

The Board of Commissioners for the County of Cabarrus met in regular session in the Commissioners' Meeting Room at the Cabarrus County Governmental Center in Concord, North Carolina on Monday, October 18, 2004, at 6:30 p.m.

Present - Chairman: Robert M. Freeman
 Vice Chairman: Richard D. Suggs
 Commissioners: Carolyn B. Carpenter
 Robert W. Carruth
 Coy C. Privette

Also present were John D. Day, County Manager; Marilyn D. Porter, County Attorney; Frankie F. Bonds, Clerk to the Board; and Kay Honeycutt, Deputy Clerk to the Board.

Chairman Freeman called the meeting to order at 6:30 p.m. Vice Chairman Suggs was not present for the beginning of the meeting.

Boy Scout Troop 91 of the Saint James Lutheran Church conducted the Flag Ceremony. Scouts participating in the ceremony were: Joe Martin, Jay Dysart and Evan Hughes.

Chairman Freeman gave the invocation.

(A) APPROVAL OR CORRECTION OF MINUTES

UPON MOTION of Commissioner Privette, seconded by Commissioner Carruth with Commissioners Privette, Carruth and Carpenter and Chairman Freeman voting for, the Board approved the minutes of August 16, 2004 (Regular Meeting), August 25, 2004 (Special Meeting), September 20, 2004 (Regular Meeting) and the October 4, 2004 (Recessed Meeting) as written.

(B) APPROVAL OF THE AGENDA

An Addendum to the Agenda was distributed on Friday, October 15, with the following additions to "Old Business": Add Supporting Documentation to Item E-1 - Construction Management for Justice Center Project; and add Item E-3 - American Basketball Association (ABA) - Carolina Thunder - Lease Agreement for the Use of the Cabarrus Arena. Also, the following item was added to the "Consent Agenda": Item F-17 - Contracts with the Concord Telephone Company.

The following item was presented for addition to the Agenda: Add Item F-18 - Consent Agreement for Fenton Dell Phases II & III Subdivision.

UPON MOTION of Commissioner Carpenter, seconded by Commissioner Privette with Commissioners Privette, Carruth and Carpenter and Chairman Freeman voting for, the Board adopted the Agenda and the additions to the Agenda as presented.

(C) RECOGNITIONS AND PRESENTATIONS

(C-1) National 4-H Month Celebration in Cabarrus County

In honor of National 4-H Month Celebration, Deborah G. Bost, County Extension Director, and Sara West, 4-H Agent, recognized the following Tabletop display winners: First Place: Courtney Boyd and Christine Counts (Junior Division) Kayla Mason and Kristen Mason (Senior Division); Second Place: Ella Beth Wickliff (Junior Division) and Lindsay Harroff (Senior Division); Third Place: Greylan Counts (Senior Division); Fourth Place: Lauren Thomas (Senior Division). Honorable Mention: Melissa Mason (Cloverbud), Chelsea Bell (Cloverbud) and Lauren Harroff (Senior Division). Further, Ms. Bost reported on the 42 percent increase in 4-H membership over the past year, discussed a new 4-H program called "Mission Nutrition" and expressed appreciation for the Board's support.

(D) INFORMAL PUBLIC COMMENTS

Tim Price of 2421 Cimarron Circle, Midland, stated the living conditions and quality of life have decreased in the Cabarrus Acres Subdivision while the property taxes have escalated. He cited concerns about the increase of litter along the roads in the area and complained about the lack of animal control and noise abatement enforcement.

Bill Smith, President of Cabarrus County Building Industry Association and residing at 504 Dodge Street in Kannapolis, discussed the negative

consequences associated with the increase in the adequacy fee for schools. He expressed concern about the lack of opportunity for public input prior to enactment of the fee and about the potential impact the fee would have on housing affordability.

Vice Chairman Suggs arrived at 6:47 p.m. and was present for the remainder of the meeting.

Cindy Fertenbaugh, resident of 1307 Dennbriar Drive N.W., Concord, and member of the Cabarrus County Board of Education, commented on the growth in public schools. She spoke in support of the school bond referendum.

Ted Kluttz of 486 Crestside Drive S.E., Concord, spoke in support of the public school bonds and the community college bonds. He stated the school adequacy fees would not provide the funds to address the immediate need for new schools.

Jim Arstark, 5625 Weddington Road, Concord, spoke in support of the school bond referendum.

Ric Starnes, candidate for Register of Deeds and residing at 4330 Old Airport Road in Concord, spoke in opposition to the \$225,000.00 spent to outsource the scanning and indexing of documents in the present Register of Deeds office. He stated in his opinion this was an unnecessary expense and the scanning/indexing could be done in house.

Julie Hicks, 204 Ridge Drive, Harrisburg, objected to Commissioner Privette's concept for school funding. She spoke in support of the school bond referendum.

Jerry Williamson, 92 Marsh Avenue N.W., Concord, supported Commissioner Privette's school funding plan and privatization of the ABC Board. Further, he spoke in opposition to the school bond referendum.

Gary Embler, 7702 Windsor Forest Place, Harrisburg, spoke in support of the community college bond referendum.

Commissioner Privette discussed the recent comments made at a meeting of the Finance and Tax Committee of the North Carolina Association of County Commissioners in regards to Cabarrus County's adequacy requirements. He stated the other members of the committee felt that all counties in North Carolina should have the authority to collect school adequacy fees.

Commissioner Carruth spoke to senior adults regarding the school bond referendum. He said passage of the referendum was needed to meet immediate school needs and was the first step in a long range, multi-prong strategy to fund school construction. He asked all citizens to investigate the numbers in order to make an informed decision on November 2.

(E) OLD BUSINESS

(E-1) Construction Management for Justice Center Project

Kelly Sifford, Community Development Manager, reported on the progress of the Justice Center Project which included: surveying, appraisals, property negotiations, geological and environmental testing and schematic design. She stated the final schematics are to be presented to the Board in January 2005.

As outlined in a memorandum dated October 15, 2004, Ms. Sifford reviewed the services currently provided in the contract with Ware Bonsall Architects, services that would be duplicated by hiring one of the two construction management firms and the legal and liability issues involved with multi-prime bidding. She stated staff recommended the hiring of Ware Bonsall for the on-site management of the project for the following reasons: Ware Bonsall already has a contract to provide many of the services that the construction management firms offer; Ware Bonsall has hired a construction management company (Hanscomb, Faithful & Gould) that has extensive correctional experience to perform value engineering and estimating services; and the County Attorney can negotiate with Ware Bonsall to ensure that the construction manager would have reporting responsibility to the County in the contract to address concerns of "self policing". In addition, Ms. Sifford stated Ware Bonsall received excellent recommendations on projects where they provided the on-site management service.

There was general discussion among Board members concerning "self policing" and whether an outside firm with no ties to the architect should be

hired to provide the on-site management service. Other issues addressed during discussion included duplication of services, single prime versus multi prime bidding and liability issues.

Ms. Sifford reported that in jail projects recently bid both single and multi prime, the lowest bid was single prime. Examples of such projects included the jail facilities in Cumberland and New Hanover Counties and a Juvenile Detention Center in Taylorsville.

Marilyn Porter, County Attorney, advised in the multi-prime bidding situation the County would be acting as the general contractor thereby contracting with each contractor individually and assuming the liability. Or, she said, the construction manager could request to become an "at risk" construction manager which requires approval from the State Office of Administration. Further, she reported the current contract with Ware Bonsall would have to be amended if the project is bid multi prime. In closing, she reported only one of the construction management firms interviewed qualifies to be "at risk."

Ms. Sifford pointed out that none of the construction management proposals were "at risk" proposals. She stated staff would need to produce another request for proposals specifying that service if the Board wished to have a construction manager at risk.

John Day, County Manager, suggested that these issues be investigated and discussed in a workshop setting at a later date.

Commissioner Carpenter questioned the schedule for the jail project. Glenn Ware of Ware Bonsall Architects confirmed the project should be ready to go out to bid in July 2005.

(E-2) Sale of First Union Building (Cabarrus Bank Building)

Marilyn Porter, County Attorney, reviewed a Memorandum dated October 4, 2004, outlining the significant differences between the original offer of \$1.2 million by Danny Bost LLC to purchase the First Union Building and the upset bid of \$1.3 million by Allen Craven. The major differences included: (1) the Craven offer did not include the specified term regarding exterior guidelines (i.e., all exterior improvements shall meet the guidelines of the Secretary of the Interior for remodeling and reconstruction of historic properties); (2) the Craven offer provided for a due diligence period of six months, up to the date of closing, with closing proposed for 180 days after entering into a contract with the County; and (3) the Bost offer provided a due diligence period of 60 days from final acceptance of the offer with closing proposed to occur within 120 days from the time a definitive agreement is entered into. Ms. Porter reported the Board had three legally permissible options:

- (1) Officially accept the Bost offer, declaring that the Craven offer was not a valid upset bid due to substantive changes in the contract terms and omission of a technically required provision.
- (2) Accept the Craven offer, stating the Board is willing to assume the risk of business terms more favorable to the Buyer in exchange for the higher price. Start the next upset bid term of ten days. Be prepared to have the Craven offer be the final bid or have a higher bid, using the precedent set for more lenient business terms for the Buyer.
- (3) Reject both the Bost offer and the Craven offer for the reasons stated above and start a new upset bid process at a minimum of \$1.3 million. Direct County counsel to draft a form contract that all bidders must unequivocally use, with the only permitted change being the price offered. The risk with this option is that no bidders come back at this time. Both parties currently appear highly motivated, but that is not a guarantee.

In closing, Ms. Porter advised that Option No. 3 was recommended by the Institute of Government.

Commissioner Carpenter asked to be recused from voting due to her employment with Wachovia Bank (formerly First Union).

UPON MOTION of Commissioner Carruth, seconded by Commissioner Privette and unanimously carried, the Board voted to recuse Commissioner Carpenter from voting on the sale of the First Union Building.

UPON MOTION of Commissioner Privette, seconded by Commissioner Carruth with Commissioners Privette and Carruth, Chairman Freeman and Vice Chairman Suggs voting for, the Board voted to accept the following Option No. 3 as outlined by the County Attorney and recommended by the Institute of Government: Reject both the Bost offer and the Craven offer for the reasons stated above and start a new upset bid process at a minimum of \$1.3 million. Direct County counsel to draft a form contract that all bidders must unequivocally use, with the only permitted change being the price offered.

(E-3) American Basketball Association (ABA) - Carolina Thunder - Lease Agreement for the Use of the Cabarrus Arena

Mike Downs, Deputy County Manager, presented the proposed lease agreement between the County and TD Sports Hoops, LLC (Tony Priscaro, owner) for use of the Cabarrus Arena for the home games of Carolina Thunder, a professional basketball team and member of the American Basketball Association. He highlighted the following: (1) it is a three year contract with an option for two additional years; (2) the basic rental fee for each game is \$2,500.00 for FY 04-05, \$3,000.00 for FY 05-06 and \$3,500.00 for FY 06-07 with an additional 10 percent increase if the additional two years are accepted; (3) the County retains parking and concession revenues; (4) TD Sports Hoops, LLC retains all revenues from the sale of "Carolina Thunder" merchandise; and (5) should the need arise, the Cabarrus Arena and Events Center retains the right to reschedule games with the appropriate notice. Mr. Downs requested Paragraph 2 of Section 21 be amended to reflect that VIP suites are based on availability. Further, he reported a non-refundable \$10,000.00 cash deposit or a non-revocable Letter of Credit will be obtained as a safety measure upon execution of this lease.

Marilyn Porter, County Attorney, advised the County would also take a security interest in the box office receipts and would be filing a UCC-1 Financing Statement.

Commissioner Carpenter recommended Section 7 (Equipment and Services Provided by Lessor) Item No. 11 (Access to VIP Suites) be amended to reflect the changes in Section 21 with regard to the availability of VIP suites.

There was a brief discussion regarding insurance and liabilities as well as fundraising opportunities for nonprofit organizations to handle the event parking.

UPON MOTION of Commissioner Carpenter, seconded by Commissioner Privette and unanimously carried, the Board approved the lease agreement with TD Sports Hoops, LLC, for use of the Cabarrus Arena and Events Center with Section 7 Item No. 11 and Section 21 amended to reflect the rental of VIP suites would be based on availability. Further, the Board authorized the County Manager to execute the contract upon review and revisions by the County Attorney.

(F) CONSENT AGENDA

(F-1) Proclamation - Weatherization Day (October 30, 2004)

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board adopted the following Proclamation:

Proclamation of Weatherization Day 2004

Whereas, October is National Energy Awareness Month, and October 30 is designated as National Weatherization Day; and

Whereas, the County of Cabarrus has a long standing commitment to conserve its resources and to help low-income households through its Weatherization Assistance Program; and

Whereas, the State of North Carolina has administered the Weatherization Assistance Program since its inception in 1976, providing a variety of state and federal resources through numerous community action agencies, housing authorities and departments of local government that serve people in every county in the state; and

Whereas, it is important to recognize the importance of those programs that ensure that all residents, especially those living at or below the federal poverty level, have the opportunity to live in energy efficient, healthy, safe, and comfortable homes as provided for by the Weatherization Assistance Program;

Now, Therefore, I, Robert M. Freeman, Chairman of Cabarrus County Board of Commissioners, do hereby proclaim October 30, 2004 as: "Weatherization Day" in the County of Cabarrus and I urge all citizens to join me in this observance.

Signed this October 18, 2004
/s/ Robert M. Freeman
 Robert M. Freeman, Chairman
 Board of Commissioners

ATTEST:
/s/ Frankie F. Bonds
 Frankie F. Bonds, Clerk to the Board

(F-2) Tax Refund and Release Reports - September 2004

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board approved the September 2004 Release - Refund Report as submitted by J. Brent Weisner, Tax Administrator, and authorized the Tax Collector to process the refunds and releases.

Summary of Releases and Refunds for the Month of September 2004

RELEASES FOR THE MONTH OF: September 04 \$160,456.87

BREAKDOWN OF RELEASES:

COUNTY	\$137,972.35
CITY OF CONCORD	\$4,621.12
CITY OF KANNAPOLIS	\$12,623.50
CITY OF LOCUST	\$0.00
CITY OF STANFIELD	\$0.00
TOWN OF HARRISBURG	\$179.15
TOWN OF MIDLAND	\$754.26
TOWN OF MT. PLEASANT	\$2,104.88
ALLEN F/D	\$421.09
COLD WATER F/D	\$50.18
ENOCHVILLE F/D	\$24.26
FLOWES STORE F/D	\$102.18
GEORGEVILLE F/D	\$142.16
GOLD HILL F/D	\$146.58
HARRISBURG F/D	\$729.31
JACKSON PARK F/D	\$75.52
MIDLAND F/D	\$161.06
MT MITCHELL F/D	\$75.09
MT PLEASANT F/D	\$93.75
NORTHEAST F/D	\$57.40
ODELL F/D	\$105.90
POPLAR TENT F/D	\$0.00
RICHFIELD F/D	\$0.00
RIMER F/D	\$17.13
WINECOFF F/D	\$0.00

REFUNDS FOR THE MONTH OF: September 04 \$3,013.75

BREAKDOWN OF REFUNDS:

COUNTY	\$2,189.88
CITY OF CONCORD	\$29.49
CITY OF KANNAPOLIS	\$766.32
CITY OF LOCUST	\$0.00
CITY OF STANFIELD	\$0.00
TOWN OF HARRISBURG	\$0.00
TOWN OF MIDLAND	\$0.00
TOWN OF MT. PLEASANT	\$0.00
ALLEN F/D	\$2.48
COLD WATER F/D	\$0.00
ENOCHVILLE F/D	\$0.00
FLOWES STORE F/D	\$0.36
GEORGEVILLE F/D	\$0.00
GOLD HILL F/D	\$0.00
HARRISBURG F/D	\$20.78
JACKSON PARK F/D	\$0.00
MIDLAND F/D	\$0.00
MT. MITCHELL F/D	\$1.14
MT. PLEASANT F/D	\$0.00
NORTHEAST F/D	\$3.08
ODELL F/D	\$0.22
POPLAR TENT F/D	\$0.00

RICHFIELD F/D	\$0.00
RIMER F/D	\$0.00
WINECOFF F/D	\$0.00

(F-3) Authorization to Award Service Weapon to Rickie D. Coker on his Retirement from the Cabarrus County Sheriff's Department

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board, pursuant to North Carolina General Statute 20-187.2, declared surplus and authorized the award of the service weapon (Sig Sauer 40 Cal, Model: P226R, Serial # U684258) for the price of \$1.00 to Rickie D. Coker, upon his retirement from the Cabarrus County Sheriff's Department on November 1, 2004.

(F-4) Community Links Contract with the Department of Social Service for Home Studies (Child Welfare Services)

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board approved the Community Links renewal contract in the amount of \$55,000.00 for the Department of Social Services for Fiscal Year 2005 and authorized the County Manager to execute the contract subject to review and revision by the County Attorney.

(F-5) Addendum to the Project Ordinance for the Capital Projects Fund

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board approved the following Addendum to the Capital Project Ordinance:

Addendum to Capital Project Ordinance

Section 9. At the completion of the construction project, all unrestricted excess funds are transferred to the General Fund for payment of Debt Service and the Capital Project Ordinance is closed.

Section 10. The County Manager is hereby authorized to transfer revenues and appropriation within an ordinance as contained herein under the following conditions:

- a. The Manager may transfer amounts between objects of expenditures and revenues within a function without limitation.
- b. The Manager may transfer amounts up to \$100,000 between functions of the same ordinance.
- c. The Manager may transfer amounts between contingency funds, which are set aside for a specific project upon the appropriate approval of the change order.
- d. The Manager may enter into and execute change orders or amendments to County construction contracts in amounts up to \$50,000.00 when the project ordinance contains sufficient appropriated but unencumbered funds. If the construction contracts are for Public Education or the Community College, the Board of County Commissioners must enter into and execute these change orders.

(F-6) Coltrane LIFE Center Contract with the Department of Social Services

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board approved the Coltrane LIFE Center renewal contract in the amount of \$61,277.00 for adult day care services for the Department of Social Services for FY 2005. Further, the Board authorized the County Manager to execute the agreement on behalf of Cabarrus County, subject to review and revisions by the County Attorney.

(F-7) Granting a Utility Easement to the City of Concord on Cabarrus Avenue at Health Department Drive

The City of Concord Community Development Division of the Neighborhood and Economic Development Department has requested that Cabarrus County grant a utility easement on Cabarrus Avenue at Health Department Drive for the purpose of installing a mechanical box.

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board granted a utility easement on Cabarrus Avenue at Health Department Drive to install a mechanical box and authorized the County Manager to execute the easement subject to review and revision by the County Attorney. The description of the right-of-way was as follows:

Lying and being in the City of Concord, Cabarrus County, N.C., and lying on the south side of Cabarrus Avenue W. Being more particularly described as follows:

COMMENCING at N.C.G.S. Station "COUNTY", having grid coordinates of N = 602,914.271, E = 1,521,149.485; thence N 63°59'32"E-394.81' to a point on the right of way of Cabarrus Avenue, the POINT OF BEGINNING,; thence with said right of way, N80°48'54"E-20.69' to a point, the right of way intersection of Cabarrus Avenue and Health Department Drive; thence with the right of way of Health Department Drive, S26°09'44"E-15.46' to a point; thence S08°56'53"E - 15.67' to a point; thence leaving said right of way, S80°32'56"W-25.00' to a point; thence N09°27'04"W-30.56' to a point, the POINT OF BEGINNING. Containing 732.93 square feet or 0.02 acres, more or less.

(F-8) Department of Aging - Budget Amendment Establishing Senior Center Program Coordinator Position for Administering the Family Friends Program

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board adopted the following budget amendment establishing Position 5760010, Senior Center Program Coordinator, to administer the Family Friends Program at the Department of Aging:

BUDGET REVISION/AMENDMENT REQUEST

DEPARTMENT OF AGING

AMOUNT: \$23,732.00

TYPE OF ADJUSTMENT: Supplemental Request

PURPOSE OF REQUEST: Funding was received and deposited June 17, 2004 from The National Council on Aging to administer the Family Friends Program. FY 2004 appropriation was approved September 2004. Establish position 5760010 effective 11.12.04 through 06.30.05, Senior Center Program Coordinator to facilitate the program. Cabarrus Family Friends is an intergenerational volunteer program that matches adults 55 years of age and older with families of children who have disabilities and/or chronic illnesses. The volunteers offer support to families by providing time for the family to meet the demands of daily living.

Account No.	Present Approved Budget	Increase	Decrease	Revised Budget
00195760-9486	\$28,150.00		\$23,732.00	\$4,418.00
Family Friends Grant Expense				
00195760-9101	\$329,501.00	\$17,614.00		\$347,115.00
Salaries and Wages				
00195760-9201	\$20,886.00	\$1,092.00		\$21,978.00
Social Security				
00195760-9202	\$4,884.00	\$255.00		\$5,139.00
Medicare				
00195760-9205	\$48,600.00	\$2,696.00		\$51,296.00
Hospital Insurance				
00195760-9210	\$16,212.00	\$861.00		\$17,073.00
Retirement				
00195760-9230	\$2,311.00	\$25.00		\$2,336.00
Workers Compensation				
00195760-9235	\$16,475.00	\$881.00		\$17,356.00
Deferred Compensation 401k				
00195760-9640	\$6,033.00	\$308.00		\$6,341.00
Insurance & Bonds				

(F-9) Department of Aging - Budget Amendment Appropriating Funds Provided by the Council on Aging from an OASIS Respite Program Grant

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board adopted the following budget amendment:

BUDGET REVISION/AMENDMENT REQUEST

DEPARTMENT OF AGING

AMOUNT: \$18,350.00

TYPE OF ADJUSTMENT: Supplemental Request

PURPOSE OF REQUEST: Additional funding provided by the Cabarrus County Council on Aging from a collaborative grant (OASIS Respite Program) was received and deposited on September 22, 2004. The Department of Aging will expand services through the Caregiver Support Program and In-Home Respite Program. This additional funding will enable more clients 60 years and older to remain independent; therefore, reducing nursing home care.

<u>Account No.</u>	<u>Present Approved Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
00165760-6827 Council on Aging	\$9,000.00	\$18,350.00		\$27,350.00
00195760-9445 Purchased Services	\$45,116.00	\$18,350.00		\$63,466.00

(F-10) Department of Social Services - Budget Amendment Establishing Social Service Worker II/Case Manager Position for the Community Alternatives Program

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board adopted the following budget amendment establishing position 5650001 (Social Worker II/Case Manager) for the Community Alternatives Program at the Department of Social Services:

BUDGET REVISION/AMENDMENT REQUEST

DEPARTMENT OF SOCIAL SERVICES

AMOUNT: \$26,016.00

TYPE OF ADJUSTMENT: Supplemental Request

PURPOSE OF REQUEST: The County has experienced an increased enrollment in the CAP Program because more elderly and disabled adults are desiring to remain in their homes, therefore, reducing nursing home placement. The increased processing time creates delays for the elderly and disabled clients because of the heavier caseload on the Case Manager and Social Workers. Clients are at risk of premature placement or neglect. This position will ensure the County's state guidelines of 30 clients per CAP case manager.

<u>Account No.</u>	<u>Present Approved Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
00195650-9101 Salary and Wages	\$600,491.00	\$19,158.00		\$619,649.00
00195650-9201 Social Security	\$38,776.00	\$1,188.00		\$39,964.00
00195650-9202 Medicare	\$9,068.00	\$278.00		\$9,346.00
00195650-9205 Group Hospital Insurance	\$86,400.00	\$2,696.00		\$89,096.00
00195650-9210 Retirement	\$31,512.00	\$943.00		\$32,455.00
00195650-9230 Workers' Compensation	\$13,891.00	\$460.00		\$14,351.00
00195650-9235 Deferred Compensation 401k	\$32,025.00	\$958.00		\$32,983.00
00195650-9640 Insurance & Bonds	\$11,210.00	\$335.00		\$11,545.00
00165650-6616 Community Alternative Program Rev	\$3,551,526.00	\$26,016.00		\$3,577,542.00

(F-11) Department of Social Services - Budget Amendment Appropriating Additional State and Federal Adult Care Services Funding

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board approved the following budget amendment:

BUDGET REVISION/AMENDMENT REQUEST

DEPARTMENT OF SOCIAL SERVICES

AMOUNT: \$9,917.00

TYPE OF ADJUSTMENT: Supplemental Request

PURPOSE OF REQUEST: To appropriate FY 2005 actual state and federal Adult Day Care Funding. The funding available for Adult Day Care is higher than the State's February 2004 estimate. The additional funding will provide 540 days of adult day care services for three additional clients enabling the clients to remain in their own home rather than requiring institutional care. The County's required match of 12 % or \$1,417.00 will be funded via AFDC Emergency Assistance.

<u>Account No.</u>	<u>Present Approved Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
00165685-6204 Social Service Admin. Reimbursement	\$43,700.00	\$9,917.00		\$53,617.00
00195685-9465 Adult Day Care	\$49,943.00	\$11,334.00		\$61,277.00
00195670-9461-232-1 AFDC Emergency Assistance	\$175,000.00		\$1,417.00	\$173,583.00

(F-12) Change Order Request for Fred L. Wilson Elementary, Shady Brook Elementary and Kannapolis Middle School and Related Budget Amendment

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board approved the change orders totaling \$67,167.00 for Fred L. Wilson Elementary School (curbs, grading, paving and various engineering work), Shady Brook Elementary (various engineering work) and Kannapolis Middle School (water and sewer tap permits and permit for heating and air conditioning) and adopted the following budget amendment:

BUDGET REVISION/AMENDMENT REQUEST

DEPARTMENT OF FINANCE

AMOUNT: \$67,167.00

TYPE OF ADJUSTMENT: Transfer Between Function/Funds

PURPOSE OF REQUEST: The total of these change orders is \$67,167.00 of additional funds being requested from the contingency line item budget for COPS III. Adequate funds are available to meet these requested changes from Kannapolis City Schools. These changes were approved on October 11, 2004 by the Kannapolis City School Board.

	Present			
Account No.	Approved Budget	Increase	Decrease	Revised Budget
36297406-9606	\$57,433.00	\$2,470.00		\$59,903.00
Engineers - Fred L. Wilson				
36297406-9849	\$0.00	\$28,805.00		\$28,805.00
School Site Development - Fred L. Wilson				
36297405-9606	\$42,773.00	\$4,266.00		\$47,039.00
Engineers - Shady Brook				
36297404-9820	\$10,829,008.00	\$31,626.00		\$10,860,634.00
Building Improvements - Kannapolis Middle				
36290000-9660	\$101,587.00		\$67,167.00	\$34,420.00
Contingency				

(F-13) Certificates of Participation, Series 2003 Bethel Elementary School - Budget Amendment Adjusting Line Items

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board adopted the following budget amendment:

BUDGET REVISION/AMENDMENT REQUEST

DEPARTMENT OF FINANCE

AMOUNT: \$40,474.00

TYPE OF ADJUSTMENT: Transfer Between Function/Funds

PURPOSE OF REQUEST: To adjust the School Financing Legal Expenses and the Bethel Elementary School Budget to cover Engineers, Architects, Site Development and Building Improvements. When the original budget was approved, certain expenses had to be estimated. As the Bethel Project is coming to a close, final budget estimates have been made. The original budget for Bethel and Pitts Schools was split between the two schools. The funds needed for the Bethel School are being taken from the Pitts School Engineering line that was over-estimated. No supplemental funds are being requested.

	Present			
Account No.	Approved Budget	Increase	Decrease	Revised Budget
36290000-9609	\$766,108.00	\$1,014.00		\$767,122.00
Legal Fees - School Financing				
36297322-9849	\$1,539,968.00	\$30,608.00		\$1,570,576.00
Site Development - Bethel				
36297322-9820	\$9,348,025.00	\$8,031.00		\$9,356,056.00
Building Improvements - Bethel				
36297322-9606	\$84,500.00	\$381.00		\$84,881.00
Engineering - Bethel				
36297322-9607	\$409,050.00	\$440.00		\$409,490.00
Architects - Bethel				
36297321-9606	\$151,980.00		\$40,474.00	\$111,506.00
Engineering - Pitts				

(F-14) Revision to the Department of Solid Waste Management Fee Schedule to Add a Bulk Rate Customer Fee Schedule

To be competitive, the addition of a bulk rate customer fee schedule at the landfill is necessary. This bulk fee schedule will be subject to contracting with the landfill to dump a minimum of 12,000 tons per year. Should the customer not meet the minimum level during the contract period, the fees will revert back to the \$20.00 per ton schedule that is currently in place.

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board approved the addition of the following Bulk Rate Customer Fee Schedule and authorized the County Attorney to prepare a contract for the 12,000 ton annual minimum as stated on the fee schedule.

Bulk Rate Customer Fees Schedule
(Subject to contracting for minimum of 12,000 tons per year)
Construction & Demolition Debris \$17.50 per ton/\$17.50 minimum charge
(maximum charge \$140.00 per roll off truck load)

(F-15) Teen Court Resolve Program - Budget Amendment FY 2004 Fund Balance Appropriation

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board adopted the following budget amendment:

BUDGET REVISION/AMENDMENT REQUEST

DEPARTMENT OF FINANCE

AMOUNT: \$350.00

TYPE OF ADJUSTMENT: Supplemental Request

PURPOSE OF REQUEST: The Department of Juvenile Justice and Delinquency Prevention (DJJDP) authorized additional Teen Court grant funding for fiscal year 2004 of \$350.00. Teen Court had requested additional funding for the purchase of filing cabinets. The funds were received and deposited by the county on June 10, 2004; therefore, the program was unable to purchase and/or receive the filing cabinets on or before June 30, 2004.

	Present			
Account No.	Approved Budget	Increase	Decrease	Revised Budget
00161710-6901	\$3,940,317.65	\$350.00		\$3,940,667.65
Fund Balance Appropriated				
00191980-9344	\$44,427.00	\$350.00		\$44,777.00
Teen Court Resolve Program				

(F-16) Resolution to Create a Policy for the Advancement of School Adequacy (Revised to Include Board Action on October 4, 2004)

On October 4, the Board voted for the advancement of school adequacy to be paid at the time a building permit is issued. The revised Resolution incorporates that change as well as action taken by the Board on August 16 and September 20, 2004.

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board adopted the following Resolution:

Resolution No. 2004-40

Resolution to Create a Policy for the Advancement of School Adequacy

WHEREAS, the Cabarrus County Board of Commissioners has demonstrated that education is its top priority through the funding of construction of nine elementary schools, four middle schools, one high school and numerous additions and improvements to existing schools over the last fifteen years; and

WHEREAS, the development and homebuilding industries are an important part of the local economy; and

WHEREAS, a study by Tischler and Associates for Cabarrus County in 1996 found that the direct school capital cost incurred by the County is \$8067 per unit for houses in transitional areas; and

WHEREAS, new homes constructed in these developments will be subject to property taxes which in part will offset the incurred capital cost; and

WHEREAS, new development continues to be approved within the unincorporated areas of Cabarrus County after a review of the adequacy of services based on the Cabarrus County Subdivision Regulations Chapter 4, Section 17 "Adequate Public Facilities Standards"; and

WHEREAS, the Board of Commissioners is interested in approving new development that participates in the advancement of school adequacy; and

WHEREAS, the Board of Commissioners would like for all new residential development in both the incorporated and unincorporated areas of Cabarrus County to be reviewed for school adequacy.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Cabarrus County that the following policy is established to address school adequacy when reviewing new residential development:

- All new residential developments that require plan approval by the Cabarrus County Planning & Zoning Commission shall be reviewed for the adequacy of public services and facilities including school facilities. This review shall include existing school capacity as well as the additional capacity of schools under construction or for which funding of construction has been approved. In addition, the review shall include the existing enrollment and estimated enrollment based on previously approved development. School adequacy shall be defined as that estimated enrollment not exceeding 110% of capacity as determined by the Kannapolis and Cabarrus School Systems.
- Where school facilities will not be adequate based on existing and projected enrollment, new development will be expected to address this inadequacy based on the cost incurred by Cabarrus County for school capital facilities. The Board of Commissioners may consider direct or indirect contributions to the adequacy of schools in the form of cash contributions, dedication of land in a suitable area based on the Cabarrus County Schools 15 Year Plan, or infrastructure improvements that will directly benefit school sites. A combination of these methods may also be considered. In no case shall the value of the contribution be less than 50% of the incurred capital cost of \$8067 which is \$4034 for single family units. The student generation rate for multi-family units is approximately 1/3 that of the generation rate of single family homes based on a Commerce Department survey of Cabarrus housing and based on national studies. Therefore the value of contribution for multifamily and townhouse units shall not be less than 33% of the single family contribution or \$1331 per unit. The capital cost, and therefore the required value of contribution shall be indexed annually to reflect changes in the cost of construction. The annual construction index shall be based on the Turner Building Cost Index and the ENR Building Cost Index and the re-calculated rate shall be publicized.
- Any method proposed to address school adequacy whether through monetary contribution, land donation or services shall be paid or completed prior to the issuance of any affected building permit within the subject development. The method to address adequacy and requirement that it shall be completed prior to building permits being issued shall be included in the Consent Agreement.
- New development within the corporate limits of any of the cities located in Cabarrus County shall also be subject to the adequacy review through the Cabarrus County Subdivision Regulations Chapter 4, Section 17 "Adequate Public Facilities Standards" as provided for by Session Law 2004-39, House Bill 224, which became effective June 30, 2004. This review shall include existing school capacity as well as the additional capacity of schools under construction or for which funding of construction has been approved. In addition, the review shall include the existing enrollment and estimated enrollment based on previously approved development. School adequacy shall be defined as that estimated enrollment not exceeding 110% of capacity as determined by the Kannapolis and Cabarrus School Systems.
- The Board of Commissioners requests that each of the cities require new development to enter into a consent agreement with Cabarrus County to address school adequacy as part of the municipality's approval of that development. That consent agreement shall be subject to approval by the Board of Commissioners.

Adopted this the 18th day of October, 2004.

Cabarrus County Board of Commissioners
/s/ Robert M. Freeman
 Robert M. Freeman, Chairman

ATTEST:

/s/ Frankie F. Bonds
 Frankie F. Bonds, Clerk to the Board

(F-17) Contracts with the Concord Telephone Company

Information Technology (IT) Department has advised that proposed contracts with Concord Telephone Company will result in additional savings to the County of approximately \$1,300.00 per month. The contracts included ISDN-PRI Service at the following locations for terms beginning October 1, 2004 through September 30, 2009: 25 Corban Avenue, Concord; 65 Church Street S, Concord; 4751 NC Hwy 49 N, Concord; and 1303 S. Cannon Blvd., Kannapolis. Also included were the Master Telecommunication Services Agreement and a Service Order that increased Cabarrus County's Internet Access from 3 MB to 6 MB for a monthly recurring fee of \$1,200.00 for a period of 48 months.

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board approved the contracts with Concord Telephone Company as submitted.

(F-18) Consent Agreement for Fenton Dell Phases II and III

CF Little Construction Company is developing Fenton Dell Phase II and III consisting of 55 single family lots on approximately 39.05 acres in Township 1 on Tom Query Road. The developer has agreed to donate \$1,008.00 per unit to advance the adequacy of public schools. The Harrisburg Planning and Zoning Board approved the subdivision at its September 20, 2004 meeting, subject to the developer entering into a Consent Agreement with Cabarrus County to meet the Adequate Public Facilities Ordinance requirements.

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board approved the Consent Agreement between Cabarrus County and CF Little Construction Company for the Fenton Dell Phase II and III subdivision, including the payment of \$1,008.00 per unit to advance school adequacy with payment to be made at the issuance of building permitting. Further, the Board authorized the County Manager to execute the Consent Agreement on behalf of Cabarrus County, subject to revisions by the County Attorney.

(G) NEW BUSINESS

(G-1) FY 2004 Local Law Enforcement Block Grant - Conduct Public Hearing and Consider Adoption of Budget Amendment Accepting Grant Funds

Captain Phil Patterson, Sheriff's Department, reported the County has been awarded a Local Law Enforcement Block Grant (LLEBG) that will be used to enhance the Sheriff's Training/Firing Range on Irish Potato Road. Further, he reported this enhancement is possible through a cooperative joint venture with the Concord Police Department, which also received LLEBG grant funding. A public hearing is required to solicit input on the project and is a grant requirement.

At 8:05 p.m., Chairman Freeman opened the public hearing on the FY 2004 Local Law Enforcement Block Grant. The Public Hearing Notice was published in THE INDEPENDENT TRIBUNE on October 1, 2004.

There was no one present to address the Board, and Chairman Freeman closed the public hearing.

UPON MOTION of Commissioner Carpenter, seconded by Commissioner Carruth and unanimously carried, the Board accepted the Local Law Enforcement Block Grant funding and adopted the following budget amendment appropriating the block grant of \$5,824.00 and the local match of \$582.00.

BUDGET REVISION/AMENDMENT REQUEST

DEPARTMENT OF SHERIFF'S OFFICE

AMOUNT: \$6,406.00

TYPE OF ADJUSTMENT: Supplemental Request

PURPOSE OF REQUEST: To establish funds for a new FY 2004 Local Law Enforcement Block Grant (2004-LB-BX-1147). Funds will be used to add enhancements to the Training Facility/Firing Range and will include automatic pop-up or turning targets and a range tower. A 10% match is required and will come from the Special Revenue Fund for Federal Forfeiture Sharing. This will improve skill level/reaction time in a combat situation. Concord Police has also received LLEGB grant funding for the enhancements to be made without requiring county dollars. The firing range is used by all agencies in the county.

Account No.	Present Approved Budget	Increase	Decrease	Revised Budget
00162110-6327	\$0.00	\$5,824.00		\$5,824.00
Local Law Enforcement Block Grant				

00161710-6915	\$0.00	\$582.00	\$582.00
Contribution from Special Revenue			
00192110-9846	\$0.00	\$6,406.00	\$6,406.00
Local Law Enforcement Block Grant			

(G-2) Zoning Text Amendment - Planned Unit Development District (PUD) - Conduct Public Hearing and Consider Adoption of Text Amendment

Nicole Storey, Planner, reported the proposed zoning text amendment seeks to add a new zoning classification to the list of zoning districts in Chapter 3, Establishment of Zoning Districts. She said this new classification is a floating zoning district designated as Planned Unit Development or PUD. The purpose of adding a floating district to the ordinance is to add flexibility by enabling it to accommodate new land uses in reaction to a community's changing needs. Further, Ms. Storey reported the purpose of the PUD is to provide for a mix of different land uses while encouraging and allowing more creative and cohesive design of land development than is possible under traditional zoning regulations.

At 8:12 p.m., Chairman Freeman opened the public hearing on the proposed Zoning Text Amendment. The Public Hearing Notice was published in THE CHARLOTTE OBSERVER (Cabarrus Neighbors) on October 3 and 17, 2004.

There was no one present to address the Board, and Chairman Freeman closed the public hearing.

UPON MOTION of Vice Chairman Suggs, seconded by Commissioner Privette and unanimously carried, the Board adopted the following ordinance:

Petition C04-05 (ZT) Ordinance No. 2004-18

AN ORDINANCE AMENDING THE CABARRUS COUNTY ZONING ORDINANCE

BE IT ORDAINED that the Cabarrus County Zoning Ordinance is hereby amended as follows:

- Add the following text to Chapter Three- Establishment of Districts, Section 3-4

FLOATING:
-Planned Unit Development (PUD)

- Add the following floating district, PUD, and associated standards to Chapter Three- Establishment of Districts, Section 3-7.

(e) FLOATING ZONES:

- (1) PLANNED UNIT DEVELOPMENT (PUD) DISTRICT. Planned Unit Development (PUD) regulations are intended to provide for a mix of different land uses while encouraging and allowing more creative and cohesive design of land development than is possible under traditional zoning regulations.

PUD zoning allows substantial flexibility in planning and design of a proposed development that often occurs in the form of relief from compliance with conventional zoning ordinance requirements such as minimum lot size and buffering. Ideally, this flexibility results in a development that is better planned, contains more amenities and, ultimately, is a development that is more desirable to live in than one produced in accordance with typical zoning ordinance and subdivision controls.

Rationale. This district provides for a mix of land uses including single-family residential, multi-family residential, professional offices, industrial uses, recreational facilities, civic uses or commercial centers. These uses are integrated into a coordinated and comprehensively designed development project that offers a high level of amenities and preserves the natural and scenic qualities of open spaces.

Processing Procedures.

To enable thorough analysis of a Planned Unit Development, more information is needed about the proposal than would be required if development were being pursued under conventional zoning requirements. Although a PUD is technically a floating district, it shall be processed as a special use district in accordance with Section 13-12 of this Ordinance with the following additions:

- 1. The following criteria shall apply to all PUD-proposed development:

- a) Eligibility. An application for PUD must be submitted by the property owner or property owner's representative for an area of not less than 25 acres.
 - b) Density. Overall density will be defined on the initial preliminary site plan in accordance with the required land use composition calculation.
 - c) Preservation of Natural Features. Critical areas and other significant and desirable natural features such as steep slopes, drainage courses, unique stands of vegetation, riparian areas and water bodies are to be retained and integrated into the site design.
 - d) Common Architectural Theme. All buildings and structures in the project site area are to share a common architectural theme that ensures compatibility among interior land uses. This theme shall also be compatible or complementary with adjacent development, or shall be adequately screened or buffered from such adjacent development.
 - e) Adjoining Land Use Compatibility. The project site design shall be laid out in a manner that ensures compatibility and harmony with adjoining land uses exterior to the subject project.
 - f) Streets. All public and private streets within the project site area shall comply with NCDOT minimum design guidelines.
 - g) Naming Convention. Upon approval, the zoning district will be known by the name Planned Unit Development and will be designated as PUD.
2. The Cabarrus County Planning and Zoning Board hear the "PUD" request and the preliminary site plan approval request concurrently, except that the final decision to approve or deny each request shall be by a separate vote. The Cabarrus County Planning and Zoning Board shall first make a decision whether to grant approval for the requested "PUD" district. If the "PUD" request is denied, the Cabarrus County Planning and Zoning board will no longer consider the request for approval of the preliminary site plan. If the "PUD" district is approved, the Cabarrus County Planning and Zoning Board shall then make a decision whether to approve the preliminary site plan.

Applications for PUD are also eligible for the expedited rezoning process as prescribed in Section 13-12, step 4.

Permitted Uses.

The uses permitted in a PUD district shall be the permitted uses as set forth in the approved site plan. Because the PUD is a floating district, these uses will be selected from those uses permitted in Chapter 3, Section 3-8 Table of Permitted Uses. Approval of the proposed uses is at the sole discretion of the appropriate decision making agency. No additional conditional use permit shall be required for any conditional use listed once preliminary site plan approval is granted.

Land Use Composition.

The preliminary site plan for a PUD district shall not be approved unless the following minimum percentages of land uses are provided for within the boundaries of the district. The percentage values are based on dwelling units for residential land use and square footage for non-residential land use.

Moderate density residential (max. 4 units per acre) = 20%
 High density residential (max. 18 units per acre) = 10%
 Non residential = 8%

Open Space.

All Planned Unit Developments consisting of 30 or more residential units shall provide open space in an amount equal to 10% of the residential area of the PUD or 7% of the total PUD area, whichever is greater. Active recreational areas will be required to be provided on at least 1/3 of the total required open space acreage in residential areas and 1/5 of the total required open space acreage in non-residential areas. Required open space for PUDs developed utilizing the cluster development should be calculated as indicated in Section 5-8.

Active recreational areas are defined as - Any park or recreational facility that is not dependent upon a specific environmental or natural resource, which is developed with recreation and support facilities that can be provided anywhere for the convenience of the user. Activity-based recreation areas include, but are not limited to, playgrounds, golf courses, bicycle trails, baseball or softball fields, football or soccer fields, basketball courts, swimming pools, clubhouses, equestrian facilities, swings, slides, play apparatus and tennis courts.

Design Standards.

The land uses within a PUD shall not be subject to any of the dimension and density provisions of Chapter 5 part III, Table One: Development Standards By Zoning District: except that a perimeter setback of 25 feet shall be maintained. PUD designs shall be subject to the recommended design elements listed below. These design elements are for consideration in the design of a Planned Unit Development and shall be considered as criteria for approval. This is not to state that all of the design elements listed below shall be included in a PUD, rather all elements shall be considered and those that are considered appropriate and reasonable should be included.

Architectural elements

- Building height, rhythm, articulation, massing and bulk are compatible with the individual site attributes and are compatible with the surrounding neighborhoods.
- Distinctive architectural details such as covered front entries, covered front porches, door and window details, roof overhangs, and/or parapet walls with cap features should be provided on each dwelling, or principle structure. A variety of roofing colors, textures, and component shapes including shake shingle, shale, and wood compositions, should be provided.
- Significant architectural differences in the choice of elevations, roof lines, and exterior colors for each residential floor plan should be provided. Not more than three (3) adjacent homes should contain the same front facade, and not more than three (3) adjacent homes should contain the same rear facade visible from arterial street view, on any block front. Homes facing one another (across the street) should not have the same facade. No adjacent home should contain the same elevation.
- Residential design guidelines are provided, which include a variety of conceptual standard plans, and may include: variation in building setbacks, detached garages, recessed garages if attached to the principal building and fencing alternatives.
- Garage fronts should be de-emphasized and not be the most prominent architectural feature of the house. This should be accomplished by providing side access garages, detached "in-line" garages, and/or L-shaped floor plans on not less than fifty percent (50%) of the lots. Garages should be recessed at least one car length in order to provide interest and relief from the street. The front elevation should prominently feature an entrance for persons rather than automobiles with the garage area not to exceed forty percent (40%) of the front facades of two story houses and 45% of single story houses.

Recreation elements

- Not less than 20 percent (20%) of the residential units in medium and high density areas are located within 660 feet of a pedestrian, equestrian and bicycle trail.
- Recreation and open space facilities should be aligned with the community parks and open space network, as provided in any locally adopted land use plans or parks and recreation master plans.
- Neighborhood scale recreation facilities and amenities should be provided which are functional, not retention/detention or basin-like in design. Retention basins used in conjunction with recreational facilities or amenities should be designed in accordance with the Stormwater Management Standards of this Ordinance. Such areas should include turf or landscaping within all areas not permanently covered with standing water.
- Gateway treatments may be incorporated at appropriate locations along an open space network.

Transportation elements

- Park-and-ride lots may be incorporated with planned facilities.
- Bicycle lanes should be included along at least fifty percent (50%) of the linear frontage of all planned collector streets.
- Bicycle parking facilities should be provided for all uses except single family detached and duplex residences.
- A customized entrance may be provided at the entry street intersecting a thoroughfare or collector which features a waterfall, sculpture, monument signage, special landscaping, specialty pavement, enhanced fence wall details, boulevard median or other similar treatment.

Landscaping and Buffering elements

- Higher density or intensity developments abutting lower density or intensity areas may utilize transitional stepping of intensities of uses or lot dimensions rather than strict buffering provided that these features substantially mitigate any negative impacts consistent with the intent of this ordinance. These elements will be defined on the initial preliminary site plan and will become binding once approved.

- Landscaping within the PUD district and along its boundary shall be defined on the initial preliminary site plan and will become binding once approved. Street trees, landscaped berms, and planted medians are strongly encouraged. Existing trees should be retained wherever possible, especially around the perimeter and along creeks and streams.

Parking

- Landscaping, half walls, fencing, or other methods should be utilized to screen parking areas from view. Islands and planting areas should be incorporated to increase safety, create shade and improve aesthetics.

Other design considerations

- Homeowner or property owners associations should be required to maintain all roadway/right-of-way landscaping, pedestrian-bicycle, and equestrian paths (arterial, collector and local as proposed) to the standards of this Ordinance.
- Areas designated for industrial land uses should be designed to create a campus-style environment.

Submittal Requirements.

The following documents and associated fees will be required at the time of initial submittal:

Completed Cabarrus County Rezoning Application with associated fees. (A PUD rezoning will adhere to the fee schedule for a non-residential/mixed use rezoning.) This application will contain a list of permitted uses to be considered in the PUD rezoning.

Completed Cabarrus County Preliminary Subdivision Application with associated fees.

Preliminary Site Plan. In addition to the requirements of Section 13-11, a preliminary site plan submittal must include the following:

- a) Boundary lines and dimensions of the subject site.
- b) Existing and proposed easements - general purpose and width.
- c) Utility extensions of water lines, sanitary sewers, and storm sewers.
- d) Land use designations for the subject site.
- e) Retention and detention areas.
- f) Residential lots (average lot size and minimum lot size shall be specified).
- g) Locations, size, and type of intended landscaping features.
- h) Locations, size, and type of intended buffers.
- i) Proposed subdivision and street names for review.

Location, square footage or minimum lot size, number of units (for residential), and building height in feet or number of stories for each land use category will be sufficient, actual lot designation at time of site plan approval will not be required.

Professional Design Team Required.

An applicant for a PUD approval shall certify, in writing at the time of application, that a member of each of the following professions will be used in the planning and design process for the proposed development:

- a) Project planning and design by a licensed North Carolina architect, licensed North Carolina landscape architect, planner certified by the American Institute of Certified Planners (AICP), or a registered land surveyor;
- b) Landscaping design by a certified nurseryman or licensed North Carolina landscape architect; and,
- c) Site engineering by a North Carolina Registered Engineer.

Modification of Approved Preliminary Site Plan.

Following approval of the PUD district and the preliminary site plan, no modification of the land use category designations, design standards, uses, densities or any other condition of the site plan shall be permitted unless an amended petition is filed. However, the Administrator may approve modifications in writing provided that they meet the requirements of Chapter 13, Part V, section 13-17.

Adopted this the 18th day of October, 2004 by the Cabarrus County Board of Commissioners.

/s/ Robert M. Freeman
Robert M. Freeman, Chairman
Cabarrus County Board of Commissioners

ATTEST:
/s/ Frankie F. Bonds
Frankie F. Bonds, Clerk to the Board

(G-3) Zoning Text Amendment - To Make Mobile Home Parks and Multi-Family Development Subject to the Adequate Public Facilities Standards - Conduct Public Hearing and Consider Adoption of Text Amendment

Rodger Lentz, Planning and Zoning Manager, reported Petition C2004-07 (ZT) was in response to the Board's directive at its last meeting to make mobile home parks and multifamily developments subject to the Adequate Public Facilities Ordinance. He said the Planning and Zoning Commission recommended approval of this text amendment by a vote of 7 - 2.

At 8:13 p.m., Chairman Freeman opened the public hearing on Petition C2004-07 (ZT). The Public Hearing Notice was published in THE INDEPENDENT TRIBUNE on October 6 and 17, 2004.

There was no one present to address the Board, and Chairman Freeman closed the public hearing.

There was brief discussion regarding the adequacy requirements for efficiencies and one bedroom apartments and the impact of those units have on schools. Mr. Lentz reviewed the calculation method for determining school adequacy and explained the difficulty in charging different amounts based on the number of bedrooms a builder proposes in each unit and for staff to track what was actually built.

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter with Chairman Freeman, and Commissioners Carpenter, Carruth and Privette voting for and Vice Chairman Suggs voting against, the Board adopted the following ordinance:

PETITION C04-07(ZT)

Ordinance No. 2004-19

AN ORDINANCE AMENDING THE
CABARRUS COUNTY ZONING ORDINANCE

BE IT ORDAINED that the Cabarrus County Zoning Ordinance is hereby amended as follows:

In order to make mobile home parks and multifamily developments subject to the Adequate Public Facilities Ordinance the Planning Division suggests the following amendments to the zoning ordinance:

1. In Chapter Seven, Section 7-4, Item 14, Duplex. Under Standards add:
 - c) Must meet the Adequate Public Facility Standards within Chapter 4, Section 17 of the Cabarrus County Subdivision Ordinance.
2. In Chapter Seven, Section 7-4, Item 24, Multifamily Residential. Under Standards add:
 - d) Must meet the Adequate Public Facility Standards within Chapter 4, Section 17 of the Cabarrus County Subdivision Ordinance.
3. In Chapter Seven, Section 7-4, Item 43, Townhouses. Under Standards add:
 - e) Must meet the Adequate Public Facility Standards within Chapter 4, Section 17 of the Cabarrus County Subdivision Ordinance.
4. In Chapter Eight, Section 8-4, Item 27, Mobile Home Parks. Add:
 2. Must meet the Adequate Public Facility Standards within Chapter 4, Section 17 of the Cabarrus County Subdivision Ordinance.

Adopted this the 18th day of October, 2004 by the Cabarrus County Board of Commissioners.

/s/ Robert M. Freeman
Robert M. Freeman, Chairman
Board of Commissioners

ATTEST:
/s/ Frankie F. Bonds
Frankie F. Bonds, Clerk to the Board

Mr. Lentz presented new revenue projections for the County's Adequate Public Facility Policy that had been prepared since the Board's vote on October 4th to collect the advancement of school adequacy at the time a building permit is issued rather than at the time the subdivision is

approved. Based on growth assumptions and population projections for the County, Mr. Lentz listed the revenue projections over the next 15 years as follows: Low Projection (estimated population of 200,000 by 2015) = \$107 million; Middle Projection (estimated population of 215,000 by 2015) = \$126 million; High Projection (estimated population of 235,000 by 2015) = \$145 million. Further, he stated it would take until 2010-2011 to absorb those lots that had been approved and were subject to no fee or fees of \$500.00 per lot or \$1,008.00 per lot. He pointed out that only 84 percent of building permits occur in major subdivisions and are subject to the school adequacy requirements.

Mr. Lentz also responded to questions regarding the methodology for recalculating the inventory of approximately 10,000 lots that have been approved but have not yet been developed. He stated he had removed from the inventory those lots that had only zoning approval but had not yet gone through the subdivision process. He also reviewed the development time frame upon receiving final plat approval.

(G-4) Midland Area Land Use Plan - Consider Public Hearing and Consider Adoption of Plan

Nicole Storey, Planner, reviewed the process and timeline used in the development of the Midland Area Land Use Plan which was adopted by the Midland Town Council on February 10, 2004. She explained the presentation to the Board of Commissioners was delayed pending formal approval of an annexation agreement between the Town of Harrisburg and the Town of Midland. That agreement was completed in July 2004. The County Planning and Zoning Commission recommended approval of the Plan at its meeting on September 16, 2004. Ms. Storey reviewed the various zoning districts in the Town of Midland and the surrounding unincorporated area and reported the plan reflected an overall decrease in density.

At 8:13 p.m., Chairman Freeman opened the public hearing on the Midland Area Land Use Plan. The Public Hearing Notice was published in THE CHARLOTTE OBSERVER (Cabarrus Neighbors) on October 3 and 17, 2004.

There was no one present to address the Board, and Chairman Freeman closed the public hearing.

UPON MOTION of Commissioner Privette, seconded by Commissioner Carruth and unanimously carried, the Board adopted the Midland Area Land Use Plan as presented.

A copy of the Midland Area Land Use Plan as adopted is on file in the County Manager's Office.

(G-5) Cabarrus County Work First Block Grant Plan for FY 2005-2007

Mr. Jim Cook, Social Services Director, presented a brief overview of the proposed Work First Block Grant Plan for FY 2005-07. He explained that Counties are required to update the Plan every two years. Also, Mr. Cook stated the proposed plan had been posted for public input and that no input had been received. He explained the emphasis of the proposed County Plan is to help families become self-supporting.

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board approved the Cabarrus County Work First Block Grant Plan for FY 2005-07 as submitted by the Department of Social Services.

(H) APPOINTMENTS TO BOARDS AND COMMITTEES

Danny Benton, Township 3/4 member of the Cabarrus County Planning and Zoning Commission, resigned in July 2004.

UPON MOTION of Commissioner Carruth, seconded by Commissioner Carpenter and unanimously carried, the Board appointed Marlynn Burns (Townships 3/4) to the Planning and Zoning Commission to complete an unexpired term ending January 31, 2007.

(I) REPORTS

(I-1) Quarterly Report - Bank of America Procurement Cards

The Board received the first quarterly report of the Bank of America Procurement Cards program as submitted by Sherri Barnhardt, Purchasing Agent.

(J) GENERAL COMMENTS BY BOARD MEMBERS

Commissioner Carpenter commented on the change in membership of the Community Committee on Education Capital Planning and Financing, the Board's decision to enact the \$4,034.00 adequacy requirement and the availability of affordable housing in Cabarrus County. She stated support of the school bond referendum and the importance of voting.

Economic Development Corporation

Commissioner Privette questioned the status of the budget for the Economic Development Corporation (EDC).

John Day, County Manager, reported the EDC's budget had not yet been completed. He stated it would be ready for presentation at a future Board meeting.

(K) WATER & SEWER DISTRICT OF CABARRUS COUNTY - REGULAR MEETING

UPON MOTION of Commissioner Carruth, seconded by Commissioner Carpenter and unanimously carried, the Board recessed the meeting of the Board of Commissioners at 8:57 p.m. until the conclusion of the meeting of the Water and Sewer District.

UPON MOTION of Commissioner Privette, seconded by Commissioner Carpenter and unanimously carried, the Board reconvened the regular meeting of the Board of Commissioners at 9:00 p.m.

(L) CLOSED SESSION

UPON MOTION of Commissioner Carruth, seconded by Commissioner Carpenter and unanimously carried, the Board moved to go into Closed Session to consult with the County Attorney in order to preserve the attorney-client privilege and discuss pending litigation (Craft Development and Craft Homes vs. the County and Morrison vs. the County) as authorized by North Carolina General Statute (NCGS) 143-318.11(a)(3). The Board invited Martin Reidinger, Esquire, outside counsel for the County in the above-referenced litigation to join the Board in Closed Session. Also, the Board will be updated regarding the status of Systel Business Systems vs. Cabarrus County.

UPON MOTION of Commissioner Carpenter, seconded by Commissioner Privette and unanimously carried, the Board voted to come out of Closed Session at 10:19 pm.

No action was reported from the Closed Session.

(M) RECESS OF MEETING

There being no further business to come before the Board, Chairman Freeman recessed the meeting at 10:20 p.m. until 4:00 p.m. on November 8, 2004 in the Cabarrus Room at the Arena and Events Center.


Clerk to the Board