

The Board of Commissioners for the County of Cabarrus met for an Agenda Work Session in the Multipurpose Room at the Cabarrus County Governmental Center in Concord, North Carolina at 4:00 p.m. on Monday, August 7, 2023.

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

live broadcast at 4:00 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
Timothy A. Furr

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.

1. Call to Order

Chairman Morris called the meeting to order at 4:00 p.m.

Chairman Morris welcomed newly appointed Commissioner, Tim Furr.

2. Approval of Agenda

Additions:

Discussion Items for Action
Closed Session

7.1 Closed Session - Pending Litigation, Economic Development and Acquisition of Real Property

Removed:

Discussion Items for Action

4.5 County Manager - Site Selection for Regional Behavioral Health Center

Updated:

Discussion Items for Action

4.10 Infrastructure and Asset Management - Library & Active Living Center at Mt. Pleasant and Virginia Foil Park Guaranteed Maximum Price - GMP Amendment 001

4.13 Sheriff's Office - FY24 Radio Tower Revenues and Reappropriation of FY23 Radio Funds to FY24 - Updated Budget Amendment

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

3. DISCUSSION ITEMS - No Action

3.1 County Manager - Arena & Events Center Provider Discussion

Rodney Harris, Deputy County Manager, opened discussion/questions in connection with the two taxes from the July 10, 2023 Work Session for a management provider at the Cabarrus Arena and Events Center. 023 A Request for Proposals (RFP) was issued on February 6, 2023, to obtain responses from parties interested in providing overall management of the Cabarrus Arena and Event Center. Two providers - ASM Global and The Sports Facilities Companies - submitted proposals by the April 28, 2023. Each company presented key highlights from their proposals to the board on July 10, 2023. Staff is seeking board direction on how to proceed with the provider selection process.

A lengthy discussion ensued. During discussion, Kenny Robinson, ASM Global, General Manager; Kyle Bilafer, Assistant County Manager; and Mr. Harris responded to questions by the Board.

3.2 Finance - Occupancy Tax Voluntary Disclosure Agreement

Evan Lee, General Counsel, advised the law firm, Baker McKenzie, approached the Cabarrus County Finance Department and Legal Department regarding execution of a Voluntary Disclosure Agreement between their client and the County related to pre-paid credit cards sent by the client to lodge operators for the payment of occupancy taxes. Upon review, some amounts were not remitted to the County. In exchange for a payment of \$19,681.22, the firm is seeking a

disclosure agreement to be negotiated and signed by the firm and the County's General Counsel. Mr. Lee requested input from the Board.

A discussion ensued. During discussion, Mr. Lee; Richard Koch, County Attorney; and Jim Howden, Finance Director responded to questions from the Board. The Board consensus was to move forward in the collection process of unpaid taxes and the agreement.

3.3 Infrastructure and Asset Management - Cabarrus County Courthouse Expansion and Renovation Project Update

Kyle Bilafer, Assistant County Manager, provided an update regarding the Courthouse expansion and renovation project to include the following:

- Demolition has begun of the interior of the old courthouse
- Stripping the corridors
- Installed temporary power
- Complete site demolition
- Digging foundation drains
- Poured the sheer wall

Schedule for the next 30 days:

- Laser scanning of building
- Start interior waterproofing
- Finish base foundation drain assembly

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

4. Discussion Items - For Action

4.1 BOC - Appointments to Boards and Committees

Chairman Morris stated information for April appointments to boards and committees has been provided to the commissioners. He asked if anyone had any questions, comments, or concerns regarding the upcoming requests. There were none.

4.2 BOC - Voting Delegate Designation for NCACC 116th Annual Conference

Chairman Morris stated the North Carolina Association of County Commissioners (NCACC) is requesting each county to designate a commissioner or other elected official as a voting delegate at the 116TH NCACC Annual Business meeting in August 2023.

After a brief discussion, it was the consensus of the Board to delegate Chairman Morris as the voting delegate at the 116th NCACC Annual Business meeting.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Furr and unanimously carried, the Board suspended the Rules of Procedure due to time constraints.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board designated Chairman Morris as the voting delegate to represent Cabarrus County at the NCACC 116th Annual Business Session.

4.3 Budget - Vehicle Purchases

Rosh Khatri, Budget Director, provided a report regarding the purchase of six (6) vehicles for the following departments: Four (4) for Human Services - Child Welfare Division, one (1) for Emergency Medical Services and one (1) for Infrastructure Asset Management. These vehicles are needed due to increased utilization and new positions. The total cost will be \$231,000, which will come from General Fund - Fund Balance.

A discussion ensued. During discussion, Mr. Khatri and Rodney Harris, Deputy County manager, responded to questions from the Board.

4.4 County Manager - Revised Agreement with the Water and Sewer Authority of Cabarrus County

Kelly Sifford, Assistant County Manager, reported the Water and Sewer Authority has been working on a new agreement to allocate an additional 20,000 gallons to the town of Mount Pleasant to accommodate the new Mount Pleasant Active Living Center/Park and Library facility.

Rich Koch, County Attorney, provided additional information regarding the general assembly's contribution to the new allocations.

Vice Chairman Shue provided additional comments.

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

4.5 Department of Human Services - Family Caregiver Support Program Grant Budget Revision

Anthony Hodges, Social Work Program Administrator, presented a budget amendment for the Board's consideration for the additional funds of \$489.00 (over budgeted) received from the State for the Family Caregiver Support Program (FCSP). No county match is required.

4.6 Department of Human Services - FY24 Home and Community Care Block Grant (HCCBG) Funding Plan Revision

Anthony Hodges, Social Work Program Administrator, presented a budget amendment for the Board consideration. The FY24 budget included \$1,122,929 State grant funds for the Home and Community Care Block Grant (HCCBG). The State budget was approved after the County in which the County received \$1,192,773. The budget amendment will account for the additional funding. A 10% County match is required.

4.7 Department of Human Services -Transportation Rural State Operating Grant

Bob Bushey, Transportation Manager, reported Cabarrus County was awarded grant funds in the amount of \$191,000 for fuel through the North Carolina Department of Transportation Integrated Mobility Division (IMD). A county match is not required, however a budget amendment will be needed.

4.8 Fire Services- Mt. Pleasant Fire Department Staffing Grant Interlocal Agreement

Jacob Thompson, Fire Marshal, presented an Interlocal Agreement between Cabarrus County and the Town of Mt. Pleasant for the Board's review and consideration. The agreement will allow the approved FY24 funds to be allocated to the fire department for staffing.

4.9 Infrastructure and Asset Management -Frank Liske Park Office, Concessions, and Mini- Golf Renovations Bid Award

Kyle Bilafer, Assistant County Manager, and Michael Miller, Director of Design and Construction, reported an invitation was posted to bid on the Frank Liske Park Office, Concessions, and Mini-Golf Renovations project on June 23rd, 2023. A non-mandatory pre-bid meeting was held on site on July 6th, 2023. Bids were received and opened on July 27th, 2023, at 1:00 p.m. The recommendation of the low bidder was Ground Thunder Construction. Mr. Bilafer advised the total contract value (to include owner add-ons and contingency fees) will be \$1,836,875.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Furr and unanimously carried, the Board suspended the Rules of Procedure due to time constraints.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman and unanimously carried, the Board approved the contract amendment between Cabarrus County and Ground Thunder Construction and authorized the County Manager to execute the contract amendment on behalf of Cabarrus County, subject to review and revisions by the County Attorney.

4.10 Infrastructure and Asset Management - Library & Active Living Center at Mt. Pleasant and Virginia Foil Park Guaranteed Maximum Price

Kyle Bilafer, Assistant County Manager, presented for consideration a contract amendment for the Guaranteed Maximum Price with Edifice, LLC in connection with the Library and Active Living Center at Mt. Pleasant and Virginia Foil Park project. The total cost will be \$23,555,976.

Michael Miller, Design and Construction Director, was in attendance.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman, and unanimously carried, to suspend the Rules of Procedure.

UPON MOTION of Commissioner Measmer, seconded by Vice chairman Shue, and unanimously carried, approved the contract amendment between Cabarrus County

and Edifice, LLC and authorized the County Manager to execute the contract amendment on behalf of Cabarrus County, subject to review or revisions by the County Attorney.

4.11 Planning Department - Budget Amendment to Revise HOME Grant 2020 and Close HOME Grant 2015 and Home Grant 2016

Susie Morris, Planning and Development Director, presented a budget amendment for consideration to revise HOME Grant 2020 revenues and expenditures for additional program fees received. It is also an appropriate time to close HOME Grant 2015 and HOME Grant 2016.

4.12 Sheriff's Office - Acceptance of Bike Safe Grant

Chief Deputy Tessa Burchett presented a budget amendment and resolution for consideration to accept grant funds received from the Governor's Highway Safety Program for the Bike Safe educational programs for motorcycle drivers. No county match is required.

4.13 Sheriff's Office - FY24 Radio Tower Revenues and Reappropriation of FY23 Radio Funds to FY24

Chief Deputy Tessa Burchett requested radio tower lease revenues from FY24, \$105,979 and remaining balance funds (\$252,320) from the General Fund be appropriated/re-appropriated into the FY24 budget for utilization of countywide radio expenses.

5. Commissioner Agenda Requests

5.1 BOC - Electronic Pet Fence

Chairman Morris opened discussion regarding electronic pet fencing arising from a citizen's comment at the July 17, 2023 Board of commissioners Regular Meeting.

Sheriff Van Shaw introduced Lt. J. Torelli and provided information regarding invisible fencing and use of electronic devices for pet control per County ordinance.

Lt. Torelli provided additional information and guidance in connection with the ordinance and enforcement of it.

Mr. Gus Arango, resident of 5304 Harvest Hill Drive in Harrisburg commented on a neighbor's dog and safety concerns for his family.

A lengthy discussion ensued. During discussion, Sheriff Shaw and Lt. Torelli responded to questions from the Board.

Board consensus was to continue review the matter.

5.2 BOC - Midland Library Discussion

Commissioner Wortman, on behalf of and as liaison to the Town of Midland, reported Midland has not funded the Midland library in their budget. The County does not include funding for the library building in its budget. Midland has asked if the library is not funded by the Town of Midland nor the County, what would happen? The Town of Midland has asked for guidance on this matter.

A lengthy discussion ensued.

Board consensus was for the Town of Midland to honor the lease agreement for lease payments for the building.

6. Approval of Regular Meeting Agenda

6.1 BOC - Approval of Regular Meeting Agenda

The Board discussed the placement of the items on the agenda.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman, and unanimously carried, the Board approved the agenda as follows for the August 21, 2023, regular meeting as presented.

Recognitions and Presentations

- Active Living and Parks - Senior Center Month Proclamation
- Department of Human Services - Child Support Awareness Month Proclamation

Consent

- Appointments and Removals - Mental Health Advisory Board
- Appointments - Planning and Zoning Commission
- Budget - Vehicle Purchases
- County Manager - Revised Agreement with the Water and Sewer Authority of Cabarrus County
- County Manager - Site Selection for Regional Behavioral Health Center
- Department of Human Services - Family Caregiver Support Program Grant Budget Revision
- Department of Human Services - FY24 Home and Community Care Block Grant Page 145 (HCCBG) Funding Plan Revision
- Department of Human Services -Transportation Rural State Operating Grant
- Fire Services- Mt. Pleasant Fire Department Staffing Grant Interlocal Agreement
- Infrastructure and Asset Management -Frank Liske Park Office, Concessions, and Mini-Golf Renovations Bid Award
- Infrastructure and Asset Management - Library & Active Living Center at Mt. Pleasant and Virginia Foil Park Guaranteed Maximum Price
- Planning Department - Budget Amendment to Revise HOME Grant 2020 and Close HOME Grant 2015 and Home Grant 2016
- Sheriff's Office - Acceptance of Bike Safe Grant
- Sheriff's Office - FY24 Radio Tower Revenues and Reappropriation of FY23 Radio Funds to FY24
- Tax Administration - Refund and Release Reports - July 2023

Reports

- BOC - Receive Updates from Commission Members who Serve as Liaisons to Municipalities or on Various Boards/Committees
- BOC - Request for Applications for County Boards/Committees
- Budget - Monthly Budget Amendment Report
- Budget - Monthly Financial Update
- County Manager - Monthly Building Activity Reports
- County Manager - Monthly New Development Report
- EDC - July 2023 Monthly Summary Report

Closed Session

7. Closed Session

7.1 Closed Session - Pending Litigation, Economic Development and Acquisition of Real Property

UPON MOTION of Commissioner Wortman, seconded by Commissioner Measmer, and unanimously carried, the Board moved to go into closed session to discuss matters related to pending litigation, economic development and acquisition of real property as authorized by NCGS 143-318.11(a)(3, (4)) and (5).

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

8. Adjourn

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman, and unanimously carried, the meeting adjourned at 6:51 p.m.



Lauren Linker

 Lauren Linker, Clerk to the Board