

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, July 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
Kenneth M. Wortman

One vacant seat: Barbara C. Strang

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

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

Chairman Morris led the Pledge of Allegiance.

A moment of silence was observed.

Chairman Morris recognized Youth Commission member Nihar Kummetha from Cox Mill High School in attendance.

(A) APPROVAL OF THE AGENDA

Chairman Morris reviewed the following changes to the agenda.

Additions:

Closed Session

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

Updated:

New Business

E-1 Department of Human Services - Transportation Disadvantages Business
Enterprise (DBE) goal Public Hearing

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

(B) RECOGNITIONS AND PRESENTATIONS

(B-1) Recognition - Commissioner Barbara Strang

Commissioner Measmer recognized Commissioner Strang for her service the Board of Commissioners and the citizens of Cabarrus County.

(C) INFORMAL COMMENTS

Chairman Morris opened the meeting for Informal Public Comments at 6:34 p.m. He stated each speaker would be limited to three minutes. He also reviewed the Public Participation Policy.

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

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

Rich Wise, resident of 3403 Brickwood Circle in Midland and a Midland Town Councilman, commented on ethics.

Gus Arango, resident of 5304 Harvest Hill Drive in Harrisburg, commented on animal leash ordinances.

Josh Norris, resident of 4353 Shiloh Church Road in Davidson, commented on ethics and congratulated former Commissioner Strang.

Maegan Mack, resident of 92 St. Mary Avenue NW in Concord, commented on Diversity, Equity, and Inclusion Training.

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

(D) CONSENT

(D-1) Appointment and Removal - Senior Center Advisory Council

Senior Center Advisory Council member Annette Swick resigned her position to move out of state.

At the June 19th council voted unanimously to recommend and appoint Karen Cobb to serve a 3-year.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the board approved the Motion to remove Annette Swick from the Senior Center Advisory Council and thank her for her service.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the board approved Motion to appoint Karen Cobb to the Senior Center Advisory Council for a 3-year term expiring July 31, 2026.

(D-2) Appointment and Removals - Juvenile Crime Prevention Council (JCPC)

During the June 21 regular meeting, the JCPC voted unanimously to recommend the appointment of Malisha Ross, LME/MCO Regional Director, as the Area Mental Health designee to complete the term vacated by Ms. LaShay Avery on June 2. Ms. Ross does not reside in Cabarrus County. An exception to the residency provision of the Appointment Policy will be needed.

The JCPC also voted unanimously to accept the resignation of Emily Coltrane as Chief Court Counselor Designee effective June 8. The Council then voted unanimously to recommend the appointment of Gayle Alston, Chief Court Counselor, as Court Counselor Designee to complete the unexpired term vacated by Ms. Coltrane. Ms. Alston does not reside in Cabarrus County. An exception to the residency provision of the Appointment Policy will be needed.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the board approved the Motion to remove Emily Coltrane, Court Counselor designee, from the Juvenile Crime Prevention Council and thank her for her service.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the board approved Motion to appoint Malisha Ross, LME/MCO Regional Director, as Area Mental Health Designee to complete the unexpired term of LaShay Avery that expires September 30, 2024 and Gayle Alston, Chief Court Counselor to complete the unexpired term of Emily Coltrane that expires September 30, 2024. Both will need an exception to the residency provision of the Appointment Policy.

(D-3) County Manager - Easement for Duke Energy on Kannapolis Middle School Property

Kannapolis City Schools and Duke Energy have requested an easement on the middle school property to install an electric charging station for an electric bus. The bus was purchased with funding received from Duke Energy, North Carolina Department of Public Instruction (NC DPI) and a grant from North Carolina Department of Environmental Quality (NCDEQ). Attached are maps showing the general locations of the existing lines and the planned installations. The easement language is designed to be flexible for the installation. The installed lines will be the centerline for the easement.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the board approved to grant an easement to Duke Energy on the Kannapolis Middle School Property and authorized the County Manager to execute the Easement Agreement on behalf of Cabarrus County, subject to review or revisions by the County Attorney.

(D-4) Department of Human Services - Approval of Medicaid Expansion Positions

The Department of Human Services (DHS) received two funding allocations, one for \$139,193 and the other for \$561,659, for a total of \$700,852 for implementation of Medicaid Expansion. This funding has been appropriated in the FY2024 department budget and will be used to hire thirty (30) additional

Medicaid staff. DHS can leverage an additional 75% reimbursement on the use of these funds or an additional \$525,639 in funding bringing the total available funding to \$1,226,491. The funds must be used for startup costs for expanding Medicaid. DHS anticipates an additional 15,583 to 17,794 potential new Medicaid eligibles with expansion.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the board accepted funding allocations for startup costs in the implementation of the Department of Human Services Medicaid program expansion, which includes thirty new positions.

(D-5) Department of Human Services - Energy Programs Outreach Plan

The plan is designed to assure that eligible households are made aware of the assistance available through the Energy Programs.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the board approved the plan.

(D-6) Finance - Occupancy Tax Late Penalty Waiver Requests

The three hotels listed below asked for a waiver on occupancy tax late fees and interest ("penalty") associated with late payments and late filings.

Sleep in Concord - Was late with their February Occupancy Tax. Penalties of \$989.18. Last late payment was 2017.

Uptown Suites Concord - Was late with their March Occupancy Tax. Penalties of \$991.62. Last late payment was 2017.

Home Towne Suites Kannapolis - Was late with their March Occupancy Tax. Penalties of \$523.39. Have never been late before.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the board approved to waive the following Occupancy Tax late penalties and interest for Sleep Inn Concord of \$989.19, Upton Suites Concord of \$991.62 and Home Towne Suites Kannapolis of \$523.39 pursuant to G.S. 153A-155(e).

(D-7) Infrastructure and Asset Management -Vietnam Veterans Park Land Lease Amendment

County staff at the July 10, 2023 BOC Work Session presented the second amendment to the original lease with the City of Kannapolis for the land that houses Vietnam Veterans Park. The amendment has a three (3) year extension.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the board approved the Lease Agreement between Cabarrus County and City of Kannapolis for the lease of PIN 5611199578, which is the land that houses Vietnam Veterans Park and authorized the County Manager to execute the Agreement on behalf of Cabarrus County, subject to review or revisions by the County Attorney.

(D-8) Legal - Ad Hoc Amendment to Central Area Land Use Plan Interlocal Agreement for 4040 Mills Circle, Further Identified as PIN 5651-14-2940

The City of Concord received a request for water service in Area A of the Central Area Land Use Plan Interlocal Agreement. The request was from Quicksilver Custom Builders, LLC for property located at 4040 Mills Circle, further Identified as PIN 5651-14-2940. The property will be developed with one single-family home. Pursuant to the CALUP ILA, all requests for service in Area A must be jointly approved by the Cabarrus County Board of Commissioners and Concord City Council.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the board approved the request for the City of Concord to provide water service at 4040 Mills Circle, further Identified as PIN 5651-14-2940 and authorized the County Manager to execute the Agreement subject to review and approval by the County Attorney.

(D-9) Legal - Ad Hoc Amendment to Central Area Land Use Plan Interlocal Agreement for 3868 Highway 200, Further Identified as PIN 5547-87-8632

The City of Concord received a request for water service in Area A of the Central Area Land Use Plan Interlocal Agreement. The request was from Allen Montgomery for property located at 3868 Highway 200, further Identified as PIN

5547-87-8632. The property will be developed with one single-family home. Pursuant to the CALUP ILA, all requests for service in Area A must be jointly approved by the Cabarrus County Board of Commissioners and Concord City Council.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the board approved the request for the City of Concord to provide water service at 3868 Highway 200, further Identified as PIN 5547-87-8632 and authorized the County Manager to execute the Agreement subject to review and approval by the County Attorney.

(D-10) Legal - Central Area Land Use Plan Interlocal Agreement Update

Cabarrus County and the City of Concord adopted an Interlocal Agreement in 2008 as part of the Central Area Land Use Plan process. The agreement expired on June 29, 2023.

County and city staff have been working together to update the terms of the agreement. The revised agreement was previously provided the Board of Commissioners for review and consideration.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the board approved the revised Central Area Plan Interlocal Agreement.

(D-11) Sheriff's Office - Acceptance of Governor's Highway Safety Program (GHSP) Grant Award

The extension of the second year of the current Governor's Highway Safety Program (GHSP) grant funding will be used to expand the Traffic Education and Enforcement Unit. The grant amount of \$125,874.00 will be used for the continuation of this program. There is a county match of \$53,946.00 to meet eligibility 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 and resolution.

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

PURPOSE: This is the SECOND year of 5 year Traffic Safety Grant. FY 2024 Required to create a budget for the Traffic Grant beginning 10/1/2023 and record the County's 30% match. In Fiscal Year 2023, the Cabarrus County Sheriff's Office applied for a Grant and expects to receive funding through the Governor's Highway Safety Program (GHSP) for the formation of a Traffic Safety Unit for use in problem areas throughout Cabarrus County. This is a three year grant through the North Carolina Department of Transportation. This request is for approval of the allocation of year one of three those funds in accordance with the agreement (attached). This grant is federally funded up to 85% with a 15% local match in this the first year. This grant is federally funded up to 70% with a 30% local match in this the second year. The 30% local match includes personnel costs (salary and fringe) for 2 deputies, and travel and training. This grant is a 3 year commitment for the county with the increase in local match increasing up to 50% in the third year.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	6	2110-6342-TRAFU	NC Dept of Transportation Grant	-	125,874.00		125,874.00
001	9	2110-9101-TRAFU	Salary & Wages - TRAFU	-	116,960.45		116,960.45
001	9	2110-9201-TRAFU	Social Security - TRAFU		7,251.55		7,251.55
001	9	2110-9202-TRAFU	Medicare - TRAFU		1,695.93		1,695.93
001	9	2110-9205-TRAFU	Group Hospital Insurance - TRAFU		21,360.00		21,360.00
001	9	2110-9206-TRAFU	Vision Care - TRAFU		41.32		41.32
001	9	2110-9207-TRAFU	Life Insurance - TRAFU		66.00		66.00
001	9	2110-9210-TRAFU	Retirement - TRAFU		15,251.64		15,251.64
001	9	2110-9230-TRAFU	Workers' Compensation - TRAFU		2,771.96		2,771.96
001	9	2110-9235-TRAFU	Deferred Compensation 401K - TRAFU		5,848.02		5,848.02
001	9	2110-9640-TRAFU	Insurance & Bonds - TRAFU		2,573.14		2,573.14
001	9	2110-9610-TRAFU	Travel - TRAFU		6,000.00		6,000.00
							\$ 179,820.00
							\$ (125,874.00)
							\$ 53,946.00
				305,694.00		Total	305,694.00

Resolution No. 2023-28

North Carolina Governor's Highway Safety Program
 LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the Cabarrus County Sheriff's Office (herein called the "Agency") has completed an application contract for traffic safety funding; and that Cabarrus County Board of Commissioners (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE IN OPEN MEETING ASSEMBLED IN THE CITY OF CONCORD, NORTH CAROLINA, THIS 21ST DAY OF August, 2023, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Sergeant Grady Christie is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 5,000.00 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$0.00 as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by /s/ Stephen M. Morris, Chairman

ATTESTED BY /s/ Lauren Linker

Date 08/21/2023

(D-12) Sheriff's Office - Awarding of Service Weapon to Deputy Michael Elliott Upon his Retirement.

Deputy Michael Elliott will retire from the Cabarrus County Sheriff's Office on July 31, 2023. Pursuant to N.C.G.S. 20-187.2, it is requested that Deputy Elliott's service weapon (Sig Sauer P320 .40 caliber serial # 58C352203) be designated surplus property and awarded to him for a price of \$1 upon his retirement.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the board declared Sig Sauer P320 .40 caliber, SN 58C352203, surplus property and authorized disposition in accordance with the County's policy.

(D-13) Solid Waste - Landfill - Replacement of Landfill Compactor

The purchase of a landfill compactor was included in the Capital Improvement Plan funded projects for FY2024. Pursuant to NCGS 143-129 staff requested to piggyback the bid of Gaston County who purchased a landfill compactor in May, 2023. It was purchased from Sun Machinery Company in Lexington, South Carolina for a total cost of \$860,250.00.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board authorized the purchase of one (1) landfill compactor from Sun Machinery Company utilizing the referenced Gaston County bid.

(D-14) Tax Administration - Tax Collector's Annual Settlement and Order Authorizing Collection of FY 2023-2024 Taxes

The Tax Collector is required by NCGS 105-373 to give an annual settlement on current and delinquent taxes to the governing body for review and approval. The settlement report for fiscal year 2022-2023 was provided. The report contained real and personal taxes that remain unpaid for the fiscal year. These lists are recharged to the Tax Collector for collection. Also, provided was the Order to Collect to be executed by the Chairman of the Board of County Commissioners authorizing the Tax Collector to collect all FY 2023-2024 property taxes.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the board accepted the Tax Collector's annual settlement and approve the Order to Collect in accordance with NCGS 105-321.

(D-15) Tax Administration - Refund and Release Reports - June 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 June 2023 Refund and Release Reports as submitted, including the NCVTS Refund Report, and grant authority to the Tax Collector to process the refunds and releases.

(E) NEW BUSINESS

(E-1) Department of Human Services - Transportation Disadvantaged Business Enterprise (DBE) Goal Public Hearing

Cabarrus County Transportation has been in the process of becoming a direct recipient of the Federal Transit Administration (FTA) for 5307 Grant funds. In order to become a recipient Cabarrus County was required to establish a Disadvantaged Business Enterprise (DBE) Goal.

Chairman Morris opened the public hearing at 6:54 p.m. The public hearing notice was published in English and Spanish on the County's website (www.cabarruscounty.us) on July 5, 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.

(F) REPORTS

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

None.

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

Chairman Morris announced vacancies. Applications are being accepted for the following County Boards/Committees:

- Active Living and Parks Commission - 1 Expired Terms
- Adult Care Home Community Advisory Committee - 13 Vacant Positions
- Concord Planning and Zoning Commission (ETJ) - 1 Vacant Position
- Early Childhood Task Force Advisory Board - 1 Vacant Position
- Harrisburg Planning and Zoning Commission (ETJ) - 1 Vacant Position
- Home and Community Care Block Grant Committee - 1 Vacant Position
- Human Services Advisory Board - 1 Vacant Position
- 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 - 3 Vacant Positions
- Senior Centers Advisory Council - 6 Expired Terms
- Transportation Advisory Board - 6 Vacant Positions and 1 Expired Term
- Youth Commission - 11 Vacant Positions

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

(F-3) Budget - Monthly Budget Amendment Report

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

(F-4) Budget - Monthly Financial Update

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

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

The Board received the Cabarrus County Construction Standards Dodge Report for June 2023 and the Cabarrus County Commercial Building Plan Review Summary for June 2023 for informational purposes. No action was required of the Board.

(F-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.

(F-7) Economic Development Corporation - June 2023 Monthly Summary Report

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

(G) GENERAL COMMENTS BY BOARD MEMBERS

None.

(I) CLOSED SESSION

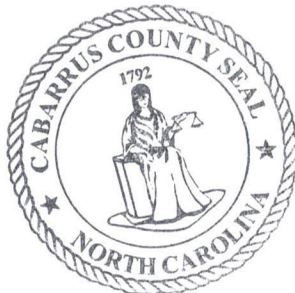
(I-1) Closed Session - Pending Litigation and Acquisition of Real Property

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

(J) ADJOURN

UPON MOTION of Commissioner Wortman, seconded by Vice Chairman Shue and unanimously carried, the meeting adjourned at 7:21 p.m.



Lauren Linker

Lauren Linker, Clerk to the Board