

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 Tuesday, April 19, 2022.

Public access to the meeting could also be obtained through the following means:

live broadcast at 6:30 p.m. on Channel 22
<https://www.youtube.com/cabarruscounty>
<https://www.cabarruscounty.us/cabcotv>
1-980-729-7942 PIN 460 192 370#

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

Also present were Mike Downs, County Manager; Richard M. Koch, County Attorney; Rodney Harris, Deputy County Manager; and Lauren Linker, Clerk to the Board.

Chairman Morris called the meeting to order at 6:31 p.m.

Chairman Morris led the Pledge of Allegiance.

(A) APPROVAL OR CORRECTION OF MINUTES

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board approved the minutes of February 25, 2022 (Board Retreat) as presented.

(B) APPROVAL OF THE AGENDA

Chairman Morris reviewed the following changes to the agenda.

Additions:

New Business

G-1 County Manager - Public Private Partnership for Library and Senior Center Resolution

G-2 ITS - Memorandum of Understanding with Charter Communications to Support Application for GREAT Grant

Closed Session

K-1 Closed Session - Pending Litigation and Acquisition of Real Property

UPON MOTION of Commissioner Shue, seconded by Commissioner Strang and unanimously carried, the Board approved the agenda as amended.

(C) RECOGNITIONS AND PRESENTATIONS

(C-1) Active Living and Parks - Older Americans Month Proclamation

Myra Baumgardner, Cabarrus County Senior Centers Advisory Council Chair, read the proclamation aloud. Ms. Baumgardner issued an invitation to all senior citizens to participate in upcoming senior events and activities.

UPON MOTION of Commissioner Strang, seconded by Vice Chairman Kiger and unanimously carried, the Board adopted the Older Americans Month proclamation.

Proclamation No. 2022-06

OLDER AMERICANS MONTH 2022
A PROCLAMATION

Whereas, Cabarrus County includes a growing number of older Americans who contribute their strength, wisdom, and experience to our community; and

Whereas, communities benefit when people of all ages, abilities, and backgrounds are welcomed, included, and supported; and

Whereas, Cabarrus County Senior Centers Advisory Council recognizes our need to create a community that provides the services and supports older Americans need to thrive and live independently for as long as possible; and

Whereas, Cabarrus County Senior Centers Advisory Council can work to build an

even better community for our older residents by:

- Planning programs that encourage independence.
- Ensuring activities are responsive to individual needs and preferences.
- Increasing access to services that support aging in place.

Now, therefore, the Cabarrus County Board of Commissioners do hereby proclaim May 2022 to be Older Americans Month. We urge every resident to recognize the contributions of our older citizens, help to create an inclusive society, and join efforts to support older Americans' choices about how they age in their communities.

Adopted this 19th day of April 2022.

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

(D) INFORMAL COMMENTS

Chairman Morris opened the meeting for Informal Public Comments at 6:37 p.m. He stated each speaker would be limited to three minutes.

Marvin Bost, resident of 3150 Mount Pleasant Road in Concord, commented on agriculture at the Cabarrus County Fair.

Jerry Anderson, resident of 133 Kennedy Avenue in Kannapolis, commented past issues with the Department of Human Services.

Jeeter Anderson, resident of 133 Kennedy Avenue in Kannapolis, commented past issues with the Department of Human Services.

Due to the inappropriate content of Jeeter Anderson's comments, Commissioner Shue requested Mr. Anderson's comment be terminated and he be escorted out of the building. Mr. Anderson was allowed to finish his comments.

There was no one else to address the Board, therefore Chairman Morris closed that portion of the meeting.

(E) OLD BUSINESS

None.

(F) CONSENT

(F-1) Active Living and Parks - Senior Center Grants

Staff presented information regarding the Senior Center General Purpose and Health Promotion and Disease Prevention grant fund updates (state approved budget) and associated budget amendments at the work session. The match for both grants is budgeted in the senior center salary accounts 9101 and 9103.

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board adopted the budget amendment.

Date: Amount:
 Dept. Head: Department:
 Internal Transfer Within Department
 Transfer Between Departments/Funds
 Supplemental Request

Grant fund account updates (state approved budget) and associated budget amendments. The match for both grants are budgeted in salary accounts 00198145-9101 and 00198145-9103.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	6	8145-6364-SCGP	Senior Center General Purpose - Rev	7,010.00	118.00		7,128.00
001	9	8145-9417-SCGP	Senior Center General Purpose - Exp.	7,010.00	118.00		7,128.00
001	6	8145-6828-HPDP	Health Promotion Disease Prevention Rev.	4,680.00	2,500.00		7,180.00
001	9	8145-9356-WELL	Health Promotion Disease Prevention Exp.	4,500.00	2,500.00		7,000.00
				23,200.00	5,236.00		28,436.00

(F-2) Appointments - Nursing Home Community Advisory Committee

Karen Thompson's term on the Nursing Home Community Advisory Committee ends April 30th. Ms. Thompson would like to serve another term. She has served

on this board since 2009. An exception to the length of service provision of the Appointment Policy will be needed for her.

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board reappointed Karen Thompson to the Nursing Home Community Advisory Committee for a three-year term ending April 30, 2025; included an exception to the length of service provision of the Appointment Policy.

(F-3) Appointments (Removals) - Industrial Facilities and Pollution Control Financing Authority

Sherrill Laney's term on the Industrial Facilities and Pollution Control Financing Authority ended in January. He is not interested in serving another term. Mr. Laney has served on this board since 1996.

There are no current applications on file. The Authority meets on an as-needed basis and the County Attorney serves as the contact for this Authority.

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board removed Sherrill Laney from the Industrial Facilities and Pollution Control Financing Authority roster and thanked him for his many years of service.

(F-4) BOC - Resolution Dissolving Advisory Board

The Animal Protection Advisory Board was created via resolution by the Cabarrus County Board of Commissioners in 2015 to review the Animal Shelter's policies and procedures when the Humane Society of Concord and Greater Cabarrus County operated the facility. Since then, the Animal Shelter has shifted under the oversight of the Sheriff. The board served strictly as an advisory board. They do not hold a supervisory role to the Animal Shelter or the Sheriff's Office. The current members were contacted, there was little response and no commitment of leadership. Animal Shelter and Sheriff's Office staff feel under the current organizational structure they are able to achieve the necessary goals without an advisory board.

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

Resolution No. 2022-13

A RESOLUTION DISSOLVING THE
CABARRUS COUNTY ANIMAL PROTECTION ADVISORY BOARD

WHEREAS, the Board of Commissioners established the Animal Protection Advisory Board in Resolution 2015-19 to review the Animal Shelter's policies and procedures when the Humane Society of Concord and Greater Cabarrus County operated the facility; and

WHEREAS, the Board served as a resource for mitigating challenges and a sounding board for new ideas in a non-supervisory nature when the Human Society operated the shelter; and

WHEREAS, the Human Society no longer operates the Animal Shelter, which is now under the control and oversight of the Sheriff; and

WHEREAS, the Animal Protection Advisory Board met monthly and has not been active since their last meeting in September of 2019; and

WHEREAS, the Board of Commissioners may create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the county government pursuant to N.C.G.S. § 153A-76, which includes the Animal Protection Advisory Board.

NOW, THEREFORE BE IT RESOLVED that the Cabarrus County Board of Commissioners hereby dissolves the Cabarrus County Animal Protection Advisory Board, effective as of April 19, 2022.

ADOPTED this 19th day of April, 2022.

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

Attest:

/s/ Lauren Linker
Clerk to the Board

(F-5) DHS - Transportation Drug and Alcohol Policy

Cabarrus County Transportation provides public transit and paratransit services for the residents of Cabarrus County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Cabarrus County Transportation declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board approved and adopted the Drug and Alcohol Policy.

(F-6) DHS - Transportation Federal Transit Administration Resolution

The North Carolina Department of Transportation Public Transportation Division will no longer administer the Federal Transit Administration 5307 grant for North Carolina. Cabarrus County will now have to begin applying directly to the Federal Transit Administration for this Grant. In order to be set up with the Federal Transit Administration we will need a resolution approved giving the County Manager and Cabarrus County the authority to apply directly to the Federal government for 5307 funds.

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board approved the Federal Transit Administration resolution.

Resolution No. 2022-14

FEDERAL TRANSIT ADMINISTRATION RESOLUTION

Resolution authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53; title 23, United States Code, or other federal statutes administered by the Federal Transit Administration.

WHEREAS, the Federal Transit Administrator has been delegated authority to award federal financial assistance for a transportation project;

WHEREAS, the grant or cooperative agreement for federal financial assistance will impose certain obligation upon the applicant, and may require the applicant to provide the local share of the project cost;

WHEREAS, the applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CABARRUS COUNTY BOARD OF COMMISSIONERS

1. That The County Manager is authorized to execute and file an application for federal assistance on behalf of Cabarrus County with Federal Transit Administration for federal assistance authorized by 49 U.S.C Chapter 53, title 23, United States Code, or other federal statutes authorizing a project administered by the Federal Transit Administration. Cabarrus County has received authority from the City of Concord to apply for Urbanized Area Formula Program Assistance. The City of Concord North Carolina is the designated recipient as defined by 49 U.S.C. 5307(a) (2)
2. That the County Manager is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a federal assistance grant or cooperative agreement.
3. That the County Manager is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of Cabarrus County.

Adopted this 19th day of April, 2022.

/s/ Stephen M. Morris
 Stephen M. Morris, Chairman

Attest:

/s/ Lauren Linker
 Clerk to the Board

(F-7) DHS - Transportation System Safety Plan

The Transportation System Safety Plan is a plan to prepare for workplace emergencies. By auditing the workplace, training employees, obtaining and maintaining the necessary equipment, and by assigning responsibilities, human life and company resources will be preserved. The intent of this plan is to ensure all employees a safe and healthful workplace. Those employees assigned specific duties under this plan will be provided the necessary training and equipment to ensure their safety. This plan applies to emergencies that could be reasonably expected in our workplace such as fire/smoke, tornadoes, bomb threats, leaks, etc.

This emergency action plan will be reviewed annually and updated as needed to maintain compliance with applicable regulations and standards and remain up-to-date. Workplace inspection reports and incident reports will be maintained and used to provide corrections and improvements to the plan.

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board approved and adopted the System Safety Plan.

(F-8) Finance - American Rescue Plan Act Funds for Broadband and Nonprofits

Along with unallocated funds several nonprofits decided not to accept the American Rescue Plan Act Fund. If the Board approves the funds will be allocated to:

1. Completing Access to Broadband (CAB) - \$2,000,000 - county match to expand broadband in rural/underserved communities.
2. Habitat for Humanity - \$500,000 - additional funds for the critical home repair program.
3. Education Foundation - \$164,090 - funding needed to pilot Reading + Mentoring 4 Success program to address learning loss.
4. Conflict Resolution Center - \$21,361 - funding to address lost revenue resulting from the pandemic

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board approved using American Rescue Plan Act Funds for the Broadband and additional nonprofits and the associated budget amendment.

Date: Amount:
 Dept. Head: Department:
 Internal Transfer Within Department Transfer Between Departments/Funds Supplemental Request

Allocate ARP funds to broadband and additional nonprofits							
Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
440	9	1925 974914 ARP20	Wings of Eagle Ranch	57,054		57,054	-
440	9	1925 974914 ARP27	Charity Baptist Ministries	70,000		70,000	-
440	9	1925 974914 ARP33	Mt. Pleasant Food Ministry	3,800		3,800	-
440	9	1925 974914 ARP47	Bands of Concord	6,379		6,379	-
440	9	1925 974914 ARP41	Habitat for Humanity	463,282	500,000		963,282
440	9	1925 974914 ARP62	Education Foundation	-	164,090		164,090
440	9	1925 974914 ARP63	Conflict Resolution Center	-	21,361		21,361
440	9	1925 9397 ARP	Miscellaneous	246,049		246,049	-
440	9	1925 974914 ARP55	Small Business Grants	2,500,000		120,000	2,380,000
440	9	1925 974914 ARP60	Mortgage	675,000		182,169	492,831
001	9	1925 940004	Broadband	-	2,000,000		2,000,000
001	9	2110 9101	Salaries and Wages Sheriff	10,493,074		2,000,000	8,493,074

(F-9) Finance - American Rescue Plan Act Funds for Cooperative Christian Ministry

Cooperative Christian Ministries received a \$2,000,000 allocation of ARPA funds. They would like to include the Huddle Housing as an additional approved project. The project is described below:

Establish a Huddle Housing community to provide safe homes and case management for individuals struggling on low fixed incomes. Huddle Housing will provide long-term housing solutions for chronically homeless adults and those struggling on low and extremely low fixed incomes (e.g. - veterans, seniors, and individuals on disability who are capable of self-care). Include approximately 15 units and a community center.

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board approved using American Rescue Plan Act Funds for the Huddle Housing Project.

(F-10) Finance - Appropriate Insurance Refund for Ambulance Repair

An ambulance was involved in an accident on October 23, 2021. The chassis was totaled, and the box was remounted onto a new chassis. Insurance funds were received to cover the costs.

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board adopted the budget amendment.

Date: Amount:
 Dept. Head: Department:
 Internal Transfer Within Department Transfer Between Departments/Funds Supplemental Request

This budget amendment is to recognize insurance refunds, decrease insurance and bonds expenditure line item and transfer funds to EMS motor vehicle account to repair a wrecked ambulance involved in an accident.

	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget	
	600	6	1919-6804	INSURANCE REFUNDS	20,000.00	61,613.00	-	81,613.00
	600	9	1919-9704	CONTRIBUTION TO GENERAL FUND	68,680.00	80,000.00	-	148,680.00
	600	9	1919-9640	INSURANCE AND BONDS	849,994.00	-	18,387.00	831,607.00
	001	6	2730-6931	Contribution From Internal Service Fund	-	80,000.00	-	80,000.00
	001	9	2730-9863	Motor Vehicles	672,652.26	80,000.00	-	752,652.26

(F-11) Finance - Debt Refunding of Limited Obligations Bonds - 2022A

The County's underwriter, Piper Sandler & Co., has advised, given appropriate market conditions, to refund all or a portion of 2020A Limited Obligation Bonds. The Public Hearing was held March 21, 2022.

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board adopted the resolution approving refinancing of prior installment financing contract financings in an aggregate principal amount up to \$130,000,000; the execution and delivery by the Cabarrus County Development Corporation of one or more series of limited obligation bonds related thereto; authorizing the execution and delivery of related documents in connection therewith; and providing for certain other related matters.

Resolution No. 2022-15

RESOLUTION APPROVING REFINANCING OF PRIOR INSTALLMENT FINANCING CONTRACT FINANCINGS IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$130,000,000; THE EXECUTION AND DELIVERY BY THE CABARRUS COUNTY DEVELOPMENT CORPORATION OF ONE OR MORE SERIES OF LIMITED OBLIGATION BONDS RELATED THERETO; AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the Board of Commissioners desires to approve a proposed plan of refinancing in an aggregate principal amount of up to \$130,000,000, which plan would involve the entry by the County into one or more installment financing contracts (or amendments to one or more outstanding installment financing contracts) with the Cabarrus County Development Corporation (the "Corporation") or one or more third parties pursuant to North Carolina General Statutes §160A-20, as amended, the proceeds of which would be used to refinance all or a portion of one or more installment financing contracts previously executed and delivered by the County, which prior installment financing contracts paid all or a portion of the costs of acquiring, constructing and equipping various public facilities and related improvements and costs (collectively, the "Refinanced Projects"), and under said one or more installment financing contracts (or amendments to one or more outstanding installment financing contracts) the County would secure the repayment by the County of the moneys advanced pursuant to such one or more installment financing contracts (or

amendments to one or more outstanding installment financing contracts) by granting a security interest in and lien on all or some portion of the Refinanced Projects and/or in all or some portion of the real property on which the Refinanced Projects are located;

WHEREAS, as part of said proposed plan of refinancing, the Corporation will execute and deliver one or more series of Limited Obligation Bonds in said one or more installment financing contracts (or amendments to one or more outstanding installment financing contracts) in an aggregate principal amount not exceeding \$130,000,000 to finance the advancement of moneys to the County pursuant to said one or more installment financing contracts (or amendments to one or more outstanding installment financing contracts) between the County and the Corporation or one or more third parties;

WHEREAS, there have been submitted to this meeting draft forms of the following documents (the "Financing Documents") with respect to the refinancing of said one or more prior installment financing contracts and the Refinanced Projects:

(1) an Installment Financing Contract, proposed to be dated on or about June [1], 2022 (or such other date(s) as may be selected by the County), between the County and the Corporation (or one or more third parties) as counterparty (the "2022A Contract(s)"), pursuant to which the Corporation (or such one or more third parties) will advance moneys to the County to refinance all or a portion of the Prior Contract (as defined in the 2022A Contract(s)) and the Refinanced Projects financed thereby and the County agrees to make periodic installment payments (the "Installment Payments") to repay the moneys so advanced, with or without interest, as applicable;

(2) a Deed of Trust, Security Agreement and Fixture Filing (the "2022A Deed of Trust"), proposed to be dated on or about June [1], 2022, among the County as Grantor, the Corporation (or such one or more third parties) as Beneficiary and the trustee named therein, by which the County would secure its obligations to the Corporation (or such one or more third parties) under the 2022A Contract(s); and

(3) an Indenture of Trust, proposed to be dated on or about June [1], 2022 (the "2022A Trust Indenture"), between the Corporation and the trustee named therein, as trustee (the "2022A Trustee"), pursuant to which there may be executed and delivered from time to time Certificates of Participation and/or Limited Obligation Bonds, including, without limitation, the Limited Obligation Refunding Bonds (County of Cabarrus, North Carolina Installment Financing Contract), Series 2022A (collectively, the "2022A Certificates and/or Bonds"), the proceeds of which will be used to advance the moneys to the County under the 2022A Contract(s); and

WHEREAS, the obligations of the County to make Installment Payments and other payments pursuant to the 2022A Contract(s) shall constitute limited obligations of the County payable solely from currently budgeted appropriations of the County and shall not constitute a pledge of the faith and credit of the County within the meaning of any constitutional debt limitation;

WHEREAS, no deficiency judgment may be rendered against the County in any action for breach of a contractual obligation under the Contract(s), and the taxing power of the County is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract(s); and

WHEREAS, the Board of Commissioners desires to approve the Financing Documents and to authorize other actions in connection therewith;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, as follows:

Section 1. All actions taken by or on behalf of the County to date to effectuate the proposed plan of refinancing, including the selection of Piper Sandler & Co., as Underwriter and/or Placement Agent and Nexsen Pruet, PLLC, as special counsel, are hereby ratified, approved and authorized pursuant to and in accordance with the transactions contemplated by the Financing Documents.

Section 2. The Board of Commissioners hereby finds and confirms that (i) the refinancing of all or a portion of the Prior Contract previously executed and delivered by the County and the Refinanced Projects by one or more installment financing contracts to be executed and delivered by the County is necessary and expedient for the County; (ii) the refinancing of all or a portion of the Prior Contract previously executed and delivered by the County and the Refinanced Projects by one or more installment financing contracts to be executed and delivered by the County, under the circumstances, is preferable to

a bond issue by the County; (iii) the sums to fall due under said one or more installment financing contracts to be executed and delivered by the County are adequate and not excessive for their proposed purpose; (iv) the County's debt management procedures and policies are good and its debt will continue to be managed in strict compliance with law; (v) the increase in taxes, if any, necessary to meet the sums to fall due under said one or more installment financing contracts to be executed and delivered by the County will not be excessive; and (vi) the County is not in default regarding its debt service obligations.

Section 3. The refinancing of all or a portion of the Prior Contract and the Refinanced Projects, and the granting of security interests therein, all as provided in the Financing Documents referenced in this Resolution, are hereby ratified and approved.

Section 4. Each the 2022A Contract(s) and the Deed of Trust is hereby approved in substantially the form submitted to this meeting, and each of the Chairman of the Board of Commissioners or the County Manager is hereby authorized to execute and deliver each of those documents in the name and on behalf of the County, with such changes, insertions or omissions as the persons executing such documents may approve, including but not limited to changes, insertions or omissions related to obtaining a policy of municipal bond insurance with respect to all or a portion of any Certificates and/or Bonds, their execution and delivery thereof to constitute conclusive evidence of such approval. The County Clerk is hereby authorized to affix the seal of the County to each of said documents as may be appropriate and to attest to the same.

Section 5. The 2022A Trust Indenture (including the form of Certificate and/or Bond) is hereby approved in substantially the form submitted to this meeting, with such changes, insertions or omissions as appropriate, including but not limited to changes, insertions or omissions related to obtaining a policy of municipal bond insurance with respect to all or a portion of any Certificates and/or Bonds, as the representative(s) of the County executing the 2022A Contract(s) may approve, the execution and delivery of the 2022A Contract(s) to constitute conclusive evidence of such approval. The Board of Commissioners hereby approves the sale of Certificates and/or Bonds by the Corporation in an aggregate principal amount not in excess of the amount of moneys to be advanced to the County pursuant to the 2022A Contract(s).

Section 6. Each of the Chairman of the Board of Commissioners, the County Manager and the Finance Director are authorized to approve all details of the refinancing of all or a portion of the Prior Contract and the related portion of the Refinanced Projects, including, without limitation, the amount advanced under the 2022A Contract(s) and the aggregate principal amount of the 2022A Limited Obligation Refunding Bonds (which shall not exceed \$130,000,000), the maturities, the principal amounts and the interest amounts of the Installment Payments and the 2022A Limited Obligation Refunding Bonds, which interest amounts (calculated with respect to the 2020A Limited Obligation Refunding Bonds) shall not exceed [6.5]% per annum on an effective interest cost basis, the prepayment terms and prices (which shall not exceed 103% of the principal amount being prepaid) and the Underwriters' discount (exclusive of any original issue discount) or Placement Agents' compensation (which shall not exceed 2.0% of the principal amount of the 2022A Limited Obligation Refunding Bonds). Execution of the 2022A Contract(s) by the Chairman of the Board of Commissioners or the County Manager shall conclusively evidence such approval of all such details of said refinancing.

Section 7. The Chairman of the Board of Commissioners, the County Manager, the Finance Director and the County Attorney are hereby authorized to take any and all such further action, including approval of modifications to the Financing Documents, and to execute and deliver for and on behalf of the County such other documents and certificates (including, without limitation, agreements with securities depositories, financing statements, one or more escrow deposit agreements, one or more contracts of purchase or purchase agreements, one or more placement agreements, one or more private placement agreements or other offering documents or memoranda, tax certificates and agreements and other documents and agreements (including repurchase agreements) relating to the investment of the proceeds from the execution and delivery of the 2022A Contract(s) as they may deem necessary or advisable to carry out the intent of this resolution and to effect the refinancing pursuant to the 2022A Contract(s) and the other Financing Documents. The Clerk to the Board is hereby authorized to affix the seal of the County to such documents and certificates as may be appropriate and to attest to the same and to execute and deliver the same as may be needed. In addition, said officers are hereby authorized to cooperate with the Underwriters and/or Placement Agents in preparing and filing such filings under state securities or "blue sky" laws (including special consents to service of process) as the Underwriters and/or Placement Agents may

request and as the Chairman of the Board of Commissioners, the County Manager or the Finance Director shall determine.

Section 8. The Finance Director shall prepare and file a sworn statement of debt with the LGC and the Clerk to the Board in accordance with North Carolina General Statutes Section 159-150.

Section 9. The County covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will do and perform all acts and things to comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), in order to assure that interest paid with respect to the 2022A Limited Obligation Refunding Bonds will not be includable in the gross income of the owners thereof for purposes of federal income taxation, except to the extent that the County obtains an opinion of bond counsel to the effect that noncompliance would not result in interest with respect to the 2022A Limited Obligation Refunding Bonds being includable in the gross income of the owners of the 2022A Limited Obligation Refunding Bonds for purposes of federal income taxation.

Section 10. This Resolution shall become effective immediately upon its adoption.

Thereupon, upon motion of Commissioner Diane R. Honeycutt, seconded by Commissioner Lynn W. Shue, the foregoing resolution entitled "RESOLUTION APPROVING REFINANCING OF PRIOR INSTALLMENT FINANCING CONTRACT FINANCINGS IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$130,000,000; THE EXECUTION AND DELIVERY BY THE CABARRUS COUNTY DEVELOPMENT CORPORATION OF ONE OR MORE SERIES OF LIMITED OBLIGATION BONDS RELATED THERETO; AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS" was adopted and passed by the following roll call vote:

AYES: Chairman Stephen M. Morris, Vice Chairman F. Blake Kiger, and Commissioners Diane R. Honeycutt, Barbara C. Strang and Lynn W. Shue

NOES: None

(F-12) Finance - Fire District Property Tax Budget Amendment

This budget amendment will increase Fire Districts' current year property tax collections as well as increase related districts' turnovers. Per the Fire Tax Districts budget ordinance, Section V. (7), upon notification of funding increases of revenues, the Manager may adjust budgets to match.

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board adopted the budget amendment.

Date: Amount:
 Dept. Head: Department:
 Internal Transfer Within Department Transfer Between Departments/Funds Supplemental Request

To increase Fire Districts' current year property tax collections as well as increase related districts' turnovers. Per the Fire Tax Districts budget ordinance, Section V. (7), upon notification of funding increases of revenues, the Manager may adjust budgets to match.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
430	6	2710-6011	Property Tax Current Year Coll	5,909,748.00	535,000.00		6,444,748.00
430	9	2710-975601	Con Rural	51,095.00	5,000.00		56,095.00
430	9	2710-9773	Rimer Fire	212,868.00	25,000.00		237,868.00
430	9	2710-9774	Mt Mitchel	103,322.00	35,000.00		138,322.00
430	9	2710-9775	Gold H VFD	41,311.00	5,000.00		46,311.00
430	9	2710-9776	Mt Plesant	565,737.00	35,000.00		600,737.00
430	9	2710-9777	Kann Rural	222,337.00	10,000.00		232,337.00
430	9	2710-9778	Georgevill	276,666.00	25,000.00		301,666.00
430	9	2710-9779	Flowes St	449,361.00	20,000.00		469,361.00
430	9	2710-9780	Odell	834,387.00	85,000.00		919,387.00
430	9	2710-9781	Richf VFD	11,363.00	5,000.00		16,363.00
430	9	2710-9783	Jackson Pk	237,112.00	25,000.00		262,112.00
430	9	2710-9784	Cold Water	317,938.00	25,000.00		342,938.00
430	9	2710-9785	Allen	465,666.00	50,000.00		515,666.00
430	9	2710-9786	Midland	775,508.00	75,000.00		850,508.00
430	9	2710-9788	Northeast	190,941.00	25,000.00		215,941.00
430	9	2710-9798	Harris VFD	1,154,136.00	85,000.00		1,239,136.00

(F-13) Finance - Resolution Approving Installment Financing Contract 2022B Draw-Down LOBS for Various School and County Projects Up to \$160,000,000

Cabarrus County plans to enter into one or more short and/or long-term installment financing contracts, including the use of a drawn down loan structure with the Cabarrus County Development Corporation or one or more third parties, for an amount not to exceed \$160,000,000 to finance all or a portion of the cost of constructing and equipping public school and county facilities and various real and personal property improvements. The public hearing was held March 21, 2022.

The next required step in the financing is the final approval by adoption of the attached Resolution approving the installment contract financing in an amount not-to-exceed \$160,000,000. The LOBS are scheduled for issuance in June 2022, subject to approval by the Local Government Commission.

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board adopted the Resolution Approving Installment Contract Financing for Various Public Projects in an Aggregate Principal Amount up to \$160,000,000 and Execution and Delivery by the Cabarrus County Development Corporation of Limited Obligation Bonds Related thereto, Authorizing the Execution and Delivery of Related Documents in Connection therewith, and Providing for Certain other Related Matters.

Resolution No. 2022-16

RESOLUTION APPROVING LONG-TERM INSTALLMENT CONTRACT FINANCINGS OF VARIOUS PUBLIC PROJECTS IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$160,000,000; AUTHORIZING INTERIM INSTALLMENT CONTRACT FINANCINGS FOR SUCH PROJECTS IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$160,000,000; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CABARRUS COUNTY DEVELOPMENT CORPORATION OF ONE OR MORE SERIES OF LIMITED OBLIGATION BONDS AND/OR CERTIFICATES OF PARTICIPATION RELATED THERETO, AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the Board of Commissioners desires to undertake a proposed plan of financing in an aggregate principal amount of up to \$160,000,000, which plan would involve the entry by the County into one or more long-term installment financing contract(s) with the Cabarrus County Development Corporation (the "Corporation") or one or more other third parties pursuant to North Carolina General Statutes §160A-20, as amended, the proceeds of which would be used to pay all or a portion of the costs of (i) the acquisition, construction, installation and equipping of one or more new buildings to be used as new court house facilities for the County, (ii) various site improvements related thereto, (iii) the acquisition, construction, installation and equipping of a new public middle school, (iv) the acquisition, construction, installation and equipping of a new public high school, (v) the acquisition, construction, installation and equipping of a new replacement public elementary school, (vi) the acquisition, construction, installation and equipping of a new emergency services headquarters and related facilities, (vii) the acquisition, construction, installation and equipping of a new public library and senior center, (viii) the acquisition, construction, installation and equipping of a new emergency equipment warehouse/information technology facility, (ix) the acquisition of land for a new regional public park facility, (x) the acquisition, construction, installation and equipping of multiple improvements at Frank Liske Park, (xi) the acquisition, construction, installation and equipping of a new radio tower, (xii) the acquisition, construction, installation and equipping of a new public park facility, (xiii) the construction, installation and equipping of replacement parking lots and driveways at Mt. Pleasant High School, (xiv) the construction, installation and equipping of roof replacements at various public school sites, (xv) the acquisition, construction, installation and equipping of one or more new public schools and related facilities, (xvi) the acquisition, construction, installation and equipping of one or more new public buildings and related facilities, (xvii) the acquisition of any necessary rights-of-way and easements related to each of the foregoing (i) through (xvi) and (xviii) various real and personal property improvements related to each of the foregoing (i) through (xvi) (collectively, the "2022B Projects"), and under said one or more long-term installment financing contract(s) the County would secure the repayment by the County of the moneys advanced pursuant to such one or more long-term installment financing contract(s) by granting a security interest in and lien on all or some portion of the 2022B Projects and/or all or some portion of the real property upon which the 2022B Projects are located;

WHEREAS, as part of said proposed plan of financing, the Corporation may also execute and deliver one or more series of Limited Obligation Bonds and/or Certificates of Participation in said one or more long-term installment financing contract(s) in an aggregate principal amount not exceeding \$160,000,000 to finance the advancement of moneys to the County pursuant to said one or more long-term installment financing contract(s) between the County and the Corporation or one or more other third parties;

WHEREAS, as part of the proposed plan of financing for the 2022B Projects, the Board of Commissioners further desires to authorize interim financing, which may utilize a draw-down loan structure, for all or some portion of the 2022B Projects in an aggregate principal amount of up to \$160,000,000, which would involve the entry by the County into one or more short-term installment financing contract(s) with one or more third parties pursuant to North Carolina General Statutes §160A-20, as amended, the proceeds of which would be used to provide interim financing for all or some portion of the 2022B Projects pending execution and delivery of said one or more long-term financing contract(s) and the related Limited Obligation Bonds and/or Certificates of Participation, if any, and under said one or more short-term installment financing contract(s) the County would secure the repayment by the County of the moneys advanced pursuant to such short-term installment financing contract(s) by granting a security interest in and lien on all or some portion of the 2022B Projects and/or all or some portion of the real property upon which the 2022B Projects are located; and

WHEREAS, as part of said proposed plan of financing, the Corporation may also execute and deliver one or more series of Limited Obligation Bonds and/or Certificates of Participation in said one or more short-term installment financing contract(s) in an aggregate principal amount not exceeding \$160,000,000 to finance the advancement of moneys to the County pursuant to said one or more short-term installment financing contract(s) between the County and the Corporation or one or more other third parties;

WHEREAS, there have been submitted to this meeting draft forms of the following documents (the "Financing Documents") with respect to the financing for the 2022B Projects:

(1) an Installment Financing Contract, proposed to be dated on or about June [1], 2022 (or such other date(s) as may be selected by the County), between the County and the Corporation (or one or more third parties) as counterparty (the "Contract(s)"), pursuant to which the Corporation (or such one or more third parties) will advance moneys to the County for the costs of the 2022B Projects and the County agrees to make periodic installment payments (the "Installment Payments") to repay the moneys so advanced, with or without interest, as applicable;

(2) a Deed of Trust, Security Agreement and Fixture Filing (the "Deed of Trust"), proposed to be dated on or about June [1], 2022, among the County as Grantor, the Corporation (or such one or more third parties) as Beneficiary and the trustee named therein, by which the County would secure its obligations to the Corporation (or such one or more third parties) under the Contract(s);

(3) an Indenture of Trust, proposed to be dated on or about June [1], 2022 (the "Trust Indenture"), between the Corporation and the trustee named therein, as trustee (the "Trustee"), pursuant to which there may be executed and delivered from time to time Certificates of Participation and/or Limited Obligation Bonds, including, without limitation, the Limited Obligation Bonds (County of Cabarrus, North Carolina Installment Financing Contract), Series 2022B (collectively, the "Certificates and/or Bonds"), the proceeds of which will be used to advance the moneys to the County under the Contract(s); and

(4) a Contract of Purchase to be dated on or about June [1], 2022 (the "Contract of Purchase"), pursuant to which the 2022B Limited Obligation Bonds would be purchased from time to time by the purchaser(s) of the 2022B Limited Obligation Bonds;

WHEREAS, the obligations of the County to make Installment Payments and other payments pursuant to the Contract(s) shall constitute limited obligations of the County payable solely from currently budgeted appropriations of the County and shall not constitute a pledge of the faith and credit of the County within the meaning of any constitutional debt limitation;

WHEREAS, no deficiency judgment may be rendered against the County in any action for breach of a contractual obligation under the Contract(s), and the taxing power of the County is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract(s); and

WHEREAS, the Board of Commissioners desires to approve the Financing Documents and to authorize other actions in connection therewith;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, as follows:

Section 1. All actions taken by or on behalf of the County to date to effectuate the proposed financing, including the selection of Nexsen Pruet, PLLC, as special counsel, are hereby ratified, approved and authorized pursuant to and in accordance with the transactions contemplated by the Financing Documents.

Section 2. The Board of Commissioners hereby finds and confirms that (i) the 2022B Projects and the financing thereof by one or more installment financing contracts is necessary and expedient for the County; (ii) financing of the 2022B Projects by one or more installment financing contracts, under the circumstances, is preferable to a bond issue by the County; (iii) the sums to fall due under said one or more installment financing contracts are adequate and not excessive for their proposed purpose; (iv) the County's debt management procedures and policies are good and its debt will continue to be managed in strict compliance with law; (v) the increase in taxes, if any, necessary to meet the sums to fall due under said one or more installment financing contracts will not be excessive; and (vi) the County is not in default regarding any of its debt service obligations.

Section 3. The acquisition, construction and equipping of the 2022B Projects, the financing thereof and the granting of security interests therein, all as provided in the Financing Documents referenced in this Resolution, are hereby ratified and approved.

Section 4. Each of the Contract(s), the Contract of Purchase and the Deed of Trust is hereby approved in substantially the form submitted to this meeting, and each of the Chairman of the Board of Commissioners or the County Manager is hereby authorized to execute and deliver each of those documents in the name and on behalf of the County, with such changes, insertions or omissions as the persons executing such documents may approve, including but not limited to changes, insertions or omissions related to obtaining a policy of municipal bond insurance with respect to all or a portion of any Certificates and/or Bonds, their execution and delivery thereof to constitute conclusive evidence of such approval. The County Clerk is hereby authorized to affix the seal of the County to each of said documents as may be appropriate and to attest to the same.

Section 5. The Trust Indenture (including the form of Certificate and/or Bond) is hereby approved in substantially the form submitted to this meeting, with such changes, insertions or omissions as appropriate, including but not limited to changes, insertions or omissions related to obtaining a policy of municipal bond insurance with respect to all or a portion of any Certificates and/or Bonds, as the representative(s) of the County executing the Contract(s) may approve, the execution and delivery of the Contract(s) to constitute conclusive evidence of such approval. The Board of Commissioners hereby approves the sale of Certificates and/or Bonds by the Corporation in an aggregate principal amount not in excess of the amount of moneys to be advanced to the County pursuant to the Contract(s).

Section 6. Each of the Chairman of the Board of Commissioners, the County Manager and the Director of Finance are authorized to approve all details of the financing of the 2022B Projects, including, without limitation, the amount advanced under the Contract(s) and the aggregate principal amount of any Certificates and/or Bonds (which shall not exceed \$160,000,000), the maturities, the principal amounts and the interest amounts (if any) of the Installment Payments and any Certificates and/or Bonds, which interest amounts may be either fixed or variable rates and, if fixed rates, (calculated with respect to any Certificates and/or Bonds) shall not exceed [22.00%] per annum on an effective interest cost basis, the prepayment terms and prices (which shall not exceed [103]% of the principal amount being prepaid). Execution of the Contract(s) by the Chairman of the Board of Commissioners or the County Manager shall conclusively evidence such approval of all such details of said financing.

Section 7. The Chairman of the Board of Commissioners, the County Manager, the Director of Finance and the County Attorney are hereby authorized to take any and all such further action, including approval of modifications to the Financing Documents, and to execute and deliver for and on behalf of the County such other documents and certificates (including, without limitation, agreements with securities depositories, financing statements, one or more contracts of purchase or purchase agreements, one or more placement agreements, one or more private placement agreements or other offering documents or

memoranda, tax certificates and agreements and other documents and agreements (including repurchase agreements) relating to the investment of the proceeds from the execution and delivery of the Contract(s)) as they may deem necessary or advisable to carry out the intent of this resolution and to effect the financing pursuant to the Contract(s) and the other Financing Documents. The County Clerk is hereby authorized to affix the seal of the County to such documents and certificates as may be appropriate and to attest to the same and to execute and deliver the same as may be needed.

Section 8. The Finance Director shall prepare and file a sworn statement of debt with the LGC and the Clerk to the Board in accordance with North Carolina General Statutes Section 159-150.

Section 9. The County covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will do and perform all acts and things to comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), in order to assure that interest paid with respect to the 2022B Limited Obligation Bonds will not be includable in the gross income of the owners thereof for purposes of federal income taxation, except to the extent that the County obtains an opinion of bond counsel to the effect that noncompliance would not result in interest with respect to the 2022B Limited Obligation Bonds being includable in the gross income of the owners of the 2022B Limited Obligation Bonds for purposes of federal income taxation.

Section 10. This Resolution shall become effective immediately upon its adoption.

Thereupon, upon motion of Commissioner Diane R. Honeycutt, seconded by Commissioner Lynn W. Shue, the foregoing resolution entitled "RESOLUTION APPROVING LONG-TERM INSTALLMENT CONTRACT FINANCINGS OF VARIOUS PUBLIC PROJECTS IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$160,000,000; AUTHORIZING INTERIM INSTALLMENT CONTRACT FINANCINGS FOR SUCH PROJECTS IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$160,000,000; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CABARRUS COUNTY DEVELOPMENT CORPORATION OF ONE OR MORE SERIES OF LIMITED OBLIGATION BONDS AND/OR CERTIFICATES OF PARTICIPATION RELATED THERETO, AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS" was adopted and passed by the following vote:

AYES: Chairman Stephen M. Morris, Vice Chairman F. Blake Kiger, and Commissioners Diane R. Honeycutt, Barbara C. Strang, and Lynn W. Shue

NOES: None

(F-14) Fire Marshal's Office - Ordinance Approval

At the March 2022 meeting, the board took action and requested staff to forward GIS generated data to the Office of the State Fire Marshal reflecting the recommended fire tax district changes to the following districts: Flowes Store, Georgeville, Allen, Harrisburg, and Midland. No additional information is needed from the State Fire Marshal's Office to allow adoption of this ordinance.

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board adopted the proposed fire district ordinance.

Ordinance No. 2022-16

AN ORDINANCE CHANGING THE BOUNDARIES OF THE RURAL FIRE PROTECTION DISTRICTS WITHIN CABARRUS COUNTY

WHEREAS, notwithstanding N.C.G.S. 69-25.11, the Cabarrus County Board of Commissioners may change the boundaries of fire districts in Cabarrus County by ordinance pursuant to section 19.1 of Chapter 558 of the 1987 Session Laws, as added by N.C. Sess. Laws 2006-1, and amended by N.C. Sess. Laws 2010-17; and

WHEREAS, the Cabarrus County Board of Commissioners held a public hearing on this ordinance on March 21, 2022, after public notice was given on February 23, 2022; and

WHEREAS, a map showing the proposed changes to the rural fire protection districts within Cabarrus County were made available in the office of the Clerk to the Board of Commissioners; and

WHEREAS, no area in the proposed fire districts will be in more than one district; and

WHEREAS, no area in the proposed fire districts will be within the corporate limits of a municipality.

NOW, THEREFORE BE IT ORDAINED by the Cabarrus County Board of Commissioners as follows:

Section 1. Revision of Rural Fire Protection District Boundaries.

The boundaries of the Rural Fire Protection Districts within Cabarrus County, North Carolina are revised as indicated in the map identified as "Proposed Fire Districts", which is attached to this ordinance and identified as Attachment A.

Sec. 2. Effective date.

This ordinance shall become effective on July 1, 2022.

ADOPTED this 19th day of April, 2022.

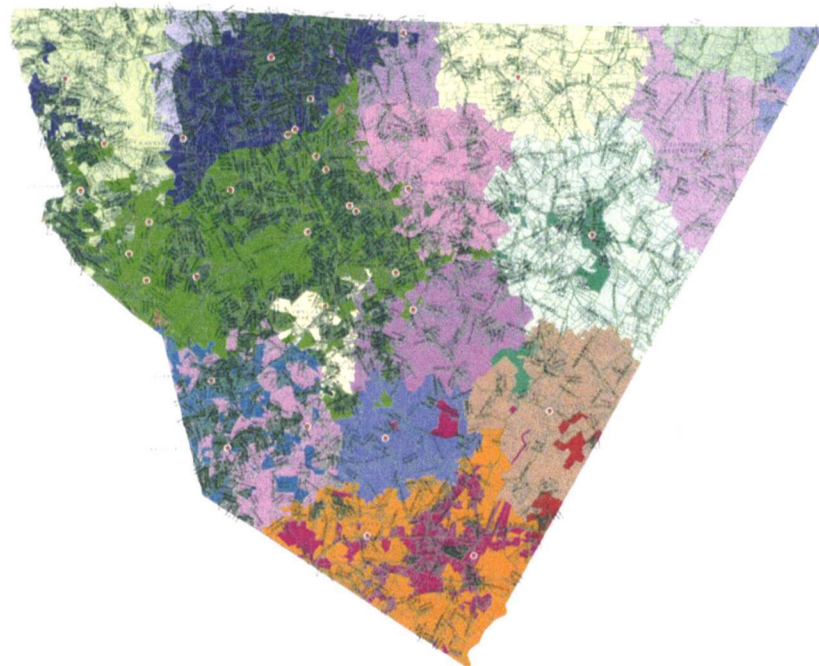
/s/ Stephen M. Morris
Stephen M. Morris, Chairman
Cabarrus County Board of Commissioners

Attest:

/s/ Lauren Linker
Clerk to the Board

Attachment A

Proposed Fire Districts






Color	District Name
Light Green	District 1
Dark Green	District 2
Blue	District 3
Purple	District 4
Orange	District 5
Red	District 6
Yellow	District 7
Light Blue	District 8
Dark Blue	District 9
Light Purple	District 10
Dark Purple	District 11
Light Orange	District 12
Dark Orange	District 13
Light Red	District 14
Dark Red	District 15

Cabarrus County shall not be held liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. This data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data. Map Prepared by Cabarrus County GIS, March 2022.

(F-15) Infrastructure and Asset Management - Mount Pleasant Library-Senior Center-Park Complex Update

Staff provided an update on the programming, community engagement, and cost estimating processes taking place for the planned Mount Pleasant Library-Senior Center-Park complex at the work session.

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board approved the scope of the project and cost as outlined by county staff.

(F-16) Planning and Development - Community Development Division - Housing and Home Improvement Budget Amendment

Community Development staff has received \$390 of program revenue for the Housing and Home Improvement program that is required by the grant rules to be allocated back to the program to expand services. The associated budget amendment is attached.

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board adopted the budget amendment.

Date: Amount:
 Dept. Head: Department:
 Internal Transfer Within Department Transfer Between Departments/Funds Supplemental Request

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	6	3250-6622	Home Improvement Program Fees	370.00	390.00		760.00
001	9	3250-9493-HHIFA	HHIFA Operations	25,370.00	390.00		25,760.00

(F-17) Tax Administration - Refund and Release Reports - March 2022

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 Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board approved the March 2022 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 in on file with the Clerk to the Board.

(G) NEW BUSINESS

(G-1) County Manager - Public Private Partnership for Library and Senior Center Resolution

Rodney Harris, Deputy County Manager, requested the Board approve the resolution for entering into the lease related to the public-private partnership for the library and senior center in Afton Ridge.

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

Resolution No. 2022-17

RESOLUTION APPROVING LEASE FINANCING OF CERTAIN REAL PROPERTY; THE EXECUTION AND DELIVERY THEREOF; AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the County of Cabarrus, North Carolina (the "County") is a validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "State");

WHEREAS, the County has the power, pursuant to § 160A-20 of the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment financing contracts in order to finance and refinance the purchase of real and personal property used, or to be used, for public purposes and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the Board of Commissioners (the "Board") has determined that it is in the best interest of the County to finance all or a portion of the costs of acquisition of certain real property and improvements thereon (collectively, the "Property") through a financing lease between the County and CK LAKEPOINTE CORPORATE CENTER, LLC (the "Lease");

WHEREAS, a draft form of the Lease and the related exhibits and addendums thereto have been submitted to this meeting with respect to the proposed financing of the Property; and

WHEREAS, the obligations of the County to make lease payments and any other payments, if any, pursuant to the Lease shall constitute limited obligations of the County payable solely from currently budgeted appropriations of the County and shall not constitute a pledge of the faith and credit of the County within the meaning of any constitutional debt limitation;

WHEREAS, no deficiency judgment may be rendered against the County in any action for breach of a contractual obligation under the Lease, and the taxing power of the County is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Lease; and

WHEREAS, the Board of Commissioners desires to approve the Lease and to authorize other actions in connection therewith;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, as follows:

Section 1. All actions taken by or on behalf of the County to date to effectuate the proposed financing are hereby ratified, approved and authorized pursuant to and in accordance with the transactions contemplated by the Lease.

Section 2. The Board of Commissioners hereby finds and confirms that (i) the financing of the Property through the Lease is necessary and expedient for the County; (ii) the financing of the Property through the Lease, under the circumstances, is preferable to a bond issue by the County; (iii) the sums to fall due under the Lease are adequate and not excessive for their proposed purpose; (iv) the County's debt management procedures and policies are good and its debt will continue to be managed in strict compliance with law; (v) the increase in taxes, if any, necessary to meet the sums to fall due under the Lease will not be excessive; and (vi) the County is not in default regarding any of its debt service obligations.

Section 3. Each of the Chairman of the Board of Commissioners, the County Manager and the Finance Director are authorized to approve all details of the financing of the Property, including, without limitation, the aggregate amount of the lease payments under the Lease (which shall not exceed \$15,000,000). Execution of the Lease by the Chairman of the Board of Commissioners or the County Manager shall conclusively evidence such approval of all such details of said financing.

Section 4. The Chairman of the Board of Commissioners, the County Manager, the Finance Director and the County Attorney are hereby authorized to take any and all such further action, including without limitation filing one or more applications with the North Carolina Local Government Commission seeking approval of the plan of financing and approval of any modifications to the Lease and the related exhibits and addendums thereto, and to execute and deliver for and on behalf of the County such other documents and certificates as they may deem necessary or advisable to carry out the intent of this resolution and to effect the financing pursuant to the Lease and the related exhibits and addendums thereto. The County Clerk is hereby authorized to affix the seal of the County to such documents and certificates as may be appropriate and to attest to the same and to execute and deliver the same as may be needed.

Section 5. The Finance Director shall prepare and file a sworn statement of debt with the LGC and the Clerk to the Board in accordance with North Carolina General Statutes Section 159-150.

Section 6. This Resolution shall become effective immediately upon its adoption.

Thereupon, upon motion of Commissioner Barbara C. Strang, seconded by Commissioner Diane R. Honeycutt, the foregoing resolution entitled "RESOLUTION APPROVING LEASE FINANCING OF CERTAIN REAL PROPERTY; THE EXECUTION AND DELIVERY THEREOF; AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS" was adopted and passed by the following vote:

AYES: Chairman Stephen M. Morris, Vice Chairman F. Blake Kiger, and Commissioners Diane R. Honeycutt, Barbara C. Strang, and Lynn W. Shue

NOES: None

(G-2) ITS - Memorandum of Understanding with Charter Communications to Support Application for GREAT Grant

Todd Shanley, Chief Information Officer, presented a request for approval of a memorandum of understanding with Charter Communications to support an application for the GREAT (Growing Rural Economies with Access to Technology)

grant program. Mr. Shanley stated the proposal will extend broadband services to 250 customers in Cabarrus County that have less than 25 Mb download speeds. The project proposal exceeds \$1 million, and the County's participation would be \$50,000. He reviewed a map of the areas in the County that would be affected by this grant.

The GREAT Grant is a competitive grant program that provides funding to private sector broadband providers to deploy last-mile broadband infrastructure to unserved areas of North Carolina. The North Carolina Department of Information Technology administers the program. The Current Operations Appropriations Act of 2021, S.L. 2021-180, appropriated \$350 million from the American Rescue Plan Act (ARPA) for the GREAT Grant program. The legislation also expanded eligibility for this round of funding. The GREAT Grant encourages private broadband provider grantees to partner with local governments by providing prioritizing projects with local monetary and non-monetary support.

Charter Communications has asked to partner with Cabarrus County to obtain a GREAT Grant. The attached Memorandum of Understanding documents that Cabarrus County supports Charter's application.

A discussion ensued. During discussion Mr. Shanley responded to questions from the Board.

UPON MOTION of Vice Chairman Kiger, seconded by Commissioner Honeycutt and unanimously carried, the Board authorized the County Manager to execute the Memorandum of Understanding with Charter Communications, subject to review and approval from the County Attorney.

(H) REPORTS

(H-1) BOC - Receive Updates from Commission Members Who Serve as Liaisons to Municipalities or on Various Boards/Committees

Commissioner Honeycutt announced the Senior Game Follies will be held April 26th at 6 p.m. at the Laurette Center in Kannapolis.

Commissioner Strang announced the Town of Midland has scheduled the ribbon-cutting ceremony for the Veterans Memorial at Rob Wallace Park on May 30th at 10 a.m.

Vice Chairman Kiger announced Active Living and Parks will hold the Roly Poly Festival on May 28th from 10 - 2 at Rob Wallace Park. Frank Liske Park is celebrating its 40th anniversary on June 4th, the June Bug 5K is June 4th at 9 a.m. at Frank Liske Park. Paddle Boats and Mini Golf at Frank Liske Park are now open on weekends at 11 a.m. Discovery Day Camp begins June 20th for nine weeks.

Vice Chairman Kiger also announced, from the Town of Harrisburg, the Run the Burg 5K sponsored by the YMCA is Saturday, April 30th. July 4th parade applications are now open.

(H-2) 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 - 9 Vacant Positions
- Concord Planning and Zoning Commission (ETJ) - 1 Vacant Position
- Harrisburg Fire Advisory Board (ETJ) - 1 Vacant Position
- Home and Community Care Block Grant Committee - 1 Vacant Position
- Industrial Facilities and Pollution Control Financing Authority - 1 Vacant Position
- Juvenile Crime Prevention Council - 2 Vacant Positions
- Mental Health Advisory Board - 1 Vacant Position
- Nursing Home Community Advisory Committee - 9 Vacant Positions
- Planning and Zoning Commission - 1 Vacant Position
- Region F Aging Advisory Committee - 1 Vacant Position
- Transportation Advisory Board - 6 Vacant Positions
- Youth Commission - 11 Vacant Positions

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

(H-3) Budget - Monthly Budget Amendment Report

The Board received the monthly budget amendment report for informational purposes. No action was required of the Board.

(H-4) Budget - Monthly Financial Update

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

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

The Board received the Cabarrus County Construction Standards Dodge Report for March 2022 and the Cabarrus County Commercial Building Plan Review Summary for March 2022 for informational purposes. No action was required of the Board.

(H-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.

(H-7) Economic Development Corporation - March 2022 Monthly Summary Report

The Board received the Cabarrus Economic Development Corporation (EDC) monthly report for the month of March 2022 for informational purposes. No action was required of the Board.

(I) GENERAL COMMENTS BY BOARD MEMBERS

Vice Chairman Kiger commented on informal public comments that cross the line.

Chairman Morris commented on inappropriate informal public comments that have been presented at several meetings. He asked for input from the County Attorney.

Richard Koch, County Attorney, offered suggestions for the informal comment section for future meetings. Mr. Koch advised tonight's comments are regarding a court matter involving a juvenile, the records are sealed, and County staff are not allowed by law, to discuss the matter. Mr. Koch also advised he and the Deputy County Attorney did look into the matter.

County Manager Downs stated there was a state review of the matter in addition to the local review.

Commissioner Strang commented that before the meeting, the individuals referred to in the aforementioned comments were demanding personal information from citizens in the audience.

Commissioner Shue commented on the inappropriate comments given earlier tonight. He advised this type of behavior should not be tolerated.

Chairman Morris asked for direction from the Board for a statement to be read at the beginning of the informal comment period to advise citizens what is appropriate.

There was consensus from the Board for staff to prepare a statement for the Boards' approval to be read at the beginning of informal comments.

(J) WATER AND SEWER DISTRICT OF CABARRUS COUNTY

None.

(K) CLOSED SESSION

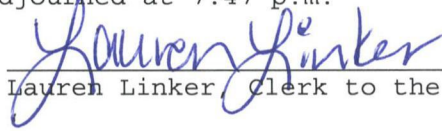
(K-1) Closed Session - Pending Litigation and Acquisition of Real Property

UPON MOTION of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board moved to go into closed session to discuss matters related to pending litigation and acquisition of real property as authorized by NCGS 143-318.11(a) (3) and (5).

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

(L) ADJOURN

UPON MOTION of Vice Chairman Kiger, seconded by Commissioner Strang and unanimously carried, the meeting adjourned at 7:47 p.m.



Lauren Linker, Clerk to the Board

