

September 8, 2021

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

The Board of Commissioners of Mecklenburg County, North Carolina met in Informal Session at 5:04 p.m., and in Formal Session at 6:59 p.m. on Wednesday, September 8, 2021.

Due to the State of North Carolina's Declaration of Emergency in response to the COVID-19 pandemic and per NCGS § 166A-19.24, the Mecklenburg County Board of Commissioners conducted a remote meeting using the WebEx application.

ATTENDANCE

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

Absent: None

-INFORMAL SESSION-

CALL TO ORDER

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) to be removed from Consent and voted upon separately. The items identified were Items: 21-7039, 21-7057, 21-7059, 21-7061, 21-7067, 21-7071, 21-7072, 21-7073, 21-7074, 21-7075, 21-7076, 21-7079, 21-7107, and 21-7077, 21-7080, and 21-7093 which were added by Commissioner Powell during the informal session.

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STAFF BRIEFINGS- NONE

21-7083 CLOSED SESSION

Motion was made by Commissioner Leake, seconded by Commissioner Powell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Commissioner Scarborough voting yes, to go into Closed Session for the following purpose(s): Personnel Matter and Consult with Attorney.

The Board went into Closed Session at 5:04 p.m. and came back into Open Session at 6:59 p.m.

-FORMAL SESSION-

CALL TO ORDER

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

AWARDS/RECOGNITION - NONE

PUBLIC ART MOMENT – N/A

21-7088 UPDATE ON 2025 CHARLOTTE-MECKLENBURG HOUSING & HOMELESSNESS STRATEGY (This item was under Manager’s Report but was moved up on the agenda.)

The Board received an update on the 2025 Charlotte-Mecklenburg Housing & Homelessness Strategy (CMHHS).

Stacy Lowry, Director of Community Support Services (CSS), Cathy Bessant, Chief Operations and Technology Officer of Bank of America and Gene Wood, President of Atrium Health, gave the presentation.

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Note: The 2025 Charlotte-Mecklenburg Housing & Homelessness Strategy (CMHHS) is the first comprehensive effort to address housing instability and homelessness in Charlotte-Mecklenburg involving the public, private and non-profit sectors. The effort, which is led by executives at Bank of America and Atrium Health, is supported by leaders from Mecklenburg County, City of Charlotte, Charlotte-Mecklenburg Continuum of Care and Charlotte Center City Partners.

Charlotte-Mecklenburg and CSS has a longstanding commitment to ending and preventing homelessness. Over time, there has been significant investments in prevention, emergency shelter and permanent housing. These efforts have only ramped up in response to the COVID-19 pandemic to ensure that every person has a safe place to isolate or quarantine. And yet, housing instability and homelessness continues to grow in Charlotte-Mecklenburg.

This new effort marks the first time in Charlotte-Mecklenburg's history that the public and private sector have come together to address the full housing continuum, from street homelessness, upstream to households experiencing cost-burden.

CSS helped develop and design the approach and governance structure to lay the foundation for a comprehensive, sustainable plan with shared ownership.

The presenters addressed the goal of joint 2025 Charlotte-Mecklenburg Housing & Homelessness Strategy effort which is to Launch a five-year strategic plan to help Charlotte-Mecklenburg become a national leader in addressing current and preventing future homelessness.

They said 3,137 people were experiencing homelessness, 1,112 in the last year.

They said the strategic plan would offer aligned strategies, unified goals, and clear funding pathways.

They also addressed the guiding principles of this effort: 1) the System-wide approach, 2) People-centered perspective and 3) Community-wide benefit.

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

Comments

Commissioner Rodriguez-McDowell asked about the gap in affordable housing and how far would the program being developed assist in closing that gap. *Ms. Bessant said affordable housing would be treated in a bold way in order to tackle the gap.*

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Commissioner Rodriguez-McDowell asked what role the private and corporate sectors played. Mr. Woods said the different sectors were very much vested in working together to have a sustainable impact. *Ms. Bessant said there would also be a focus on prevention.*

Commissioner Rodriguez-McDowell asked what the opportunities were for elected bodies to join forces to help move the needle on this issue. *Ms. Bessant said the key was to have active engagement and active participation from the City and the County.*

Commissioner Powell addressed her concern with the dependency on utilizing public land for affordable housing.

Commissioner Cotham said a big part of the homeless population had criminal records. She suggested the corporate community consider hiring people who had criminal records to assist in tackling the homelessness issue.

Commissioner Jerrell said the community needed a true perspective of the homeless population. He said that messaging should not only include residents not physically on the street, but also residents one paycheck way from homelessness.

Commissioner Meier asked what organizations were enlisted to work on this project. *Director Lowry said those organizations were the Salvation Army Center of Hope, Roof Above Supportive Housing Communities, Black Love Charlotte, Hearts Beats as One, Promise Resource Networks, individuals with lived experience both with housing instability and homelessness, providers on the Homelessness Services Network, One Meck, NAACP, Stan Greenspon Center for Peace and Social Justice, and the Restorative Justice Charlotte. Director Lowry said there were many more organizations involved.*

Commissioner Leake expressed her concern about the school system being able to offer a better education to help fight homelessness.

Chair Dunlap commented on the role the participants have taken on to tackle the homelessness issue. He thanked them for all their efforts in this project. He said he looked forward to the final report.

21-7084 PUBLIC APPEARANCE

There were no public appearance speakers.

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21-7083 CLOSED SESSION – PERSONNEL MATTER

MANAGER’S PERFORMANCE REVIEW AND WORK PLAN FOR UP-COMING YEAR 2022

The County Manager’s Performance Review and Work Plan for 2022 was discussed in Closed Session and was brought forward to be discussed in Open Session.

Commissioner Altman, Chair of the Performance Review Committee, gave background on the matter. She said the Committee met August 19, 2021 to review County Manager Diorio’s Fiscal Year 2021 Performance and Work Plan. The other committee members are Commissioners Powell, Cotham, and Leake. It was noted that Chair Dunlap, and Commissioners Rodriguez-McDowell and Meier were also present.

The Committee reached a consensus on the following:

- The County Manager performed all key initiatives as established in her fiscal year 2021 work plan, at an exemplary level.
- The County Manager demonstrated all leadership competencies described in her position; and met expectations set.
- The County Manager successfully delivered additional key projects and initiatives.
- As a result of those findings the committee presented its recommendation to the full board during closed session.
- As result of that discussion two separate motions would be made regarding the County Manager’s compensation.

Motion was made by Commissioner Altman, seconded by Commissioner Cotham and carried 8-1 with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, and Scarborough voting yes and Commissioner Rodriguez-McDowell voting no, to approve a 7% increase in the County Manager’s base salary, combined with a deferred compensation of 5% 401k match and her expense allowance, equaling a total of \$446,275.46 effective July 1, 2021.

Motion was made by Commissioner Altman, seconded by Commissioner Leake and carried 7-2 with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, and Scarborough voting yes and Commissioner Powell and Rodriguez-McDowell voting no, to approve a one-time Performance base cash award to the County Manager in the amount of \$15,000 which combined with the 7% salary increase in the County Manager’s base salary; deferred compensation of 5% 401k match and her expense allowance equals to a total of \$461,275.46 effective July 1, 2021.

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Motion was made by Commissioner Altman, seconded by Commissioner Leake and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to adopt the County Manager's Fiscal Year Work and Performance Plan 2022 proposed by the County Manager, and as amended by the Board earlier in Closed Session.

COMMENTS

Commissioners expressed appreciation for County Manager Diorio's work.

APPOINTMENTS

21-7033 APPOINTMENTS - CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

Motion was made by Commissioner Jerrell, seconded by Commissioner Meier and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to reappoint Arun Nair and Samuel Smith Jr. to the Charlotte-Mecklenburg County Community Relations Committee for a two-year term expiring August 31, 2024.

Motion was made by Commissioner Jerrell, seconded by Commissioner Meier and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to nominate Victoria Moreno, Kealin Coffin, Emmanuel Meggett, Jacqueline Yelverton, Philip Carey, Alison Mangels, to the Charlotte – Mecklenburg County Community Relations Committee for two (2), two-year terms expiring July 31, 2023.

Note: Appointments will occur on September 21, 2021.

21-7035 APPOINTMENTS - CHARLOTTE WATER ADVISORY COMMITTEE

Motion was made by Commissioner Rodriguez-McDowell, seconded by Commissioner Powell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to remove the Charlotte Water Advisory Committee Appointment from consideration at this time, in order to solicit more applications.

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Note: The appointment was extended for another month, in hopes of receiving additional applications.

21-7042 APPOINTMENTS - HISTORIC LANDMARKS COMMISSION

Motion was made by Commissioner Jerrell, seconded by Commissioner Leake and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to reappoint Akadius Berry to the Historic Landmarks Commission for a three-year term expiring July 31, 2024.

Motion was made by Commissioner Altman, seconded by Commissioner Powell, and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to nominate and appoint Lesley Carroll to the Historic Landmarks Commission for a three-year term expiring July 31, 2024.

21-7045 APPOINTMENTS - CITIZENS CAPITAL BUDGET ADVISORY COMMITTEE

Motion was made by Commissioner Powell, seconded by Commissioner Rodriguez- McDowell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to nominate and appoint Steven Hyland to the Citizens Capital Budget Advisory Committee, for a three-year term expiring July 31, 2024.

PUBLIC HEARINGS

21-7062 NAMING OF STREETS - NEW NORTHEAST COMMUNITY RESOURCE CENTER SITE

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to open the public hearing on Mecklenburg County proposal to name three streets at the site of the New Northeast Community Resource Center, located near the intersection of North Tryon Street and Eastway Drive as follows: Stitt Road, Zion-Torrance Road, and George Evans Drive.

The following person(s) appeared to speak: Angela Stitt spoke in support of the recommendation.

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Motion was made by Commissioner Meier, seconded by Commissioner Powell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to close the public hearing and approve naming of the three streets at the site of the new Northeast Community Resource Center located near the intersection of North Tryon Street and Eastway Drive as follows: Stitt Road, Zion-Torrance Road and George Evans Drive.

ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT

21-7082 REVISED BOARD OF HEALTH RULE GOVERNING FACE COVERING WITHIN MECKLENBURG COUNTY

Gibbie Harris, Public Health Director addressed proposed revisions to the Mecklenburg County Board of Health Rule Requiring Face Coverings to be Worn in All Public Places.

Note: The Board adopted a Board of Health Rule Governing Face Coverings at a Special meeting on August 18, 2021, which now must be revised to further clarify applicability, specifically as it relates to schools (public, private or parochial), colleges, and universities, both public and private.

The proposed revision was to Section 4. Mask Mandate. (A) Face Coverings Required in Public Places. As noted below.

Section 4. Mask Mandate.

A. Face Coverings Required in Public Places. The Board of Health enacts the following restriction on the operation of offices, businesses, establishments, and other public places where people may travel or congregate within Mecklenburg County:

(1) Individuals must wear Face Coverings when indoors in all offices, businesses, establishments, and other public places.

(2) All businesses, establishments, and public places must require that all persons wear Face Coverings when indoors on their premises.

(See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>.)

Note: As used in this Rule, businesses, establishments, and public places includes schools (public, private or parochial), colleges, and universities, both public and private. Businesses and establishments are covered by the Rule whether or not they are open to members of the public.

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Examples include but are not limited to: retail, restaurants, theaters, family entertainment centers, transportation services, meetings and conferences, and local government offices as well as the indoor portions of residential facilities that are used as common areas, including but not limited to apartments, condominiums and dormitories.

Motion was made by Commissioner Leake, to adopt a Revised Countywide Board of Health Rule requiring face coverings when indoors in all businesses, establishments and public places, including schools (public, private and parochial) within Mecklenburg County, the City of Charlotte and six (6) Towns as recommended; and instruct the Clerk to the Board of Commissions to publish a notice of the adoption of a Revised Board of Health Rule to be effective not less than ten (10) days after the notice is published.

Section 4. Mask Mandate.

A. Face Coverings Required in Public Places. The Board of Health enacts the following restriction on the operation of offices, businesses, establishments, and other public places where people may travel or congregate within Mecklenburg County:

(1) Individuals must wear Face Coverings when indoors in all offices, businesses, establishments, and other public places.

(2) All businesses, establishments, and public places must require that all persons wear Face Coverings when indoors on their premises.

(See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>.)

Note: As used in this Rule, businesses, establishments, and public places includes schools (public, private or parochial), colleges, and universities, both public and private. Businesses and establishments are covered by the Rule whether or not they are open to members of the public. Examples include but are not limited to: retail, restaurants, theaters, family entertainment centers, transportation services, meetings and conferences, and local government offices as well as the indoor portions of residential facilities that are used as common areas, including but not limited to apartments, condominiums and dormitories.

There was no second to the motion.

Commissioner Altman proposed an amended motion that would delete the section under 4B which stated religious gatherings were not required to wear masks, seconded by Commissioner Meier.

Section 4. Mask Mandate.

B. Exceptions. *Face Coverings do not need to be worn by someone who:*

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- (1) Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the Face Covering without assistance);*
- (2) Is under five (5) years of age;*
- (3) Is actively eating or drinking;*
- (4) Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;*
- (5) Is giving a speech or performance for a broadcast, or to an audience, where they maintain a distance of at least 20 feet from the audience;*
- (6) Is working at home or is in a personal vehicle;*
- (7) Is temporarily removing their Face Covering for identification purposes to secure government or medical services;*
- (8) Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;*
- (9) Has found that their Face Covering is impeding visibility to operate equipment or a vehicle;*
- (10) Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face;*
- (11) Is alone in an enclosed space, such as a room, office or vehicle; or*
- (12) Is in settings where it is not practical or feasible to wear a Face Covering, including when obtaining or rendering goods or services, such as the receipt of dental services or while swimming.*

Worship, religious, spiritual gatherings, funeral ceremonies, wedding ceremonies, and other activities constituting the exercise of First Amendment rights are exempt from all requirements of this Rule, notwithstanding any other provision of this Rule. However, for the safety of all participants, they are strongly encouraged to request compliance with the Rule.

Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or any other proof of a condition. Everyone is asked to tell the truth and-if they are healthy and able to wear a mask-to wear a Face Covering so that they do not put other people at risk of serious illness and death.

Discussion continued.

Chair Dunlap said he respected the right of separation of church and state.

Commissioner Rodriguez-McDowell said the Rule didn't prevent anyone from worshipping.

Commissioner Jerrell asked County Attorney Wade what would stop anyone from claiming they were having a spiritual gathering. He asked how it would stop people from being able to

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circumvent what was being put in place. *County Attorney Wade said the County used what was in the Governor's Order and that any words used could be questioned.*

Commissioner Cotham said she wanted County Attorney Wade and Public Health Director Gibbie Harris to be comfortable with the wording.

Commissioner Altman clarified her motion.

Motion was made by Commissioner Altman, seconded by Commissioner Rodriguez-McDowell and carried 5-4 with Commissioners Altman, Jerrell, Meier, Rodriguez-McDowell, and Scarborough voting yes, and Commissioners Cotham, Dunlap, Leake, and Powell voting no, to adopt a Revised Countywide Board of Health Rule requiring face covering when indoors in all businesses, establishments and public places, including schools (public, private and parochial) within Mecklenburg County, the City of Charlotte and six (6) Towns as presented, but with an amendment to delete Section 4B regarding religious gatherings; and instruct the Clerk to the Board of Commissioners to publish a notice of the adoption of a Revised Board of Health Rule to be effective not less than ten (10) days after the notice is published.

REVISED MECKLENBURG COUNTY BOARD OF HEALTH RULE
Requiring Face Coverings to be Worn in All Public Places

Section 1 – Findings

WHEREAS, the novel coronavirus disease-2019 (COVID-19) is a disease which has spread across the globe infecting millions of people with a significantly high rate of death, particularly among those who are elderly or medically vulnerable; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) determined the outbreak constitutes a Public Health Emergency of International Concern (PHEIC); and

WHEREAS, on January 31, 2020, former Health and Human Services Secretary, Alex M. Azar, II, declared COVID-19 to be a public health emergency in the United States; and

WHEREAS, on March 10, 2020, in order to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19 in North Carolina, Governor Roy Cooper declared a state of emergency in North Carolina; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared the COVID-19 pandemic to be a national emergency; and

WHEREAS, on March 14, 2020, to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19, Governor Roy Cooper issued Executive Order 117. Among the measures he directed were limiting mass gatherings to no more than 100 persons, temporarily closing public schools, and urging compliance with the Centers for Disease Control and Prevention (“CDC”) recommendations on social distancing; and

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WHEREAS, from March 17, 2020-present, Governor Roy Cooper issued several Executive Orders, to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19 in North Carolina, the last one requiring the wearing of masks was allowed to expire on July 30, 2021; and

WHEREAS, in response to the COVID-19 pandemic, the Chair of the Mecklenburg County Board of County Commissioners (“Chair”) issued a local Declaration of State of Emergency (“Joint Proclamation”) on March 13, 2020, along with the six (6) towns, which provisions are incorporated herein by reference, recommending behavior designed to protect the public health; and

WHEREAS, recently, the COVID-19 virus has developed a variant, the Delta variant, which is far more contagious than others and it is the dominant form of the disease currently in the State and Mecklenburg County; and

WHEREAS, while vaccinated persons are far less likely to contract COVID-19, the Delta variant has infected vaccinated persons as well and can be retransmitted to others by them as determined by the CDC.

WHEREAS, after initial restrictive measures were implemented there was a significant decline in positivity rate, hospitalizations and deaths; however, after a relaxing of the restrictions and resulting from the COVID-19 Delta variant, which has proven to be more easily spread, the number of laboratory-confirmed positive cases and hospitalizations in the State and in Mecklenburg County have grown exponentially, and continue to climb, and

WHEREAS, since the end of June, positive rate of infections in Mecklenburg County has increased significantly, from 2% to 13%, hospitalization rates are as high as they were at the end of December and the number of cases, to include those under the age of 18, is rising. The positive rate of infections in the State of North Carolina is currently 14%; and

WHEREAS, the percentage of Mecklenburg County residents who are fully vaccinated is approximately 50% of the entire population, leaving approximately 50% who are not vaccinated. The percentage of North Carolinians who are fully vaccinated is 47%, leaving over half of the State’s population unvaccinated. There is no currently approved vaccine for children under the age of 12, and thousands of people travel into Mecklenburg County on a daily basis to work, shop, recreate, and seek medical care; and

WHEREAS, the CDC and the North Carolina Department of Health and Human Services have issued guidance calling for all people, including those are vaccinated, to wear face coverings while in indoor spaces when they are around people they do not live with, in order to reduce the spread of COVID-19; and

WHEREAS, Mecklenburg County’s Public Health Director and operators of Atrium Health and Novant Health, major health care providers within Mecklenburg County, confirm that the rate of infections in Mecklenburg County is at a level requiring immediate and prompt action to slow the spread of COVID-19 within the County in order to preserve medical supplies and hospital capacity to treat those with COVID-19 as well as prevent imminent harm and other serious illnesses and injuries; and

WHEREAS, many people who contract the virus may be asymptomatic and may not be aware they carry the virus. People without symptoms can transmit the disease and because data shows the disease is easily spread, mass gatherings can result in further transmissions of the virus; and

WHEREAS, it is essential to slow viral transmission and community spread as much as possible to protect the most vulnerable and children under 12 years old, and to prevent the health care system from being overwhelmed; and

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WHEREAS, prompt action now in cooperation with the public can reduce the transmission of COVID-19 and prevent the need for greater restrictions in the future; and

WHEREAS, this Rule provides directives that will help promote public health and prevent imminent harm by supporting guidance issued by the State to combat the further spread of COVID-19 in the County; and

WHEREAS, the Mecklenburg County Board of Commissioners, as a Consolidated Human Services Agency (CHSA) while exercising the powers of a local board of health, finds and declares that, in order to protect the public health and welfare, it is in the best interest of the residents of Mecklenburg County to require that face coverings be worn in all public places throughout Mecklenburg County, including, but not limited to all Cities and Towns, whether incorporated or unincorporated.

NOW, THEREFORE the Mecklenburg County Board of Commissioners, as a Consolidated Human Services Agency (CHSA), exercising the powers and duties of a local board of health, which powers it has assumed and conferred on itself by action pursuant to N.C.G.S. 153A-77, and having the authority cited herein and in the interest of public safety, hereby adopts a Board of Health Rule Requiring Face Coverings to be Worn in All Public Places which shall apply throughout Mecklenburg County, North Carolina, including, but not limited to all Cities and Towns, whether incorporated or unincorporated.

Section 2. Authority

This Rule is enacted pursuant to N.C. Gen. Stat. 130A, 153A, and 166A of the North Carolina General Statutes

Section 3. Definitions

The following definitions are applicable to this Rule:

“Enforcement Officer” means the following officers or employees or their designated assistants or deputies:

- (1) City/Town sworn law enforcement officers;
- (2) The Mecklenburg County Public Health Director or their designees; and
- (3) The Mecklenburg County Sheriff and designated deputies.

Upon request, the Mecklenburg County Health Department shall offer training in the enforcement of this Rule to the above-designated Enforcement Officers.

"Face Covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears and fits snugly against the side of a person's face. A Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a Face Covering has two (2) or more layers, or gaiter face masks. A Face Covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Face Coverings are not intended for use by healthcare providers in the care of patients. A face shield, alone, is not a “face covering.”

Section 4. Mask Mandate.

A. Face Coverings Required in Public Places. The Board of Health enacts the following restriction on the operation of offices, businesses, establishments, and other public places where people may travel or congregate within Mecklenburg County:

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(1) Individuals must wear Face Coverings when indoors in all offices, businesses, establishments, and other public places.

(2) All businesses, establishments, and public places must require that all persons wear Face Coverings when indoors on their premises.

(See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>.)

Note: As used in this Rule, businesses, establishments, and public places includes schools (public, private or parochial), colleges, and universities, both public and private. Businesses and establishments are covered by the Rule whether or not they are open to members of the public. Examples include but are not limited to: retail, restaurants, theaters, family entertainment centers, transportation services, meetings and conferences, and local government offices as well as the indoor portions of residential facilities that are used as common areas, including but not limited to apartments, condominiums and dormitories.

B. Exceptions. Face Coverings do not need to be worn by someone who:

(1) Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove the Face Covering without assistance);

(2) Is under five (5) years of age;

(3) Is actively eating or drinking;

(4) Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;

(5) Is giving a speech or performance for a broadcast, or to an audience, where they maintain a distance of at least 20 feet from the audience;

(6) Is working at home or is in a personal vehicle;

(7) Is temporarily removing their Face Covering for identification purposes to secure government or medical services;

(8) Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;

(9) Has found that their Face Covering is impeding visibility to operate equipment or a vehicle;

(10) Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face;

(11) Is alone in an enclosed space, such as a room, office or vehicle; or

(12) Is in settings where it is not practical or feasible to wear a Face Covering, including when obtaining or rendering goods or services, such as the receipt of dental services or while swimming.

Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or any other proof of a condition. Everyone is asked to tell the truth and-if they are healthy and able to wear a mask-to wear a Face Covering so that they do not put other people at risk of serious illness and death.

Section 5. Enforcement

A. Authority and Discretion to Enforce. The Mecklenburg County Public Health Director or designee, or law enforcement officer within the Enforcement Officer's jurisdiction, is authorized to enforce against a violation of this Rule. Enforcement under this Rule shall be in the sole discretion of the Enforcement Officer for the County, City, or Town in which the violation occurs.

Enforcement

B. Misdemeanors, and Abatement Orders.

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(1) Any person who violates any provision of this Rule may be convicted of a misdemeanor in accordance with N.C. Gen. Stat 130A-25 and N.C. Gen. Stat 166A-19.22 *et. seq.*

(2) Where the Public Health Director, in her or his determination, finds that an order of abatement is necessary to abate a public health nuisance or imminent hazard, the Public Health Director can issue an order to do so, up to and including shutting down a facility's operations. Orders of abatement may be issued at any time upon a finding of a public health nuisance or imminent hazard and may be issued independently of any other penalties.

C. Public Disclosure of Uncured Violations. Mecklenburg County Public Health Director may publicly disclose any violation of this Rule, including the name of the violator and the nature, date, and location of the violation.

D. Remedies Cumulative and Nonexclusive. All remedies contained in this Rule are cumulative and in addition to any other remedies available under local, state, or federal law, including any criminal, civil, or administrative enforcement. Election to employ the remedies set forth in this Rule does not preclude any other means of enforcement with respect to the same violation, including but not limited to the penalties and remedies set forth in N.C. Gen. Stat. 130A-17- 20 and 23.

E. City or Town Alternative Enforcement Regulations. A City or Town within the County may adopt or rely upon any ordinance, resolution, or directive that confirms or supplements the enforcement provisions or mechanisms in this Rule.

Section 6. Abrogation.

This Rule supersedes any previous County, City, or Town ordinance that is less restrictive than the Rule as established herein. This Rule is not intended to repeal any greater restriction imposed by any other State law or local government ordinance. Whether the provisions of any other law, ordinance, regulation, or restriction impose higher standards than are required by the provisions of this Rule, this Rule does not prohibit the enforcement of any such law, ordinance, regulation, or restriction.

Section 7. Severability.

Should any section of this Rule be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Rule as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 8. Effective Period.

This Rule shall become adopted and effective not less than ten (10) days after notice of publication and shall remain in effect until the earlier of (1) a decline in the positivity rate to 5% for thirty (30) days where the community transmission rate is not in the high or substantial level, as defined by the Centers for Disease Control and Prevention. If the transmission in the County drops below the substantial level, the Public Health Director will recommend that the rule be suspended, until such time that the community metrics of transmission increase to a substantial level and positivity rate increases above 5%, or (2) expiration or termination of the Proclamation of a Local State of Emergency, or (3) a modification or revocation by the Board of Commissioners sitting as a Consolidated Human Services Agency (CHSA). Further, it is also the Board's intention to reevaluate this Rule as circumstances change.

Section 9. Appeals.

Sanctions issued pursuant to this Rule may be appealed pursuant to N.C. Gen. Stat. 130A-24.

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Health Rule recorded in full in Ordinance Book _____, Document # _____.

21-7085 COVID-19 RESPONSE UPDATE

The Board received an update on the COVID-19 Response.

Gibbie Harris, Public Health Director gave the update.

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

Comments

Commissioner Meier asked about compliance in Catholic school settings and being receptive about the complaints. *Director Harris said they were receptive and open to listening.*

Commissioner Meier asked about enforcement and what was being done besides educating and talking to people. *Director Harris said it was very difficult to enforce, however, the efforts being used were education, encouraging the mask mandate, and use of signage.*

Chair Dunlap asked about a drug called Remdesivir given to people who contracted Covid. *Director Harris said the first thing was to get tested if you felt ill. She said Remdesivir does have a time frame to be received once someone was infected with Covid. Director Harris said it was similar to taking a flu medication, it had to be done within a particular period of time. She said it was administered through an IV for several hours and had a very positive effect. She said she would put together information on the drug.*

21-7089 AMERICAN RESCUE PLAN ACT UPDATE

The Board received an update on the Coronavirus recovery funds received in Mecklenburg County from the American Rescue Plan Act (ARPA) and proposed investments utilizing the Coronavirus recovery funds.

Note: on May 10, 2021, the US Department of Treasury announced the launch of the Coronavirus State & Local Recovery Funds, established by the American Rescue Plan Act of 2021, to provide \$350 billion in emergency funding for eligible state, local, territorial governments. Mecklenburg County received a direct allocation, in the amount of \$215 million, from the US Department of Treasury. The funds will cover eligible cost incurred by December 31, 2024. The performance period to complete projects and investments runs until December 31, 2026.

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Michael Bryant, Deputy County Manager, presented this matter to the Board.

The following topics were covered:

- BOCC Feedback
- Guiding Principles
- Proposed framework
- Planning retreat which was held on August 3, 2021
- COVID -19 Strategic Recovery Plan (planning session scheduled for September 22. Recovery plan will be finalized on October 31, 2021)
- Equity Response Tool
- COVID 19 Temporary Staffing Model
- Public Engagement
- Funding Requests
- Next Steps

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

Comments

Commissioner Rodriguez-McDowell asked how a pedestrian bridge was tied to ARPA. *County Manager Diorio said people would be able to walk across the bridge to provide health services. It would connect two county buildings. She said it would help reduce health disparities.*

Deputy County Manager Bryant said if funds were not approved for the bridge, there would be challenges with accessing either the new Community Resource Center (CRC) or the rec center.

Commissioner Altman asked if this was the best use of ARPA funds. *County Manager Diorio responded yes.*

Commissioner Leake said it would provide accessibility.

County Manager Diorio said rental subsidies were also included for the Eastway Park Apartments, affordable housing for seniors, which was being built adjacent to the CRC. Those seniors would be able to use the bridge to walk to the Eastway Rec Center.

Commissioner Rodriguez-McDowell said it would be helpful to visualize with a map. She asked if it was just an opportunity or if it was truly tied to COVID-19. *County Manager Diorio said it complied with the rules and gives the County an opportunity that was once in a lifetime.*

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Deputy County Manager Bryant said it was an area impacted most by the pandemic.

Commissioner Jerrell said the County needs to think about what it would mean five years from now. How it would be tied back to the uninsured and underinsured. He said it's important to quantify what services were going to be delivered and how many would be served.

Commissioner Cotham supported the County being creative with the ARPA funds.

Chair Dunlap referenced the layout of the 3 streets that were named earlier in the meeting. He said the bridge in the diagram would go across the railroad. He said it would take about 2 years for the CRC to come online. He said if approved, both would come online about the same time. He said the approval would mean access to both parking lots which would allow for additional parking where people could get to the Eastway recreation center. He said this was a way to get the bridge without increasing taxes. He said take care of things first that would be difficult to fund later.

Commissioner Powell said the infrastructure was important for access and interconnectivity.

Motion was made by Commissioner Meier, seconded by Commissioner Jerrell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to approve investments utilizing the Coronavirus recovery funds as presented.

Motion was made by Commissioner Altman, seconded by Commissioner Meier and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to hold a public hearing to receive comments on the ARPA funds.

Note: Staff will determine a date for the public hearing.

DEPARTMENTAL DIRECTORS' MONTHLY REPORTS – NONE

STAFF REPORTS & REQUESTS

21-7064

UPDATE ON HOTEL TRANSITION PLAN

The Board received an update on Mecklenburg County's transition plan for transitioning clients out of Encampment Hotel.

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Karen Pelletier, Director of Housing Innovation, Stacy Lowry, Director of Community Support Services and Raynard Washington, Assistant Director of the Public Health Department presented the matter to the Board.

Director Pelletier said 215 individuals were served. She said 88 individuals remained at hotels, which included 62 connected to a permanent housing resource, 10 in transitional housing, 16 who awaited or needed permanent supportive housing and 2 who declined eligible housing.

Director Pelletier gave an overview of the people who had left the hotel; 51 had gone back into homelessness, 31 received permanent housing, 20 went into emergency shelter, 12 had gone to jail or a detention center, the whereabouts of 8 individuals was unknown, 4 individuals passed away and 1 individual was in permanent housing.

Director Pelletier said if the funding was approved, it was anticipated that 12 individuals would be housed by September 30th.

Director Pelletier talked about the three phases of the work that was being done: Triage, Implementation and Transition.

Director Pelletier discussed the barriers of the transition phase; the recommended transition plan; the goals of transition; and the proposed budget for the transition plan.

Dr. Raynard Washington spoke about the quarantine/isolation hotel.

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

Commissioner Leake asked if pictures were taken of the sites before use with regard to damages. *County Manager Diorio said she would check to see if there were any pictures available.*

Motion was made by Commissioner Meier, seconded by Commissioner Jerrell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to approve the recommended transition plan as presented.

COUNTY COMMISSIONERS REPORTS & REQUESTS – NONE

CONSENT ITEMS

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

21-7028 REGISTER OF DEEDS AUTOMATION ENHANCEMENT AND PRESERVATION SPECIAL REVENUE FUND

Amend the Register of Deeds Automation Enhancement and Preservation Special Revenue Fund (8528) to recognize and appropriate \$600,000 in fee revenue for automation and enhancements.

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

21-7060 FINANCE OFFICER OF MECKLENBURG COUNTY

Adopt resolution accepting County Manager's recommendation appointing David Boyd as Finance Officer of Mecklenburg County.

Note: Former County finance officer Sarah Lyberg tendered her letter of resignation dated October 15, 2020. Patricia Gibson has served as interim finance director since that time. The County Manager has recommended David Boyd to assume the duties of Finance Officer of Mecklenburg County. This information was shared with the Board at the August 4, 2021 meeting.

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RESOLUTION OF THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS ACCEPTING THE RECOMMENDATION OF THE COUNTY MANAGER APPOINTING DAVID BOYD AS FINANCE OFFICER OF MECKLENBURG COUNTY

WHEREAS, former County finance officer Sarah Lyberg tendered her letter of resignation dated October 15, 2020 as finance officer for Mecklenburg County; and

WHEREAS, under G.S. 159-24, each county government shall appoint a finance officer who is legally responsible for establishing the accounting system, controlling expenditures, managing cash and other assets, and preparing financial reports; and

WHEREAS, Patricia Gibson has served as Interim Finance Officer since the resignation of Ms. Sarah Lyberg; and

WHEREAS, the County Manager has recommended David Boyd to assume the duties of finance officer of Mecklenburg County, and on August 4, 2021 provided background information to the Board of Commissioners of his qualifications, supporting the recommendation; and

WHEREAS, David Boyd has the qualifications to serve as finance officer of Mecklenburg County; and

WHEREAS, pursuant to G.S. 159-24, the finance officer shall hold office at the pleasure of the appointing board or official; now therefore be it

RESOLVED that the Board of Commissioners of Mecklenburg County does hereby approve the County Manager's recommendation and appointment of David Boyd as Finance Officer of Mecklenburg County, whose oath of office shall be filed in the permanent records of the Clerk to the Board.

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

21-7066 GRANT APPLICATION: SOUTHEAST SUSTAINABILITY DIRECTORS NETWORK COMMUNITY COLLABORATION CATALYST MICROGRANT

Affirm the submission of an application to Southeast Sustainability Directors Network for the Community Collaboration Catalyst Microgrant in the amount of \$5,000; and if awarded, recognize, receive and appropriate such funds in the General Grants Fund (G001) within the County Managers Office.

Note: Within the recently passed Environmental Leadership Action Plan, the County is committed to "Use best practices for community engagement to ensure all community members, especially marginalized groups, have access to information and opportunity to provide input". One strategy to attain this commitment is to conduct an Environmental Justice

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Study. The County Manager's Office is leading the effort to hire a consultant that will assist with collecting quantitative and qualitative county-wide data to develop an Environmental Justice Action Plan. This grant application is for stipends to incentivize participation in the qualitative data collection phase. There is no County match required.

21-7068 STORM WATER PROGRAM - FY22 HAZARD MITIGATION FLOODPLAIN ACQUISITION

Authorize the County Manager to execute the Agreement for Purchase and Sale of Real Property with Tri C Investments LLC for properties located at 3144/46 Cullman Ave (tax parcel 083-03-110) and 3162 Cullman Ave (tax parcel 083-03-108) for a total of \$2,400,000; and authorize use of the structure for training exercises by local emergency response agencies.

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

Over the past 18 years, Storm Water Services (STW) has acquired and demolished 17 commercial buildings along Cullman Avenue and Benard Avenue in the Little Sugar Creek Floodplain. Storm Water Services desires to continue these risk reduction efforts while coordinating future open space plans with Park & Recreation and others for the area.

This action is consistent with goals in the Environmental Leadership Action Plan (ELAP) which supports the Environmental Leadership Policy adopted by the Board of County Commissioners (BOCC). The acquisition is consistent with recommendations in the Flood Risk Assessment and Risk Reduction Plan (Plan), adopted by the BOCC on May 1, 2012.

The buyout is voluntary. The purchase and demolition are funded by Storm Water Services capital funds. The purchase price for 3162 Cullman Ave was determined from an owner provided fair market value appraisal, along with supplemental County reviews, responses from the appraiser, and other market information that allowed staff to conclude the value was supported. The purchase price for 3144/46 Cullman Ave is \$60,000 below the owner provided fair market value appraisal. Multiple appraisals were conducted on the property. The owners' appraisal was reviewed and responses from the appraiser allowed staff to conclude that the highest appraised value was supported. Consistent with past practices, the actual expenditure could be reduced if the owners received any insurance payments for flood damage within the previous 36 months and did not spend those funds on repairs.

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Each building is currently leased. The County will likely continue the two leases until their termination within the next 12 months.

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

21-7070 TAX REFUNDS

Approve refunds in the amount of \$9,403.01 for registered motor vehicles as statutorily required to be paid as requested by the County Assessor and approve refunds in the amount of \$86,673.93 as statutorily required to be paid as requested by the County Assessor.

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

This Board action is necessary to approve tax refunds resulting from clerical errors, audits and other amendments, including revaluation appeals. There is no accrued interest in the \$86,673.93 Meck refunds. Refunds total \$86,673.93

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

21-7078 GRANT APPLICATION - USDA URBAN AGRICULTURE AND INNOVATIVE PRODUCTION PLANNING GRANT

Approve submission of an application for USDA Urban Agriculture and Innovative Production Planning Grant up to \$200,000 which will be used to plan an urban agriculture park within the Amay James Park area; and if awarded, recognize, receive and appropriate such funds to the Grant Fund (GRNT) within the Park and Recreation Department for the duration of the award.

Note: The Amay James Urban Agriculture Park Planning Project will strive to address significant issues plaguing areas of Mecklenburg County, such as food deserts, socio-economic disparities, physical inactivity, and the linked growing number of health-related issues.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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21-7086 PULLED CONSENT ITEMS

Commissioners may remove agenda items from the Consent Agenda for separate vote, to bring more public awareness or to make comments. The following items were pulled and voted upon separately: 21-7039, 21-7057, 21-7059, 21-7061, 21-7067, 21-7071, 21-7072, 21-7073, 21-7074, 21-7075, 21-7076, 21-7079, 21-7107, 21-7077, 21-7080, and 21-7093.

21-7039 PUBLIC AUCTION FOR DISPOSAL OF SURPLUS EQUIPMENT

Motion was made by Commissioner Leake, seconded by Commissioner Powell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to adopt a resolution authorizing sale of surplus personal property by public auction on September 18, 2021 at 9:00 a.m. at 5550 Wilkinson Blvd, Charlotte, North Carolina.

Note: The Live auction will be conducted by Rogers Realty and Auction Company Inc. This matter will be advertised in advance on 08/31/2021 in order to comply with the notification requirements and assuming Board approval of the matter.

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Mecklenburg County Board of Commissioners that the County Manager or her designee is authorized to sell the surplus property described on Exhibit A at public auction on the day of September 18, 2021 at 9:00 am at 5550 Wilkinson Blvd, Charlotte, North Carolina, as per the terms and conditions in accordance with North Carolina G.S. 160A-270(b) and in compliance with County policies. The terms of the sale shall be net cash. The County Manager or her designee is directed to publish at least once and not less than ten (10) days before the date of the auction, a copy of this Resolution or a notice summarizing its content as required by North Carolina General Statute 160A-270(b).

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

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21-7057 BUDGET AMENDMENT - DEPARTMENT OF SOCIAL SERVICES (INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Meier and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to amend the 2021-2022 Annual Budget Ordinance to recognize, receive and appropriate an increase in federal revenue of \$50,661 from the North Carolina Health and Human Services, Division of Social Services in the General Fund (0001).

Note: Federal CARES Act Funding has been allocated to support child welfare agencies in the prevention, preparation, and response to the needs of children and families impacted by the child welfare system and the coronavirus pandemic. These funds must be used by December 30, 2021. These dollars could be used for: improving outreach and offering services and support to prevent child abuse and neglect; offer services and support to parents, kinship providers, and at-risk youth; training for child welfare workers and supervisors on topics related to working with children and families; and to identify, secure, staff, and/or monitor emergency placements for children in foster care who have been exposed to the coronavirus.

21-7059 BILLINGSLEY MIXED-INCOME HOUSING INITIATIVE REZONING APPLICATION

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to authorize the County Manager to join a rezoning application from DreamKey Partners, Inc. to the City of Charlotte for +/- 14 acres of Tax Parcel 157-041-04 (a portion of the County-owned Billingsley campus) in support of the County's Billingsley Mixed-Income Housing Initiative.

Note: In the Fall of 2020, Charlotte-Mecklenburg Housing Partnership (now DreamKey Partners) was selected to develop +/- 14 acres of County-owned property in the Grier Heights neighborhood for mixed-income housing. Since that time, DreamKey has been continuing its community engagement efforts in the neighborhood and refining its development approach for the project. To continue with these efforts and position itself to take advantage of any future gap funding that might be available through the City of Charlotte Housing Trust Fund in 2022, DreamKey proposes rezoning the property. The property will be rezoned from its current O-1 (Office) zoning category to a category that will allow for a variety of uses and greater density such as UR-3 (Urban Residential) as was proposed in DreamKey's Request for Proposal response to the County. DreamKey's proposal consists of multi-family, single-family, senior, and recreational and open space uses. If approved, DreamKey intends to submit the rezoning petition to the City in the fall with approval from the City anticipated in the Spring, 2022.

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The project's next steps will include bringing forward a Memorandum of Understanding ("MOU") for the Board's consideration in the fall and negotiating the development agreement afterwards. A condition of the MOU will be that DreamKey agrees to petition to rezone the property back to a category that is satisfactory to the County (if the County so desires) should DreamKey and the County either 1) not enter into the MOU or 2) not complete the project in accordance with the MOU and/or future development agreement. Rezoning the property is consistent with the Board's previous actions to repurpose this portion of the Billingsley campus to address Mecklenburg County's need for more affordable housing options for area residents.

21-7061 BUDGET AMENDMENT - DSS (INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Meier and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to amend the 2021-2022 Annual Budget Ordinance to recognize, receive and appropriate an increase of \$67,730 in Federal funding from Centralina Council of Governments (CCOG) for the Home and Community Care Block Grant (HCCBG) to the General Fund (0001) in the Department of Social Services (DSS).

Note: Annually, the Department of Social Services (DSS) submits for Board approval of the Home and Community Care Block Grant (HCCBG) funding plan (also referred to as the County Aging Plan). There was an increase of federal funding for FY22 and Board approval is required before the budget can be adjusted. The following services are provided with this grant: In-Home Aide Services, Transportation Services, Congregate Meals, Home Delivered Meals, Senior Center Operations, Adult Day Care/Day Health and Consumer Directed Services. The additional required match is included in the DSS Fiscal Year 2022 operating budget. Funding for Mecklenburg County DSS increased by \$67,730.

21-7067 BUDGET AMENDMENT - HEALTH DEPARTMENT (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to amend the 2021-2022 Annual Budget Ordinance to recognize, receive, and appropriate an increase of \$115,000 in Federal revenue from the NC Department of Health and Human Services (NC DHHS), Division of Public Health (DPH) in the General Fund (0001) within Public Health.

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Note: The Health Department has been awarded federal funds in support of safe, in-person instruction in Kindergarten through grade 12 (K-12) schools, screening and testing can provide an additional layer of prevention to protect students, teachers and staff and slow the spread of SARS-CoV-2, the virus that causes Coronavirus Disease 2019 (COVID-19).

21-7071 HEALTH DEPARTMENT AMENDED FEE SCHEDULE

Motion was made by Commissioner Leake, seconded by Commissioner Cotham and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to amend the Health Department fee schedule to include a new service and fees for the vaccine administration fee for the third dose of the Pfizer COVID-19 vaccine and Moderna COVID-19 vaccine at a cost of \$40.00 and for the availability of a new contraceptive medication - Xulane at a cost of \$22.01 per patch.

Note: The Department is requesting approval to amend the fee schedule to include a new service and fees. Effective June 22, 2021, NC Medicaid will reimburse at a rate of \$32.94 for preventive medicine counseling and/or risk factor reduction intervention(s). This code is used for counseling regarding COVID19 vaccination. The FDA modified the Emergency Use Authorizations for Pfizer COVID-19 vaccine and Moderna COVID-19 vaccine to allow for administration of an additional dose. The department is amending the fee schedule to include the vaccine administration rate for the third dose of \$40. The Adult Health clinic is offering a new contraceptive medication - Xulane. The cost of the medication is \$22.01 per patch.

21-7072 HEALTH DEPARTMENT - CERTIFICATION OF CHARGEMASTER CHANGE

Motion was made by Commissioner Rodriguez-McDowell, seconded by Commissioner Jerrell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to approve the certification of the chargemaster change from FY2019 to FY2021.

Note: As of July 2021, most Medicaid beneficiaries began receiving the same Medicaid services in a new way - NC Medicaid Managed Care. Historically, the local health departments would complete an annual Medicaid cost report and receive a settlement. In Managed Care, cost settlements are not permitted. The Division of Health Benefits will execute Separate Directed Payments for local health departments. To properly calculate these payments, NCDHHS is requiring each local health department to submit a certification of the percentage of chargemaster change over the past three years with the approval from their Board of Health. Mecklenburg County's 3-year aggregate percentage change was 0.11%.

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21-7073 GRANT APPLICATION - FEDERAL FOOD AND DRUG ADMINISTRATION

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to approve submission of a grant application to the Food and Drug Administration for FDA Retail Program Standards up to \$25,000 for the support of efforts to increase the adherence to FDA Retail Program Standards; and if awarded, recognize, receive, and appropriate the award amount to the General Grants Fund (G001) within the Health Department.

Note: The Mecklenburg County Health Department is requesting approval to apply for funding from the Food and Drug Administration for funding for one year (January 1, 2022 - December 31, 2022). Grant funds will be used to support: Development of a Comprehensive Strategic Improvement Plan that will provide Environmental Health with a 5-year roadmap of deliverables related to FDA Retail Program Standards Continuation of a mentorship program where Mecklenburg County Environmental Health staff receive peer assistance and technical support in implementing FDA Retail Program Standards Staff development in self-assessment and auditing standards for the FDA Retail Program Standards.

21-7074 CAPITAL RESERVE - HISTORIC DOWD HOUSE AND FORMER FIRE STATION 10 MOU (PARK AND RECREATION)

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and carried 8-1 with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, and Commissioner Powell voting no, to recognize, receive and appropriate \$307,941.98 to Capital Reserve (9002) funding from the sale of the Historic Dowd House and former fire station to be used for repairs and additional amenities to parkland.

Note: The Board of County Commissioners approved the Memorandum of Understanding and all other documents necessary between the County, Charlotte-Mecklenburg Historic Landmarks Commission, and OZF Properties, LLC for the conveyance of tax parcel 06706105 to the Charlotte-Mecklenburg Historic Landmarks Commission for a price of \$307,941.98. The sale has been completed. The funds will be used for repairs and additional amenities to parkland such as Dowd Park.

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21-7075 GRANT APPLICATION FOR MEDICARE IMPROVEMENT FOR PATIENTS & PROVIDERS ACT(MIPPA) GRANT

Motion was made by Commissioner Leake, seconded by Commissioner Jerrell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to approve submission of an application for Medicare Improvement for Patients & Providers Act (MIPPA) grant up to \$12,000 to be used to expand services offered in the community; and if awarded, recognize, receive and appropriate award amount to the General Grants Fund (G001) within the Park and Recreation Department for the duration of the grant period.

Note: Mecklenburg County Park and Recreation Department is requesting approval to apply for a Medicare Improvement for Patients & Providers (MIPPA) grant. It will be used to expand Medicare and Low-Income Subsidy Education, Counseling, and Enrollment Services offered in the community between now and September 30, 2022. Application for the grant must be submitted to the North Carolina Department by the Fall of 2021.

21-7076 GRANT APPLICATION SENIOR HEALTH INSURANCE INFORMATION PROGRAM

Motion was made by Commissioner Leake, seconded by Commissioner Meier and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to approve submission of a grant application for Senior Health Insurance Information Program (SHIIP) grant up to \$15,500 to continue the Medicare Education and Counseling Services offered; and if awarded, recognize, receive and appropriate the award amount to the General Grants Fund (G001) within Park and Recreation Department for the grant period.

Note: This grant will be used to continue existing Medicare Education and Counseling Services offered in all three MCPR Senior Centers, some MCPR recreation centers, libraries, health clinics, churches and senior living locations. No match is required for these funds. Application for the grant must be submitted to the North Carolina Department of Insurance soon after we receive notification; have not received the application yet.

21-7079 HUNTERSVILLE DOWNTOWN GREENWAY - EASEMENT DONATION

Motion was made by Commissioner Leake, seconded by Commissioner Powell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-

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McDowell, and Scarborough voting yes, to accept donation of a permanent greenway easement from Angels and Sparrows Soup Kitchen, Inc. on a portion of Tax Parcel 017-121-34 (+/- 0.323 acres) for the Huntersville Downtown Greenway.

Note: The Town of Huntersville is funding the design and construction of a 0.6-mile greenway trail from Commerce Center Drive to N. Old Statesville Road. This trail is referred to as the Huntersville Downtown Greenway and is included in Mecklenburg County's Greenway Master Plan. Once constructed, Mecklenburg County Park and Recreation will take over maintenance of the greenway trail. Angels and Sparrows Soup Kitchen, Inc. owns tax parcel 017-121-34 and has agreed to donate a 30' wide permanent greenway easement for the Huntersville Downtown Greenway.

21-7107 BUDGET AMENDMENT - HEALTH DEPARTMENT (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Cotham and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to amend the 2021-2022 Annual Budget Ordinance to recognize, receive, and appropriate an increase of \$16,257,047 in Federal revenue from the NC Department of Health and Human Services (NC DHHS), Division of Public Health (DPH) in the General Fund (0001).

Note: The Health Department has been awarded federal funds to support schools to establish and expand COVID-19 screening testing programs to support and maintain in-person learning. The federal government is providing financial resources through the Centers for Disease Control and Prevention (CDC) under the ELC Reopening Schools award. The awarded funds provide temporary funding for Mecklenburg County Public Health to hire school nurses and related clinical school nurse support staff and contract for testing services as needed.

21-7077 RIGHT OF WAY ABANDONMENT - SUGAR CREEK AFFORDABLE HOUSING DEVELOPMENT

Motion was made by Commissioner Leake, seconded by Commissioner Scarborough and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to authorize the County Manager to execute a Right-of-Way Abandonment Petition from NRP Properties, LLC ("NRP") to the Charlotte Department of Transportation ("CDOT") consenting to the closure of unopened right-of-way (+/- .68 acres) north of North Tryon Street and east of W. Sugar Creek Road; and upon approval of the above right-of-way abandonment by the City of Charlotte, accept ownership of

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one-half of residual land, bordering County-owned property (+/- .28 acres), resulting from said closure into County-owned property along Little Sugar Creek.

Note: NRP Properties, LLC is developing an affordable residential community in northeast Charlotte that is east of W. Sugar Creek Road and north of North Tryon Street. The site, which totals +/- 9.93 acres, will include three (3) four-story buildings and a standalone clubhouse. The development will include 188 units that are affordable to families making 30% to 80% Area Median Income with an overall project average of 60% AMI. The site is adjacent to County-owned Tax Parcel 089-014-49 that is along Little Sugar Creek. To the west of the County parcel is unopened right-of-way that NRP is proposing abandoning. Park and Recreation staff reviewed the request and found that abandoning the right-of-way will not negatively impact the use of the County's property. If approved, half of the right-of-way bordering the County's property will become owned by the County. It is estimated that +/- .28 acres will become County-owned. The final acreage that will be owned by the County will be determined by a survey to be provided by NRP.

**21-7080 AMENDED AND RESTATED DECLARATION OF EASEMENTS, COVENANTS,
CONDITIONS AND RESTRICTIONS - UNIVERSITY CITY AREA PARKLAND
PROPERTY**

Motion was made by Commissioner Powell, seconded by Commissioner Jerrell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to authorize the County Manager to negotiate and execute a Third Amendment to Amended and Restated Declarations of Easements, Covenants, Conditions and Restrictions ("CCRs") by and between the County, Worthington Apartments Owner KOFP, LLC, and CH MF BTH III/Charlotte Research, LLC associated with County-owned Tax Parcel 047-131-57 (+/- 22.810 acres) in the University City Area of the City of Charlotte.

Note: In June, the County closed on +/- 22 acres of property in the University City area that will be used for a future park. The property, along with several others, within the property owners association was subject to easements covenants, conditions and restrictions ("CCRs"). The CCRs granted cross-easements for vehicular and pedestrian access on all the roadways and driveways throughout the property for the benefit of all parcels within the association. Additionally, the CCRs granted utility easements along the front, side, and rear property lines as well as drainage easements along the creek that runs along the western boundary line of the property.

Prior to taking ownership of the property, the County was released from the property owners association, but remained subject to the CCRs. Recently, ownership of several parcels that are

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also subject to the CCRs changed ownership. With that change, the new owners have agreed to release the County from the CCRs. County staff and legal have reviewed the amended declarations and agree that removal of the County's property from the declarations is a benefit to the County.

21-7093 CAPITAL PROJECT ORDINANCES

Motion was made by Commissioner Cotham, seconded by Commissioner Powell and unanimously carried with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, to amend FY2021 Land Authorization Capital Project Ordinance adopted June 16, 2020 to decrease the FY2019-FY2023 Park Land Project by \$2,000,000 ; and approve FY2021 Authorization Park Equity Initiative Capital Project Ordinance in the amount of \$2,000,000.

Note: As part of the implementation of the County's Capital Improvement Plan (CIP), the Board is asked to approve and amend ordinances to provide funding for authorized projects. This includes funding for new projects per the existing CIP, and amendments. In FY2021, the Board approved \$2,000,000 for the Park Equity Initiative, however, this funding was included in the FY2021 Land Ordinance in error. Approval of the Amendment of the FY2021 Land Authorization Ordinance and the adoption of the FY2021 Authorization Park Equity Initiative Ordinance will correct this appropriation error and allow for proper accounting and tracking of the Park Equity Initiative spending.

**MECKLENBURG COUNTY, NORTH CAROLINA
FY 2021 AUTHORIZATION LAND ACQUISITION
CAPITAL PROJECT ORDINANCE**

The following ordinance was offered as an amendment to and reinstatement of *FY2021 Authorization Land Acquisition as adopted on June 16, 2020* by Commissioner _____, who moved its adoption.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 8th DAY OF SEPTEMBER 2021.

Section I. That for the purpose of providing funds, together with any other available funds, for providing land for present and future park and recreation needs including open space 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:

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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 Book _____ , Document # _____.

**MECKLENBURG COUNTY, NORTH CAROLINA
FY 2021 AUTHORIZATION PARK EQUITY INITIATIVE
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY, NORTH CAROLINA, THIS THE 8th DAY OF SEPTEMBER 2021.

Section I. That for the purpose of providing funds, together with any other available funds, for providing land for present and future park and recreation needs including open space purposes, Park Equity Initiative, and the acquisition of improvements thereon and interests in such real property, \$2,000,000 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
\$2,000,000

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.

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

21-7087 COMMISSIONER REPORTS

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

ADJOURNMENT

Motion was made by Commissioner Powell, seconded by Commissioner Leake and carried 8-1 with Commissioners Altman, Cotham, Dunlap, Jerrell, Leake, Meier, Powell, Rodriguez-McDowell, and Scarborough voting yes, and Commissioner Leake voting no, that there being no further business to come before the Board that the meeting be adjourned at 10:51 p.m.

Kristine M. Smith, Clerk to the Board

George Dunlap, Chair