conditions deemed appropriate in lieu of those set forth in this Ordinance as necessary to adequately compensate the County for such special handling, processing or removal.
- (b.) Business Recycling Partners participating in an approved program by the County shall pay an annual fee of **\$410** per location for every other week collection and **\$525** for weekly collection to participate in such program. Program participation may be limited due to equipment availability.

Section 13. **Uncovered/Unsecured Loads**

All of the fees in this Ordinance shall be increased by 50% for any and all vehicles that enter County Facilities with an uncovered or unsecured load.

Section 14. **Failure to Weigh Out**

Any vehicle that fails to weigh out when required (vehicle tare weight) will have a charge ticket issued based upon 50% of the inbound weight (vehicle gross weight). The vehicle has until the Facility closing time on the date of entry to weigh out.

Section 15. **Credit Application**

The County Director of Finance, or designee, is authorized to accept, review, and approve applications for credit by users of County Facilities, and to provide for periodic billing to frequent users. This shall also include the authority to establish the time periods within which periodic billing must be paid and the authority to apply a 1-1/2% monthly penalty delinquency charge. Fees for use of the Speedway Landfill shall be billed and collected by the operator of that Landfill unless otherwise provided in the contract between the County and the operator of the Speedway Landfill.

Section 16. **Decals**

If an owner or agent of the owner seeks to have a vehicle use County Facilities, and does not intend to pay at the time of use, then the vehicle must have an annual or temporary decal issued by the Finance Department. A unique, pre-numbered decal will be the method by which the County recognizes customers to be billed for the use of a County owned or operated solid waste facility.

The Director is authorized to charge a **\$35.00** fee for each annual permit and decal for each vehicle and a \$10.00 weekly fee for temporary permits and decals. Temporary permits will be issued only as a temporary replacement for existing annual permits for the following reasons: 1) Current permitted vehicle is under repair or 2) Current permitted vehicle has been disposed of and has not been permanently replaced. The annual decal must be affixed to the driver's side of the vehicle. The temporary decal must be displayed by the driver to the Fee Collection staff at the solid waste facility. Decals must be kept legible and clean. The County will replace faded or worn decals at no cost.

- (a) Non-County Residents who pay a Non-Resident Availability Fee will be issued one entry tag to be used with one vehicle. Such entry tag shall be good for one Fiscal Year period, and shall not be pro-rated.
- (b) Mecklenburg County staff may issue other decals or stickers to readily identify vehicles or trailer sizes. These decals or stickers will be issued at no charge, but must be displayed on vehicles to use County Facilities after issuance.
- (c) Non-residential entities using County Facilities for waste disposal purposes must register with the Solid Waste Management Program prior to use, and may be issued tags, stickers, or decals that are unique to the equipment or vehicles that are being used to dispose of waste materials. After issuance, the decals, tags, or stickers shall be displayed on vehicles using County Facilities. No fee shall be charged for the decals, tags, or stickers.

Section 17.

Authority to Refuse Use of Mecklenburg County Solid Waste Disposal Facilities

Mecklenburg County personnel, and their agents, shall have the authority to deny a vehicle carrying Municipal Solid Waste generated within the designated geographic area covered by the Mecklenburg County Solid Waste Management Plan the use of County Facilities in the following circumstances.

- (a) The vehicle does not have the decal identified in this Ordinance, and at the time of using a County Facility, the operator of the vehicle refuses to pay the fee required by the fee schedule identified in this Ordinance; or
- (b) Any person failing or refusing to pay the fees described herein for County Facilities within the times prescribed by the County in the periodic billing, may be denied further use of the Facilities for any purpose until such time as all outstanding charges are paid; or
- (c) The Waste requires special handling and because of operational considerations the County Facility is unable to handle such Waste at the time the hauler presents it for disposal; or
- (d) The load or any part of the load was generated outside the described geographic area covered by the County Facility's solid waste permit; or
- (e) The Solid Waste is not acceptable under the provisions of any solid waste disposal regulations, not inconsistent herewith, adopted by the County Manager and Director; or
- (f) The Waste is not acceptable to the owner and/or operator of a facility licensed by, or under contractual agreement with, Mecklenburg County.
- (g) Any person who fails to follow the rules and regulations of the County Facility and/or causes a safety issue that endangers the well-being of employees or other customers.
- (h) Reinstatement requests shall be made in writing to the Director, Mecklenburg County Solid Waste Management, 2145 Suttle Avenue, Charlotte, NC 28208

Section 18.

Violation of Ordinance

- (a) It shall be unlawful for the operator of any vehicle to dispose of Waste in any County Facility covered by the provisions of this Ordinance which the County Facility is prohibited from accepting or disposing of by any applicable

federal, State or local law, statute, regulation or ordinance.

(b) It shall be unlawful for the operator of any vehicle to dispose of Waste in any County Facility covered by the provisions of this Ordinance without paying the fee required by this Ordinance.

(c) It shall be unlawful for the operator of any vehicle to misrepresent the origin or place of collection of any Waste presented for disposal.

Section 19.

Enforcement

1. In addition to the County's authority to deny any use of County Facility as provided for in Section 17 above, the County may, at its discretion, take any one or more of the following courses of action to remedy any violation of this Ordinance.

(a) Charge the violator criminally with violation of this Ordinance. Violation of the ordinance is a misdemeanor and the violator shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00), or shall be imprisoned for not more than thirty (30) days, for each offense; or

(b) The County may apply to the appropriate court for an injunction and order of abatement in order to require that any violator comply with the provisions of this Ordinance; or

(c) The County shall have the power to collect delinquent accounts by any remedy provided by law for collection and enforcing private debts as provided for in North Carolina General Statute 153A-277(b).

2. It is hereby declared to be the intention of the Board of Commissioners that the sections, paragraphs, sentences, clauses and phrases for this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining phrases, clauses, sentences, paragraphs, or section of this Ordinance, since the same would have been enacted by the Board of Commissioners without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

3. This amended and restated Ordinance shall be effective July 2, 2018.

June 19, 2018

Appendix A. Solid Waste Fee Ordinance

Note: Charges below are based upon the Rounded Down

Cubic Yards. All charges are shown as per cubic yard and US dollars.

Non-Scale Transactions

Loads will be measured by Fee Collection Personnel

Customers have the ability to use facilities with scales in lieu of below.

Typical Vehicle Sizes and resulting Volume Fees:

FY 2019

Typical Size in Feet	Cubic Yard Size		Yard Waste Charges	Yard Waste Charges	Construction Debris	Construction Debris
	Rounded Down	Actual	Charges	with Residential Discount	or Bulky Charge	with Residential Discount
			\$5.30	\$3.50	\$13.50	\$8.40
6Wx10Lx2H	4	4.4	\$21.00	\$14.00	\$54.00	\$33.60
6Wx10Lx3H	6	6.6	\$31.80	\$21.00	\$81.00	\$50.40
6Wx10Lx4H	8	8.8	\$42.40	\$28.00	\$108.00	\$67.20
6Wx12Lx2H	5	5.3	\$26.50	\$17.50	\$67.50	\$42.00
6Wx12Lx3H	8	8	\$42.40	\$28.00	\$108.00	\$67.20
6Wx12Lx4H	10	10.6	\$53.00	\$35.00	\$135.00	\$84.00
6Wx6Lx3H	4	4	\$21.00	\$14.00	\$54.00	\$33.60
6Wx6Lx4H	5	5.3	\$26.50	\$17.50	\$67.50	\$42.00
6Wx6Lx5H	6	6.6	\$31.80	\$21.00	\$81.00	\$50.40
6Wx8Lx3H	5	5.33	\$26.50	\$17.50	\$67.50	\$42.00
6Wx8Lx4H	7	7.1	\$37.00	\$24.50	\$94.50	\$58.80

Ordinance recorded in full in Ordinance/Minute Book _____, Document # _____.

18-4775 BUDGET AMENDMENT - COUNTY ASSESSOR'S OFFICE (CARRY FORWARD OF UNSPENT FUNDS)

June 19, 2018

Carry forward to FY2019 unspent county funds estimated to be \$180,000 at June 30, 2018, related to the County Assessor's Office.

Note: These funds were appropriated to the FY2018 CAO General Fund budget for technology services currently being rendered, but will not be completed by the end of Fiscal Year 2018. We anticipate these services to be completed by the second quarter in FY2019.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

18-4743 GRANT APPLICATION - PREVENTION OF DOMESTIC VIOLENCE AMONG YOUTH 2018

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes to:

1. Approve submission of a renewal grant application, not to exceed \$158,644, to the North Carolina Council for Women and Youth Involvement for prevention of domestic violence and teen dating violence; and

Note: The grant will continue to fund one position and a second position was being requested.

2. If awarded, recognize, receive and appropriate the grant funds for the grant period; and

3. Authorize one additional grant-funded position in the Community Support Services Department, Prevention Intervention and Services Division: 1 Senior Social Worker.

Note: annual market rate is \$56,682.

Commissioners Leake and Fuller removed this item from Consent for more public awareness.

18-4752 BUDGET AMENDMENT - CARRY FORWARD OF UNSPENT FUNDS (DCR)

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes, to carry forward to FY2019 unspent County funds estimated to be \$127,000 at June 30, 2018, related to the Department of Community Resources (DCR).

June 19, 2018

Note: The Department of Community Resources has funds budgeted in FY18 for startup expenses to prepare for completion of the first Community Resource Center located at Valerie Woodard. The Department of Community Resources will have unspent funds and a carry forward of the funds remaining on June 30, 2018 is requested. These funds are to be utilized for continued startup costs for the Community Resource Center. This includes the purchase of computers, scanners, signature pads, tablets, telephones, and other technology related items.

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

18-4757 LEASE TO TOWN OF DAVIDSON - ABERSHAM PARK

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes, to authorize the County Manager to negotiate and execute a lease agreement between the County ("Landlord") and the Town of Davidson ("Tenant") for County-owned Tax Parcel 003-041-03 (+/- 239.93 acres) known as Abersham Park which is located within the extra-territorial jurisdiction of the Town of Davidson.

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

**18-4758 SUBCONTRACTOR PREQUALIFICATIONS CONSTRUCTION MANAGER @ RISK
FOR EASTWAY REGIONAL RECREATION CENTER**

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes, to authorize the Subcontractor Prequalification procedure provided by EDIFICE Construction for the Eastway Regional Recreation Center.

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

**18-4760 EASTWAY REGIONAL PARK & BRIARWOOD COMMUNITY PARK CONNECTION
TRAIL**

Motion was made by Commissioner Dunlap, seconded by Commissioner Fuller and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting

June 19, 2018

yes to, authorize the County Manager to negotiate and execute all documents necessary for acquisition of a permanent trail easement on Tax Parcel 097-223-11, totaling +/- 0.35 acres, from James P. Knuckles, LLC for a purchase price of \$21,000 to create a pedestrian connection between County-owned property at Eastway Regional Park and Briarwood Community Park.

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

18-4761 DUKE ENERGY LIGHTING SERVICE CONTRACT - JAMES DENNIS RASH THIRD WARD NEIGHBORHOOD PARK

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes to, approve a 3-year contract with Duke Energy at \$45.69 per month for lighting at the James Dennis Rash Third Ward Neighborhood Park.

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

18-4768 BUDGET AMENDMENT - HEALTH DEPARTMENT (CARRY FORWARD OF UNSPENT FUNDS)

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Puckett, and Scarborough voting yes to:

1. Carry forward unspent funds from the American Public Health Association (APHA) for Village HeartBEAT being recognized as a Healthiest Cities and Counties Challenge Award recipient that remain unspent at June 30, 2018 in the amount of \$25,000; and
2. Carry forward unspent County funds for PrEP that remain unspent at June 30, 2018 not to exceed \$232,222; and
3. Carry forward unspent County funds for Tobacco Cessation that remain unspent at June 30, 2018 estimated to be \$29,676.

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

Commissioner Dunlap left the dais and was absent for the remainder of the meeting.

June 19, 2018

**18-4774 CSS BUDGET AMENDMENT - CARRY FORWARD OF UNSPENT HOUSING
STABILITY AND SUPPORTIVE HOUSING FUNDS**

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Puckett, and Scarborough voting yes to, carry forward unspent housing stability and supportive housing funds related to Community Support Services (CSS) estimated to be \$700,000 at June 30, 2018 to assist individuals in obtaining and maintaining housing and other supportive services.

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

**18-4778 GRANT APPLICATION - OLDER REFUGEE ASSISTANCE PROGRAM (PARK AND
RECREATION)**

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Puckett, and Scarborough voting yes, to a approve an application for up to \$50,000 for a Refugee Assistance -Services to Older Refugees Program grant from the Division of Social Services of the NC Department of Health and Human Services; and if awarded, recognize, receive and appropriate such funds for the grant period.

Note: Older Refugee Program supports senior refugees/asylees to access English Language Training at Shamrock Senior Center. The grant provides funding for transportation services, translation/interpretation services and classroom supplies. Shamrock Senior Center staff also provide Information and Referral services to assure the seniors have access to medical, financial, housing, family support, and family support services.

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

ADJOURNMENT

Motion was made by Commissioner Fuller, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Puckett, and Scarborough voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:31 p.m.

Janice S. Paige, Clerk

Ella B. Scarborough, Chair