

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 at 6:30 p.m. on Monday, February 18, 2019.

Present - Chairman: Stephen M. Morris
 Vice Chairman: Diane R. Honeycutt
 Commissioners: F. Blake Kiger
 Lynn W. Shue

Absent - Commissioner Elizabeth F. Poole

Also present were Mike Downs, County Manager; Richard M. Koch, County Attorney; Pam Dubois, Senior Deputy County Manager; Jonathan Marshall, Deputy County Manager; Kyle Bilafer, Area Manager of Operations; and Lauren Linker, Clerk to the Board.

Chairman Morris called the meeting to order at 6:30 p.m.

Girl Scout Troop 2377 from Center United Methodist Church conducted the Flag Ceremony. Scouts participating were: Hailey Badger, Jamie Badger, Grace Zheng, Sade Andrews, Julia Zhong, Julissa Andrews, and Addison Campbell.

Pastor Bob Page from Connect Church delivered the invocation.

Chairman Morris recognized Youth Commission member, Jack Lambert, from Central Cabarrus High School.

(A) APPROVAL OR CORRECTION OF MINUTES

UPON MOTION of Commissioner Kiger seconded by Commissioner Shue and unanimously carried, the Board approved the minutes of January 7, 2019 (Work Session) and January 22, 2019 (Regular Meeting) as presented.

(B) APPROVAL OF THE AGENDA

Chairman Morris reviewed the following changes to the agenda.

Additions:

Recognitions and Presentations
 C-2 Proclamation - Red Cross Month

New Business
 G-2 BOC - Cabarrus County Schools Calendar Flexibility Resolution

G-3 County Manager - Kannapolis Sidewalk Easement

Closed Session
 L-1 Closed Session - Pending Litigation and Personnel Matters

UPON MOTION of Vice Chairman Honeycutt seconded by Commissioner Kiger and unanimously carried, the Board approved the agenda as amended.

(C) RECOGNITIONS AND PRESENTATIONS

(C-1) Active Living and Parks - Eagle Scout Service Project

Byron Haigler, Assistant Director, Active Living and Parks, recognized Allan Jennings Miller who completed the design and construction of a bridge at Camp T.N. Spencer Park fulfilling the requirements of his Eagle Scout service project. Mr. Haigler presented Mr. Miller a plaque in appreciation of his service to the County.

Mr. Miller accepted the plaque, expressed appreciation and thanked those involved in helping him.

(C-2) Proclamation - Red Cross Month

Chairman Morris noted the valuable role the Red Cross plays in the community. He then read the proclamation aloud.

UPON MOTION of Vice Chairman Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board adopted the proclamation.

Proclamation No. 2019-02

AMERICAN RED CROSS MONTH 2019

A Proclamation

WHEREAS, more than 137 years ago, the American Red Cross was established as a humanitarian organization, guided by seven fundamental principles—including humanity, impartiality and independence—to provide services to those in need regardless of race, religion, gender, sexual orientation or citizenship status. Today, the American Red Cross is one of the largest humanitarian organizations in the world, and delivers its mission every day to prevent and alleviate human suffering in the face of emergencies; and

WHEREAS, every year, the American Red Cross responds to an average of more than 62,000 disasters across the country, from small home fires to devastating massive disasters. Last year's large crises included mudslides in California, a volcano in Hawaii, wildfires in Colorado and California, destructive hurricanes in Florida and the Carolinas, and a devastating typhoon in U.S. territories. Thousands of American Red Cross volunteers provided around-the-clock shelter for disaster victims, served millions of meals and snacks with partners, and distributed millions of relief items; and

WHEREAS, in Cabarrus County, the Red Cross has a long history of helping our neighbors in need. The Southern Piedmont Chapter assisted with 179 local disasters in the past year alone and helped save lives through our Home Fire Campaign. Since the campaign launched in October 2014, the Southern Piedmont Chapter has worked with community partners to install smoke alarms and make households safer. Meanwhile, in the Greater Carolinas Region, the Red Cross handles an average of 7,779 military services every year and collects an average of 169,500 units of blood from our generous blood donors; and

WHEREAS, March is Red Cross Month, a special time to recognize and thank the Red Cross volunteers and donors who give of their time and resources to help members of the community. The Red Cross depends on these local heroes to deliver help and hope during a disaster. We applaud our heroes here in Cabarrus County who give of themselves to assist their neighbors when they need a helping hand; and

WHEREAS, the American Red Cross shelters, feeds and provides emotional support to victims of disasters; supplies about 40 percent of the nation's blood; teaches skills that save lives; provides international humanitarian aid; and supports military members and their families; and

WHEREAS, we dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on volunteers and the generosity of the public to perform its mission.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Commissioners for Cabarrus County, North Carolina, do hereby proclaim March 2019 as Red Cross Month and encourage all Americans to support this organization and its noble humanitarian mission.

ADOPTED this 18th day of February, 2019.

/s/ Stephen M. Morris

Stephen M. Morris, Chairman

Cabarrus County Board of Commissioners

(D) INFORMAL COMMENTS

Chairman Morris opened the Informal Public Comments section of the meeting at 6:47 p.m. He stated each speaker would be limited to three minutes.

Allen Dobson, resident of 1600 South Main Street in Mount Pleasant, spoke about the growth and the future needs of Mount Pleasant. Mr. Dobson also expressed the need for expansion of the Mount Pleasant Library.

Rick Burleyson, resident of 8440 East Franklin Street in Mount Pleasant, spoke about the need for expansion of the Mount Pleasant library and possible sites for the facility. Mr. Burleyson also announced the annual library fundraising play is scheduled for the upcoming weekend.

Martha Dobson, resident of 1600 South Main Street in Mount Pleasant, on behalf of the Friends of the Library, spoke regarding the need for expansion and a possible new site for the Mount Pleasant Library.

Michael Landers, resident of 3603 Pinetree Avenue SW in Concord, on behalf of Cabarrus County Teachers and schools, spoke about school calendar flexibility.

With there being no one else to address the Board, Chairman Morris closed that portion of the meeting.

(E) OLD BUSINESS

None.

(F) CONSENT

(F-1) BOC - Rules of Procedures

The Board of Commissioners Rules of Procedure are the guidelines in which the board conducts itself according to North Carolina General Statutes and local ordinances. The current rules have not been updated since 2003, and with general statute updates and technology changes, some updates are needed.

UPON MOTION of Commissioner Kiger, seconded by Commissioner Shue and unanimously carried, the Board approved the updated Rules of Procedure.

Rules of Procedure for the
Cabarrus County
Board of Commissioners

Revised and Approved February 18, 2019

Part I. Applicability

Rule 1. Applicability of Rules

These rules apply to all meetings of the Board of Commissioners of Cabarrus County. For purposes of these rules, a meeting of the board occurs whenever a majority of the board's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the board's real or apparent jurisdiction.

Part II. Quorum

Rule 2. Quorum

The presence of a quorum is necessary for the board to conduct business. A quorum consists of a majority of the board's membership. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half. Vacancies do not reduce the number of members necessary to establish a quorum. A member who withdraws from a meeting of the board without being excused by majority vote of the remaining members present is deemed present for quorum purposes. The board may compel an absent member to attend by ordering the sheriff to take the member into custody.

Part III. Open Meetings

Rule 3. Remote Participation in Board Meetings

A member may remotely participate in Board Meetings so long as they can be clearly heard by all present at the meeting and can clearly hear the discussion being had by the present quorum. The remote participant may vote on any item so long as they are fully informed prior to the vote.

Rule 4. Meetings to Be Open to the Public

Except as permitted by Rule 5 (Closed Sessions), all meetings of the board shall be open to the public, and any person may attend its meetings.

Rule 5. Closed Sessions

(a) Motion to Enter Closed Session. The board may enter a closed session from which the public is excluded only upon a motion duly made and adopted in open session. The motion to enter closed session must cite one or more of the permissible bases for closed session listed in paragraph (b) of this rule. A motion to enter closed session under subparagraph (b)(1) or (b)(2) must contain the additional information specified in those provisions.

(b) Bases for Closed Session. A closed session is permissible under the following circumstances and no others:

- (1) To prevent the disclosure of information that is privileged or confidential under the law of North Carolina or of the United States or that does not constitute a public record within the meaning of Chapter 132 of the General Statutes. The motion to enter closed session must name or cite the law that renders the information confidential or privileged.
- (2) To consult with the county attorney or another attorney employed or

retained by the county in order to preserve the attorney-client privilege. If the board expects to discuss a pending lawsuit with its attorney, the motion to enter closed session must name the parties to the lawsuit.

- (3) To discuss matters relating to (a) the location or expansion of industries or other businesses in the area served by the county or (b) the closure or realignment of a military installation. The board may reach agreement in closed session on a tentative list of economic development incentives to be offered in negotiations, but the approval of the signing of any economic development contract or commitment and the authorization of the payment of economic development expenditures must take place in open session.
 - (4) To establish or instruct staff or agents concerning the county's position in negotiating the price or other material terms of an agreement to acquire real property by purchase, exchange, or lease.
 - (5) To establish or instruct staff or agents concerning the amount of compensation or other material terms of an employment contract.
 - (6) To consider the qualifications, competence, performance, character, fitness or conditions of appointment or employment of a public officer or employee or prospective public officer or employee, except when the individual in question is a member of the board or other public body or is being considered to fill a seat on the board or other public body. Final action to appoint or employ a public officer or employee must take place in open session.
 - (7) To hear or investigate a charge or complaint by or against a public officer or employee. Final action discharging an employee or removing an officer must occur in open session.
 - (8) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
 - (9) To view a law enforcement recording released pursuant to G.S. 132-1.4A.
 - (10) On any other basis permitted by law.
- (c) Closed Session Participants. Unless the board directs otherwise, the county manager, county attorney, and clerk to the board may attend closed sessions of the board. No other person may attend a closed session unless invited by the board.
- (d) Motion to Return to Open Session. Upon completing its closed session business, the board shall end the closed session by adopting a duly made motion to return to open session.

Rule 6. Meeting Minutes

- (a) Minutes Required for All Meetings. The board must keep full and accurate minutes of all of its meetings, including closed sessions. To be "full and accurate," minutes must record all actions taken by the board. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of board members, though the board in its discretion may decide to incorporate such details into the minutes.
- (b) General Accounts of Closed Sessions. In addition to minutes, the board must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The board may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.
- (c) Sealing Closed Session Records. Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the board or, if the board delegates the authority to unseal to one or more staff members, in accordance with guidelines adopted by the board. The sealed minutes and general account of any closed session may be withheld from public inspection, so long as public inspection would frustrate the purpose(s) of the closed session.

Rule 7. Broadcasting and Recording Meetings

- (a) Right to Broadcast and Record. Any person may photograph, film, tape-record, or otherwise reproduce any part of a board meeting that must take place in open session. Except as provided in paragraph (b) of this rule, any radio or television station may broadcast any such part of a board meeting.
- (b) Equipment Placement. The staff may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a board meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the county manager determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the county manager may require the pooling of the equipment and the personnel operating it.

Part IV. Organization of the Board

Rule 8. Organizational Meeting; Selection of Chair and Vice Chair

(a) Requirement to Hold Organizational Meeting. The board shall hold an organizational meeting each December to take the actions set out in this rule.

(b) Scheduling Organizational Meeting

- (1) *Even-numbered years.* The board shall hold an organizational meeting at its regular meeting place on the first Monday in December of each even-numbered year. [The organizational meeting shall be convened and concluded before the regular December meeting is convened.]
- (2) *Odd-numbered years.* The board shall hold an organizational meeting during its first regular meeting in December.

(c) Order of Business

(1) *Even-numbered years*

- (A) As the first order of business at the organizational meeting, all persons elected or reelected to the board at the most recent county election must take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution, unless they did so earlier in the day. They must then take the General Oath prescribed by G.S. 11-11. Each member's constitutional oath must be filed with the clerk to the board. Although a newly elected or reelected member who has not yet been sworn and who is not present for the organizational meeting may be sworn in later, the member must take, subscribe, and file the constitutional oath and take the G.S. 11-11 oath before he or she begins performing any of the duties of the member's office.
- (B) As the second order of business, the board shall elect a chair and vice chair from among its members using the procedure specified in Rule 38 (Appointments.)
- (C) As the third order of business, the board shall approve the bonds of the register of deeds and induct any other newly elected county officials into office.

(2) *Odd-Numbered Years.* As the first order of business, the board will elect the chair and vice chair.

(d) Presiding Officer. The outgoing chair shall call the organizational meeting to order and preside until the board elects a new chair. If the organizational meeting takes place during an even-numbered year in which the outgoing chair has lost his or her seat on the board, the county manager shall fill the role of presiding officer until a new chair is elected. Once elected, the new chair shall preside.

Rule 9. Terms of the Chair and Vice Chair

The member selected as chair at the organizational meeting shall serve for the ensuing year unless removed by the board for cause. The vice chair shall serve at the board's pleasure.

Part V. Types of Meetings**Rule 10. Regular Meetings**

(a) Regular Meeting Schedule. The board shall hold a regular meeting (Agenda Work Session) on the first Monday of each month, in the Multipurpose Room of the Government Center (65 Church Street Concord, NC) beginning at 4:00 p.m. The board will also hold a regular meeting on the third Monday of each month, in the board chambers of the Government Center (65 Church Street Concord, NC) to begin at 6:30 p.m., except if a regular meeting day is on a holiday on which county offices are closed. The board will then determine the next meeting date and have it published according to N.C.G.S. timeline. The board shall adopt a resolution establishing the meeting schedule each year consistent with this rule. For purposes of these rules, any meeting that appears on the board's duly adopted schedule is considered a regular meeting. (In all other cases, a work session is a special meeting to which the provisions of Rule 11(Special Meetings) apply.)

(b) Notice of Regular Meeting Schedule. The board must ensure that a copy of its current regular meeting schedule is filed with the clerk to the board and posted on the county's website. At least 10 days before the first regular meeting held pursuant to the schedule, the board must cause the schedule to be published as required by law.

(c) Change to Regular Meeting Schedule. The board may adopt a resolution altering the time or place of a particular regular meeting or all regular meetings within a specified period. The board must ensure that the resolution is filed with the clerk to the board at least seven (7) calendar days before the first meeting held pursuant to the revised schedule. The board must also have the revised schedule posted on the county's website. Additionally, the board must cause notice of the temporary change to be posted at or near its regular meeting place and to be sent to everyone who has submitted a written request for notice of its special meetings.

Rule 11. Special Meetings

(a) Calling Special Meetings. The chair or a majority of members may call a

special meeting of the board by signing a written notice stating the date, time, and place of the meeting and the subjects to be considered.

(b) Notice to the Public. At least forty-eight hours before a special meeting, the board shall cause the written notice to be (1) posted on the board's principal bulletin board or, if the board has no such bulletin board, at the door of the board's usual meeting room and (2) delivered, emailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the clerk to the board. If the board's website is maintained by one or more county employees, the board must also have the notice posted there prior to the special meeting. Furthermore, the member or members who call a special meeting are responsible for ensuring that the notice is posted on the courthouse bulletin board at least forty-eight (48) hours before the meeting.

(c) Notice to Members. At least forty-eight (48) hours before a special meeting, the chair or the members who called the meeting shall have the written notice of the meeting delivered to the other members of the board or left at their usual dwelling places.

(d) Transacting Other Business. Only those items of business specified in the notice to members may be taken up at a special meeting.

Rule 12. Emergency Meetings

(a) Calling Emergency Meetings. The chair or a majority of the board's members may call an emergency meeting to address generally unexpected circumstances that demand the board's immediate attention.

(b) Notice of Emergency Meetings. The member or members who call an emergency meeting must take reasonable action to inform the other members of the board and the public of the meeting. In addition, notice of the meeting must be given to each local newspaper, local wire service, local radio station, and local television station that has filed with the clerk to the board a written request to be notified of emergency meetings. To be valid, the request must include the newspaper's, wire service's, or station's telephone number. Notice may be given by telephone, email, or the same method used to notify board members. Notice must be provided immediately after members have been notified and at the expense of the media organization notified.

(c) Transaction of Other Business Prohibited. Only business connected with the emergency may be discussed or otherwise considered at an emergency meeting.

Rule 13. Recessed Meetings

(a) Calling Recessed Meetings. When conducting a properly called regular, special, or emergency meeting, the board may recess the meeting to another date, time, or place by a procedural motion made and adopted in open session, as provided in Rule 32 (Motion 3 - To Recess to a Certain Time and Place.) The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene.

(b) Notice of Recessed Meetings. If the board's website is maintained by one or more county employees, notice of the recessed meeting's date, time, and place must appear on the webpage prior to the meeting. No further notice of a properly called recessed meeting is required.

Rule 14. Limited Authority to Meet Outside the County

The board must hold all of its meetings within the county except for the following:

- a joint meeting of the board with another public body, if the joint meeting is held within the political subdivision represented by the other public body;
- a retreat, forum, or similar gathering held solely to provide board members with general information relating to the performance of their duties, so long as members do not vote or otherwise transact business during the event;
- a meeting between the board and the local legislative delegation during a session of the General Assembly, provided board members do not vote or otherwise transact public business during the meeting except with regard to matters pertaining directly to legislation proposed to or pending before the General Assembly; and
- a convention, association meeting, or similar gathering but only if board members confine their deliberations to event-related issues that are not legally binding on the board or its constituents, such as convention resolutions and the elections of association officers.

Part VI. Agenda

Rule 15. Agenda

(a) Draft Agenda

- (1) *Preparation.* The [clerk to the board] shall prepare a draft agenda in advance of each meeting of the board. For a regular meeting, a request to have an item of business placed on the draft agenda must be received by the clerk at least eight working days before the date of the meeting. The

clerk must place an item on the draft agenda in response to a board member's timely request.

- (2) *Supplemental information/materials.* The agenda packet shall include the draft agenda, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda.
 - (3) *Delivery to board members.* Except in the case of an emergency meeting, each member shall receive a paper or electronic copy of the draft agenda and agenda packet at least forty-eight (48) hours before the meeting.
 - (4) *Public inspection.* The draft agenda and agenda packet will be available to the public when they are ready to be circulated.
- (b) *Adoption of the Agenda*
- (1) *Adoption.* As its first order of business at each meeting, the board shall review the draft agenda, make whatever revisions it deems appropriate, and adopt the agenda for the meeting.
 - (2) *Amending the agenda.* Both before and after the board adopts the agenda, it may add or subtract agenda items by majority vote of the members present and voting, except that
 - the board may not add to the items stated in the notice of a special meeting unless the requirements in Rule 11(d - Transacting Other Business) are satisfied and
 - only business connected with the emergency may be discussed or otherwise considered at an emergency meeting.
- (c) *Consent Agenda.* The board may designate part of an agenda for a regular meeting as the *consent agenda*. Items may be placed on the consent agenda by the person(s) charged with preparing the draft agenda if they are judged to be noncontroversial and routine. Prior to the board's adoption of the meeting agenda, the request of any member to have an item moved from the consent agenda to unfinished business must be honored by the board. All items on the consent agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.
- (d) *Informal Discussion of Agenda Items.* The board may informally discuss an agenda item even when no motion regarding that item is pending.

Rule 16. Acting by Reference to Agenda or Other Document

The board shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document unless copies of the agenda or document are available for public inspection at the meeting and so worded that people at the meeting can understand what is being deliberated or acted upon.

Rule 17. Agenda Items from Members of the Public

If a member of the public wishes to request that the board include an item on its regular meeting agenda, he or she must submit the request to the clerk to the board by the deadline specified in Rule 15(Agenda) (a - Draft Agenda) (1-Preparation). The board is not obligated to place an item on the agenda merely because such a request has been received.

Rule 18. Order of Business

Items shall be placed on a regular meeting agenda according to the order of business. The usual order of business for each regular meeting shall include the following topics and any others the clerk feels necessary to complete board business:

- Approval or Correction of Minutes
- Approval of the Agenda,
- Recognitions and Presentations
- Informal Public Comments
- Old Business,
- Consent Agenda,
- New Business,
- Appointments,
- Reports,
- General Comment by Board Members
- Water & Sewer District of Cabarrus County
- Closed Session
- Adjourn

Without objection, the chair may call agenda items in any order most convenient for the dispatch of business. Rule 19 (Role of the Presiding Officer).

Rule 19. The Chair

- (a) *Presiding Officer.* The chair shall preside at meetings of the board.
- (b) *Voting by the Chair.* The chair has the same duty to vote as other members, though in no event may the chair break a tie on a motion on which he or she has already voted.
- (c) *Recognition of Members.* A member must be recognized by the chair or (or other presiding officer) in order to address the board, but recognition is not necessary for an appeal pursuant to Rule 32 (Motion 1- To Appeal a Ruling of

the Presiding Officer).

(d) Powers as Presiding Officer. As presiding officer, the chair is to enforce these rules and maintain order and decorum during board meetings. The chair may:

- (1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
- (2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
- (3) entertain and answer questions of parliamentary procedure;
- (4) call a brief recess at any time; and
- (5) adjourn in an emergency.

(e) Appeals of Procedural Rulings. A member may appeal a decision made or answer given by the chair under subparagraph (d)(1), (2), or (3) in accordance with Rule 32 (Motion 1 - To Appeal a Ruling of the Presiding Officer).

Rule 20. Presiding Officer in the Chair's Absence

The vice chair shall preside over meetings of the board in the chair's absence. If both the chair and vice chair are absent, the members present may choose a temporary chair from among themselves. The vice chair or other member presiding in place of the chair has the powers listed in Rule 19(d - Powers as Presiding Officer). Service as presiding officer does not relieve the vice chair or other member of the duty to vote on all questions except as excused from voting pursuant to Rule 29 (Duty to Vote).

Rule 21. When the Presiding Officer Is Active in Debate

If the chair becomes active in debate on a particular proposal, he or she may have the vice chair preside during the board's consideration of the matter. If the vice chair is absent or is also actively debating the matter, the chair may designate another member to preside until the matter is concluded. Similarly, if while presiding, the vice chair or temporary chair wishes to join in debating a topic, he or she may designate another member to preside for the duration of the board's consideration of the matter.

Part VII. Motions and Voting

Rule 22. Action by the Board

Except as otherwise provided in these rules, the board shall act by motion. Any member may make a motion.

Rule 23. One Motion at a Time

A member may make only one motion at a time.

Rule 24. Withdrawal of Motion

The member who introduces a motion may withdraw the motion unless the motion has been amended or put to a vote.

Rule 25. Debate

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has already spoken.

Rule 26. Adoption by Majority Vote

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

Rule 27. Changing a Vote

A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change his or her vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

Rule 28. Duty to Vote

(a) Duty to Vote. Every board member must vote except when excused from voting as provided by this rule.

(b) Grounds for Excusal. A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not if the proposal in question is one to alter the compensation or allowances paid to board members. Members may also be excused from voting when prohibited from voting under G.S. 14-234 (contract providing direct benefit to member), G.S. 153A-340(g) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member), or G.S. 160A-

388(e) (2) (member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker). Any further questions about whether a basis for excusal exists should be directed to the county attorney.

(c) Procedure for Excusal

- (1) *At the member's request.* Upon being recognized at a duly called meeting of the board, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.
 - (2) *On the board's initiative.* Even when a member has not asked to be excused from voting on a matter, a majority of the remaining members present may by motion and vote excuse the member from voting if the member is prohibited from voting under paragraph (b).
- (d) Consequence of Non-Excused Failure to Vote. If a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote, provided
- (1) the member is physically present in the meeting room or
 - (2) the member has physically withdrawn from the meeting room without being excused by majority vote of the remaining members present.

Rule 29. Voting by Written Ballot

- (a) Secret Ballots Prohibited. The board may not vote by secret ballot.
- (b) Rules for Written Ballots. The board may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member must sign his or her ballot, and the minutes must record how each member voted by name. The ballots must be made available for public inspection in the office of the clerk to the board immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 30. Substantive Motions

A substantive motion is not in order if made while another motion is pending. Once the board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 32 (Motion 14 - To Reconsider).

Rule 31. Procedural Motions

- (a) Certain Motions Allowed. The board may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.
- (b) Priority of Motions. The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that
 - any procedural motion other than an appeal under Motion 1 (To Appeal a Ruling of the Presiding Officer) is subject to amendment as provided in Motion 12 (To Amend), and
 - a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 9 (To End Debate[Call the Previous Question]).

When several procedural motions are pending, voting must begin with the procedural motion highest in priority, except that a motion to amend or end debate on the highest priority motion must be voted on first.

Motion 1. To Appeal a Ruling of the Presiding Officer. Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

Motion 2. To Adjourn. This motion may be used to close a meeting. The board must be out of closed session before adjourning any meeting.

Motion 3. To Recess to a Certain Time and Place. This motion may be used to call a recessed meeting as permitted under Rule 13 (Recessed Meetings). The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the board is in closed session.

Motion 4. To Take a Brief Recess.

Motion 5. To Follow the Agenda. This motion must be made at the time an item

of business that deviates from the agenda is proposed; otherwise, the motion is out of order as to that item.

Motion 6. To Suspend the Rules. To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least a quorum of the board. The board may not suspend provisions in these rules that are required under state law.

Motion 7. To Divide a Complex Motion. This motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.

Motion 8. To Defer Consideration. The board may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the board votes to revive it pursuant to Motion 13 (To Revive Consideration) within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 9. To End Debate (Call the Previous Question). If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

Motion 10. To Postpone to a Certain Time. This motion may be employed to delay the board's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6 (To Suspend the Rules).

Motion 11. To Refer a Motion to a Committee. The board may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6 (To Suspend the Rules). If the committee fails to report on the motion within 60 days of the referral date, the board must take up the motion if asked to do so by the member who introduced it.

Motion 12. To Amend.

(a) Germaneness. A motion to amend must concern the same subject matter as the motion it seeks to alter.

(b) Limit on Number of Motions to Amend. When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

(c) Amendments to Ordinances. Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.

Motion 13. To Revive Consideration. The board may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 8 (To Defer Consideration), provided it does so within 100 days of its vote to defer consideration.

Motion 14. To Reconsider. The board may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting during which the action to be reconsidered was taken and (b) by a member who voted with the prevailing side. For purposes of this motion, "the same meeting" includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3 - To Recess to a Certain Time and Place). The motion is not in order if it interrupts the board's deliberation on a pending matter.

Motion 15. To Rescind. The board may vote to rescind an action taken at a prior meeting provided rescission is not forbidden by law.

Motion 16. To Prevent Reintroduction for [Six] Months. This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion's defeat. To be adopted, this motion must receive affirmative votes equal to at least a quorum of the board. If this motion is adopted, the ban on reintroduction remains in effect for [six] months or until the board's next organizational meeting in an even-numbered year, whichever occurs first.

Part VIII. Ordinances and Contracts

Rule 32. Introduction of Ordinances

For purposes of these rules, the "date of introduction" for a proposed ordinance

is the first date on which the board actually considers the proposed ordinance.

Rule 33. Adoption, Amendment, and Repeal of Ordinances

(a) Form of Proposed Ordinances. The board may not adopt a proposed ordinance unless it has been reduced to writing and distributed to members before the vote is taken.

(b) Adoption of Ordinances Not Subject to Public Hearing Requirements.

- (1) *Approval on date of introduction.* To be adopted at the meeting where first introduced, an ordinance or any action having the effect of an ordinance must receive the affirmative votes of all members of the board. If the measure receives a majority of votes cast on the date of introduction but not the unanimous support of all members, the board must take it up again at its next regular meeting.
- (2) *Approval after date of introduction.* At its first regular meeting following the date of introduction or at any meeting thereafter within 100 days of the date of introduction, the board may adopt the proposed ordinance or action having the effect of an ordinance by a majority of votes cast, a quorum being present.

(c) Adoption of Ordinances Subject to Public Hearing Requirements.

- (1) *The budget ordinance or budget amendments.* Rule 35 (Adoption of the Budget Ordinance) governs the approval of the budget ordinance and amendments.
- (2) *Other ordinances.* Following a required public hearing on a proposed ordinance, the board may adopt the measure by a majority of votes cast, a quorum being present, regardless of whether the vote occurs on the date of introduction.

(d) Amendment and Repeal of Ordinances. The same voting requirements that govern the adoption of proposed ordinances also apply to the amendment or repeal of an ordinance.

Rule 34. Adoption of the Budget Ordinance

(a) Special Rules for the Adoption or Amendment of the Budget Ordinance.

Notwithstanding any provision in general law or any local act,

- (1) the board may adopt or amend the budget ordinance at a regular or special meeting of the board by a majority of those members present and voting, a quorum being present;
- (2) no action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the board; and
- (3) the adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any local act concerning initiative or referendum.

(b) Notice Requirements for Budget Meetings. During the period beginning with the submission of the budget to the board and ending with the adoption of the budget ordinance, the board may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law or these rules concerning the call of special meetings applies during that period, so long as

- (1) each member of the board has actual notice of each special meeting called for the purpose of considering the budget and
- (2) no business other than consideration of the budget is taken up.

(c) No Authority for Closed Sessions. This rule shall not be construed to authorize the board to hold closed sessions on any basis other than the grounds set out in Rule 5 (Closed Session).

Part IX. Public Hearings and Comment Periods

Rule 35. Public Hearings

(a) Calling Public Hearings. In addition to holding public hearings required by law, the board may hold any public hearings it deems advisable. The board may schedule hearings or delegate that responsibility to county staff members, as appropriate, except when state law directs the board itself to call the hearing. If the board delegates scheduling authority, it must provide adequate guidance to assist staff members in exercising that authority.

(b) Public Hearing Locations. The board may hold public hearings anywhere within the county.

(c) Notice of Public Hearings. Any public hearing at which a quorum of the board is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 10 through 13 (Types of Meetings), apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with the notice required by the open meetings law.

(d) Rules for Public Hearings. The board may adopt reasonable rules for public hearings that, among other things,

- fix the maximum time allotted to each speaker,

- provide for the designation of spokespersons for groups of persons supporting or opposing the same positions,
- provide for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the meeting room (so long as arrangements are made, in the case of a hearing subject to the open meetings law, for those excluded from the meeting room to listen to the hearing), and
- provide for the maintenance of order and decorum in the conduct of the hearing.

(e) Continuing Public Hearings. The board may continue any public hearing without further advertisement to a certain time and place, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (g), if a quorum of the board is not present for a properly scheduled public hearing, the hearing must be continued until the board's next regular meeting without further advertisement.

(f) Conduct of Public Hearings. At the time appointed for the hearing, the chair shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the board for the hearing. Unless the board votes to extend the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the chair shall declare the hearing closed, and the board shall resume the regular order of business.

(g) Public Hearings by Less Than a Majority of Board Members. Nothing in this rule prevents the board from appointing a member or members to hold a public hearing on the board's behalf, except when state law requires that the board itself conduct the hearing.

Rule 36. Public Comment Periods

(a) Frequency of Public Comment Periods. The board must provide at least one opportunity for public comment each month at a regular meeting.

(b) Rules for Public Comment Periods. The board may adopt reasonable rules for public comment periods that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups supporting or opposing the same positions,
- provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the public comment period exceeds the capacity of the meeting room (so long as arrangements are made for those excluded from the meeting room to listen to the public comment period), and
- provide for the maintenance of order and decorum in the conduct of the public comment period.

(c) Content-Based Restrictions Generally Prohibited. The board may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the board's real or apparent jurisdiction.

Part X. Appointments and Appointed Bodies

Rule 37. Appointments

(a) Appointments in Open Session. The board must consider and make any appointment to another body or, in the event of a vacancy on the board, to its own membership in open session.

(b) Nomination and Voting Procedure for Appointed Bodies. The board shall use the following procedure to appoint individuals to bodies over which it has the power of appointment. The chair shall open the floor for nominations, whereupon board members may put forward and debate nominees. When debate ends, the chair shall call the roll of the members, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast during a single balloting.

(c) Nomination and Voting Procedure to Fill a Vacancy on the Board. The procedure described in paragraph (b) shall be used to fill a vacancy on the board, except as superseded by the provisions of G.S. 153A-27 or -27.1. If the county is divided into electoral districts, the person selected to fill the vacancy must reside in the same electoral district as the member being replaced. If the member being replaced was elected as the nominee of a political party, then his or her replacement must belong to the same party.

(d) Multiple Appointments. If the board is making more than one appointment to a body, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No member may cast more than one vote for the same candidate for the same position during a single balloting.

(e) Vote by Written Ballot. The board may vote on proposed appointments by written ballot in accordance with Rule 30 (Voting by Written Ballot).

Rule 38. Committees and Boards

(a) Establishment and Appointment. The board may establish temporary and

standing committees, boards, and other bodies to help carry on the work of county government. Unless otherwise provided by law or the board, the power of appointment to such bodies lies with the board.

(b) Open Meetings Law. The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business.

(c) Procedural Rules. The board may prescribe the procedures by which the county's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. In the absence of rules adopted by the board, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.

Part XI. Miscellaneous

Rule 39. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with any relevant statutes and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the board's members.

Rule 40. Reference to Robert's Rules of Order Newly Revised

The board shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the chair shall make a ruling on the issue subject to appeal to the board under Rule 32 (Motion 1 - To Appeal a Ruling of the Presiding Officer).

(F-2) County Manager - Proposed Back Creek Greenway

The Town of Harrisburg has proposed construction of a new greenway along Back Creek. Part of that greenway will be located on the property occupied by Hickory Ridge Middle School and Hickory Ridge High School. The middle school property is owned by the County and the high school property is owned by Cabarrus County Schools. The Harrisburg Parks and Recreation Director, Daniel Stines, previously presented the greenway plans to the Board of Education and the Board of Commissioners. An Interlocal Agreement concerning Back Creek Greenway has already received approval by the Board of Education. In addition, the Town would also like to begin discussions concerning use of a County owned parcel on Stallings Road as parking for the greenway. A map of that property was provided.

UPON MOTION of Commissioner Kiger, seconded by Commissioner Shue and unanimously carried, the Board approved the Interlocal Agreement between Cabarrus County, Cabarrus County Schools and the Town of Harrisburg; and authorized the County Manager to execute the agreement on behalf of Cabarrus County, subject to review or revisions by the County Attorney.

(F-3) County Manager - Raw Water Line Easement at Coddle Creek

The City of Concord leases a parcel south of the Coddle Creek Reservoir from Cabarrus County. The Coddle Creek Water Treatment Plant is located on that parcel. The lease includes rights for water lines to carry raw water from the reservoir to the treatment plant. The City is planning a new raw water line which requires additional easements on the north side of NC 73 outside of the area included in the existing lease agreement. An easement agreement and maps for permanent and temporary easements were provided.

UPON MOTION of Commissioner Kiger, seconded by Commissioner Shue and unanimously carried, the Board approved the agreement between Cabarrus County and the City of Concord; and authorized the Chairman to execute the agreement on behalf of Cabarrus County, subject to review or revisions by the County Attorney.

(F-4) Finance - Cabarrus County Courthouse Reimbursement Resolution

It is requested that the County advance its own funds to pay certain original expenditures associated with the construction of a new Cabarrus County Courthouse. Approval of the attached resolution will allow the County to pay the original expenditures then reimburse itself for the expenditures with the proceeds of the debt to be incurred by the County for the 2020 Limited Obligation Bonds.

UPON MOTION of Commissioner Kiger, seconded by Commissioner Shue and unanimously carried, the Board adopted the reimbursement resolution for the Cabarrus County Courthouse.

Resolution No. 2019-04

RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF DEBT PURSUANT TO UNITED STATES
DEPARTMENT OF TREASURY REGULATIONS

BE IT RESOLVED by the Board of Commissioners of Cabarrus County:

1. The Board hereby finds, determines and declares as follows:

(a) Treasury Regulations Section 1.150-2 (the "Regulations"), promulgated by the United States Department of Treasury on June 18, 1993, prescribes certain specific procedures applicable to certain obligations issued by the County after June 30, 1993, including, without limitation, a requirement that the County timely declare its official intent to reimburse certain expenditures with the proceeds of debt to be issued thereafter by the County.

(b) The County has advanced and/or will advance its own funds to pay certain capital costs (the "Original Expenditures") associated with financing, in whole or in part, (i) the acquisition, construction, installation and equipping of one or more new buildings to be used as new court house facilities for the County, including the acquisition of necessary land and rights-of-way, (ii) various site improvements and (iii) any other improvements related to any of the foregoing (the "Courthouse Project").

(c) The funds heretofore advanced or to be advanced by the County to pay the Original Expenditures are or will be available only on a temporary basis, and do not consist of funds that were otherwise earmarked or intended to be used by the County to permanently finance the Original Expenditures.

(d) As of the date hereof, the County reasonably expects that it will reimburse itself for such Original Expenditures with the proceeds of debt to be incurred by the County, and the maximum principal amount of debt to be incurred with respect to the Courthouse Project is expected to be \$100 000,000.

(e) All Original Expenditures to be reimbursed by the County were paid no more than 60 days prior to, or will be paid on or after the date of, this declaration of official intent. The County understands that such reimbursement must occur not later than 18 months after the later of (i) the date the Original Expenditure was paid; or (ii) the date the Courthouse Project was placed in service or abandoned, but in no event more than 3 years after the Original Expenditure was paid.

2. This resolution shall take effect immediately.

Commissioner F. Blake Kiger moved to approve the passage of the foregoing resolution and Commissioner Lynn W. Shue seconded the motion, and the resolution was passed by the following vote:

Ayes: Chairman Stephen M. Morris, Vice Chairman Diane R. Honeycutt and Commissioners F. Blake Kiger, and Lynn W. Shue.

Nays: [None.]

Not Voting: Elizabeth F. Poole

(F-5) Infrastructure and Asset Management - Design Contract and Proposed Project Schedule

Staff provided an update on the Cabarrus County Courthouse Project at the work session and requested execution of the design contract with Silling Architects.

UPON MOTION of Commissioner Kiger, seconded by Commissioner Shue and unanimously carried, the Board approved the contract between Cabarrus County and Silling Architects; and authorized the County Manager to execute the contract on behalf of Cabarrus County, subject to review or revisions by the County Attorney.

(F-6) Library - Copier Fees

In December 2018, the County received new copiers at all facilities. All branches of the library system received new machines that will allow patrons to make copies for materials and resources from our branches. Based on the new contract, all cost associated with making copies were taken in consideration and a new fee has been established at \$.25 cents per copy (one-sided with color

option). The old fee that was established in September 2006 was \$.15 for a single sided black and white copy, no color option was available.

UPON MOTION of Commissioner Kiger, seconded by Commissioner Shue and unanimously carried, the Board approved the increase per the one sided copy fee to \$.25 per copy at all Library branches.

(F-7) Sheriff's Office - Government Services Division

The reorganization of the Sheriff's Office includes a Governmental Services Division and a Personnel Addition Request. The Sheriff of Cabarrus County has reorganized the command structure of the Sheriff's Office to include a Division Captain responsible for oversight of security and law enforcement function for all county owned facilities and grounds. Additionally, this Captain will oversee all services provided by the Sheriff's Office for Cabarrus County (Communications and Animal Control). In order to effectively carry out the increased need for security and law enforcement function associated with this new division and to fulfill the needs for the growing governmental footprint, the Sheriff requested two additional sworn personnel be added to budget year FY 2019-2020 on a recurring basis. In addition, the Sheriff requested one additional Sergeant allocation, on a recurring basis, to provide direct supervision for the new staffing. The Sheriff also requested the reallocation of two currently vacant courthouse security positions to supplement the staffing of this new division on a temporary basis to facilitate making the division operational quickly until funding is provided in FY 2019-2020, at which time the positions will revert back to courthouse security.

UPON MOTION of Commissioner Kiger, seconded by Commissioner Shue and unanimously carried, the Board approved the allocation of two additional governmental services sworn personnel and one additional sworn Sergeant position to fulfill the needs highlighted in the summary and by the presentation provided for FY 2019-2020.

UPON MOTION of Commissioner Kiger, seconded by Commissioner Shue and unanimously carried, the Board approved the temporary reallocation of the two sworn positions described until funding is established in the FY 2019-2020 budget for the requested personnel.

(F-8) Sheriff's Office - Service Award of Duty Weapon

Captain Monty Sellers will retire from the Cabarrus County Sheriff's Office on March 14, 2019. Pursuant to N.C.G.S. 20-187.2, it is requested that Captain Sellers' service weapon (Sig Sauer P320 .40 cal serial #58A173267) be designated surplus property, and awarded to Captain Sellers for a price of \$1 upon his retirement.

Lt. Aaron Swinson will retire from the Cabarrus County Sheriff's Office on March 31, 2019. Pursuant to N.C.G.S. 20-187.2, it is requested that Lieutenant Aaron Swinson's service weapon (Sig Sauer P320, .40 cal serial #58C352266) be designated surplus property and awarded to Lt. Aaron Swinson for a price of \$1 upon his retirement.

UPON MOTION of Commissioner Kiger, seconded by Commissioner Shue and unanimously carried, the Board declared service weapon (Sig Sauer P320 .40 cal Serial #58A173267) as surplus property and awarded it to Captain Monty Sellers for the price of \$1 upon his retirement.

UPON MOTION of Commissioner Kiger, seconded by Commissioner Shue and unanimously carried, the Board declared service weapon (Sig Sauer P320 .40 cal Serial #58C352266) as surplus property and awarded it to Lieutenant Aaron Swinson for the price of \$1 upon his retirement.

(F-9) Tax Administration - Advertisement of 2018 Delinquent Taxes

NC General Statute 105-369 requires counties to report the amount of unpaid taxes for the current year, 2018, that are liens on real property, less bankruptcies and Property Tax Commission (PTC) Appeals; and to set the advertisement date.

2018 REAL ESTATE	\$8,280,326.16
Less: Bankruptcy	\$75,468.04
	PTC Appeal \$0.00
TOTAL (January 28, 2019)	\$8,204,858.12

Requested Date of Advertisement of Tax Liens: March 24, 2019

UPON MOTION of Commissioner Kiger, seconded by Commissioner Shue and unanimously carried, the Board approved the report for the 2018 outstanding tax balances that are a lien on real property and ordered the Tax Administrator to advertise these liens in the Independent Tribune on March 24, 2019.

ORDER OF THE BOARD OF COUNTY COMMISSIONERS
IN ACCORDANCE WITH N.C.G.S. 105-369

State of North Carolina
County of Cabarrus

TO: David Thrift, Tax Administrator of Cabarrus County

You are hereby authorized, empowered and commanded to advertise tax liens on real property for failure to pay 2018 property taxes. You shall advertise said liens by posting a notice of liens at the county courthouse and by publishing each lien at least one time in a newspaper having general circulation in the taxing unit. Advertisement of the liens shall be made on Sunday March 24, 2019.

This order shall be a full and sufficient authority to direct, require and enable you to advertise said liens in accordance with North Carolina General Statute 105-369. Witness my hand and official seal, this 18th day of February, 2019.

/s/ Stephen M. Morris
Stephen M. Morris, Chairman
Cabarrus County Board of Commissioners

Attest:

/s/ Lauren Linker
Lauren Linker
Clerk to the Board of County Commissioners

(F-9) Tax Administration - Refund and Release Reports - January 2019

The Release Report contains taxpayers' names, bill numbers, valuations, tax amounts, along with the justifications for releasing the valuation/tax amounts for outstanding levies in accordance with N.C.G.S. 105-381. The Refund Report is a summary sheet which lists data from each refund request form, along with the justification for the refunds to the taxpayers in accordance with N.C.G.S. 105-381.

Note: Due to the transition of motor vehicles onto the new North Carolina Vehicle Tax System (NCVTS), motor vehicle-related refunds and releases will begin to be displayed on the new report generated by NCVTS.

UPON MOTION of Commissioner Kiger, seconded by Commissioner Shue and unanimously carried, the Board approved the January 2019 Refund and Release Reports as submitted, including the NCVTS Refund Report, and granted authority to the Tax Collector to process the refunds and releases. The report is hereby incorporated into the minutes by reference and is on file with the Clerk to the Board.

(G) NEW BUSINESS

(G-1) DHS - Transportation 5310 Elderly and Handicapped Grant - Public Hearing 6:30 p.m.

Bob Bushey, Department of Human Services, Transportation Manager, reported the City of Concord North Carolina is the designated recipient of the Federal 5310 Elderly and Handicapped Grant. Cabarrus County Transportation has been awarded funding from this Grant by the City of Concord. The total Grant amount of \$170,182 will be used to fund transportation for the elderly population within the urban area of Cabarrus County. There is a 50 percent match of \$85,091. Mr. Bushey stated the match will be made with funding from the 5310 portion of the ROAP (Rural Operating Assistance Program) as well as the HCCBG (Home Care Community Block Grant).

Chairman Morris opened the public hearing at 7:05 p.m. The Public Hearing Notice was published in English and Spanish on February 8, 2019 in *The Independent Tribune*. The public hearing notice was also posted on the County's website (www.cabarruscounty.us) in English and Spanish on February 5, 2019 in accordance with Article 2, Administration, Section 2.1 (Use of Electronic Means to Provide Public Notices) of the Cabarrus County Code of Ordinances.

There was no one present to address the Board; therefore, Chairman Morris closed the public hearing.

UPON MOTION of Commissioner Shue, seconded by Vice Chairman Honeycutt and unanimously carried, the Board accepted the grant and authorized the budget officer to prepare an appropriate budget amendment if needed.

Note: A budget amendment was not needed.

(G-2) County Manager - Cabarrus County Schools Calendar Flexibility Resolution

Mike Downs, County Manager, stated the Cabarrus County School Board approved the following resolution and has requested the County also approve the resolution in support for local calendar flexibility for the Cabarrus County Board of Education.

Chairman Morris read the resolution aloud.

A brief discussion ensued.

UPON MOTION of Vice Chairman Honeycutt, seconded by Commissioner Kiger and unanimously carried, the Board approved the resolution.

Resolution No. 2019-05

RESOLUTION SUPPORTING
LOCAL CONTROL OF SCHOOL CALENDARS

WHEREAS, North Carolina General Statutes give local boards of education powers of supervision and control of local school systems; and

WHEREAS, local control over establishing school calendars should be an integral component of school system supervision and administrative powers with which local boards of education are vested; and

WHEREAS, in 2004 the North Carolina General Assembly legislated control of setting school calendars and imposed a single statewide system on how school calendars are set; and

WHEREAS, the current calendar system sets school start dates no earlier than the Monday closest to August 26, and end dates no later than the Friday closest to June 11; and

WHEREAS, Cabarrus County Schools has implemented two successful local Early College programs which directly benefit student learning and outcomes, yet must operate on a calendar different from other high schools in order to align with the Community College; and this calendar discrepancy causes hardships to family vacations including visits to North Carolina tourist locations; and

WHEREAS, the State's mandated late August start date means high schools do not complete the first semester until mid to late January; and

WHEREAS, current statutes force Cabarrus high school students to take first semester exams after the winter break which negatively impacts test scores; and

WHEREAS, the second semester for high schools starts two to three weeks later than community college and university schedules; and

WHEREAS, the calendar misalignment severely restricts high school students and recent winter graduates from taking courses at a nearby community college or university during the second semester; and deprives parents of opportunities to save tuition costs as their students earn transferable college credits; and

WHEREAS, exams for Advanced Placement and International Baccalaureate classes must be conducted on the same day nationwide, and the current calendar North Carolina law shortens the amount of time North Carolina's students have to learn the material before the nation-wide test day; and

WHEREAS, constrictive state mandates on local calendar needs constrain the local Administration's opportunities to manage classroom instructional hours for the greatest advantage to students; and

WHEREAS, major hurricanes and severe winter snow storms have caused Cabarrus County schools to miss 10 school days over the past 1.5 school years; and over eight school start-time delays of two or more hours.

WHEREAS, schedules for fall sport and band extracurricular have not changed to coincide with the State-mandated school calendar; and

WHEREAS, local boards of education and District staff are best equipped to understand how to balance meeting the community's needs and maximize student success; and

WHEREAS, restoring local control of school calendars will allow local boards of education to meet calendar needs and preferences of the families, educators, and businesses in Cabarrus County while allowing for innovative experimental approaches to improve student achievement,

THEREFORE, be it resolved that the Cabarrus County Board of Education and the Cabarrus County Board of Commissioners request that the North Carolina House and Senate pass legislation allowing calendar flexibility for Cabarrus County Schools.

Adopted by the Cabarrus County Board of Education on February 11, 2019.

Adopted by the Cabarrus County Board of Commissioners this 18th day of February, 2019.

/s/ Stephen M. Morris
Stephen M. Morris, Chairman
Board of Commissioners

Attest:

/s/ Lauren Linker
Lauren Linker, Clerk to the Board

(G-3) County Manager - Kannapolis Sidewalk Easement

Jonathan Marshall, Deputy County Manager, reported a request was received from the City of Kannapolis to bring this request to the Board tonight. The City has an opening bid tomorrow for the Harding Avenue Sidewalk Project; funded through a Community Development Block Grant to improve the city's safe routes to school infrastructure. Mr. Marshall advised during the City's process, it was discovered a portion of the property is owned by the County. The City is requesting permanent and construction easements for the installation of a sidewalk on property owned by Cabarrus County. The project will install 655 linear feet of 7-foot concrete sidewalk and improve curb ramps for accessibility to a high school and elementary school. The appropriated funds must be spent by May 2nd according to the terms of the grant.

UPON MOTION of Commissioner Shue, seconded by Commissioner Kiger and unanimously carried, the Board approved the easements between Cabarrus County and the City of Kannapolis; and authorized the County Manager to execute the easement document on behalf of Cabarrus County, subject to review or revisions by the County Attorney.

(H) APPOINTMENTS TO BOARDS AND COMMITTEES

(H-1) Appointments - Active Living and Parks Commission

The Active Living and Parks Commission voted unanimously to recommend the Boards' consideration to appoint Sara Newell to the Kannapolis Planning district seat. Ms. Newell lives less than a mile outside the Kannapolis property district and has a Kannapolis address. The Active Living and Parks Commission is requesting an exception to the "residency" provision of the Appointment Policy due to the length of time this seat has been vacant.

UPON MOTION of Vice Chairman Honeycutt, seconded by Commissioner Kiger and unanimously carried, the Board appointed Sara Newell to the Active Living and Parks Commission for a three-year term ending January 31, 2022; including an exception to the "residency" provision of the Appointment Policy.

(H-2) Appointments - Adult Care Home Community Advisory Committee

Helen McInnis has completed her orientation class, been certified by the State Ombudsman and is now eligible to be appointed to the Adult Care Home Community Advisory Committee. Ms. McInnis also serves on the Board of Equalization and Review. An exception to the "service on multiple boards" provision of the Appointment Policy will be needed for her.

UPON MOTION of Commissioner Kiger, seconded by Commissioner Shue and unanimously carried, the Board appointed Helen McInnis to the Adult Care Home Community Advisory Committee for an initial one-year term ending February 29,

2020; including an exception to the "service on multiple boards" provision of the Appointment Policy.

(H-3) Appointments - Firemen's Relief Fund Trustees

The Cabarrus County Volunteer Fire Departments have submitted the following individuals for appointment/reappointment as Firemen's Relief Fund Trustees*:

<u>Volunteer</u>	<u>Department</u>
Chris Whiting	Allen
Raymond N. Blackwelder, Jr.	Cold Water
Artie Craig	Flowers Store
Nicole Beaver	Georgeville
Tim Wooten	Harrisburg
Darrell Page	Midland
Betty White	Mount Mitchell
Lori Furr	Mount Pleasant Rural
Richard V. Bergeron, II	North East
Jacob Williams	Odell
Kelly Ritchie	Rimer

* These appointments are exempt from the County Appointment Policy. Recommendations are submitted by each of the respective volunteer fire departments.

UPON MOTION of Vice Chairman Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board appointed Chris Whiting (Allen), Lori Furr (Mount Pleasant Rural), and Kelly Ritchie (Rimer); and reappointed Raymond N. Blackwelder, Jr. (Cold Water), Artie Craig (Flowers Store), Nicole Beaver (Georgeville), Tim Wooten (Harrisburg), Darrell Page (Midland), Betty White (Mount Mitchell), Richard V. Bergeron, II (North East), and Jacob Williams (Odell) to the Firemen's Relief Fund Trustees for two-year terms ending January 31, 2021.

(H-4) Appointments and Removals - Home and Community Care Block Grant Advisory Committee

The terms of appointment for Home and Community Care Block Grant Advisory Committee members Tim Lowder, Betty Babb and Mary Whittmann expired December 31, 2018.

At the Home and Community Care Block Grant Advisory Committee meeting on November 19, 2018, the committee voted unanimously to have all three members serve another term. A letter of recommendation is included in the agenda. Ms. Babb and Ms. Whittmann are both willing to serve another term. Ms. Babb has served on this committee since 2009. An exception to the "length of service" provision of the Appointment Policy will be needed for her. Mr. Lowder has declined serving another term due to other work commitments.

UPON MOTION of Commissioner Shue, seconded by Commissioner Kiger and unanimously carried, the Board removed Tim Lowder from the Home and Community Care Block Grant Advisory Committee and thanked him for his service.

UPON MOTION of Vice Chairman Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board reappointed Betty Babb and Mary Whittmann to the Home and Community Care Block Grant Advisory Committee for three-year terms ending December 31, 2021; including an exception to the "length of service" provision of the Appointment Policy for Ms. Babb.

(I) REPORTS

(I-1) Active Living and Parks Department - FY17-18 Annual Report

The Board received the Active Living and Parks FY 17-18 Annual Report for informational purposes as part of the Agenda. No action was required of the Board.

(I-2) BOC - Receive Updates from Commission Members Who Serve as Liaisons to Municipalities or on Various Boards/Committees

Vice Chairman Honeycutt, liaison for the Department of Human Services Board, announced Food and Nutritional Services Program have been fully funded

through September 30, 2019. Recipients will receive e-mails and robo-calls regarding March and April staggered issuances of benefits to ensure no recipients go beyond 60 days from the early issuance done on January 20th.

Vice Chairman Honeycutt, Senior Centers Advisory Council liaison, announced the Senior Health and Wellness Expo will be held on Wednesday, March 13th from 10:30 a.m. to 2:30 p.m. at the Cabarrus Arena and Events Center; a What-Not Variety Show will be held on Sunday, March 17th at 3:00 p.m. at the Senior Center with entertainment providing benefits to the Cabarrus County Senior Centers Scholarship Fund; a Dress to the Nine Fashion Show will be held March 19th at 6:00 p.m. at the Senior Center; the Cabarrus Senior Games are coming up - competition of more than 70 sports and arts categories for persons 50 and older; for more information on these events and to attend a free clinic Friday, March 8th at 1:30 p.m. check out the Cabarrus County website.

Commissioner Kiger announced County events are posted on the Cabarrus County Twitter account. He recommended citizens follow the County's Twitter account to keep updated on upcoming events.

Commissioner Shue, liaison to the Town of Midland, announced the Midland Library Ribbon Cutting Ceremony will be held at 6:00 p.m. on Tuesday, February 26th.

(I-3) Board of Commissioners - Request for Applications for County Boards/Committees

Applications are being accepted for the following County Boards/Committees:

- Adult Care Home Community Advisory Committee - 10 Vacant Positions
- Agricultural Advisory Board - 2 Expired Terms
- Cabarrus County Animal Protection Advisory Board - 1 Vacant Position
- Cabarrus County Planning and Zoning Commission - 2 Vacant Positions (Alternates)
- Concord Planning and Zoning Commission (ETJ) - 1 Vacant Position
- Home and Community Care Block Grant Committee - 1 Expired Term
- Juvenile Crime Prevention Council - 1 Vacant Position (Student Under 18)
- Mount Pleasant Planning Board and Board of Adjustment - 1 Vacant Position (Alternate)
- Nursing Home Community Advisory Committee - 7 Vacant Positions
- Transportation Advisory Board - 3 Vacant Positions (Midland, NC Mental Health and Clergy)
- Watershed Improvement Commission - 1 Expired Term
- Youth Commission - 6 Vacant Positions (A.L. Brown, Concord, Jay M. Robinson, Mount Pleasant, and Northwest Cabarrus High Schools)

Chairman Morris urged citizens to consider participating on a Board or Committee.

(I-4) Cabarrus County Tourism Authority FY18 Year End Financials

The Board received the Cabarrus County Tourism Authority's FY18 Year End Financials for informational purposes as part of the Agenda. No action was required of the Board.

(I-5) County Manager - Monthly Building Activity Reports

The Board received the Cabarrus County Construction Standards Dodge Report for January 2019 and the Cabarrus County Commercial Building Plan Review Summary for January 2019 for informational purposes as part of the Agenda. No action was required of the Board.

(I-6) County Manager - Monthly New Development Report

The Board received the monthly new development report for informational purposes. No action was required of the Board.

(I-7) Economic Development Corporation - January 2019 Monthly Summary Report

The Board received the Cabarrus Economic Development Corporation (EDC) monthly report for the month of January 2019 as part of the Agenda. No action was required of the Board.

(I-6) Finance - Monthly Financial Update

The Board received the monthly financial update report for informational purposes. No action was required of the Board.

(J) General Comments by Board Members

Commissioner Shue, announced the ribbon cutting ceremony for the new Parking Deck will be held on February 27th at 4:00 p.m.

Chairman Morris commented on his positive experience while attending the recent School of Government Seminar for City and County leaders. He expressed his appreciation for the collaboration among all the municipalities within Cabarrus County and the County and the work of County staff.

(K) WATER AND SEWER DISTRICT OF CABARRUS COUNTY

None.

(L) CLOSED SESSION

(L-1) Closed Session - Pending Litigation and Personnel Matters

UPON MOTION of Vice Chairman Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board moved to go into closed session to discuss matters related to pending litigation and personnel as authorized by NCGS 143-318.11(a)(3) and (6).

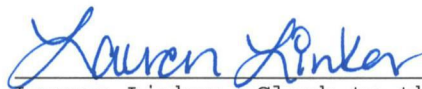
UPON MOTION of Vice Chairman Honeycutt seconded by Commissioner Shue and unanimously carried, the Board moved to come out of closed session.

Return to Open Session

A discussion ensued regarding the libraries and their needs.

(M) ADJOURN

UPON MOTION of Commissioner Shue, seconded by Commissioner Kiger and unanimously carried, the meeting adjourned at 8:13 p.m.



Lauren Linker, Clerk to the Board