

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, April 17, 2023.

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>

Present - Chairman: Stephen M. Morris
Vice Chairman: Lynn W. Shue
Commissioners: Christopher A. Measmer
Barbara C. Strang
Kenneth M. Wortman

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

Chairman Morris called the meeting to order at 6:33 p.m.

Chairman Morris led the Pledge of Allegiance.

A moment of silence was observed.

Chairman Morris recognized Youth Commission member Owen Lutz from Hickory Ridge High School in attendance.

(A) APPROVAL OR CORRECTION OF MINUTES

(A-1) Approval or Correction of Meeting Minutes

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Measmer and unanimously carried, the Board approved the minutes of February 25, 2023 (Board Retreat), March 6, 2023 (Work Session), and March 20, 2023 (Regular Meeting) as presented.

(B) APPROVAL OF THE AGENDA

Chairman Morris reviewed the following changes to the agenda.

Additions:

New Business

G-5 Planning and Development - Amendment to North Carolina Weatherization Assistance Program Contract

Closed Session

K-1 Closed Session - Pending Litigation

Supplemental Information:

New Business

G-1 Economic Development Investment - Coleman Industrial Gases, LLC (Project Parade) - Public Hearing 6:30 p.m.

- Project Overview
- Grant Analysis

G-2 Economic Development Investment - STERIS Instrument Management Services, Inc. (Project Precision) - Public Hearing 6:30 p.m.

- Project Overview
- Grant Analysis
- Grant Analysis

Commissioner Measmer requested Consent Agenda Item F-6, BOC - Rules of Procedure be moved to New Business as G-6 for discussion.

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

(C) RECOGNITIONS AND PRESENTATIONS

(C-1) Active Living and Parks - Older Americans Month 2023 Proclamation

Londa Strong, Active Living and Parks Director, announced May has been established as Older American's Month for many years. She stated there are special activities and events going on during the month.

Myra Baumgardner, Active Living and Parks Commission Chair, read the proclamation aloud. After the reading, she shared dates and a list of activities.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Strang and unanimously carried, the Board adopted the proclamation.

Chairman Morris provided additional comments regarding the Senior Games.

Proclamation No. 2023-07

Older Americans Month 2023
A PROCLAMATION

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

Whereas, communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and

Whereas, Cabarrus County Senior Centers Advisory Council recognizes the need to create a community that offers the services and supports older adults may need to make choices about how they age; and

Whereas, Cabarrus County Senior Centers Advisory Council can work to build an even better community for our older residents by:

- Not limiting our thinking about aging,
- Exploring and combating stereotypes,
- Emphasizing the many positive aspects of aging,
- Inspiring older adults to push past traditional boundaries, and
- Embracing our community's diversity.

Now, therefore, the Cabarrus County Board of Commissioners do hereby proclaim May 2023 to be Older Americans Month. We urge every resident to celebrate our older citizens, help to create an inclusive society, and accept the challenge of flexible thinking around aging.

Adopted this 17th day of April 2023

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

(C-2) Cooperative Extension - National Volunteer Week Proclamation

Tracy LeCompte, Cooperative Extension Director, introduced Jessica Cline, Extension Agent, who commented on volunteerism through Cooperative Extension.

Several volunteers, Youth Commission members and Ms. LeCompte read the proclamation aloud.

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

Proclamation No. 2023-08

NATIONAL VOLUNTEER WEEK PROCLAMATION

WHEREAS, Cabarrus County has a strong history of improving lives, strengthening communities, and making our state a better place through volunteerism; and

WHEREAS, during National Volunteer Week, we celebrate the impact of volunteer service and come together to tackle community needs and foster a culture of civic engagement; and

WHEREAS, Cooperative Extension volunteers have dedicated countless hours as Master Gardener Volunteers, Extension Community Association Volunteers, or

4-H volunteers to bring life enhancing opportunities to the individuals of Cabarrus County helping them to thrive in their local communities; and

WHEREAS, National Volunteer Week was enacted in 1974 by President Richard Nixon to celebrate the spirit of volunteerism, urging all Americans to seek opportunities to provide service to their community; and

WHEREAS, Cabarrus County residents are encouraged to learn about local volunteer opportunities, by reaching out to your County Extension Office or other county or local organizations; and

WHEREAS, National Volunteer Week should serve as a catalyst for residents to serve our county today; to commit to volunteer by signing up now through Cooperative Extension, in a local school, government department, non-profit or other option in your community, to promote volunteerism in our families and communities through an invitation to serve together; and to be "all in" for Cabarrus County when it is needed most;

NOW, THEREFORE, the Cabarrus County Board of Commissioners, do hereby proclaim April 16- 22, 2023, as "NATIONAL VOLUNTEER WEEK", in Cabarrus County, and commend its observance to all citizens.

ADOPTED this 17th day of April, 2023.

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

(C-3) EMS - Cabarrus County Emergency Services Week

Jimmy Lentz, Emergency Medical Services (EMS) Director, read the proclamation aloud.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board adopted the proclamation.

Proclamation No. 2023-09

CABARRUS COUNTY
North Carolina
P R O C L A M A T I O N

- WHEREAS, emergency medical services is a vital public service; and
- WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and
- WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and
- WHEREAS, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and
- WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education enhance their lifesaving skills; and
- WHEREAS, Americans benefit daily from the knowledge and skills of these highly trained individuals; and
- WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical service providers by designating Emergency Medical Services Week.

NOW, THEREFORE, BE IT RESOLVED that we, the Cabarrus County Board of Commissioners, in recognition of this event do hereby proclaim the week of May 21 - 27, 2023, as

CABARRUS COUNTY EMERGENCY MEDICAL SERVICES WEEK

Adopted this 17th day of April, 2023.

/s/ Stephen M. Morris

Stephen M. Morris, Chairman
Board of Commissioners

(C-4) Human Resources - Recognition of Chief Deputy James Bailey on His Retirement from Cabarrus County Sheriff's Office

Sheriff Van Shaw recognized Chief Deputy James Bailey on his retirement after 28 years of service to Cabarrus County.

Vice Chairman Shue presented Chief Bailey with a service award in appreciation of his service and dedication to the citizens of Cabarrus County.

Chief Bailey graciously accepted the award and expressed appreciation.

(C-5) Proclamation - National Library Week

Melanie Holles, Library Director, invited everyone to stop by the library to celebrate during National Library Week. She then read the proclamation aloud.

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

Proclamation No. 2023-10

National Library Week
2023 Proclamation

WHEREAS, libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning, allowing them to live their best life; and

WHEREAS, libraries have long served as trusted institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status; and

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all; and

WHEREAS, libraries adapt to the ever-changing needs of their communities, continually expanding their collections, services, and partnerships; and

WHEREAS, libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs; and

WHEREAS, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals; and

WHEREAS, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all; and

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week; and

NOW, THEREFORE, be it resolved that we, Cabarrus County Board of Commissioners, proclaim National Library Week, April 23-29, 2023. During this week, we encourage all residents to visit their library to explore the wealth of resources available.

ADOPTED this 17th day of April, 2023.

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

(D) INFORMAL COMMENTS

Chairman Morris opened the meeting for Informal Public Comments at 6:57 p.m. He stated each speaker would be limited to three minutes. He also reviewed the Public Participation Policy.

Roland Jordan, resident of 134 Lore Street in Concord, commented on a proclamation, Barber-Scotia College, and community matters.

Jean Chandler, resident of 4977 Hilton Lake Road in Kannapolis, commented on House Bill 453 and policies and procedures.

Jim Quick, resident of 126 Spencer Avenue in Concord, commented on policies and procedures.

Melanie Freeman, resident of 8776 Lower Rocky River Road in Concord, commented on rules and policies.

David Hampton, resident of 2000 S Main Street in Kannapolis, commented on the 2022 elections, tax incentives and tax cuts.

Larry Pittman, resident of 250 Roberta Road in Concord, commented on elected officials voting policies and board rules.

Rich Wise, resident of 3403 Brickwood Circle in Midland and a Midland Town Councilman, commented on policies and procedures and North Carolina statutes.

Jerry Anderson, resident of 133 Kennedy Avenue in Kannapolis, commented on free speech and Department of Social Services matters.

Jeeter Anderson, resident of 133 Kennedy Avenue in Kannapolis, commented on a Department of Social Services matter.

Ray Helms, resident of 9607 Robinson Church Road in Harrisburg, commented on the work of the county and staff.

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

(E) OLD BUSINESS

None.

(F) CONSENT

Commissioner Measmer **MOVED** to approve the Consent Agenda, noting that Item F-6 was moved to New Business for discussion. Commissioner Wortman seconded the motion.

Following discussion, the **MOTION** unanimously carried.

(F-1) Active Living and Parks - Matching Incentive Grant Application Requested Changes

The Active Living and Parks Matching Incentive Grant Program provides seed money for civic, community and school groups to construct, improve or acquire recreational and park facilities in Cabarrus County. The grant will fund up to 50% of a project. In an effort to make the application process easier and more relevant, several changes are being requested.

A. Grant Priority Rating

Level 2 - Moderate Priority

Added: "and expendable maintenance equipment is eligible with certain restrictions. Examples include, but are not limited to tractors, ATV's, Mowers, etc."

The change from Lowest Priority to Moderate Priority is to accommodate the Volunteer Athletic Associations as we move closer to having all School Park sites operated and maintained by the Volunteer groups and/or municipalities.

Application and Awards Procedures

A. Changed deadline to second Friday in September

B. Changed ALP Commission Meeting date for presentations to September.

Changed a second cycle of applications to "may be considered."

Date changes were made to accommodate the school schedule better than previous dates.

The Park Commission reviewed and unanimously voted to recommend these changes to the BOC for approval.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the change in Priority Level Rating

requests and the submission and presentation dates to the Matching Incentive Grant Application Manual.

(F-2) Appointments - Human Services Advisory Board

Dr. Natalie Atwell's term on the Human Services Advisory Board ends May 31, 2023. Dr. Atwell filled an unexpired term through May 31, 2023 and is eligible and recommended to be reappointed for another term. A letter in this regard was included in the agenda.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board reappointed Dr. Natalie Atwell to the Human Services Advisory Board for a three-year term ending May 31, 2026.

(F-3) Appointments and Removals - Active Living and Parks Commission

Both Active Living and Parks Commission members Charles Grimsley and Sara Newell have resigned from their positions on this Commission. It is requested to remove their names from the roster.

At the March 16, 2023 meeting, the Active Living and Parks Commission voted to recommend and appoint Emily Baldwin (Concord) and Millicent Malit (Kannapolis) to the Commission.

Appointments are still needed for the Midland and Northwest Planning Areas.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board removed Charles Grimsley and Sara Newell from the Active Living and Parks Commission roster and thanked them for their service.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board appointed Emily Baldwin to the Active Living and Parks Commission as a Concord representative to complete an unexpired term ending January 31, 2025.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board appointed Millicent Malit to the Active Living and Parks Commission as a Kannapolis representative for a three-year term ending April 30, 2026.

(F-4) Appointments and Removals - Cabarrus-Rowan Metropolitan Planning Organization Technical Coordinating (TAC) Committee

Each year the Board of Commissioners appoint a commission member to serve on the TAC as the regular member along with an alternate member. Commissioner Strang currently serves as the representative for Cabarrus County and Commissioner Measmer serves as the alternate.

Due to his schedule, Commissioner Measmer has requested to be removed from the Committee. It is requested to appoint Commissioner Shue to be appointed to serve out the rest of the year as the alternate representative.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board removed Commissioner Measmer from the Cabarrus-Rowan Metropolitan Planning Organization Technical Coordinating (TAC) Committee and appointed Commissioner Shue as the alternate member to the TAC to complete the term ending December 31, 2023.

(F-5) BOC - Resolution in Support of House Bill 98

A resolution in support of House Bill 98 has been submitted by Commissioner Wortman.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board adopted the resolution.

Resolution No. 2023-07

RESOLUTION IN SUPPORT OF HOUSE BILL 98

WHEREAS, the North Carolina House of Representative is now considering the enactment of House Bill 98, "An Act Prohibiting State Agencies, Local Governments, and Political Subdivisions of the State from Discriminating Against Persons Based on Their Refusal to Provide Proof of a COVID-19 Vaccination or to

Submit to a COVID-19 Vaccination and Prohibiting Public Schools, State and Local Public Health Agencies, State and Local Public Health Officials, and Local Governments from Requiring Any Person to Provide Proof of or to Submit to a COVID-19 Vaccination"; and

WHEREAS, there are various reason why North Carolinians choose not to be vaccinated; including, but not limited to, established medical conditions, lack of long-term medical data regarding the vaccine's impact, previous infection and recovery, preference for therapeutics, potential adverse effects, religious beliefs, intolerance to vaccine ingredients, and previous anaphylactic or other reactions; and

WHEREAS, the rights of individuals to make their own health decisions, and to choose which medicines to put into their bodies, is a critical and fundamental liberty right in this country; and

WHEREAS, no adult individual should be forced to take a vaccine that they do not wish to take, especially when that decision could detrimentally affect his or her health, ability to find or retain a job or to support his or her family; and

WHEREAS, many North Carolinians have lost their jobs, their ability to attend school, their in-person access to public places and other freedoms due to their choices to not receive the COVID-19 vaccine; and

WHEREAS, the Cabarrus County Board of Commissioners believes House Bill 98 to be in the best interests of the residents of Cabarrus County in order to protect the individual liberties which the State of North Carolina and the United States Constitution's guarantee to them;

NOW, THEREFORE, BE IT RESOLVED by the Cabarrus County Board of Commissioners that the Board supports House Bill 98/Senate Bill 121, and urges the North Carolina House of Representatives, the North Carolina Senate and the Governor of North Carolina to enact this law.

Adopted this 17th day of April, 2023.

CABARRUS COUNTY BOARD OF COMMISSIONERS

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

ATTEST:

/s/ Lauren Linker
Lauren Linker
Clerk to the Board

(F-6) BOC - Rules of Procedure

Note: This item was moved to New Business for discussion. See Item G-6.

(F-7) County Manager - Accept Transfer of R. Brown McAllister Elementary School

The Board of Education currently owns R. Brown McAllister Elementary School. Due to the construction of the replacement school, the County has issued debt for the facility necessitating the need for the County to own the property.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board accepted transfer of R. Brown McAllister Elementary School from the Cabarrus County Board of Education to Cabarrus County.

(F-8) County Manager - Authorization for One-Time Purchases

Every March, the County receives a hold-harmless payment from the State if Medicaid claims are less than the revenue generated from the local sales and use tax previously exchanged for the State to assume responsibility for the non-administrative costs of Medicaid. The March 2023 payment exceeded budget by \$6.1 million. The County Manager recommends allocating just under \$2.8 million for one-time purchases to address needs for Emergency Medical Services, Information Technology Services, and the Sheriff's Office, among others. The recommended purchases are:

<u>Department</u>	<u>Description</u>	<u>Amount</u>
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Active Living & Parks	Master Plan	200,000
Emergency Medical Services	Tactical Helmets	20,000
Information Technology Services	Enterprise Physical Security	150,000
Information Technology Services	ERP System	2,000,000
Sheriff's Office	Bomb Equipment	26,000
Sheriff's Office	Breaching Tool	10,000
Sheriff's Office	Camera	40,000
Sheriff's Office	Chairs	14,000
Sheriff's Office	Cubicles/Building Renovations	142,000
Sheriff's Office	Night Vision Optics	65,000
Sheriff's Office	Throw/Pole Extension Camera	6,000
Sheriff's Office	Training Manikin	35,000
Sheriff's Office	Transport Van	70,000
TOTAL		2,778,000

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the recommended purchases and the associated budget amendment.

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

To budget one time expenditures with funds received over budget for Medicaid hold harmless.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	6	1910-6445	MEDICAID HOLD HARMLESS	3,500,000	2,778,000	-	6,278,000
001	9	8140-9605	Consultants	75,000	200,000	-	275,000
001	9	2730-9330	Tools & Minor Equipment	36,588	20,000	-	56,588
001	9	1810-9570	Service Contracts	-	2,150,000		2,150,000
001	9	2110-9860	Equipment & Furniture	59,529	338,000		397,529
380	9	2110-9863	Motor Vehicles	2,869,360	70,000		2,939,360

(F-9) DHS - Budget Revision for Adult Protective Services Essential Fund

The North Carolina Division of Aging and Adult Services (DAAS) has allocated additional funding for the Adult Protective Services (APS) Essential Services Fund. This funding allows county departments of social services to provide essential services for adults for whom the need for protective services has been substantiated. These funds will assist adults to age in place, eliminating unnecessary institutionalization and promote opportunities to return to a community-based setting when possible. These essential services include the provision of medical care for physical and mental health, assistance in personal hygiene, assistance with obtaining appropriate food, clothing, seeking and providing heated and ventilated shelter, providing for protection from health and safety hazards, and protection from abuse, neglect, and exploitation.

Cabarrus County Department of Human Service's allocation for this fund is \$3,943.00. There is no county match required.

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

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

The Aging Dept was awarded additional nonrecurring allocations to the APS Essential Services Fund in the amount of \$3,943.90. The second allocation will cover services from January 2023 through June 2023. The APS Essential Services Fund must be used to provide and arrange for essential needs on behalf of an individual receiving Protective services for Adults Planning and Mobilizing Services such as medical care, personal hygiene assistance, food and clothing assistance, heated and ventilated shelter, and protection from abuse, neglect, and exploitation. This fund is 100% federally funded. No county share required.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	9	5660-946101-ARP	Emergency Assistance	-	3,943.90		3,943.90
001	6	5660-6384-ARP	Cares Act Relief Payment	-	3,943.90		3,943.90

(F-10) DHS - Transportation 5310 Elderly and Handicapped Grant

The goal of the FTA Section 5310 program is to improve mobility for older adults and people with disabilities.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the 5310 Elderly and Handicapped Grant from the City of Concord.

(F-11) DHS - Transportation MPO Agreement

The North Carolina Integrated Mobility Division (IMD) along with the Federal Transit Administration (FTA) requires all Public Transportation Departments have a written agreement with their MPO (Metropolitan Planning Organization).

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the agreement between Cabarrus County and Centralina Regional Council and moved to allow the Chairman to sign the agreement after review and revision by the county attorney.

(F-12) Early Childhood Education - Grant

Through the Preschool Development Grant Funding, the North Carolina Division of Child Development and Early Education (DCDEE) is sponsoring, with The Hunt Institute, to develop, implement, and evaluate a training and technical assistance strategy designed to support diverse county-level cross-sector human services leadership teams in developing or enhancing scalable and sustainable local strategic plans informed by early childhood data.

Funds may be used for:

- a. Stakeholder engagement strategies
 - i. Focus group facilitation or participation
 - ii. Survey creation and/or completion
- b. County team meetings
- c. Data collection strategies including fees for data collection or sources, analysis, interpretation, or cleaning
- d. Communications or messaging including development of communication plans or messaging strategies
- e. Graphic design or other services to finalize strategic plans
- f. Other approved activities included in the application

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board accepted the grant, authorized the County Manager to sign the MOU, and adopted the associated budget amendment.

Date: Amount:

Dept. Head: Department:

Internal Transfer Within Department Transfer Between Departments/Funds Supplemental Request

This budget amendment is to budget for the receipt and expenditure of the Grant funds related to the Early Childhood Education and Hunt Institute's Local Data Informed Strategic Planning Preschool Development Grant program for \$3,000.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	6	1210-681001	Grant - Hunt Institute	-	3,000.00	-	3,000.00
001	9	1210-9320-HUNT	Printing and Binding - Hunt Institute	-	3,000.00	-	3,000.00

(F-13) Emergency Management - NC Tier II Competitive Grant Award and Budget Amendment

North Carolina Tier II grants provide Local Emergency Planning Committees (LEPC's) with funding to expand the scope of their hazardous materials emergency preparedness programs through response planning, training and related exercises to include fixed facility planning. The grant award is in the amount of \$1,000.00 and does not require a match. Funding will provide lunch and learn training opportunities for our LEPC.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board accepted the grant award and adopted the associated budget amendment.

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

Budget Amendment to record the Tier II Grant Program

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	9	2710-9636-TIER2	Tier II Grant Expense	-	1,000.00		1,000.00
001	6	2710-6339-TIER2	Tier II Grant Revenue	-	1,000.00		1,000.00

(F-14) Finance - Budget Amendment to Increase Dental Insurance Expenditures

This budget amendment is to increase the budget for expenditures in the Health - Dental Insurance Fund based on anticipated higher than average dental claims for the remainder of fiscal year 2023. This budget amendment appropriates fund balance. Total fund balance as of June 30, 2022 for this department (Dental) in the Internal Service Fund was \$202,759.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the budget amendment.

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

This budget amendment is to increase the budget for expenditures in the Health - Dental Insurance Fund based on anticipated higher than average dental claims for the remainder of fiscal year 2023. This budget amendment appropriates fund balance. Total fund balance as of June 30, 2022 for this department (Dental) in the Internal Service Fund was \$202,759.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
610	9	1918-9645	DENTAL CLAIMS	435,000.00	100,000.00	-	535,000.00
610	6	1918-6901	FUND BALANCE APPROPRIATED	47,000.00	100,000.00	-	147,000.00

(F-15) Finance - Budget Amendment for Additional Tax Turnover to the Fire Districts

This Budget Amendment is to increase the 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 Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved 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	6,497,950.00	426,500.00		6,924,450.00
430	9	2710-975601	Con Rural	52,056.00	2,000.00		54,056.00
430	9	2710-9773	Rimer Fire	224,911.00	25,000.00		249,911.00
430	9	2710-9774	Mt Mitchell	106,824.00	4,500.00		111,324.00
430	9	2710-9775	Gold HVFD	48,856.00	10,000.00		58,856.00
430	9	2710-9776	Mt Pleasant	594,278.00	65,000.00		659,278.00
430	9	2710-9777	Kann Rural	226,884.00	20,000.00		246,884.00
430	9	2710-9778	Georgetown	285,328.00	30,000.00		315,328.00
430	9	2710-9779	Flowers St	278,497.00	50,000.00		328,497.00
430	9	2710-9780	Odeff	866,080.00	35,000.00		901,080.00
430	9	2710-9781	Richf VFD	11,230.00	5,000.00		16,230.00

430	9	2710-9783	Jackson Pk	239,683.00	20,000.00		259,683.00
430	9	2710-9784	Cold Water	325,676.00	20,000.00		345,676.00
430	9	2710-9785	Allen	553,419.00	35,000.00		588,419.00
430	9	2710-9786	Midland	1,169,259.00	50,000.00		1,219,259.00
430	9	2710-9788	Northeast	199,952.00	20,000.00		219,952.00
430	9	2710-9798	Harris VFD	1,315,017.00	35,000.00		1,350,017.00

(F-16) Human Resources - Compensation Study

At the work session, Compensation Consultant Becky Drozd shared results from FY23 project that covered all County departments except Public Safety and Human Resources. HR requested an adjustment to the Personnel Ordinance to modify the 4-year review cycle and recommended a processing date for FY24 COLA if approved through the budget process.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the outlined recommendations.

(F-17) Sheriff's Office - Acceptance of NHTSA (National Highway Traffic Safety Administration) Grant

Currently, the state crime lab requires a one year + lead time to produce results for alcohol/drug blood testing. This grant would allow for the Cabarrus County Sheriff's Office, working in conjunction with the Cabarrus County District Attorney's Office, to utilize NMS (National Medical Services) labs to expedite laboratory analysis of blood down to a two-week lead time. The State has worked with NMS labs previously and approves of their scientific standards and professionalism.

Use of NMS labs would help to reduce the backlog of blood analysis cases in the most critical of DWI cases.

There is no County match required of this grant.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board accepted the grant award and adopted the associated budget amendment.

Date: Amount:

Dept. Head: Department:

Internal Transfer Within Department Transfer Between Departments/Funds Supplemental Request

Purpose: The National Highway Traffic Safety Administration (NHTSA) has granted \$26,500 to the Cabarrus County Sheriff's Office to be used for activities related to the use of NMS Labs to expedite the analysis of drug-impaired driving cases and assist in the expert testimony of cases analyzed at their facility to remove backlog and maintain necessary turnaround time of results for judiciary purposes. Budget Amendment to establish budget for the Revenue & Expenditures.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
1	6	2110-622301-NHTSA	US Dept of Transportation - NHTSA		26,500.00		26,500.00
1	9	2110-9445-NHTSA	Purchased Services - NHTSA		26,500.00		26,500.00

(F-18) Sheriff's Office - Award of Service Weapon to Chief Deputy James Bailey Upon His Retirement

Chief Deputy James N. Bailey will retire from the Cabarrus County Sheriff's Office on May 1st, 2023. Pursuant to N.C. General Statute 20-187.2, it is requested that Chief Deputy Bailey's service weapon (Sig-Sauer P320C, Serial Number 58K094207) be designated surplus property and awarded to Chief Deputy Bailey for a price of \$1.00 upon his retirement.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board declared Sig Sauer P320 Serial # 58K094207 surplus property and authorized disposition in accordance with the County's policy.

(F-19) Tax Administration - Refund and Release Reports - March 2023

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 Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the March 2023 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) Economic Development Investment - Coleman Industrial Gases, LLC (Project Parade) - Public Hearing 6:30 p.m.

Samantha Grass, Cabarrus Economic Development Corporation (EDC), Recruitment Project Manager, presented a request for an economic development investment for Coleman Industrial Gases, LLC, (Project Parade) pursuant to North Carolina General Statute 158.7.1. The project proposes to locate at the Midland Logistics Park at 375 NC Hwy 24-27 in Midland with a projected investment of approximately \$22,275,900 in real and personal property. The project plans to create 25 jobs with average wages above our current county average wage. The projected investment in real and personal property in the first three years is estimated to be approximately \$63,000,000. Items that do not qualify as program assets eligible for the grant include land lease, rail cars, tractors and tankers, and delivery vehicles. A three-year 85 percent grant on the real and personal property was requested. The estimated grant amount is \$347,953 with a net revenue to the county of \$63,000. Ms. Grass announced several representatives from Coleman Industrial Gases, LLC were present and available to answer any questions.

Cabarrus County Economic Development Grant Analysis

	Year 1	Year 2	Year 3
Total Assessed Value (Real)	\$1,350,000	\$1,350,000	\$1,350,000
Total Assessed Value (Personal)	\$18,833,310	\$17,159,238	\$15,275,907
	\$20,925,900.00	\$17,159,238	\$15,275,907
County taxes at .74	\$149,356	\$136,968	\$123,032
Grant @ 85 %	\$126,953	\$116,423	\$104,577
Net Taxes to County	\$22,403	\$20,545	\$18,455
		Taxes	\$ 409,357
		Grant	\$ 347,953
		Net Taxes to County	\$ 61,403

A discussion ensued. During discussion, Ms. Grass and Page Castrodale, EDC Executive Director, responded to questions from the Board.

Chairman Morris opened the public hearing at 7:40 p.m. The public hearing notice was posted on the County’s website (www.cabarruscounty.us) on April 6, 2023, in accordance with Article 2, Administration, Section 2.1 (Use of Electronic Means to Provide Public Notices) of the Cabarrus County Code of Ordinances.

Cabarrus County resident Larry Pittman expressed opposition to the proposed economic development investment.

Mike Coleman, owner of Coleman Industrial Gases, LLC, provided comments regarding the business operations and growth plans.

Cabarrus County resident Ray Helms expressed support for the proposed economic development investment.

There being no one else present to address the Board; Chairman Morris closed the public hearing.

Vice Chairman Shue **MOVED** to approve an economic development agreement (3 years, 85 percent) between Coleman Industrial Gases, LLC and Cabarrus County, and to authorize the County Manager to execute the Agreement on behalf of the Board, subject to review or revision by the County Attorney. Commissioner Wortman seconded the motion.

Following discussion, the **MOTION** carried with Chairman Morris, Vice Chairman Shue, and Commissioner Wortman voting for and Commissioners Strang and Measmer voting against.

(G-2) Economic Development Investment - STERIS Instrument Management Services, Inc. (Project Precision) - Public Hearing 6:30 p.m.

Samantha Grass, Cabarrus Economic Development Corporation (EDC), Recruitment Project Manager, presented a request to consider revising the economic development investment awarded to STERIS in 2021 pursuant to NC General Statute 158.7.1. The project proposes to locate a surgical instrument processing business at Oakmont Business Park, 8501 Westmoreland Drive NW (Cabarrus County GIS address: 7885 Poplar Tent Road), Concord 28027 with a projected estimated investment between \$19,950,000 - \$29,670,000 in real and personal property. They also plan to create 115 jobs with average wages above our current County average wage. A three-year grant equivalent to 85 percent of the ad valorem taxes on the increase in real and personal property tax values is requested. The estimated net revenue to the county during the grant period would be 61,000 - \$96,500.

Cabarrus County Economic Development Grant Analysis

		Year 1	Year 2	Year 3
Total Assessed Value (Real)		\$14,500,000	\$14,500,000	\$14,500,000
Total Assessed Value (Personal)		\$4,095,000	\$3,731,000	\$4,131,500
	\$4,550,000.00	\$4,095,000	\$3,731,000	\$3,321,500
	\$900,000.00			\$810,000
County taxes at .74		\$137,603	\$134,909	\$137,873
Grant @ 85 %		\$116,963	\$114,673	\$117,192
Net Taxes to County		\$20,640	\$20,236	\$20,681
			Taxes	\$ 410,386
			Grant	\$ 348,828
			Net Taxes to County	\$ 61,558

Cabarrus County Economic Development Grant Analysis

		Year 1	Year 2	Year 3
Total Assessed Value (Real)		\$25,900,000	\$25,900,000	\$25,900,000
Total Assessed Value (Personal)		\$3,393,000	\$3,091,400	\$2,752,100
	\$3,770,000.00	\$3,393,000	\$3,091,400	\$2,752,100
County taxes at .74		\$216,768	\$214,536	\$212,026
Grant @ 85 %		\$184,253	\$182,356	\$180,222
Net Taxes to County		\$32,515	\$32,180	\$31,804
			Taxes	\$ 643,330
			Grant	\$ 546,831
			Net Taxes to County	\$ 96,500

A discussion ensued. During discussion, Ms. Grass responded to questions from the Board.

Chairman Morris opened the public hearing at 7:53 p.m. The public hearing notice was posted on the County’s website (www.cabarruscounty.us) on April 6, 2023, in accordance with Article 2, Administration, Section 2.1 (Use of Electronic Means to Provide Public Notices) of the Cabarrus County Code of Ordinances.

Cabarrus County resident Larry Pittman expressed opposition for the proposed economic development investment.

Cabarrus County resident Ray Helms expressed support for the proposed economic development investment.

Cabarrus County resident Tammy Pittman expressed opposition for the proposed economic development investment.

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

Commissioner Wortman **MOVED** to approve an economic development agreement (3 years, 85 percent) between STERIS Instrument Management Services, Inc. and Cabarrus County, and to authorize the County Manager to execute the Agreement on behalf of the Board, subject to review or revision by the County Attorney. Chairman Morris seconded the motion.

Following discussion, the **MOTION** carried with Chairman Morris, Vice Chairman Shue, and Commissioner Wortman voting for and Commissioners Strang and Measmer voting against.

(G-3) Sheriff's Office - Dedication of Bridge in Memory of Lt. Robert J. Eury - Public Hearing 6:30 p.m.

Chairman Morris reported on May 5, 1972, Lieutenant Robert J. Eury was killed while responding to a domestic disturbance in Midland, NC. He left behind his wife, Myra Eury, daughter, Anne Eury Griggs and son, Robert Eury Jr. It is requested that the Cabarrus County Board of Commissioners approve this resolution requesting the naming of NC Hwy 24/27 bridge over the Rocky River both east and west (Bridge #'s 341 and 22) in honor and memory of Lieutenant Robert J. Eury and appropriated signage be placed at the site. He advised a public hearing is required. Chairman Morris then read the resolution aloud.

Chairman Morris opened the public hearing at 8:15 p.m. The public hearing notice was posted on the County's website (www.cabarruscounty.us) on April 6, 2023, 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.

Vice Chairman Shue **MOVED** to adopt the resolution. Commissioner Measmer seconded the motion.

As an update, Commissioner Strang stated this is the final piece the Sheriff's Department and North Carolina Department of Transportation needs to move forward with the application process. She advised there is a letter of commitment from both the Town of Midland and Sheriff's Department to fund the signage.

The **MOTION** unanimously carried.

Resolution No. 2023-08

RESOLUTION REQUESTING NAMING OF BRIDGE FOR LIEUTENANT ROBERT J. EURY

WHEREAS, Lieutenant Robert J. Eury Sr. served the Cabarrus County Sheriff's Office for 17 years with diligence and honor; and,

WHEREAS, Lieutenant Robert J. Eury Sr. was killed in the line of duty on May 5th, 1972, in an ambush while responding to a domestic situation in what is now the Town of Midland within Cabarrus County.

WHEREAS, Lieutenant Robert J. Eury Sr. was 49 years old at the time of his death and that this was the 3RD line of duty death for the Cabarrus County Sheriff's Office.

WHEREAS, Lieutenant Robert J. Eury Sr. was survived by his wife Myra Eury, daughter Anne Eury Griggs and son Robert Eury Jr all of whom remained in the Town of Midland.

WHEREAS, the actions and career of Lieutenant Robert J. Eury Sr. serve as a worthy example for all citizens of Cabarrus County, and a fitting memorial to his memory has been requested and is well-deserved and long overdue.

NOW THEREFORE BE IT RESOLVED, by the Cabarrus County Board of Commissioners that it hereby requests that the North Carolina Board of Transportation name the HWY 24/27 Bridge over the Rocky River in Midland, (Bridge #s 341 & 22), in the honor and memory of Lieutenant Robert J. Eury Sr. and that appropriate signage be placed at the site.

ADOPTED this 17th day of April 2023.

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

Attest:

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

(G-4) EMS - Operational Update

Justin Brines, Emergency Medical Services (EMS), Deputy Chief, presented a PowerPoint presentation regarding EMS response and standby models that included the following information.

- All units in quarters with call volume
- EMS call volume by response zone
- Cabarrus EMS Response Guidelines
 - Countywide response time - 8 minutes or less
 - Chute time (dispatch to wheels rolling) - 60 seconds or less
 - System data in regard to response time, fractal response time, unit placement, unit hour utilization and stand by policies will be monitored as part of the quality management program in order to promote the efficient and timely delivery of service
 - First responder organizations provide coverage to all areas of Cabarrus County and serve to promote rapid delivery of basic life support skills
- Cabarrus EMS Stand-by Guidelines
 - Automatic vehicle locator (AVL) dispatch is utilized by Cabarrus County EMS
 - Stand-by guidelines are used to move available EMS units around the county to ensure unit proximity to call location is as close as possible
- Unit rotations
- Year in review
 - 20% call volume increase over last 2 years
 - 8 minutes average response time
 - 72% collection rate, stable year over year
 - 1982 community paramedic calls
 - 46% cardiac arrest survival to discharge (USTEIN)
 - \$8.5 million projected revenue for FY23
- Staffing trends
 - 5% full time vacancies (FTEs)
 - 2% part time vacancies (1 position)
 - 3 employees in RCCC paramedic academy

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

(G-5) Planning and Development - Budget Amendment to North Carolina Weatherization Assistance Program Contract

Susie Morris, Planning and Development Director, reported the North Carolina Department of Environmental Quality (NCDEQ) requested staff perform a mid-year review of the community development weatherization assistance program contract currently in place. The primary request was to review the number of units to determine feasibility for completing the units and if allotted funds would be spent by the end of the fiscal year. Cabarrus County requested a 1 unit decrease for the DOE Weatherization Assistance Program and to reduce the budget by the associated administrative costs for that unit. NCDEQ will redistribute the funds being returned to other North Carolina agencies. Since this is a contract amendment, a budget amendment is required to reduce the program budget for the DOE Weatherization Assistance Program.

A discussion ensued. During discussion, Ms. Morris responded to questions from the Board.

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

Date:	4/17/2023	Amount:	6,892.00				
Dept. Head:	Susie Morris	Department:	Planning & Development Director				
<input type="checkbox"/> Internal Transfer Within Department		<input type="checkbox"/> Transfer Between Departments/Funds					
<input checked="" type="checkbox"/> Supplemental Request							
The purpose of this amendment is to decrease the DOE Weatherization Assistance Program administrative funds that cannot be expended this fiscal year. The North Carolina Weatherization Assistance Program will re-distribute the funds to other NC agencies							
Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	6	3250-6227	Weatherization Program Grant	93,785.00		6,892.00	86,893.00
001	9	3250-9493	Operations	69,876.00		6,892.00	62,984.00

(F-6) BOC - Rules of Procedure

Chairman Morris reviewed the Rules of Procedures updates that were discussed at the Board Retreat.

The Board of Commissioners engaged in a lengthy discussion. During discussion, Richard Koch, County Attorney, responded to questions from the Board.

A video of a section of the Boards' Retreat where the rules of procedure was discussed was viewed.

Commissioner Measmer **MOVED** to not adopt the proposed changes to the Rules of Procedure. Commissioner Strang seconded the motion.

The **MOTION** failed, with Commissioners Measmer and Strang voting for and Chairman Morris, Vice Chairman Shue, and Commissioner Wortman voting against.

Vice Chairman Shue **MOVED** to adopt the changes to the Rules of Procedure as amended. Commissioner Wortman seconded the motion.

Following discussion, Vice Chairman Shue amended the **MOTION** to approve the Rules of Procedure as amended with the exception to remove the phone part out from being able to attend meetings remotely; and subject to review and revision by the County Attorney. Commissioner Wortman amended his second to the motion.

The **MOTION** carried with Chairman Morris, Vice Chairman Shue, and Commissioner Wortman voting for and Commissioners Strang and Measmer voting against.

Rules of Procedure for
the Cabarrus County Board
of Commissioners

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.~~

The board acknowledges that attendance at board meetings is essential for its members to perform their official duties. The board strongly encourages its members to be physically present for all board meetings. The board recognizes, however, that extenuating circumstances may occasionally prevent a member from being physically present at a meeting. It further recognizes that advances in technology, such as audio and video conferencing have made it possible for members to communicate and deliberate simultaneously with each other from remote locations.

Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by the Open Meetings Law, NCGS § 143-318.9 et seq., the board authorizes remote participation in official board

meetings subject to the following procedures and requirements. Remote participation is not to be used solely for a member's convenience.

The intent of this rule is to establish the board's practice for remote participation by board members when there is no state of emergency existing (local or statewide). When a state of emergency exists, this policy is superseded by the provisions of NCGS § 166A-19.24 or other board policies, as the case may be. The board reserves the right to suspend, amend, or rescind this policy at any time by majority vote of the board.

When there is a request to participate remotely, the requesting commissioner should submit the request to the chair, vice-chair, County manager, or clerk to the board as soon as the member is aware of the need, but to the extent possible, preferably within forty-eight (48) hours, but not less than twelve (12) hours before the official meeting so that proper arrangements might be put in place.

The clerk should be made aware as soon as possible. At the beginning of the meeting, the chair or vice-chair will announce that a named commissioner will be participating remotely. Minutes from the meeting shall reflect which commissioner(s) participated remotely. The remote participation rules shall be followed.

Participation by a board member by electronic means in any property noticed meeting. Participation shall be by ~~telephone~~ or video conference as determined by the clerk. Any method chosen must allow for the participating commissioner to hear what is said by other commissioners, hear what is said by individuals addressing the board; and be heard by other members of the board when speaking.

It is the responsibility of the participating commissioner to obtain and maintain technology proficiency with use of said technology) to meet the above requirements.

Members participating remotely will be counted in the determination of a quorum, and be eligible to participate in debate and vote as long as the remote connection is maintained throughout the debate. Their vote must be by voice. Members participating remotely will NOT be eligible to participate in closed session discussion. Members participating remotely will identify themselves during introductions and indicate they are participating remotely. Members participating remotely shall notify the chair if leaving the meeting before the meeting is officially adjourned, or when rejoining the meeting after a period of absence. Members continually connected throughout the discussion, but failing to vote when called upon will be deemed voting in favor of the item on the floor. The official board minutes will reflect the member's remote participation.

- 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 NCGS § 153A-27. ~~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 re-placed was elected as the nominee of a political party, then his or her replacement must belong to the same party. If an existing member resigns, but delays the effective date of the resignation, such member can vote on his/her replacement so long as the vote occurs before the effective date of the resignation.
- (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).

Rule 41. One Hour Rule

Any member's proposals or inquiries, including items to be added to a meeting agenda, shall not involve or receive more than one (1) hour of staff time, unless the entire board is made aware of the proposal or inquiry. The purpose of this rule is to facilitate transparency and communication and focus staff time on priorities of the entire board. Such proposals or inquiries shall be transmitted through the County manger to the appropriate staff member or department.

(H) REPORTS

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

Commissioner Wortman announced from active living and parks, Vietnam Veterans Park is having 56 ash trees removed due to an emerald ash bore insect infestation. The Senior Games will be held on April 27th at 6:30. Cheerleader Showcase and Silver Art Follies will be held at the Laureate Center in Kannapolis, tickets are \$5 at the door. The Trails and Tails will be at Rob Wallace Park on May 4th at 10 a.m.

Vice chairman Shue announced the Water and Sewer Authority of Cabarrus County project is moving forward and is on track.

(H-2) Board of Commissioners - Request for Applications for County Boards/Committees

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

- Active Living and Parks Commission - 3 Expired Terms
- Adult Care Home Community Advisory Committee - 13 Vacant Positions
- Board of Equalization and Review - 2 Terms Expiring Soon
- Centralina Workforce Development Board - 2 Terms Expiring Soon
- Concord Planning and Zoning Commission (ETJ) - 1 Vacant Position
- Harrisburg Planning and Zoning Commission (ETJ) - 1 Vacant Position
- Home and Community Care Block Grant Committee - 1 Vacant Position
- Jury Commission - 1 Term Expiring Soon
- Juvenile Crime Prevention Council - 4 Terms Expiring Soon
- Mental Health Advisory Board - 1 Vacant Position
- Nursing Home Community Advisory Committee - 11 Vacant Positions
- Planning and Zoning Commission - 1 Vacant Position
- Region F Aging Advisory Committee - 1 Term Expiring Soon and 2 Vacant Positions
- Senior Centers Advisory Council - 2 Expired Terms
- Tourism Authority - 4 Terms Expiring Soon
- Transportation Advisory Board - 6 Vacant Positions, 1 Expired Term and 3 Terms Expiring Soon
- Water and Sewer Authority of Cabarrus County - 1 Term Expiring Soon
- Youth Commission - 2 Terms Expiring Soon and 4 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 2023 and the Cabarrus County Commercial Building Plan Review Summary for March 2023 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 2023 Monthly Summary Report

The Board received the Cabarrus Economic Development Corporation (EDC) monthly report for the month of March 2023 for informational purposes. No action was required of the Board.

(I) GENERAL COMMENTS BY BOARD MEMBERS

Chairman Morris commented on a correction to an earlier comment on the Eli Lilly incentive agreement.

Chairman Morris also commented on North Carolina House Bill 454, stating it is an administrative correction to the City of Concord ABC profit distribution. The Bill matches language to do what the ABC Board has been doing since its inception with no impact on county revenue.

Commissioner Measmer thanked the audience and television viewers for their patience and participation in tonight's meeting.

(J) WATER AND SEWER DISTRICT OF CABARRUS COUNTY

None.

(K) CLOSED SESSION

(K-1) Closed Session - Pending Litigation

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

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

(L) ADJOURN

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the meeting adjourned at 10:21 p.m.




Lauren Linker, Clerk to the Board