

# CABARRUS COUNTY



## BOARD OF COMMISSIONERS WORK SESSION

**October 1, 2018  
4:00 PM**

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**1. CALL TO ORDER - CHAIRMAN**

**2. APPROVAL OF WORK SESSION - CHAIRMAN**

2.1. BOC - Changes to the Agenda

**3. DISCUSSION ITEMS - NO ACTION**

3.1. Cabarrus Arena and Events Center - Presentation of Annual Report

3.2. Infrastructure and Asset Management - Parking Deck Update

3.3. Cardinal Innovations Healthcare Solutions - July 2017 - March 2018 FYTD Dashboard Report for Mental Health, Intellectual/Developmental Disabilities and Substance Abuse Services

**4. DISCUSSION ITEMS FOR ACTION**

4.1. BOC - NCACC Solicitation of County Legislative Goals

4.2. County Manager - Public Service Company of North Carolina Easement at West Cabarrus High School

4.3. DHS - FY20 Community Transportation Grant

4.4. Finance – Appropriate Fund Balance for Landfill Fund – Purchased Services

4.5. Finance - Request for Reallocation of Funds for the Frank Liske Park Restroom Project - \$50,000

4.6. Finance - Project Ordinance Updates for the County Operations Center Purchase

4.7. Planning and Development - Proposed Text Amendment TEXT2018-00002, Chapter 16, Flood Damage Prevention Ordinance

4.8. Planning and Development - Proposed Text Amendments TEXT2018-00003 and TEXT2018-00004

**5. APPROVAL OF REGULAR MEETING AGENDA**

5.1. BOC - Approval of Regular Meeting Agenda

**6. CLOSED SESSION**

6.1. Closed Session - Pending Litigation and Economic Development

**7. ADJOURN**

*In accordance with ADA regulations, anyone in need of an accommodation to participate in the meeting should notify the ADA coordinator at 704-920-2100 at least 48 hours prior to the meeting.*

# CABARRUS COUNTY



## BOARD OF COMMISSIONERS WORK SESSION

**October 1, 2018  
4:00 PM**

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**AGENDA CATEGORY:**

APPROVAL OF WORK SESSION - CHAIRMAN

**SUBJECT:**

BOC - Changes to the Agenda

**BRIEF SUMMARY:**

Changes to the October 1, 2018 Work Session Agenda are as follows:

**ADDITIONS:**

6.1 Closed Session - Pending Litigation and Economic Development

**REQUESTED ACTION:**

Motion to approve the work session agenda as amended.

**EXPECTED LENGTH OF PRESENTATION:**

1 Minute

**SUBMITTED BY:**

Lauren Linker, Clerk to the Board

**BUDGET AMENDMENT REQUIRED:**

No

**COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:**

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# CABARRUS COUNTY



## BOARD OF COMMISSIONERS WORK SESSION

**October 1, 2018  
4:00 PM**

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**AGENDA CATEGORY:**

DISCUSSION ITEMS - NO ACTION

**SUBJECT:**

Cabarrus Arena and Events Center - Presentation of Annual Report

**BRIEF SUMMARY:**

Cabarrus Arena and Events Center will present the annual report for FY2018 that includes venue financial performance, event statistics, and updates on major initiatives to enhance venue performance.

**REQUESTED ACTION:**

Receive input.

**EXPECTED LENGTH OF PRESENTATION:**

10 Minutes

**SUBMITTED BY:**

Kenny Robinson, Cabarrus Arena and Events Center, General Manager

**BUDGET AMENDMENT REQUIRED:**

No

**COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:**

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**ATTACHMENTS:**

- Cabarrus Arena & Events Center FY2018 Annual Report



CABARRUS ARENA & EVENTS CENTER  
ANNUAL REPORT  
Fiscal Year 2018



# EXECUTIVE SUMMARY

The fiscal year ending June 30, 2018 was successful on many levels at Cabarrus Arena & Events Center. Of the sixteen years in operation for the venue, Cabarrus County has entrusted SMG to manage the facility for the past thirteen years. Both partners have reason to celebrate the ongoing success of the relationship. Through this partnership, Cabarrus Arena & Events Center hosted more events than ever last year, met its financial goals for at least the thirteenth consecutive year, continued building outstanding relationships with event promoters, provided excellent guest experiences, and became more entrenched as a community asset.



**Kenny Robinson**  
*General Manager*

Each of Cabarrus Arena & Events Center's major departments were involved in refining the venue's approach to interacting with clients, guests, and other stakeholders. Whether the involvement was attracting talented individuals to lead a transition in food and beverage services, creating a more cohesive branding platform, developing and presenting new products and services, improving facility infrastructure, becoming more involved in the community, or becoming better stewards of resources, success was certainly achieved. Cabarrus Arena & Events Center, together with its Cabarrus County government and community partners, made significant improvements on how the venue invites new clients, maintains existing relationships, and serves our guests.

SMG and Cabarrus County have built a reputation at Cabarrus Arena & Events Center of providing outstanding service at a reasonable cost. While fiscal year 2018 did not set attendance records or achieve best-ever financial results, there was much to celebrate. I hope you find the following pages to be informative and share my enthusiasm for the future of Cabarrus Arena & Events Center.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kenny Robinson", written in a cursive style.

Kenny Robinson



# ABOUT SMG

## THE INDUSTRY'S GOLD STANDARD IN VENUE MANAGEMENT

SMG has been in the business of providing operations and management services to stadiums, arenas, convention and conference centers, theaters and performing arts centers, recreation and equestrian facilities and other specialized facilities for more than 40 years.

**SMG has a defined management philosophy and style that has led to our industry leading position.**

No other private facility management company can match the depth and range of our capabilities. Our proprietary programs, well-established management systems, and talented employees ensure that all SMG-managed facilities are professionally and efficiently operated. SMG provides a full range of facility management, operations, marketing, and event booking services, as well as pre-development, pre-opening, and operations consulting. Our broad range of management services can be customized to meet each client's unique needs.

**We understand contracting with government agencies - most of our clients are cities, states, counties or special purpose districts.**

Our operational best practices program is the cornerstone of the operational excellence that SMG is known for throughout the country. Developed through years of experience and industry knowledge, SMG has documented operating procedures and systems that enable our SMG Team to achieve the highest quality operating standards. Through our corporate office and field personnel, SMG provides management services and areas of expertise to each of our clients.



**Worldwide Entertainment and  
Conference Venue Management**

— FY2018 —  
EVENTS



- |       |  |       |  |
|-------|--|-------|--|
| 07/01 | Charlotte Hornets Basketball Court Refinishing         | 09/19 | <b>Serving Students with Unique Mealtime Needs Meeting</b> |
| 07/08 | <b>Family Reunion—Private Party</b>                    | 09/21 | Philadelphia Church of God Meeting                         |
| 07/08 | Concord Gun & Knife Show                               | 09/21 | Tom Mack Classic Car Auction                               |
| 07/08 | <b>Wedding Reception—Private Party</b>                 | 09/22 | Carolina Fire Control Meeting                              |
| 07/10 | Lifetouch Photography Senior Portraits                 | 09/23 | <b>Mark Chesnutt Concert</b>                               |
| 07/15 | Intergalactic Bead Show                                | 09/23 | Concord Gun & Knife Show                                   |
| 07/20 | CVB Destination Tour                                   | 09/23 | Reption: Exotic Animal & Reptile Show                      |
| 07/22 | <b>Birthday Party—Private Party</b>                    | 09/28 | NC Numismatic Association Annual Coin Convention           |
| 07/22 | Perdue Farms Family Day                                | 09/28 | <b>Success Path Real Estate Seminar</b>                    |
| 07/27 | Tarheel Kids Consignment Sale                          | 09/29 | <b>Cabarrus County Schools Seeking Safety Meeting</b>      |
| 07/27 | Cabarrus County Summit Meeting                         | 09/30 | <b>Wedding &amp; Reception—Private Party</b>               |
| 07/28 | Ring of Honor Professional Wrestling Television Taping | 10/04 | <b>Mountain Dew Television Commercial Production</b>       |
| 07/29 | <b>Family Reunion—Private Party</b>                    | 10/07 | <b>Greater Charlotte Survival &amp; Green Living Expo</b>  |
| 08/05 | <b>Wedding Ceremony &amp; Reception—Private Party</b>  | 10/07 | International Brazilian Jiu Jitsu Federation Competition   |
| 08/05 | <b>Tabernacle Church of God Celebration</b>            | 10/10 | Cabarrus County Employee Appreciation                      |
| 08/06 | Carolina Bridal Fair                                   | 10/11 | Cabarrus County Education Foundation Luncheon              |
| 08/10 | Speedway Classic Summer Circuit Dog Show               | 10/13 | Oasis Shrine Circus  |
| 08/10 | Department of Public Instruction Zone Meeting          | 10/14 | Cabarrus Quilters Guild Splash of Color Show               |
| 08/12 | <b>Wedding Reception—Private Party</b>                 | 10/17 | NC DOT Concrete Training & Testing                         |
| 08/12 | <b>Family Reunion—Private Party</b>                    | 10/18 | Cabarrus County Schools College Fair                       |
| 08/20 | PWX Professional Wrestling                             | 10/20 | Christmas Made in the South                                |
| 09/08 | Cabarrus County Fair                                   | 10/21 | PWX Professional Wrestling                                 |

Events highlighted were new in FY2018

— FY2018 —  
EVENTS

- |  |  |
|--|--|
| 10/21 Cabarrus County Sheriff Crowd Control Training           | 01/13 Sweet 16 Banquet—Private Party                   |
| 10/24 NC Retirement System Meeting                             | 01/14 PWX Professional Wrestling                       |
| 10/24 Safewaze Meeting   | 01/17 CCTS Driver Training                             |
| 10/28 Peak Building Materials Auction                          | 01/20 Access Broadway                                  |
| 10/28 Gold Prospectors Show                                    | 01/21 Carolina Bridal Fair                             |
| 11/02 NC Assembly of God Youth Conference                      | 01/26 Home & Landscape Show                            |
| 11/03 ACO Major Cornhole Tournament                            | 01/27 Wedding Ceremony & Reception— Private Party      |
| 11/04 North American Grappling Association Tournament          | 02/03 Hurricane Coaster Antique Bicycle Swap Meet      |
| 11/09 Cabarrus County Veteran's Day Off-Site Catering          | 02/03 Encore Cheer Competition                         |
| 11/10 Polar Pig BBQ Cooking Competition                        | 02/06 CVB Destination Training                         |
| 11/11 Cheersport Cheerleading Competition                      | 02/10 Discover the Dinosaurs                           |
| 11/11 Concord Gun & Knife Show                                 | 02/10 Ring of Honor Professional Wrestling             |
| 11/16 Speedway Classic Fall Circuit Dog Show                   | 02/13 City of Concord Parks & Recreation               |
| 11/17 UNCC Delta Zeta Social—Private Party                     | 02/15 Carolina Alpaca Celebration                      |
| 11/18 Intergalactic Bead Show                                  | 02/17 Repticon: Exotic Animal & Reptile Show           |
| 11/22 American Red Cross Blood Drive                           | 02/22 Department of Public Instruction Zone Meeting    |
| 11/28 Cabarrus Cattlemen's Association Meeting                 | 02/24 Spirit Solutions Cheerleading Competition        |
| 11/29 NC State University Tax School Meeting                   | 02/24 Roughest & Toughest Contest                      |
| 11/30 Multi-County MUNIS Training                              | 02/24 Cabarrus County Extension Brunch                 |
| 12/01 Mt. Pleasant Elementary School Teacher's Christmas Party | 03/01 Tarheel Kids Consignment                         |
| 12/01 Charlotte Racer's Expo                                   | 03/03 Baby Shower—Private Party                        |
| 12/02 Gaither Christmas Homecoming Concert                     | 03/03 Intergalactic Bead Show                          |
| 12/02 LuLaMania Shopping & Fashion Show                        | 03/03 25th Birthday Party—Private Party                |
| 12/02 CVB Volunteer Training                                   | 03/06 Boy Scouts Fundraising Banquet                   |
| 12/06 Senior Center Christmas Party                            | 03/06 Concrete Field Training Business Meeting         |
| 12/07 Cabarrus County Schools Holiday Party                    | 03/09 Hamfest Exhibit                                  |
| 12/09 Mardi Gras Cheerleading Competition                      | 03/10 NC AAU Wrestling                                 |
| 12/09 Bullington Construction Co. Christmas Party              | 03/13 Intellectual Development Disabilities Got Talent |
| 12/10 Southeastern Packaging Christmas Party                   | 03/14 Senior Health & Wellness Day                     |
| 12/11 Transdev/City of Concord Bus Driver Training             | 03/16 Showstopper Competition                          |
| 12/12 Leadership Cabarrus Lunch & Tour                         | 03/17 Wedding Reception—Private Party                  |
| 12/13 Cabarrus County Summit Meeting                           | 03/21 Cabarrus County School Meeting                   |
| 12/16 Repticon: Exotic Animal & Reptile Show                   | 03/22 EMS Driver Training                              |
| 12/17 Big Church Night Out/Newsboys Concert                    | 03/24 Concord Gun & Knife Show                         |
| 12/18 Cabarrus County Employee Reception Off-Site Catering     | 03/24 "1964" The Tribute Concert                       |
| 12/19 Cabarrus County Department Head Breakfast                | 03/25 Epic Cheer Competition                           |
| 01/06 Athletic Cheer Championship                              | 03/25 PWX Professional Wrestling                       |
| 01/06 Concord Gun & Knife Show                                 | 03/29 Speedway Classic Dog Show                        |
| 01/13 Tom Mack Classic Car Auction                             | 03/29 Cabarrus County Summit Meeting                   |

Events highlighted were new in FY2018

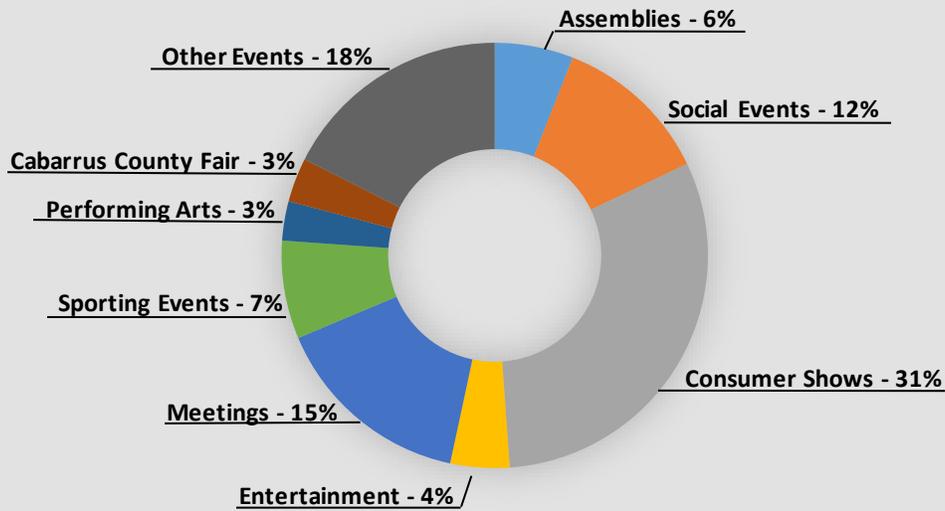
— FY2018 —  
EVENTS

- |       |   |       |   |
|-------|---|-------|---|
| 03/31 | Poplar Tent Jehovah's Witness Meeting             | 05/18 | Rowan Cabarrus Community College Graduation     |
| 04/07 | Wedding & Reception—Private Party                 | 05/20 | Philadelphia Church Services                    |
| 04/11 | Special Olympics                                  | 05/20 | PWX Professional Wrestling                      |
| 04/14 | Peak Building Material Auctions                   | 05/22 | NC Equipment Operators Rodeo Competition        |
| 04/14 | Spring Herb & Garden Festival                     | 05/26 | International Bully Registry Dog Show           |
| 04/14 | NorthEast Foundation Gala                         | 05/26 | Birthday Celebration—Private Party              |
| 04/14 | Wedding & Reception—Private Party                 | 05/27 | Slammeduff Car Show                             |
| 04/20 | S&D Coffee Business Meeting                       | 05/31 | Salisbury Kennel Club                           |
| 04/20 | Charlotte Inkfest                                 | 06/02 | Cane Corso Banquet                              |
| 04/21 | Cheersport Cheer Competition                      | 06/02 | US Neapolitan Mastiff Club                      |
| 04/21 | Anniversary Party—Private Party                   | 06/08 | Cabarrus County Schools Graduation              |
| 04/24 | Concrete Field Training                           | 06/11 | Porter Ridge High School Graduation             |
| 04/24 | Arthur Rutenberg Homes Vendor Showcase            | 06/11 | Sun Valley High School Graduation               |
| 04/24 | Senior's Cheerleading Showcase & Silver Arts      | 06/11 | Piedmont High School Graduation                 |
| 04/28 | Concord Gun & Knife Show                          | 06/11 | Concrete Field Training                         |
| 04/28 | Sheriff's Department "Cruising for Kids" Car Show | 06/14 | Carolina Coin & Stamp Show                      |
| 05/03 | Carolina Dealer Training                          | 06/14 | Parks & Recreation                              |
| 05/03 | DPI Training Meeting                              | 06/14 | Eid al - Fitr Celebration                       |
| 05/04 | Starpower Cheer & Dance Competition               | 06/16 | North American Grappling Association Tournament |
| 05/08 | Concrete Field Training                           | 06/23 | Birthday Celebration—Private Party              |
| 05/09 | Concord Police Bicycle Training                   | 06/23 | Hot Tub & Swim Expo                             |
| 05/12 | Repticon: Exotic Animal & Reptile Show            | 06/24 | PWX Professional Wrestling                      |

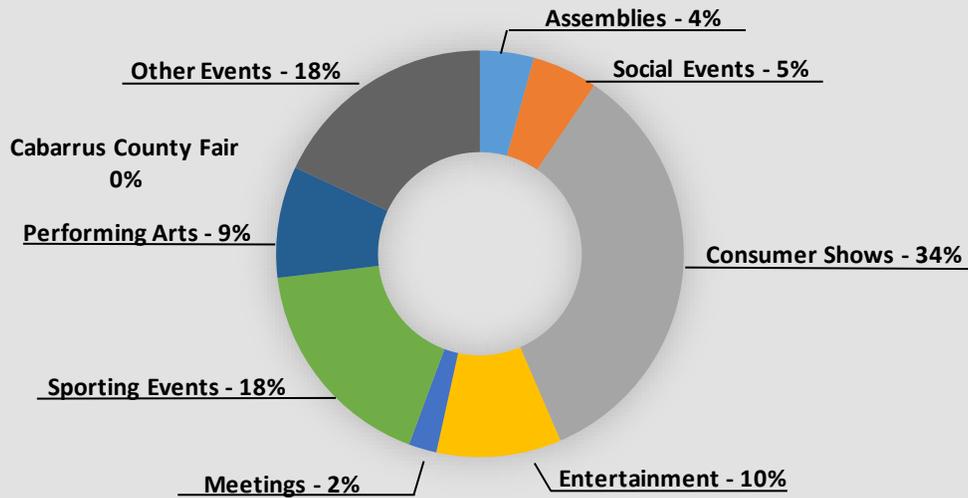
Events highlighted were new in FY2018



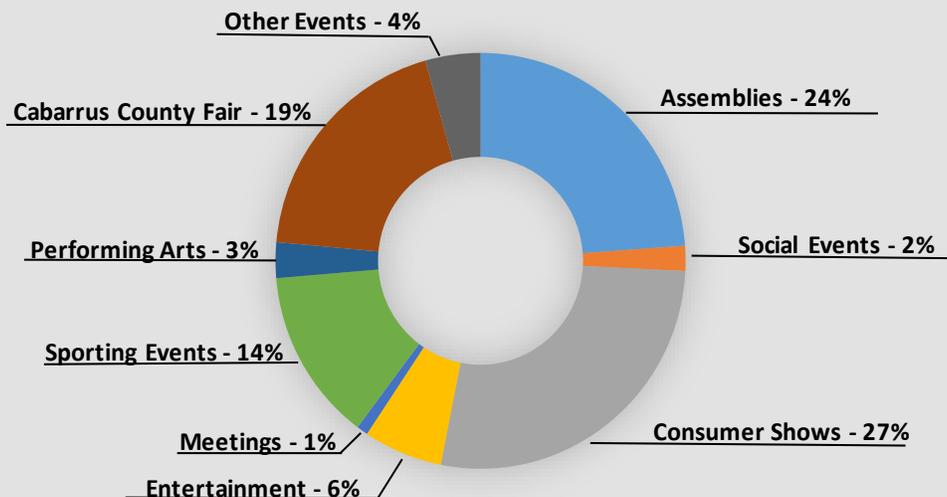
## EVENT DAYS BY EVENT TYPE



## EVENT INCOME BY EVENT TYPE



## ATTENDANCE BY EVENT TYPE



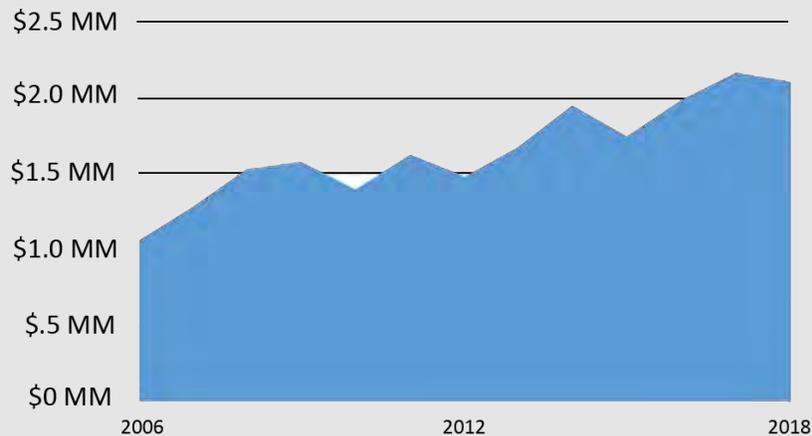
# FINANCE & ADMINISTRATION

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## GROSS REVENUE

(Not including Ticket Sales)

# \$2,113,969



### Rental Revenue

\$542,983

### Service Revenue

\$899,633

### Parking Revenue

\$198,793

### Non - Event Revenue

\$29,079

### Other Event Income

\$37,142

### Net Income

(\$561,148)

### Operating Expenses

\$2,891,254

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## FOOD & BEVERAGE

### Concession Revenue

\$426,936

### Catering Revenue

\$195,540

## OUR EMPLOYEES

### Number of Employees

125

### Total Hours Worked

68,000

### Work Related Injuries

0

# COMMUNITY OUTREACH

SMG’s approach to managing Cabarrus Arena & Events Center is to ensure that the venue is considered a community asset and operated as a civic trust. There are many ways to measure financial performance and other indicators of success for the venue, but the goodwill generated and community support the venue promotes is harder to quantify. In fiscal year 2018, Cabarrus Arena & Events Center implemented a fee structure to provide consistent discounts for charities and non-profit groups that promote the greater good of our community. This discount program, along with other initiatives mentioned below, are some of the ways Cabarrus Arena & Events Center has supported our community over the last year.

- Extending \$517,000 in fee discounts to charities, governmental, and educational organizations that hosted events at the venue.
- Invited twenty non-profit organizations to participate in fundraising opportunities by working as an extension of venue staff during events. These groups raised over \$40,000 in fiscal year 2018 through their work at Cabarrus Arena & Events Center. The total raised through this program since inception is nearing \$700,000.
- Participated in Cabarrus County Schools’ OCS Work Program to support twelve high school students in achieving their graduation requirements. These students worked at Cabarrus Arena & Events Center each school day to build vocational skills that will support them following graduation.
- Partnered with local non-profit organizations to provide on-the-job training and assessment for at least twenty persons with various disabilities.
- Made concentrated efforts to ensure that at least ten percent of all positions were filled by persons with disabilities.

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## Some Organizations We Helped in 2018 . . .

A.L. Brown High School Band  
American Red Cross  
Cabarrus County Convention & Visitors Bureau  
Cabarrus County Government  
Cabarrus County Schools  
Cabarrus Economic Development  
Cabarrus Regional Chamber of Commerce  
City of Concord  
Concord High School Band  
Cox Mill High School Band  
Dance Productions  
Grace Lutheran Church  
Hickory Ridge High School Band  
J.M. Robinson High School Band  
Legacy Dance Company  
Miss Cabarrus County Scholarship Program

Mt. Pleasant High School Band  
Mt. Pleasant Swim Club  
Mt. Pleasant United Methodist Church  
N.C. Cooperative Extension  
N.C. Department of Transportation  
N.C. State University  
NorthEast Foundation  
Northwest Cabarrus High School Band  
Partners for Parks  
Preceptor Beta Psi  
River Rock Church  
Rowan-Cabarrus Community College  
St. John's Lutheran Church  
Stanly Community College Multi-Cultural Club  
Union County Schools  
Wilmon Cousar Project Bridge

# SALES & MARKETING

The Sales & Marketing Department saw significant changes over the past fiscal year. Cabarrus Arena & Events Center restructured its traditional sales and marketing practices. An organizational change was made to separate the marketing function from the sales and event booking functions due to an elevated interest in the venue. This allows the sales staff to concentrate on client development while basic marketing functions received long-overdue attention.

Marketing highlights of the year included the rollout of a new website to fit the unique needs of the venue; the start of a rebranding campaign to establish a polished and consistent message in venue marketing; a focused marketing effort to attract midweek events to the venue; establishment of a social media presence for the venue; increased participation in community events; and incorporating Cabarrus Arena & Events Center in the communications strategy of Cabarrus County government. Some of these initiatives will span multiple years and are already showing encouraging results.

Sales activity over the last twelve months has been impressive. More than 1100 inquiries were answered by the sales staff – a 20% increase from the previous year. In addition to responding to event booking requests and maintaining current client relationships, the sales team implemented a consistent pricing model for clients and researched ways to generate new revenue at the facility. This research included evaluating the venue’s fees compared to similar facilities, assessing the viability advertising and sponsorship sales, and exploring self-promoted, co-promoted, and self-created events at the venue. While these initiatives had no measurable effect in fiscal year 2018, they will prove valuable as Cabarrus Arena & Events Center looks for ways to increase facility use and create revenue growth over the next few years.

The effort provided by the Sales & Marketing department over the last twelve months will provide a solid platform to communicate the venue’s message to guests and potential clients. The key sales metrics introduced over the last year will provide a benchmark to measure the success of new marketing and sales practices over the next twelve to twenty-four months.

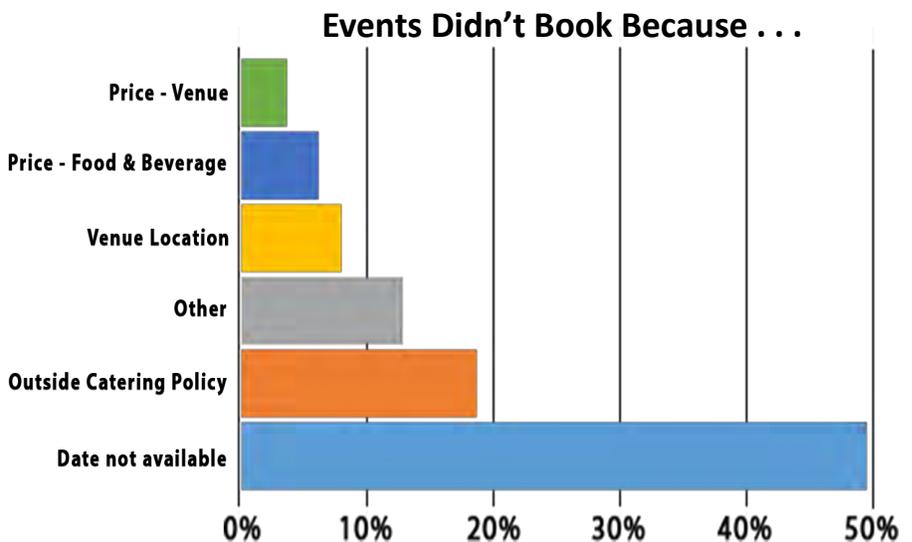


**Debbie Shields**  
Sales & Marketing Manager

 **14,945 Direct Email**  
Constant Contact Newsletter

 **281 Instagram Fans**

 **4,991 Facebook Fans**  
An increase of 880 Fans



# OUR CLIENTS SAY . . .

**"We love having our luncheon at the arena! The staff is amazing."**

**"Your team is awesome. They are always a pleasure to work with. Great consultative sales."**

**"Everyone was wonderful! The staff was great and our event went so well. Our personal thanks to ... all the staff."**

**"Cabarrus Arena & Event Center's management and staff is a pleasure to work with."**

**"Your team is great, friendly, and very helpful."**

**"Thank you for making my special day wonderful."**

**"Very professional staff, very nice venue, very affordable."**

# EVENT MANAGEMENT & FACILITY OPERATIONS

Event Management and Facility Operations departments share a common goal of ensuring that clients and guests enjoy their time at Cabarrus Arena & Events Center. These departments were successful in their efforts to provide a clean and safe facility that accommodates the needs of event promoters as well as guests. Success in these areas is often unnoticed by those visiting the venue.

The Event Management department coordinated event activities for a venue record of 171 individual events spread over 268 event days in fiscal year 2018. Working with their peers in Facility Operations, the Event Management team managed equipment setup, traffic control, parking, security, guest admission, hospitality, and cleaning for the nearly 300,000 guests that visited Cabarrus Arena & Events Center. Client surveys, guest surveys, and other measurements testify to the outstanding service Cabarrus Arena & Events Center's event staff provides.

The Facility Operations department, along with its partners from Cabarrus County's Infrastructure and Asset Management department, continued their excellent work maintaining the facility at a level that leads many first-time clients to comment on the exceptional cleanliness and upkeep that is often lacking at similar venues. In addition to routine maintenance, several large-scale projects were completed that allows Cabarrus Arena & Events Center to better serve its clients and guests. Aisle safety lighting was installed in the arena building, new ceramic tile was installed in the Event Center restrooms, new ceramic tile flooring was laid in the Cabarrus Room's lobby, and the Cabarrus Room's restrooms received a complete renovation.

An important aspect of Event Management and Facility Operations is the development and implementation of safety and security programs at the venue. For several years, all employees have received at least fifteen hours of safety training annually that covered nearly forty topics related to occupational safety and health. In fiscal year 2018, Cabarrus Arena & Events Center began developing a comprehensive Safety & Emergency Management Plan. This plan will be fully implemented by the end of the 2018 calendar year and will guide the venue in identifying safety risks, mitigating those risks, responding to emergencies, and resuming operations when emergency situations have ended.

The past year was another example of how the Event Management and Facility Operations departments contribute to the success of Cabarrus Arena & Events Center. Client and guest comments indicate that the venue is well-maintained and its staff is successful in providing excellent service to its visitors and events.



**Shannon Bulger**  
*Event Services Manager*



**Dwight Workman**  
*Operations Manager*

**"Your staff were so helpful and courteous, we really appreciated you guys going above and beyond"**

# OUR GUESTS SAY . . .

“Beautiful grounds  
and friendly people.”  
– Jennifer S.

“As always, the arena  
is wonderful.”  
– Melissa W.

“It’s neat and well  
maintained.”  
– Vignesh K.

“Really great  
place for family  
entertainment.”  
– Dwayne R.

“The staff was kind  
and welcoming.”  
– Payds R.

“Great place for  
an event.”  
– Mycal E.

“Great staff!  
Fun Events!”  
- Shelby F.

# SAVOR...

SAVOR...Cabarrus, catering by SMG is the exclusive, full-service food and beverage provider for Cabarrus Arena & Events Center. It's mission is to bring a first-class selection of great food and spectacular service to our patrons.

Fiscal year 2018 was one of tremendous change within SAVOR... Cabarrus. The departure of a long-serving department manager stimulated the department's staff members to accelerate their professional development, leverage the strength of SMG's network of culinary resources through its Savor brand, explore new product offerings, enhance guest service, and improve client relationships.

Along with its partners within Cabarrus County government, Cabarrus Arena & Events Center installed digital menu boards in all permanent concession stands and implemented similar technology for portable kiosk locations. This allowed the venue to explore dynamic pricing for events and more easily inform guests of unique concessions options. Another initiative that showed promising results for increasing concession sales was the expanded use of portable concession stands. These portable stands allow more points of sale for large events, allow expanded product options, and reduces wait time for guests. New products were also tested at selected events to measure guest interest. Some were not well-received, but others proved popular enough to gain a permanent place on our concessions menu.

Cabarrus Arena & Events Center did not rest on its reputation for providing great food and excellent service for catered events. Several initiatives implemented throughout the year supported consistent catering pricing, enhanced guest service, and improved client relationships.



**Matthew Blake**  
*Food & Beverage Manager*

The talents of our culinary team, the service offered by our catering staff, and helpfulness of our event staff became the centerpiece of our effort to reverse the decline in catered events experienced over the last few years. These efforts are being rewarded as the venue has seen increased interest in catered events and has secured several high-profile events historically hosted by other venues.

The renewed sense of purpose, focus on providing outstanding service at a reasonable cost, reliance on corporate resources, and the continued concentration on efficiency has positioned SAVOR...Cabarrus to contribute to the venue's revenue growth by attracting new events to Cabarrus Arena & Events Center.

**"The Cabarrus Arena & Events Center's management and staff is a pleasure to work with. We show up ... and everything is taken care of. The food is delicious!!"**



4751 NC Highway 49 North | Concord, NC 28025

(704) 920-3976 | [www.cabarrusarena.com](http://www.cabarrusarena.com)

# CABARRUS COUNTY



## BOARD OF COMMISSIONERS WORK SESSION

**October 1, 2018  
4:00 PM**

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**AGENDA CATEGORY:**

DISCUSSION ITEMS - NO ACTION

**SUBJECT:**

Infrastructure and Asset Management - Parking Deck Update

**BRIEF SUMMARY:**

Staff will provide an update on the parking deck project.

**REQUESTED ACTION:**

No action required.

**EXPECTED LENGTH OF PRESENTATION:**

5 Minutes

**SUBMITTED BY:**

Kyle Bilafer, Area Manager Of Operations

**BUDGET AMENDMENT REQUIRED:**

No

**COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:**

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# CABARRUS COUNTY



## BOARD OF COMMISSIONERS WORK SESSION

**October 1, 2018  
4:00 PM**

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**AGENDA CATEGORY:**

DISCUSSION ITEMS - NO ACTION

**SUBJECT:**

Cardinal Innovations Healthcare Solutions - July 2017 - March 2018 FYTD Dashboard Report for Mental Health, Intellectual/Developmental Disabilities and Substance Abuse Services

**BRIEF SUMMARY:**

Reid Thornburg, Cardinal Innovations Healthcare, Senior Community Executive, will present the Cardinal Innovations Healthcare Solutions Dashboard Report for the period July 2017 - March 2018, for Mental Health, Intellectual/Developmental Disabilities and Substance Abuse Services at the work session.

**REQUESTED ACTION:**

Receive report.

**EXPECTED LENGTH OF PRESENTATION:**

15 Minutes

**SUBMITTED BY:**

Reid Thornburg, Senior Community Executive  
Cardinal Innovations Healthcare Solutions

**BUDGET AMENDMENT REQUIRED:**

No

**COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:**

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**ATTACHMENTS:**

- ▢ Report

Report data as of May 24, 2018. All graphs are county specific unless otherwise noted. Please note that providers have up to 90 days to submit claims and that this will affect the number of members served and expense amounts on this report. The numbers for the previous months will be updated each reporting period.

**Cabarrus Funding**

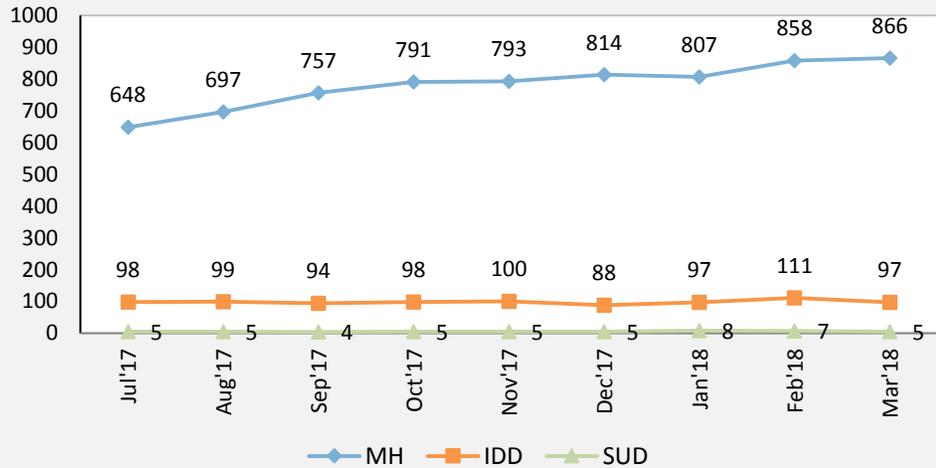
County Funded Programs *	FY Budget Amount	FYTD Expenses	% Spent
CRC Kannapolis	\$15,549	\$11,662	75.0%
CRC Kannapolis Meds	\$32,471	\$25,692	79.1%
CRC Union Meds	\$35,443	\$19,449	54.9%
CRC Union Ops	\$63,889	\$47,917	75.0%
Daymark Adv Access	\$248,688	\$186,516	75.0%
Daymark Med Assistance	\$137,200	\$91,467	66.7%
Daymark Mobile Crisis	\$105,911	\$79,433	75.0%
Monarch DD Emerg Backup	\$1,674	\$1,116	66.7%
<b>Total:</b>	<b><u>\$640,825</u></b>	<b><u>\$463,251</u></b>	<b><u>72.3%</u></b>

NOTE: County "Maintenance of Effort" funds targeting local behavioral health needs may be managed by Cardinal Innovations or by the county. Data shown here only represents county funds managed by Cardinal Innovations.

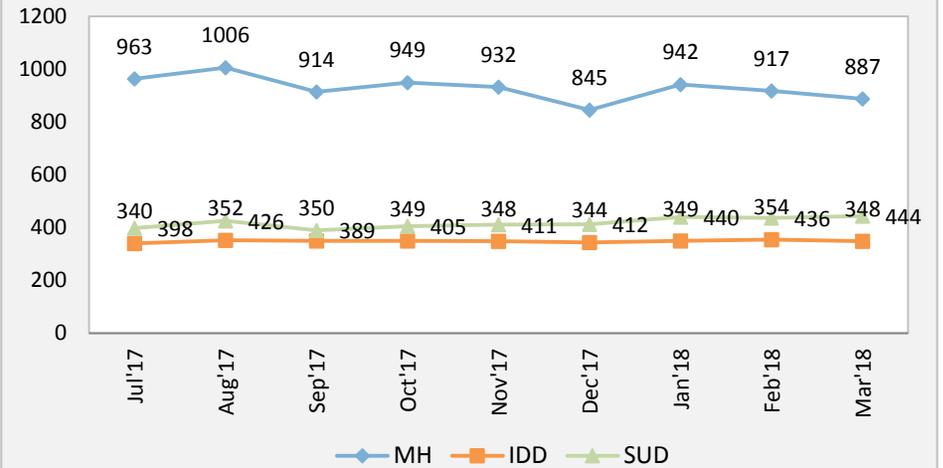
\* Please see Appendix A for County Funded Program definitions.

Number of Members Served by Age and Diagnosis

Child Members Served by Diagnosis  
Ages 3 through 17

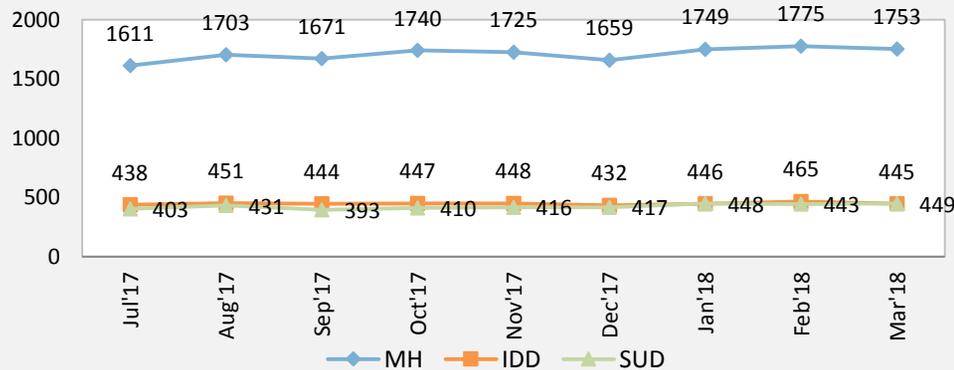


Adult Members Served by Diagnosis  
Ages 18 and over



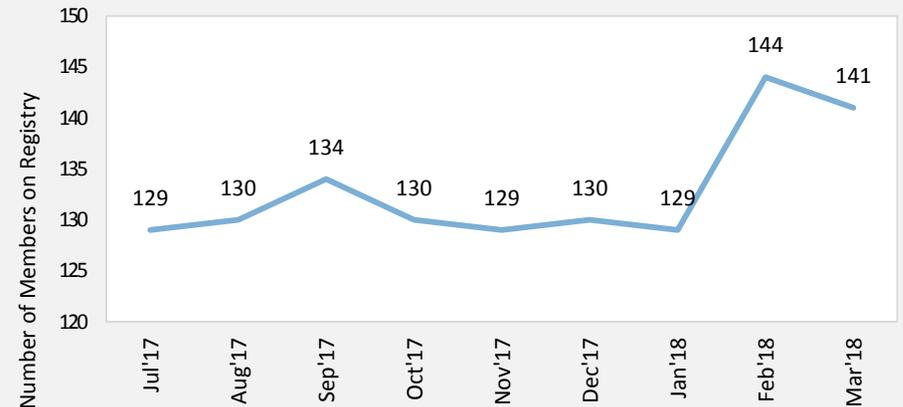
Number of Members Served All Age and All Diagnosis

All Members Served  
Ages 3 and over  
All Diagnosis



Registry of Unmet Needs

Innovations Registry of Unmet Needs



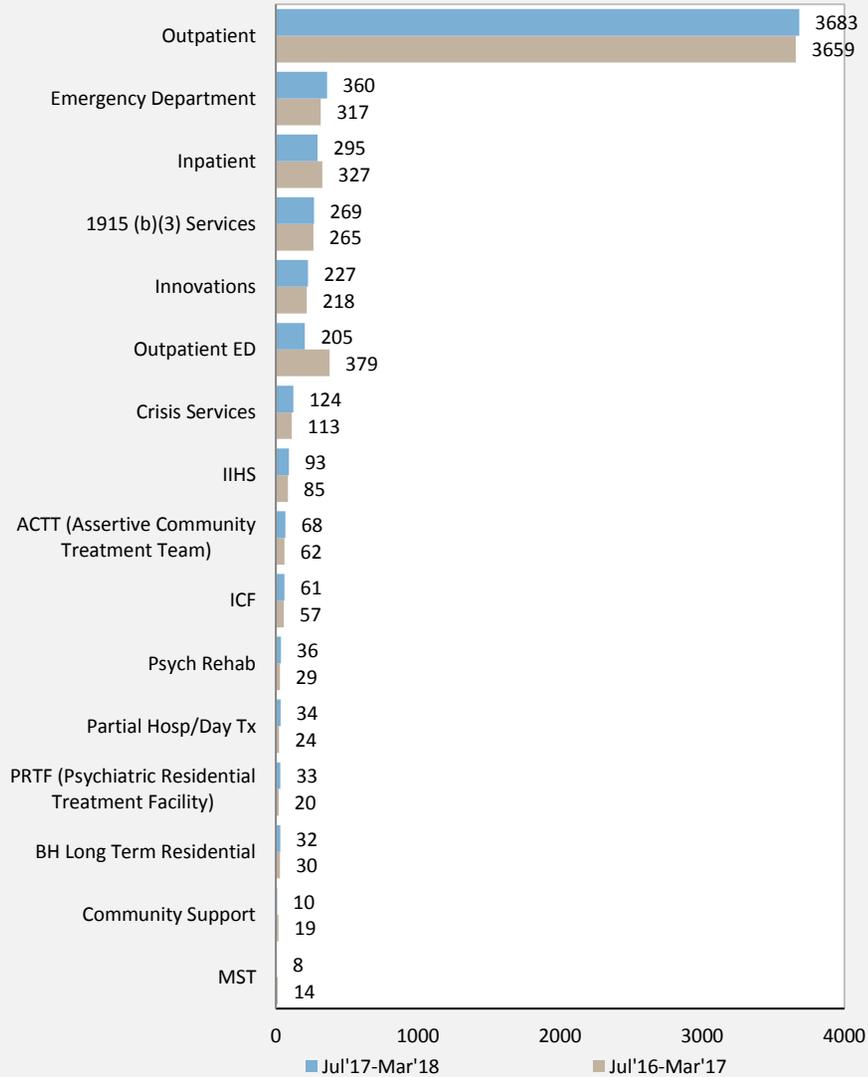
NOTE: This is a distinct count of members served. Members with multiple diagnosis will only be counted once. The sum of the previous graph will not be equal to the total in this graph.

NOTE: Innovations slots and funding are allocated by the state. MCOs have no ability to fund or expand the number of Innovations slots.

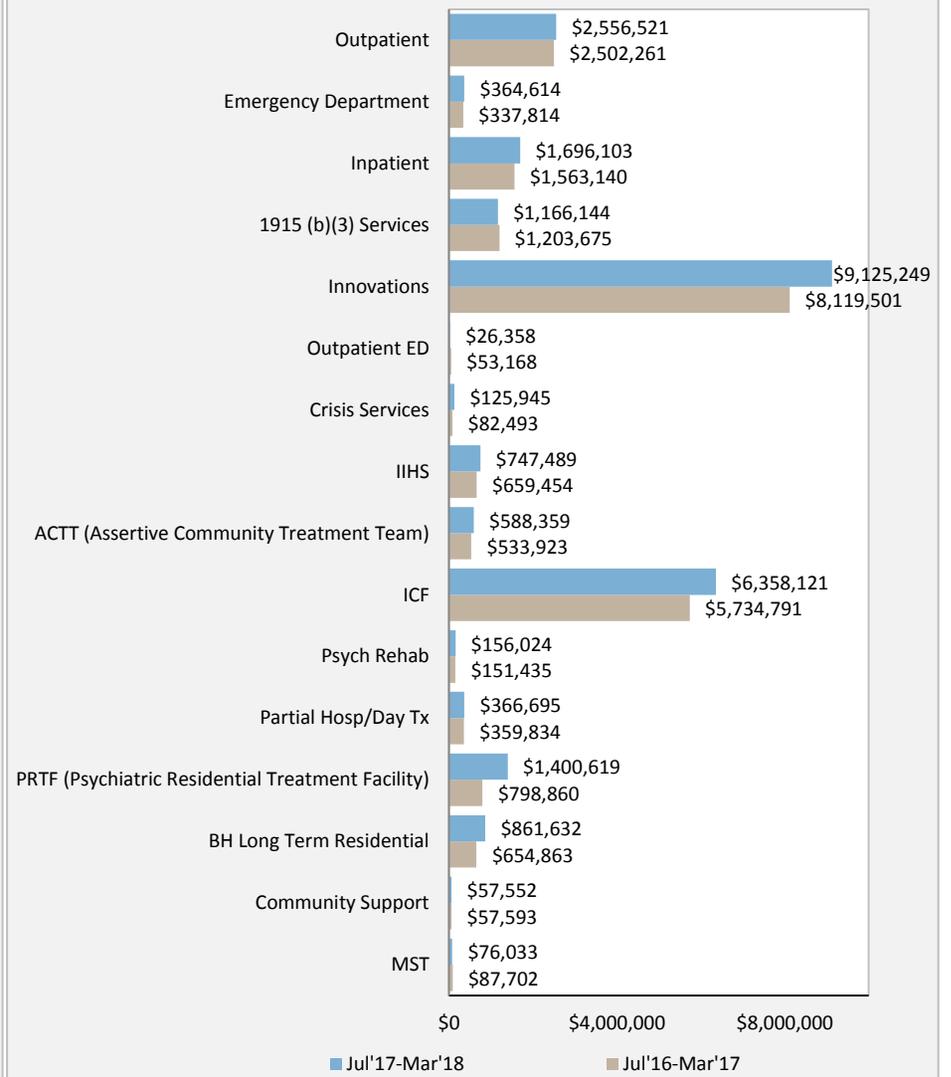
\*Please see Appendix B for Service Category definitions.

**Members Served and Expenses by Service Category**

Distinct Members Served - Medicaid Funding



Expenses by Service Category - Medicaid Funding

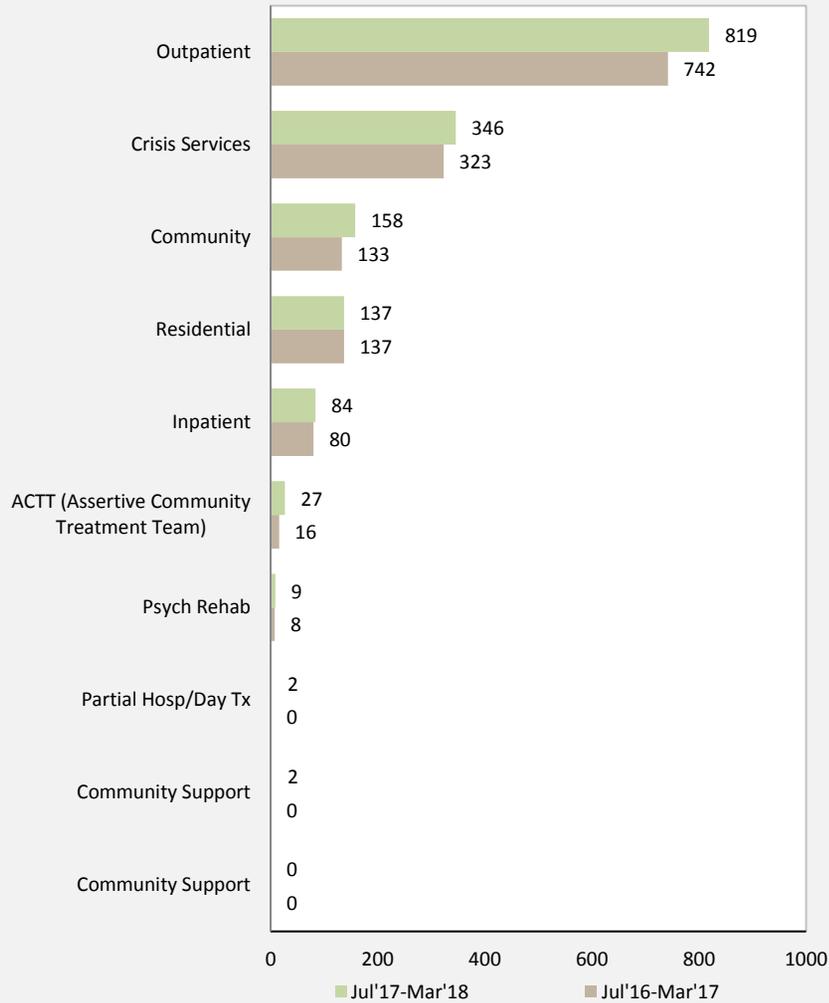


Members Served is based on Member's County of Medicaid Eligibility not on the Provider's physical location. Expenses by Service Categories is based on the Total Paid Amount.

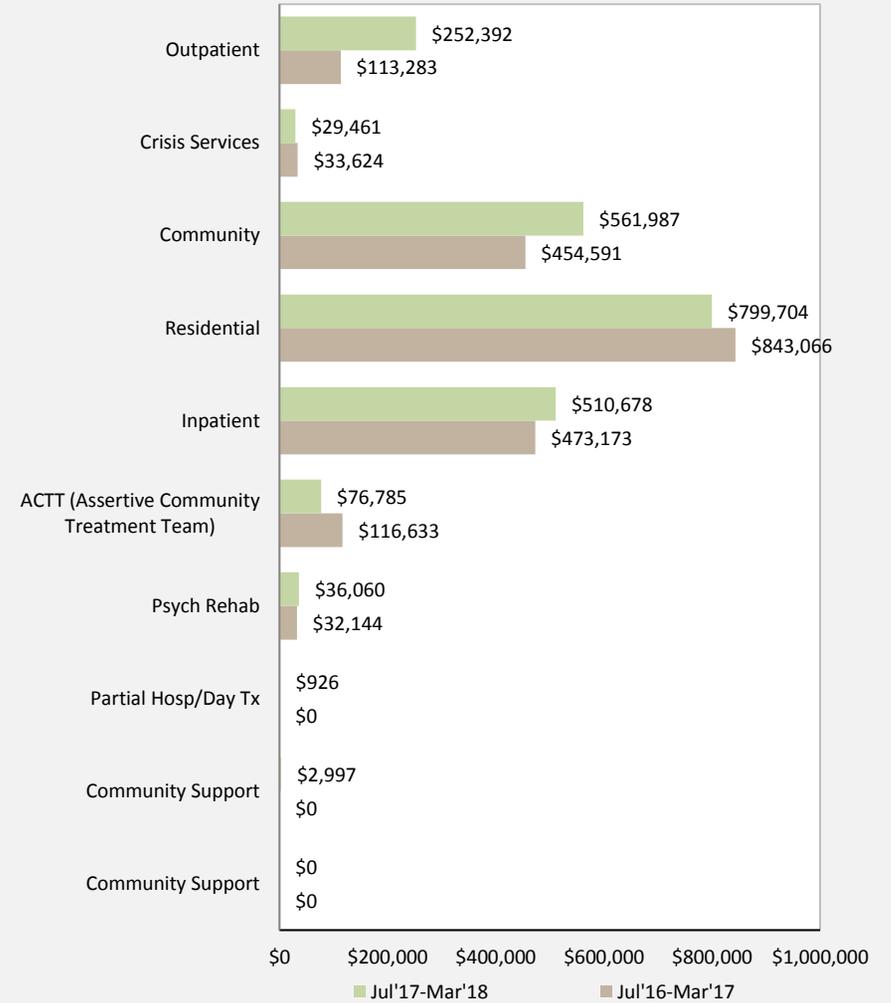
\*Please see Appendix B for Service Category definitions.

**Members Served and Expenses by Service Category**

Distinct Members Served - State Funding



Expenses by Service Category - State Funding



Members Served is based on member's County of Residence not on the Provider's physical location.

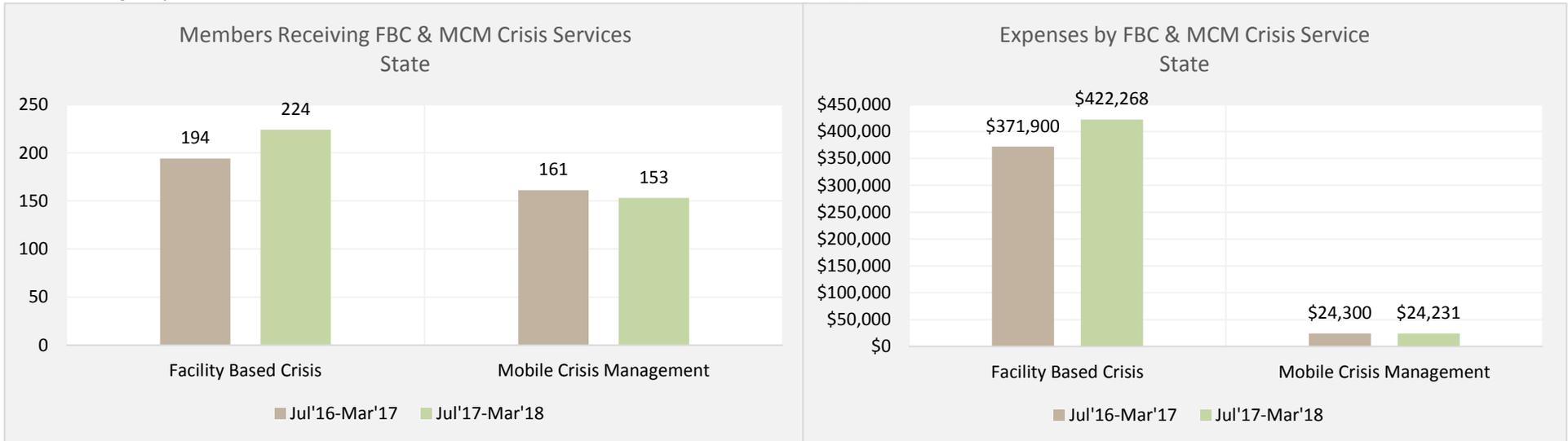
Expenses by Service Categories is based on the Total Paid Amount.

Members Served and Expense Amounts - Facility Based Crisis & Mobile Crisis Management Services



Medicaid Member served for Facility Based Crisis & Mobile Crisis Services are based on the Consumers Eligibility.

Expenses by Facility Based Crisis & Mobile Crisis Services are based on the total Adjudicated Amount.



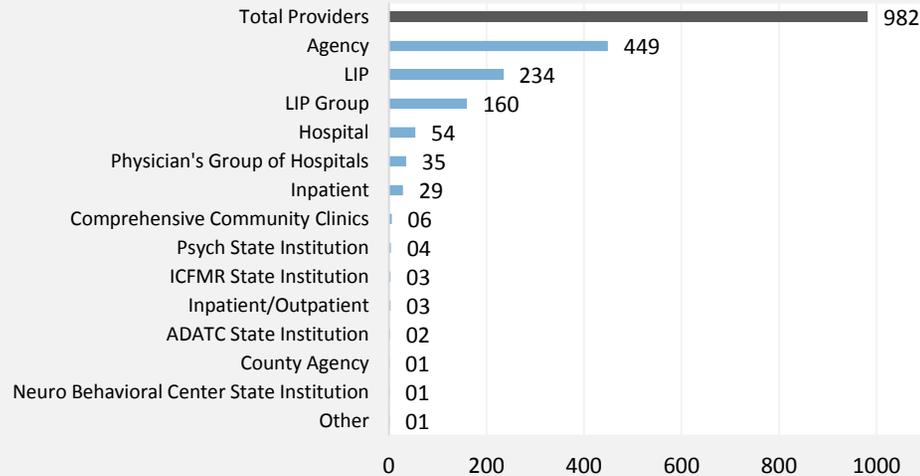
Members Served is based on member's County of Residence not on the Provider's physical location.

Expenses by Service Categories is based on the Total Paid Amount.

\*Please see Appendix C for Entity Type definitions.

Provider Information

All Cardinal Innovations Providers by Entity Type

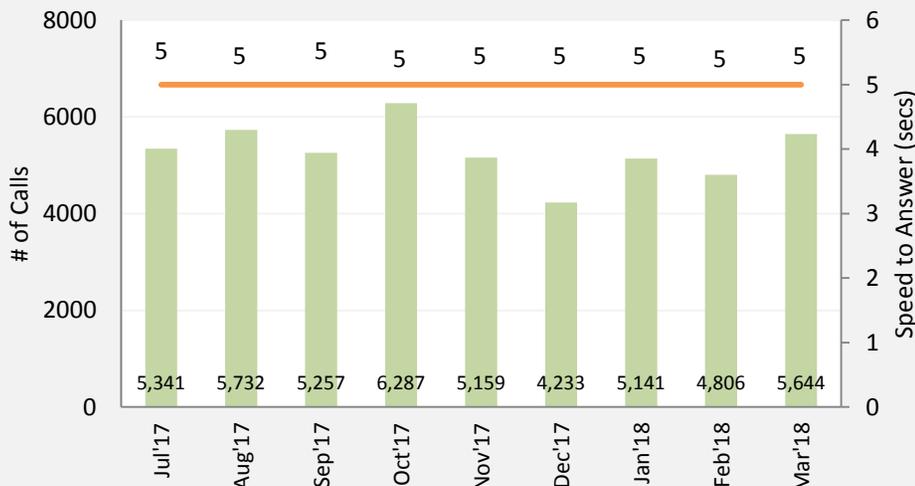


Top 10 Providers by Members Served - Cabarrus	Entity Type
DAYMARK Recovery Services, Inc.(Cabarrus Center)	Comprehensive Community Clinics
The Charlotte - Mecklenburg Hospital Authority dba NorthEast	Inpatient/Outpatient
RHA Health Services, Inc.	Comprehensive Community Clinics
Carolinas Medical Center-Main (FAC)	Inpatient
McLeod Addictive Disease Center, Inc.	Agency
Center For Emotional Health, P.C.	LIP Group
Carolinas HealthCare System Northeast	Inpatient
Monarch	Comprehensive Community Clinics
DAYMARK Recovery Services, Inc. - Mobile Crisis Management	Agency
Daymark - Facility Based Crisis of Cabarrus	Agency

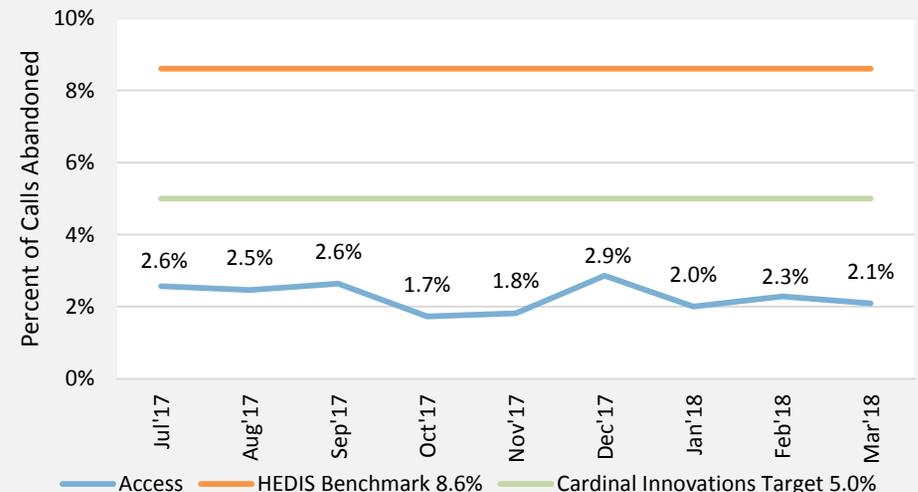
Note: The Top 10 Providers by Members Served is based on member's County of Medicaid Eligibility not on the Provider's physical location.

Access Call Center

Total Number of Calls and Speed to Answer



Call Abandonment Rate



Call Center information in the charts above reflect Cardinal Innovations data and are not county specific.

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**Analysis:**

Please note that providers have up to 90 days to submit claims and that this will affect the number of members served and expense amounts on this report. The numbers for the previous months will be updated each reporting period.

**Members Served by Age and Diagnosis**

The number of Child MH Members Served has been trending upward for the duration of FYTD1718.

**Innovations Registry of Unmet Needs – A list of members who are waiting for an Innovations Waiver Slot**

The Innovations Registry of Unmet Needs experienced an increase in Feb'18.

**Members Served and Expense Amounts by Service Category - Medicaid**

For FYTD1718, Outpatient services remained the most utilized service, while Innovations and ICF services remained the highest in terms of expense. Outpatient ED services experienced a decrease of 46% (379 to 205) in utilization and a decrease of 50% (\$53,168 to \$26,358) in expense. Much of this decrease can be attributed to denied claims for a single provider, who has been submitting claims with a rendering clinician that is not credentialed with Cardinal Innovations as a behavioral health clinician. Innovations services experienced an increase in utilization of 4% (218 to 227) and an increase in expense of 12% (\$8,119,501 to \$9,125,249). PRTF services experienced an increase in utilization of 65% (20 to 33) and in expense of 75% (\$798,860 to \$1,400,619).

**Members Served and Expense Amounts by Service Category - State**

Outpatient services experienced an increase in expense of 123% (\$113,283 to 252,392), though utilization only increased by 10% (742 to 819). Much of the increase in expense can be attributed to Opioid Treatment services, which only accounted for \$863 in expenses during the first 3 quarters of FY1617, but accounted for \$128,617 of the Outpatient expenses for FYTD1718. ACTT services experienced a decrease in expense of 34% (\$116,633 to \$76,785) despite an increase in utilization of 69% (16 to 27). This increase in utilization can be attributed to new billing requirements that were implemented in February of 2017. Providers are now required to submit claims with any member contact with a duration of fewer than 15 minutes.

**Members Served and Expense Amounts for Crisis Services**

Utilization of Medicaid funded Facility Bases Crisis services increased by 38% (37 to 51), and expenses increased by 67% (\$67,646 to \$112,610) compared to the previous fiscal year. Both utilization and expense for Mobile Crisis Management services remained consistent for Medicaid and State funding.

**Call Abandonment Rate**

There was an increase in the Call Abandonment Rate in December'17 due to some calls disconnecting between 1-2 seconds or less of the Call Center receiving the call. Call Center management has rectified the issue, and the rate has returned to normal as of Jan'18.

Appendix A

County Funded Program	County Funded Program Description
CRC Kannapolis	Facility based crisis, short-term residential and non-hospital detox facility. The facility is equipped to address detoxification and acute psychiatric needs. The CRC is able to admit involuntary patients.
CRC Kannapolis Meds	Prescription medications for non-Medicaid, uninsured, and indigent members admitted to the Crisis Recovery Center (CRC) who are in need of stabilization of their mental/behavioral health symptomatology and/or related physical health issues.
CRC Union Meds	Prescription medications for non-Medicaid, uninsured, and indigent members admitted to the Crisis Recovery Center (CRC) who are in need of stabilization of their mental/behavioral health symptomatology and/or related physical health issues.
CRC Union Ops	Facility based crisis, short-term residential and non-hospital detox facility. The facility is equipped to address detoxification and acute psychiatric needs. The CRC is able to admit involuntary patients.
Daymark Adv Access	Community-based treatment of individuals that assures the right treatment at the right time. Individuals are seen expeditiously in times of stress to attempt to minimize exacerbation of a crisis and limit the potential of a higher level of care being required.
Daymark Med Assistance	Prescription medications for non-Medicaid, uninsured, and indigent members who are in need of prescription medications for the stabilization of their mental/behavioral health symptomatology and/or related physical health issues.
RTS Transp	Funds transportation for SUD consumers to treatment and programs offered at Residential Treatment Services.
Daymark Med Assistance	Prescription medications for non-Medicaid, uninsured, and indigent members who are in need of prescription medications for the stabilization of their mental/behavioral health symptomatology and/or related physical health issues.
Daymark Mobile Crisis	Community-based crisis intervention service available 24/7/365 to assist with mental health, substance use, and developmental disability needs. Trained crisis staff offer direct, in-person intervention where individuals are located at the time of need.

Appendix B

**Mandated service categories effective 7/1/2013.**

Service Category	Definition
1915 (b)(3) Services	Additional supports for Medicaid recipients such as Community Guide and Individual Support.
ACTT	Assertive Community Treatment Team - services received in the community that address functional areas of the identified population.
BH Long Term Residential	A long-term residential program for people with behavioral health needs.
Community	Services that are provided in the community.
Community Support	Community based mental health and substance abuse rehabilitation services and interventions.
Crisis Services	Services received in a crisis or emergency situation such as Mobile Crisis and Facility-based crisis.
Emergency Department	Hospital emergency department.
ICF	Intermediate Care Facility for individuals with Intellectual Disabilities.
IIHS	Intensive In-Home Services - services provided in the person's home by a small team with at least one Licensed Professional.
Innovations	Medicaid Waiver for individuals with Intellectual Disabilities.
Inpatient	Hospital-based psychiatric care.
MST	Multisystemic Therapy is a family and community-based therapy for juveniles.
Outpatient	Services received in the community including evaluation, therapy, and psychiatric care.
Outpatient ED	Services provided in a hospital Emergency Department on an outpatient basis.
Partial Hosp/Day Tx	A short-term service for acutely mentally ill children or adults designed to prevent hospitalizations or to serve as a step down for those leaving an inpatient facility.
Residential	Group settings that serve people across all disability groups.
PRTF	Psychiatric Residential Treatment Facilities provide residential care to persons under the age of 21 who need 24-hour supervision and specialized interventions.
Psych Rehab	Service to help adults with psychiatric disabilities manage their illness and their lives with as little professional intervention as possible.

Appendix C

**Mandated Entity types effective 11/1/2017.**

Entity Type	Definition
Agency	Agencies provide one or more enhanced clinical/therapeutic/rehabilitative/habilitative service to MH, SUD, IDD, or multiple diagnosis groups.
LIP	Licensed Independent Practitioner (LIP) - Individual Clinicians, Therapists, Psychiatrists, Psychologists, etc. that are individually contracted with the MCO. They provide outpatient services such as therapy, psychiatric care, assessment and testing.
LIP Group	Licensed Independent Practitioner (LIP) Groups are a group of clinicians, Therapists, Psychiatrists, Psychologists, etc. providing outpatient services such as therapy, psychiatric care, assessment, and testing. They contract with the MCO as a group.
Hospital	Non-contracted Hospitals for which we reimburse Emergency Department services and Inpatient services.
Physician's Group of Hospitals	A group of physicians, contracting or non-contracting, associated with hospitals but not employed by the facility. Considered non-contracting unless otherwise specified.
Inpatient	Hospital providing contracted behavioral health Inpatient and Emergency Department services.
Comprehensive Community Clinics	Agency based entities providing a number of services, including assessment, enrollment, Outpatient and Psychiatric services, and serve at least two disabilities. They are designated points of entry that ensure easy access for members.
Inpatient/Outpatient	Hospital providing contracted behavioral health Emergency Department and Outpatient services.
Psych State Institution	State run Psychiatric care facility for children and adults.
ICFMR State Institution	Intermediate Care Facilities for Persons with Mental Retardation (ICF/MR) - State run Intermediate Care Facility serving IDD Adults and children.
ADATC State Institution	Alcohol Drug Abuse Treatment Center (ADATC) State Institution-A state run SUD Adult facility which provides medical detox and medically monitored residential treatment.
County Agency	Public health agency.
Neuro Behavioral Center State Institution	State run medical and nursing care facility for individuals with severe or moderate developmental disability (IDD) and medical conditions of a serious or chronic nature requiring 24 hour care.
Senate Bill 163	Residential Facility located in-catchment but affiliated with another MCO/LME with local Quality Management mandated site visits and limited oversight required.
Other	Other entity not elsewhere defined.

# CABARRUS COUNTY



## BOARD OF COMMISSIONERS WORK SESSION

**October 1, 2018  
4:00 PM**

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**AGENDA CATEGORY:**  
DISCUSSION ITEMS FOR ACTION

**SUBJECT:**  
BOC - NCACC Solicitation of County Legislative Goals

**BRIEF SUMMARY:**  
Every two years, North Carolina Association of County Commissioners (NCACC) members engage in a process to determine the legislative goals that are in the best interest of counties. The NCACC Goals-setting process begins in August of even-numbered years and consists of five stages: beginning with the solicitation of county proposals and ending with the adoption of the legislative agenda at the Legislative Goals Conference.

The original deadline for submission for legislative goals was September 21st, and was extended to October 5th due to Hurricane Florence. Goals submitted by or before the deadline will be referred to a steering committee for review and consideration.

**REQUESTED ACTION:**  
Motion to suspend the Rules of Procedure in order to take action due to time constraints.

Motion to approve the 2018-19 proposed legislative goals for submission to the North Carolina Association of County Commissioners.

**EXPECTED LENGTH OF PRESENTATION:**  
10 Minutes

**SUBMITTED BY:**  
Mike Downs, County Manager  
Lauren Linker, Clerk to the Board

**BUDGET AMENDMENT REQUIRED:**

No

**COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:**

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**ATTACHMENTS:**

- ▣ 2016-17 Goals Submission
- ▣ 2018-19 Proposed Goals Submission



## Cabarrus County Legislative Goals Submission

### Cabarrus County 2016-2017 Legislative Goals

1. Request Federal and State legislatures to stop passing on unfunded mandated programs to local governments.
2. Schools - Return North Carolina Lottery revenues to the schools' operating and capital improvement budgets. Return to original allotment structure and funding levels.
3. Board of Elections –
  - a. Allow for the creation of larger voting districts.
  - b. Allow county to reduce amount of operational voting precincts.
  - c. Continue to permit Early and One Stop voting programs.
4. Require/permit state administrative offices to provide "sales tax" information when requested by counties/cities for their budgeting purposes.
5. Allow local public health departments/alliances to create and collect fees for restaurant inspections.
6. Oppose collective bargaining programs for local government employees.
7. Oppose shift of NCDOT (N.C. Department of Transportation) responsibilities to the counties.
8. Support the State's Pilot Project to Benefit Local Farmers and Lower Income Households.
9. Maintain Medicaid funding at current levels.
10. Reinstate sales tax exemption for public schools.
11. Study the impact to local government finances of exempting nonprofits from the requirement of paying property taxes and review possible payment in lieu of taxes requirements.
12. Address current unfunded mandates (DSS, Schools, Jail, etc.) by providing additional funding or additional funding sources.
13. Change NC Rural Center's grant/loan award criteria to more closely match the USDA Rural Development aid requirements (specifically, remove the prohibition against aid to municipalities in Tier 3 counties).
14. Authorize local option revenue sources already given to any other jurisdiction.
15. Revise current tier structure for counties to become more equitable with respect to the recruitment of and expansion of jobs within North Carolina.
16. Protect Soil & Water Conservation grants and/or funding streams per the "2016 Policies, Positions & Action Items".
17. Reinstate the Asset Test to Determine eligibility for the Food and Nutrition Program.
18. Reinstate full funding for school growth based on Average Daily Membership (ADM).
19. Increase State funding within the Adult Protective Services Area, including funding for guardianship services.

20. Improve policies within the Child Care Fraud Area to hold harmless counties in pursuit of fraudulent activities by clients.
21. Support local input and citizen involvement through requiring a referendum prior to legislative action to redistrict county commission boards.
22. Maintain the 1115 Waiver to provide NC Medicaid Cost Report Settlements to municipal EMS agencies.
23. Pursue Medicaid reimbursement options for community paramedic services.
24. Continue to support NCACC goal TF-5 "Support legislation to restore state aid funding of public libraries to the pre-2011 level of \$15.7 million and eliminate special provisions that distribute state aid outside of the equitable formula developed by the State Library Commission.
25. Oppose any shifts of charter school capital costs to counties.
26. Support the adjustment of local contributions to match the services that charter schools are required to provide.
27. Support flexibility for local boards of elections to re-organize precincts in order to create more uniform precinct sizes.

# **Cabarrus County Board of Commissioners**

## **2018-2019 Legislative Goals**

### **Unfunded Mandates**

1. Request Federal and State Legislatures to avoid passing any legislation that results in unfunded mandates for local governments.
  - A. Provide additional funding for Human Services, Public Schools, and Jails to meet the current needs of the county.
  - B. Maintain or increase current levels of Medicaid Funding.

### **Local Option Revenues**

1. Provide additional opportunities for local option revenues.
  - A. Flexibility in sales tax revenues.
  - B. Support counties efforts to increase local revenues. When appropriate allow requests to move forward pending local voter approval.
  - C. Authorize all local option revenue sources that have previously been given to other counties.
  - D. Require state administrative offices to provide sales tax information when requested by counties for budgeting purposes.
  - E. Reinstate sales tax exemption for school systems.

### **Collective Bargaining**

1. Oppose collective bargaining for all state and local government employees.

### **Schools**

1. Oppose any shift of charter school capital funding to counties.
2. Support the adjustment of local contributions to match the services that charter schools are required to provide.
3. Return proceeds from the North Carolina Education Lottery Funds to their original 40% of the total proceeds going to counties for school capital needs.
4. Reinstate full funding for school growth based Average Daily Membership. (ADM)

## Human Services

1. Revise and make appropriate adjustments to County MOU requirements in the performance measures required by HB630. The DSS performance measures should match federal requirements; concessions should be made for extenuating circumstances beyond a DSS' control related to court system, mental health services, and client cooperation; and DSS' need reliable data reports and access to track performance measures.
2. Advocate for increased funding for Adult & Aging Services to support Adult Protective Services and Guardianship.
3. Advocate for hold harmless provisions and staggered payment plans to control/cap the liability to counties under the Medicaid and NCHC Overpayment recoupment plan which holds counties financially responsible for the erroneous issuance of Medicaid benefits and Medicaid claims payments resulting when the county DSS takes any action that requires payment of Medicaid claims for an ineligible individual...the Division will recoup from the county any amounts paid relating to deductibles, co-pay, co-insurance, premiums and PML as a result of the erroneous eligibility and/or incorrect calculation of the PML. Adult Medicaid and Long Term Care cases could result in substantially large paybacks and cause undue hardship on counties with only 60 days to recoup payment. Some counties are opting to purchase liability insurance.
4. Advocate for more Child Care Subsidy funding to address waiting lists and for the state to utilize federal block grants for the intended purpose and not supplant federal dollars for state dollars (ex. In the short session the General Assembly supplanted \$50m of Child Care Development Block Grant funds for other purposes, which reduced the number of subsidy slots for addressing day care subsidy waiting lists in counties).

## **General Legislation**

1. Support local citizen involvement by requiring a local referendum prior to legislative actions to change existing procedures for electing county commissioners, ie. creating districts, territories, etc.
2. Study the impact to local government finances of exempting nonprofits from the requirement of paying property taxes and review possible payment in lieu of taxes requirements.
3. Improve the Tier rating system by allowing smaller towns and cities located in Tier Three counties to compete for all available grants by creating split tiered counties.
4. Change North Carolina Rural Center's grant/loan award criteria to more closely match the USDA Rural Development aid requirements – specifically related to prohibition against aid to municipalities in Tier 3 counties.

## **Medicaid**

1. Pursue Medicaid reimbursement options for Community Paramedic services.

## **Board of Elections**

1. Support the creation of larger voting districts'
2. Allow counties to reduce the amount of operational voting precincts.
3. Continue to permit early voting districts.
4. Support flexibility for local Boards of Elections to re-organize precincts in order to create more uniform precinct sizes.

## **Mental Health**

1. Request to revisit and reexamine the current North Carolina Certificate of Need (CON) law, which prohibits health care providers, including mental health facilities, from acquiring, replacing or adding to their facilities without the prior approval of the Department of Health and Human Services. Exploration of the CON law would reveal limitations associated with available services, restrictions based on provider geographic location and the most cost effective and efficient service provisions. By reviewing and making necessary revisions to the CON law, it would allow providers to increase capacity through site expansion, increase bed availability and more adequately meet the needs of residents.

2. Recommend the creation of a Medicaid opt-in program, which would allow residents of North Carolina to choose Medicaid through a pay for premium based system. This recommendation is based on the limitation of commercial insurance services provided in the areas of advanced mental health access.

### **Early Childhood Education**

1. Request for additional funding to support early childhood education programs.

### **Environmental**

1. Protect Soil & Water Conservation Grants and/or funding streams per the “2016 Policies, Positions, & Actions Items”.

### **Library System**

1. Support legislation to restore state aid funding of public libraries to the pre-2011 level of \$15.7 million and eliminate special provisions that distribute state aid outside of the equitable formula developed by the state library system.

# CABARRUS COUNTY



## BOARD OF COMMISSIONERS WORK SESSION

**October 1, 2018  
4:00 PM**

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**AGENDA CATEGORY:**  
DISCUSSION ITEMS FOR ACTION

**SUBJECT:**  
County Manager - Public Service Company of North Carolina Easement at West Cabarrus High School

**BRIEF SUMMARY:**  
Public Service Company of North Carolina (PSNC) requires that an easement be granted for the natural gas service line at West Cabarrus High School. A copy of the easement document and map are attached.

**REQUESTED ACTION:**  
Motion to approve the easement between Cabarrus County and Public Service Company of North Carolina and authorize the County Manager to execute the easement document on behalf of Cabarrus County, subject to review or revisions by the County Attorney.

**EXPECTED LENGTH OF PRESENTATION:**  
1 Minute

**SUBMITTED BY:**  
Jonathan B. Marshall, Deputy County Manager

**BUDGET AMENDMENT REQUIRED:**  
No

**COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:**

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**ATTACHMENTS:**

- Easement and Maps

## UTILITY EASEMENT

PREPARED BY: Jane Foy Painter, Mullen, Holland, & Cooper, P.A., Attorneys at Law  
RETURN TO: PSNC Energy  
(Attn: Brian Slagle, Engineering Dept.)  
800A Gaston Road  
Gastonia, North Carolina 28053

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

Project No. 0065444

Know all men by these presents that for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid to **CABARRUS COUNTY**, a body politic and political subdivision of the State of North Carolina (hereinafter designated "Grantor"), the receipt of which is hereby acknowledged, the Grantor hereby bargains, sells, and conveys unto **Public Service Company of North Carolina, Incorporated**, a South Carolina corporation, dba PSNC Energy (hereinafter designated "Grantee"), and its successors and assigns, a perpetual and exclusive utility easement ten (10) feet in width for the purpose of installing, laying, constructing, maintaining, operating, repairing, altering, replacing, and removing gas pipeline equipment (including but not limited to valves, regulators, meters, fittings, appliances, tie-overs, pipe line markers, communications and corrosion control equipment, fencing, appurtenant facilities, and multiple gas lines) for the transportation and control of natural gas under, upon, over, through and across lands of Grantor, or in which Grantor has interest situate in Cabarrus County, North Carolina as conveyed to the Grantor by those deeds recorded in Book 12097 at Pages 185 and 189 in the Cabarrus County Registry, together with rights of ingress and egress over and across the easement and the remaining lands of the Grantor for the purpose of obtaining access to and from the easement. The easement shall be generally located as shown on Exhibit "A" drawings attached hereto and incorporated herein by reference. The centerline of the pipeline as installed and/or constructed shall be the centerline of the ten (10) foot easement hereby conveyed.

The Grantee shall have the right to assign this Easement in whole or part at any time.

The Grantee shall have the right to remove all trees, undergrowth, and other obstructions which may be located within the easement that may injure, endanger, or interfere with the construction, operation, maintenance, and repair of the pipeline.

The Grantor may make full use and enjoyment of the lands and premises included within the easement herein granted in any manner not inconsistent with the use and purpose of said land by the Grantee; provided, however, that the Grantor, its successors and assigns, shall not construct nor permit to be constructed any house or other permanent structure, nor plant trees or large shrubs, nor allow to be placed or installed any other obstruction, temporary or permanent, that could damage the pipeline or interfere with operation, maintenance or repair of the pipeline by the Grantee, including, but not limited to the accumulation of garbage, rubble, disabled vehicles, tires, or debris of any kind, nor impound nor permit to be impounded any water, on or over the entire area specifically covered by this easement. The Grantor, its successors, and assigns, may build roads, streets or utilities which cross the pipeline located on the easement, but may not construct within and along said pipeline easement any such utilities which run parallel therewith. Utility crossings of the pipeline must provide a minimum two (2) feet vertical clearance above or below the pipeline. Fences may be installed by the Grantor crossing the easement, but only after obtaining advance written approval of the Grantee, and such fences must meet specifications of the Grantee for type and must provide accessibility to the easement suitable to Grantee. The Grantor, for itself, its successors, and assigns, further agrees not to build road, street or utility crossings, or fence crossings, or to change the grade within the easement in any manner which will reduce or increase the cover over the pipeline or within the easement, unless approved in writing in advance by Grantee. Grantor shall notify Grantee in writing

at least 30 days prior to any construction or maintenance activity within the area specifically covered by this easement to obtain such approval and to allow Grantee's representative to be present during such activity. Pipeline markers shall not be relocated or removed from the easement.

To have and to hold said utility easement unto the Grantee, its successors, and assigns, in title forever and the undersigned hereby binds itself, its successors, and assigns to warrant and forever defend all and singular said premises unto the Grantee, its successors, and assigns, against the claims of all persons whomsoever.

It is understood and acknowledged by the undersigned that the person securing this grant is without authority to make any agreement with regard to the subject matter hereof which is not expressed herein, and that no such agreement will be binding on the Grantee.

IN WITNESS WHEREOF this instrument is signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

**CABARRUS COUNTY**

By: \_\_\_\_\_ (SEAL)  
Printed Name: Stephen M. Morris  
Title: Chairman of the Board of Commissioners

Corporate Seal)

ATTEST:

\_\_\_\_\_  
Lauren Linker, Clerk to the Board

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, State of North Carolina, do hereby certify that Lauren Linker, (the "Signatory"), personally appeared before me this day and acknowledged that she is the Clerk to the Board of Commissioners of CABARRUS COUNTY, a body politic and political subdivision of the State of North Carolina, and that by authority duly given and as the act of the County, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal and attested by her as its Clerk to the Board.

I certify that the Signatory personally appeared before me this day, and

*(check one of the following)*

\_\_\_\_\_ (I have personal knowledge of the identity of the Signatory); **or**

\_\_\_\_\_ (I have seen satisfactory evidence of the Signatory's identity, by a current state or federal identification with the Signatory's photograph in the form of:

*(check one of the following)*

\_\_\_ a driver's license or

\_\_\_ in the form of \_\_\_\_\_); **or**

\_\_\_\_\_ (a credible witness has sworn to the identity of the Signatory).

The Signatory acknowledged to me that she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

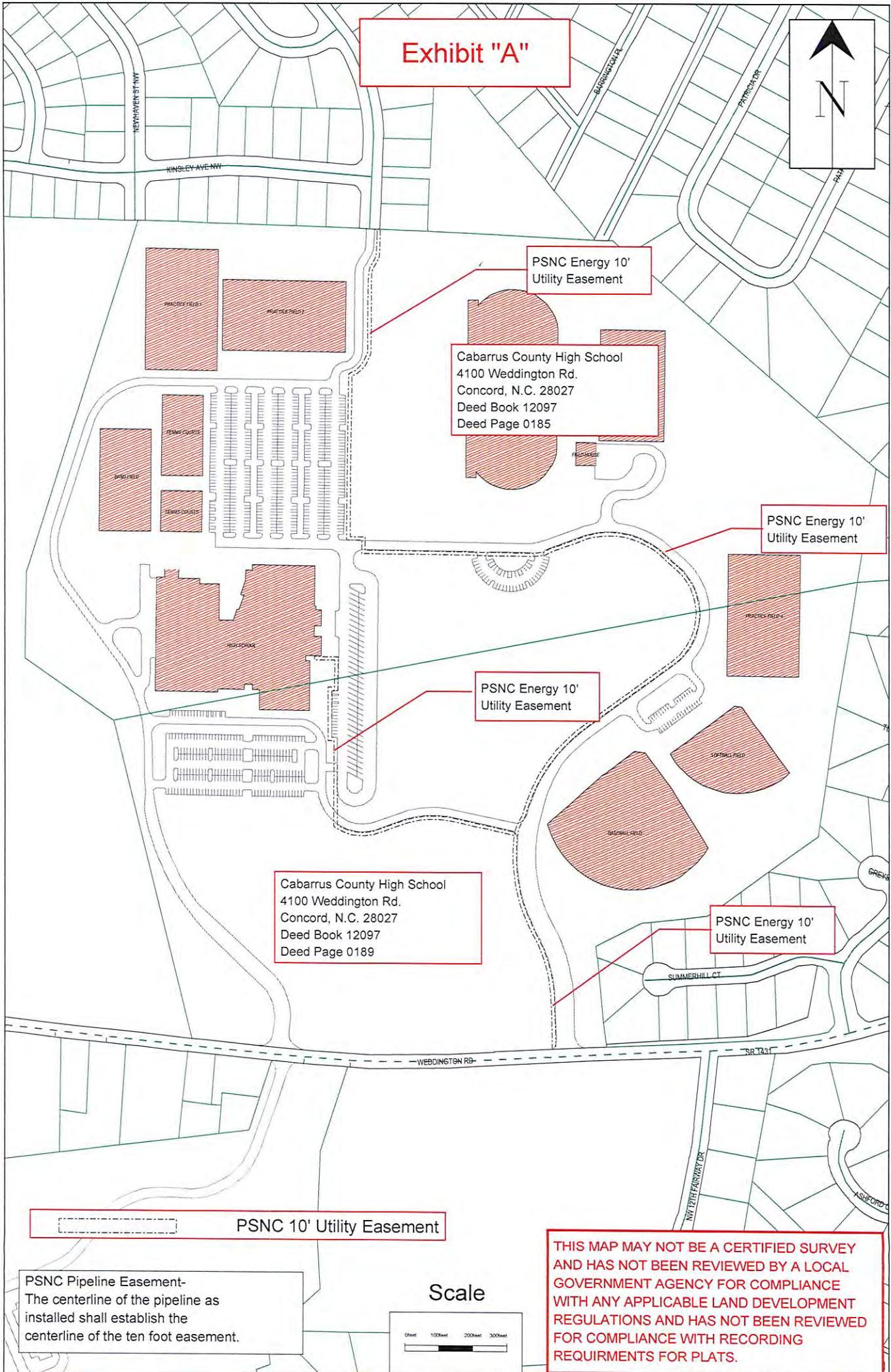
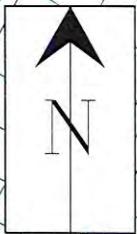
Print Name: \_\_\_\_\_

**[Note: Notary Public must sign exactly as on notary seal]**

My Commission Expires: \_\_\_\_\_

☞ [NOTARY SEAL] **(MUST BE FULLY LEGIBLE)**

**Exhibit "A"**

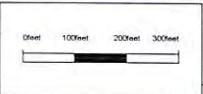


Cabarrus County High School  
4100 Weddington Rd.  
Concord, N.C. 28027  
Deed Book 12097  
Deed Page 0189

Cabarrus County High School  
4100 Weddington Rd.  
Concord, N.C. 28027  
Deed Book 12097  
Deed Page 0185

PSNC 10' Utility Easement

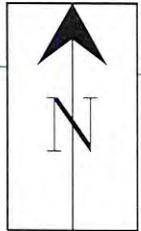
**PSNC Pipeline Easement-**  
The centerline of the pipeline as installed shall establish the centerline of the ten foot easement.



**THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.**

<b>PSNC ENERGY</b> A SCANA COMPANY 800a Gaston Rd., Gastonia, NC 28056	Author:	Brian Slagle	
	Checked By:		
PSNC Energy Utility Pipeline Easements Cabarrus County Concord, NC	Approved By:		
	Page:	1 of 4	Project Number
	CP Number:		0065444
	Date:	09/12/2018	

**Exhibit "A"**



PSNC Energy 10'  
Utility Easement

Cabarrus County High School  
4100 Weddington Rd.  
Concord, N.C. 28027  
Deed Book 12097  
Deed Page 0185

STADIUM TRACK & FIELD

See sheet 3 of 4

PSNC 10' Utility Easement

PSNC Pipeline Easement-  
The centerline of the pipeline as  
installed shall establish the  
centerline of the ten foot easement.

**Scale**



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REGULATIONS AND HAS NOT BEEN REVIEWED  
FOR COMPLIANCE WITH RECORDING  
REQUIREMENTS FOR PLATS.**



800a Gaston Rd., Gastonia, NC 28056

PSNC Energy Utility Pipeline Easements  
Cabarrus County  
Concord, NC

Author: Brian Slagle

Checked By:

Approved By:

Page: 2 of 4

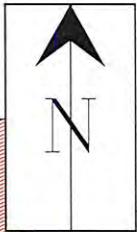
CP Number:

Date: 09/12/2018

Project Number

0065444

**Exhibit "A"**



See sheet 2 of 4

Cabarrus County High School  
4100 Weddington Rd.  
Concord, N.C. 28027  
Deed Book 12097  
Deed Page 0185

PRACTICE FIELD #4

PSNC Energy 10'  
Utility Easement

SOFTBALL FIELD

Cabarrus County High School  
4100 Weddington Rd.  
Concord, N.C. 28027  
Deed Book 12097  
Deed Page 0189

BASEBALL FIELD

See sheet 4 of 4

Cabarrus County High School  
4100 Weddington Rd.  
Concord, N.C. 28027  
Deed Book 12097  
Deed Page 0189

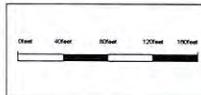
SUMMERHILL CT

SR 1431

 PSNC 10' Utility Easement

PSNC Pipeline Easement-  
The centerline of the pipeline as  
installed shall establish the  
centerline of the ten foot easement.

Scale



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FOR COMPLIANCE WITH RECORDING  
REQUIREMENTS FOR PLATS.**



800a Gaston Rd., Gastonia, NC 28056

PSNC Energy Utility Pipeline Easements  
Cabarrus County  
Concord, NC

Author: Brian Slagle

Checked By:

Approved By:

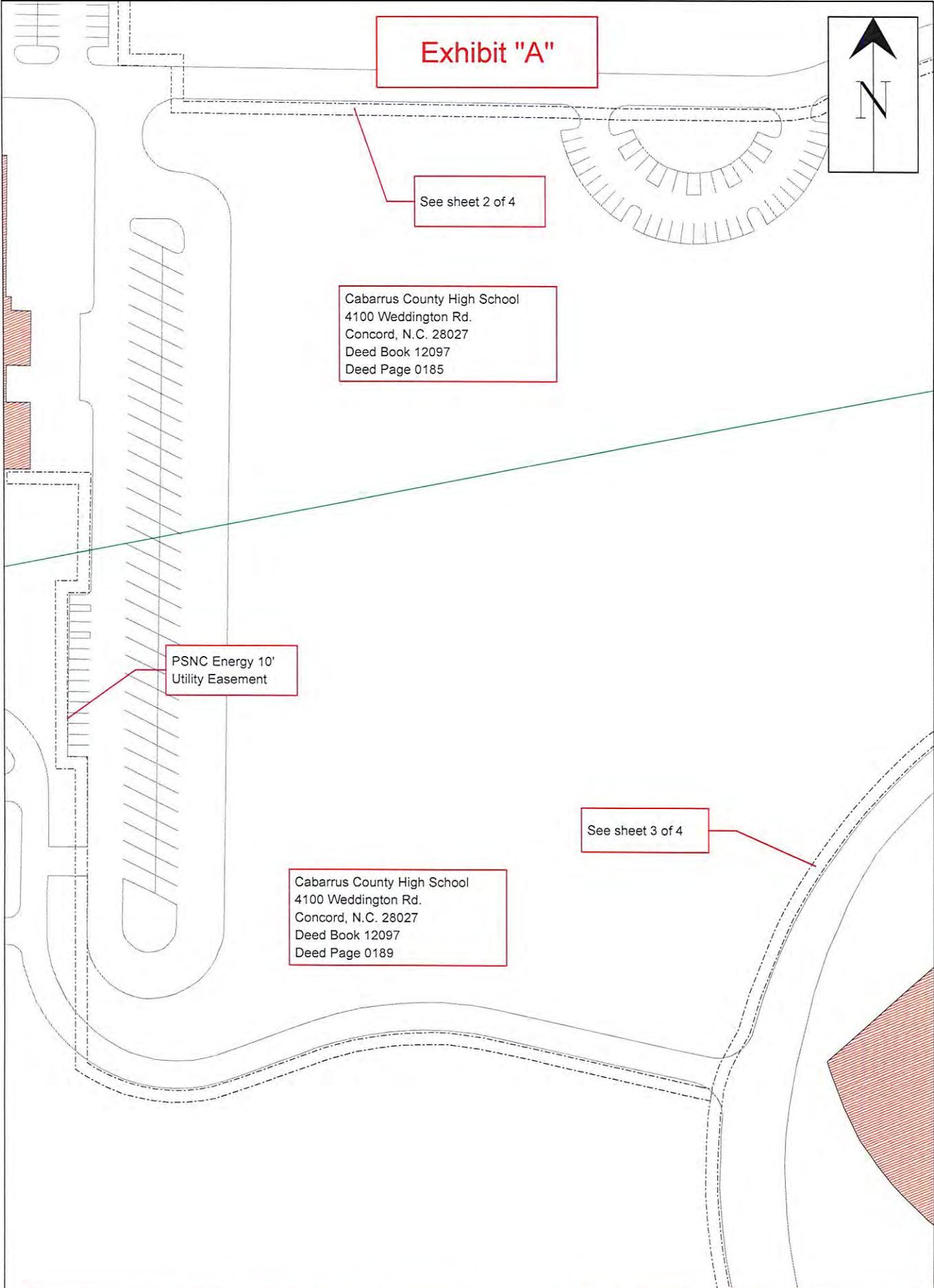
Page: 3 of 4

CP Number:

Date: 09/12/2018

Project Number

0065444



**Exhibit "A"**



See sheet 2 of 4

Cabarrus County High School  
4100 Weddington Rd.  
Concord, N.C. 28027  
Deed Book 12097  
Deed Page 0185

PSNC Energy 10'  
Utility Easement

See sheet 3 of 4

Cabarrus County High School  
4100 Weddington Rd.  
Concord, N.C. 28027  
Deed Book 12097  
Deed Page 0189

PSNC 10' Utility Easement

PSNC Pipeline Easement-  
The centerline of the pipeline as  
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Scale



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FOR COMPLIANCE WITH RECORDING  
REQUIREMENTS FOR PLATS.**

 <b>PSNC ENERGY</b> <small>A SCANA COMPANY</small>	Author: Brian Slagle	
	Checked By:	
800a Gaston Rd., Gastonia, NC 28056	Approved By:	
<b>PSNC Energy Utility Pipeline Easements</b> Cabarrus County Concord, NC	Page: 4 of 4	Project Number
	CP Number:	0065444
	Date: 09/12/2018	

# CABARRUS COUNTY



## BOARD OF COMMISSIONERS WORK SESSION

**October 1, 2018  
4:00 PM**

---

**AGENDA CATEGORY:**  
DISCUSSION ITEMS FOR ACTION

**SUBJECT:**  
DHS - FY20 Community Transportation Grant

**BRIEF SUMMARY:**  
The North Carolina 5311 Community Transportation Grant provides funding for county transportation administrative costs such as salaries, insurance, equipment and supplies, as well as capital cost for vehicles. This grant requires a 15% County match for the administration portion, and a 10% County match for the capital portion. A public hearing is required to apply for this grant.

**REQUESTED ACTION:**  
Hold a public hearing.  
Motion to accept the FY20 5311 Community Transportation Administration and Capital Grant and related resolution.

**EXPECTED LENGTH OF PRESENTATION:**  
5 Minutes

**SUBMITTED BY:**  
Bob Bushey, Transportation Manager

**BUDGET AMENDMENT REQUIRED:**  
No

**COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:**

---

**ATTACHMENTS:**

- ▢ Conflict of Interest
- ▢ Anticipated DBE
- ▢ Certs and assurances
- ▢ DBE certification
- ▢ Public Hearing Record
- ▢ Local Share Certification
- ▢ Program Resolution
- ▢ Public Hearing Minutes
- ▢ Title VI

(Add County Name) County Area Transit System

**Conflict of Interest Policy**

**[Click here and type Date that Board adopted policy]**

In accordance with Board policy and related legislation, no employee, officer, agent, immediate family member, or Board member of the agency shall participate in the selection, award, or administration of a contract supported by Federal and/or State funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following has a financial or other interest in the firm selected for award:

- The employee, officer, agent, or Board member,
- Any member of his/her immediate family,
- His or her partner, or
- An organization that employs, or is about to employ, any of the above.

The agency’s officers, employees, agents, or Board members will neither solicit nor accept gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements.

**[Highlight this entire entry and Enter any applicable local policy that addresses the following--Grantees may set minimum rules when the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by state or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary action for violation of such standards by the grantee's officers, employees, or agents, or by contractors or their agents.]**

The undersigned hereby acknowledges, understands, and agrees to abide by this policy.

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
PUBLIC TRANSPORTATION DIVISION**

**DBE/MBE/WBE/HUB ANTICIPATED VENDOR AWARDS in FY 2020**

**APPLICANT'S NAME:** Cabarrus County **PERIOD COVERED**  
**MAILING ADDRESS:** 1303 South Cannon Blvd **From:** 7/1/2019  
**VENDOR NUMBER:** \_\_\_\_\_ **To:** 7/1/2020

**We expect to utilize the following list of DBE/MBE/WBE/HUB Vendors in FY 2020:**

DBE/MBE/WBE/HUB Vendor/Subcontractor's Name	Mailing Address City, State, Zip	ID# from NCDOT Website	Describe Service/ Item to be Purchased	Anticipated Expenditure (\$)
TJ's Taxi	901 Woodlawn Street, Kannapolis, NC 28083		Transportation	\$140,000
<b>TOTAL</b>				

- The above list includes the DBE/MBE/WBE/HUB Vendors the applicant expects to utilize in FY 2020.
- The applicant does **NOT** expect to utilize any DBE/MBE/WBE/HUB Vendors in FY 2020.

\_\_\_\_\_  
**Signature of Authorized Official**

\_\_\_\_\_  
**Date**

## **FISCAL YEAR 2020**

**Federal (FTA) and State (NCDOT) Certifications and Assurances for Public Transportation Programs will be distributed upon receipt of federal documents from the FTA.**

**Documents Include:**

- **Federal Certifications and Assurances**
- **Applicant and Attorney Affirmations**
- **Certifications and Restrictions on Lobbying**
- **Special Section 5333(b) Warranty**
- **Certification of Equivalent Service (if applicable due to purchase of non-lift vehicle or a fleet with non-lift-equipped vehicles in it.)**

**DBE GOOD FAITH EFFORTS CERTIFICATION**

This is to certify that in all purchase and contract selections Cabarrus County is committed to and shall make good faith efforts to purchase from and award contracts to Disadvantaged Business Enterprises (DBEs).

**DBE good faith efforts will include the following items that are indicated by check mark(s) or narrative:**

Required by PTD	Check all that apply	Description
*	<input checked="" type="checkbox"/>	Write a letter/email to Certified DBEs in the service area to inform them of purchase or contract opportunities;
*	<input checked="" type="checkbox"/>	Document telephone calls, emails and correspondence with or on behalf of DBEs;
	<input type="checkbox"/>	Advertise purchase and contract opportunities on local TV Community Cable Network;
*	<input checked="" type="checkbox"/>	Request purchase/contract price quotes/bids from DBEs;
	<input type="checkbox"/>	Monitor newspapers for new businesses that are DBE eligible
*	<input checked="" type="checkbox"/>	Encourage interested eligible firms to become NCDOT certified. Interested firms should contact the office of contractual services at (919) 707-4800 for more information
*	<input checked="" type="checkbox"/>	Encourage interested firms to contact the Office of Historically Underutilized Businesses at (919) 807-2330 for more information
*	<input checked="" type="checkbox"/>	Consult NCDOT Certified DBE Directory. A DBE company will be listed in the DBE Directory for each work type or area of specialization that it performs. You may obtain a copy of this directory at <a href="https://www.ebs.nc.gov/VendorDirectory/default.html">https://www.ebs.nc.gov/VendorDirectory/default.html</a>
	<input type="checkbox"/>	Other efforts: Describe:
	<input type="checkbox"/>	Other efforts: Describe:

You may obtain a copy of the USDOT Disadvantaged Business Enterprise Program Title 49 Part 26 at <https://www.ebs.nc.gov/VendorDirectory/default.html>

**Reminder:** Documentation of all good faith efforts shall be retained for a period of five (5) years following the end of the fiscal year.

I certify that, to the best of my knowledge, the above information describes the DBE good faith efforts.

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type Name and Title of Authorized Official

---

Important – A public hearing MUST be conducted whether or not requested by the Public.

---

**PUBLIC HEARING RECORD**

Section 5311 (ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

**APPLICANT:** Cabarrus County

**DATE:** October 15, 2018

**PLACE:** Cabarrus County Board of Commissioners Meeting

**TIME:** 6:30pm

How many BOARD MEMBERS attended the public hearing? \_\_\_\_\_

How many members of the PUBLIC attended the public hearing? \_\_\_\_\_

**Public Attendance Surveys**

(Attached)

(Offered at Public Hearing but none completed)

---

I, the undersigned, representing (Legal Name of Applicant) Cabarrus County do hereby certify to the North Carolina Department of Transportation, that a Public Hearing was held as indicated above and

**During the Public Hearing**

(NO public comments)

(Public Comments were made and meeting minutes will be submitted after board approval)

The estimated date for board approval of meeting minutes is: \_\_\_\_\_

\_\_\_\_\_  
Signature or Clerk to the Board

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Date



## Voluntary Title VI Public Involvement

Title VI of the Civil Right’s Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency’s federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

The North Carolina Department of Transportation wishes to clarify that this information gathering process **is completely voluntary** and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

The completed forms will be held on file at the North Carolina Department of Transportation. For Further information regarding this process please contact Shantray Dickens the Title VI Manager at telephone number 919.508.1896 or email at [sddickens@ncdot.gov](mailto:sddickens@ncdot.gov).

Project Name:		Date:
Meeting Location:		
Name (please print)	Gender:	
	<input type="checkbox"/> Male <input type="checkbox"/> Female	
General ethnic identification categories (check one)		
<input type="checkbox"/> Caucasian	<input type="checkbox"/> Hispanic American	<input type="checkbox"/> American Indian/Alaskan Native
<input type="checkbox"/> African American	<input type="checkbox"/> Asian/Pacific Islander	Other: _____
Color:	National Origin:	

After you complete this form, please fold it and place it inside the designated box on the registration table.

Thank you for your cooperation.

## LOCAL SHARE CERTIFICATION FOR FUNDING

Cabarrus County  
(Legal Name of Applicant)

### Requested Funding Amounts

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>
Administrative	\$ <b><u>166,736</u></b>	\$ <b><u>25,012</u></b> (15%)
5311 Operating (No State Match)	\$ _____	\$ _____ (50%)
5310 Operating (No State Match)	\$ _____	\$ _____ (50%)
5307 Operating	\$ _____	\$ _____ (50%)
5307 Planning	\$ _____	\$ _____ (20%)
Capital	\$ <b><u>126,200</u></b>	\$ <b><u>12,620</u></b> (10%)
Mobility Management	\$ _____	\$ _____ (10%)
_____	\$ _____	\$ _____ (____%)
_____	\$ _____	\$ _____ (____%)
_____	\$ _____	\$ _____ (____%)
_____	\$ _____	\$ _____ (____%)

Funding programs covered are 5311, 5310, 5339 Bus and Bus Facilities, 5307 (Small fixed route, regional, and consolidated urban-rural systems)

TOTAL	\$ <b><u>292,936</u></b>	\$ <b><u>37,632</u></b>
	<b>Total Funding Requests</b>	<b>Total Local Share</b>

The Local Share is available from the following sources:

<u>Source of Funds</u>	<u>Grant Applied To</u>	<u>Amount</u>
<b><u>County General Fund</u></b>	<b><u>5311 Admin</u></b>	\$ <b><u>25,012</u></b>
<b><u>County General Fund</u></b>	<b><u>5311 Capital</u></b>	\$ <b><u>12,620</u></b>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
<b>TOTAL</b>		\$ <b><u>37,632</u></b>

\*\* Fare box revenue is not an applicable source for local share funding

FY 2020 Local Share Certificate (page 2)

I, the undersigned representing (*Legal Name of Applicant*) **Cabarrus County** do hereby certify to the North Carolina Department of Transportation, that the required local funds for the FY2020 Community Transportation Program and 5307 Governors Apportionment will be available as of **July 1, 2019**, which has a period of performance of July 1, 2019 – June 30, 2020.

\_\_\_\_\_  
Signature of Authorized Official

Michael Downs, County Manager  
\_\_\_\_\_  
Type Name and Title of Authorized Official

\_\_\_\_\_  
Date

# **PUBLIC TRANSPORTATION PROGRAM RESOLUTION**

## **FY 2020 RESOLUTION**

### **Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.**

Applicant seeking permission to apply for Public Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by (*Board Member's Name*) \_\_\_\_\_ and seconded by (*Board Member's Name or N/A, if not required*) \_\_\_\_\_ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may apply for funding for "purchase-of-service" projects under the Capital budget Section 5310 program.

WHEREAS, (*Legal Name of Applicant*) Cabarrus County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

NOW, THEREFORE, be it resolved that the (Authorized Official's Title)\* County Manager of (Name of Applicant's Governing Body) Cabarrus County is hereby authorized to submit grant application (s) for federal and state funding in response to NCDOT's calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

**\*\* The approved resolution allows the Authorized Representative to receive, sign, and return the contract(s) for the grant(s) applied for without the contract(s) resubmitted to the applicants Board for review.**

I (Certifying Official's Name)\* \_\_\_\_\_ (Certifying Official's Title) \_\_\_\_\_ do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (Name of Applicant's Governing Board) \_\_\_\_\_ duly held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
*Signature of Certifying Official*

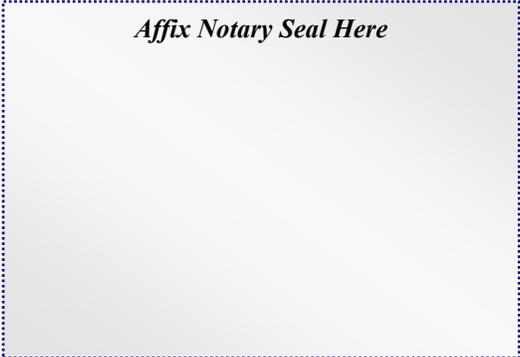
**\*Note that the authorized official, certifying official, and notary public should be three separate individuals.**

Seal Subscribed and sworn to me (date) \_\_\_\_\_

\_\_\_\_\_  
*Notary Public \**

\_\_\_\_\_  
*Printed Name and Address*

My commission expires (date) \_\_\_\_\_



## **FY 2020 Public Hearing Meeting Minutes**

To support the combined program Resolution for FY 2020, a copy of the minutes from your public hearing reflecting the grant funds applied for must be uploaded into EBS as a supporting document.

Final Board-approved minutes must be uploaded by December 15, 2018.

**SECTION 5311, 5310, 5339, Consolidated Capital, 5307 or State Funds Call for Projects**  
**TITLE VI PROGRAM REPORT**

Legal Name of Applicant: **Cabarrus County**  
 (Complete either Part A or Part B; and Part C)

**Part A – No complaints or Lawsuits Filed**

I certify that to the best of my knowledge, **No complaints or lawsuits** alleging discrimination have been filed against **Cabarrus County Transportation** (*Transit System Name*) during the period **July 1, 2017 through June 30, 2018**.

\_\_\_\_\_  
**Signature of Authorized Official**

\_\_\_\_\_  
**Date**

Michael Downs, County Manager  
 \_\_\_\_\_

**Type Name and Title of Authorized Official**

**Part B – Complaints or Lawsuits Filed**

I certify that to the best of my knowledge, the below described complaints or lawsuits alleging discrimination have been filed against \_\_\_\_\_ *Transit System Name*) during the period **July 1, 2017 through June 30, 2018**.

Complainant Name/Address/Telephone Number	Date	Description	Status/Outcome

(Attach an additional page if required.)

\_\_\_\_\_  
**Signature of Authorized Official**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Type Name and Title of Authorized Official**

**Part C - Title VI Plan**

Do you currently have a Title VI Plan: Yes

Date of last plan update: 7/1/2018

# CABARRUS COUNTY



## BOARD OF COMMISSIONERS WORK SESSION

**October 1, 2018  
4:00 PM**

---

**AGENDA CATEGORY:**  
DISCUSSION ITEMS FOR ACTION

**SUBJECT:**  
Finance – Appropriate Fund Balance for Landfill Fund – Purchased Services

**BRIEF SUMMARY:**  
The Landfill receives materials that are able to be ground into mulch. The Landfill pays an outside vendor to perform this service. The Landfill in turn sells the mulch to customers. In prior fiscal years, a liability account has been used for these transactions. After a discussion with the auditors, funds received from the sale of the mulch should be accounted for in a revenue account and a corresponding expense account should be used to pay outside vendors to grind the materials into mulch.

At June 30, 2018, the balance in the liability account was \$36,574.50. This amount was moved to a revenue account and therefore is reflected in fund balance for the Landfill Fund for final June 30, 2018 reporting. In order to use these funds for FY 2019 operations, an appropriation of Fund Balance is needed.

**REQUESTED ACTION:**  
Motion to approve the attached Budget Amendment to appropriate fund balance and budget expenses for purchased services.

**EXPECTED LENGTH OF PRESENTATION:**  
5 Minutes

**SUBMITTED BY:**  
Susan Fearington, Finance Director

**BUDGET AMENDMENT REQUIRED:**

Yes

**COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:**

---

**ATTACHMENTS:**

- Fd 270 - Budget Amendment



# CABARRUS COUNTY



## BOARD OF COMMISSIONERS WORK SESSION

**October 1, 2018  
4:00 PM**

---

**AGENDA CATEGORY:**  
DISCUSSION ITEMS FOR ACTION

**SUBJECT:**  
Finance - Request for Reallocation of Funds for the Frank Liske Park Restroom Project - \$50,000

**BRIEF SUMMARY:**  
The Frank Liske Park Restroom project has \$480,000 allocated to it in the Construction and Renovation Fund. This funding will cover the anticipated base bid for the project. However, the funding will not cover any bid alternatives or a contingency. Based on the need for a new very long sewer line, the Infrastructure and Asset Management Department has estimated that an additional \$50,000 will be needed to complete the project. If approved, funds can be reallocated from the completed Fall Protection Project which was completed under budget.

**REQUESTED ACTION:**  
Motion to approve \$50,000 in additional funding for the Frank Liske Park Restroom project along with the related budget amendment and Project Ordinance.

**EXPECTED LENGTH OF PRESENTATION:**  
5 Minutes

**SUBMITTED BY:**  
Susan Fearington, Finance Director  
Kyle Bilafer, Area Manager of Operations

**BUDGET AMENDMENT REQUIRED:**  
Yes

## COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

---

### ATTACHMENTS:

- ▣ Fd 343 Budget Amendment
- ▣ Fd 343 Project Ordinance

**Budget Revision/Amendment Request**

Date:

Amount:

Dept. Head:

Department:

Internal Transfer Within Department

Transfer Between Departments/Funds

Supplemental Request

**Purpose: This Budget Amendment transfers funds from the Fall Protection project to set up a contingency account for the Frank Liske Park Bathroom Project.**

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
343	9	1952-9830-FALPR	Other Improvements - FALPR	350,000.00		50,000.00	300,000.00
343	6	1952-6902-FALPR	Cont'b from GF - FALPR	350,000.00		50,000.00	300,000.00
343	9	8140-9660-BATH	Contingency Fund FLP BATH	-	50,000.00		50,000.00
343	6	8140-6902-BATH	Cont'b from GF - BATH	97,911.04	50,000.00		147,911.04
							0.00

**Budget Officer**

- Approved
- Denied

**County Manager**

- Approved
- Denied

**Board of Commissioners**

- Approved
- Denied

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Date*

# CABARRUS COUNTY CONSTRUCTION AND RENOVATION PROJECT BUDGET ORDINANCE

**BE IT ORDAINED** by the Board of Commissioners of Cabarrus County, North Carolina that, Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section I.

- A. The project authorized is the various County construction and renovation related projects. Details of the projects are listed in section C. of this Project Ordinance.
- B. The officers of this unit are hereby directed to proceed with this capital project within the terms of the Generally Accepted Accounting Principles (GAAP) and the budget contained herein.
- C. It is estimated that the following revenues will be available to complete capital projects as listed.

Capital Reserve Fund Contribution	\$13,238,399
Rental – Tower Lease	847,693
Lease Proceeds ( Robert Wallace Park)	4,596,394
General Fund Contribution	5,216,780
Sale of Fixed Assets	423,417
Contributions and Donations	117,036
Park & Recreation Trust Fund(PARTF) Grant	350,000
Capital Projects Fund Contribution	5,775
<b>TOTAL REVENUES</b>	<b>\$24,795,494</b>

- D. The following appropriations are made as listed.

Government Center Chiller Replacement	\$211,000
Governmental Center ADA Bathrooms	205,000
Tax Collector Renovation	128,898
BOE Election Equipment	323,000
ITS Fiber Technology Improvements	120,000
County Website Design	283,750
Furniture Replacements	178,723
Elevator Modernization Government Center	180,000
Multiple building Fall Protection Measures	300,000
Jail Camera Upgrade	112,607
LEC Law Enforcement Technology	791,325
Training & Firing Range Renovation	50,000
Courthouse Expansion	6100,000
Clerk of Court Improvements	113,000
Public Safety Training Center	90,000
EMS Headquarters – Consultants	50,000
EMS Co-location – Concord Fire #11	375,000
EMS Heart Monitors	550,111
Emergency Communications Equip & Ethernet Backhaul	2,721,086
JM Robinson High School Wetlands Mitigation	100,000
Landfill Retaining Wall	230,324
Veterans Services Improvements	95,000

Cooperative Ext. ADA Bathrooms	150,000
RCCC Land for future expansion	1,244,001
Robert Wallace Park	8,147,964
Frank Liske Park – W. Playground & Barn Restrooms	724,911
Carolina Thread Trail	109,329
Frank Liske Park Overflow Parking	222,649
Frank Liske Park Playground Replacement	100,000
Senior Center Parking Lot	64,476
Midland Library Furniture	75,000
Arena- Restroom Renovation	78,170
Arena –Aisle Safety Lighting	129,234
Arena Lighting Control System Replacement	235,000
Arena – Marque Replacement & Sign	111,260
Unassigned	94,676

**TOTAL EXPENDITURES** **\$24,795,494**

**GRAND TOTAL – REVENUES** **\$24,795,494**

**GRAND TOTAL – EXPENDITURES** **\$24,795,494**

Section II.

- A. Special appropriations to non-profit organizations shall be distributed after the execution of an agreement which ensures that all County funds are used for statutorily permissible public purposes.
- B. The County Manager or designee is hereby authorized to transfer appropriations within or between funds, or modify revenue and expenditure projections as contained herein under the following conditions:
  - 1. The Manager may transfer amounts between objects of expenditure and revenues within a function without limitation.
  - 2. The County Manager may transfer amounts up to \$500,000 between functions of the same fund.
  - 3. The County Manager may transfer amounts between contingency funds which are set aside for a specific project for budgetary shortfalls or upon the appropriate approval of a change order.
  - 4. The County Manager is authorized to transfer funds from the General Fund or Capital Reserve Fund to the appropriate fund for projects approved within the Capital Improvement Plan for the current fiscal year.
  - 5. Upon notification of funding increases or decreases to existing grants or revenues, or the award of grants or revenues, the Manager or designee may adjust budgets to match, including grants that require a County match for which funds are available.
  - 6. The Manager or designee may adjust debt financing from estimated projections to actual funds received.
  - 7. The County Manager may enter into and execute change orders or amendments to construction contracts in amounts less than \$90,000 when the appropriate annual budget or capital project ordinance contains sufficient appropriated but unencumbered funds.

8. The County Manager may award and execute contracts which are not required to be bid or which G.S. 143-131 allows to be let on informal bids so long as the annual budget or appropriate capital project ordinance contains sufficient appropriated but unencumbered funds for such purposes.
9. The County Manager may execute contracts with outside agencies to properly document budgeted appropriations to such agencies where G.S. 153 A-248(b), 259, 449 and any similar statutes require such contracts.
10. The County Manager may reject formal bids when deemed appropriate and in the best interest of Cabarrus County pursuant to G.S. 143-129(a).
11. The County Manager may reduce revenue projections consistent with prevailing economic conditions, and also reduce expenditures correspondingly.

Section III.

This ordinance and the budget documents shall be the basis of the financial plan for the County of Cabarrus.

- a. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy the requirements of the law.
- b. The Finance Director is directed to report, at the request of the Board, on the financial status of each project element in Section I and on the total revenues received or claimed.
- c. Copies of this capital project ordinance shall be furnished to the Clerk to the governing Board, and to the Finance Director for direction in carrying out this project.
- d. At the completion of a construction project, all unrestricted excess funds are transferred to the General Fund and the portion of the Capital Project associated with the project is closed.

Adopted this 15<sup>th</sup> Day of October, 2018.

CABARRUS COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_  
Stephen M. Morris, Chairman

ATTEST:

\_\_\_\_\_  
Clerk to the Board

# CABARRUS COUNTY



## BOARD OF COMMISSIONERS WORK SESSION

**October 1, 2018  
4:00 PM**

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**AGENDA CATEGORY:**  
DISCUSSION ITEMS FOR ACTION

**SUBJECT:**  
Finance - Project Ordinance Updates for the County Operations Center Purchase

**BRIEF SUMMARY:**  
At the Board of Commissioners September 17, 2018 meeting the acquisition of property for the County Operations Center was approved. Authorization was provided for the Finance Director to prepare the necessary budget amendment(s). The official motion did not include authorization for the update of the necessary Project Ordinances. For administrative purposes the Project Ordinances are presented for your approval.

**REQUESTED ACTION:**  
Motion to approve and sign updates to the Construction and Renovation Fund, LOBS 2017 Fund, and Capital Reserve Fund Project Ordinances.

**EXPECTED LENGTH OF PRESENTATION:**  
5 Minutes

**SUBMITTED BY:**  
Susan Fearington, Finance Director

**BUDGET AMENDMENT REQUIRED:**  
No

**COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:**

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## **ATTACHMENTS:**

- ▢ September Agenda item
- ▢ Fd 343 Const & Reno Proj Ord
- ▢ Fd 369 LOBS 2017 Project Ordinance
- ▢ Fd 450 Capital Reserve Proj Ord



ADDITION  
**CABARRUS COUNTY  
BOARD OF COMMISSIONERS**

**REGULAR MEETING  
SEPTEMBER 17, 2018  
6:30 P.M.**

---

**AGENDA CATEGORY:**

New Business

**SUBJECT:**

County Manager - Acquisition of Property

**BRIEF SUMMARY:**

The property owners, Evangel Worship Center Inc., have agreed to the purchase price and terms offered by the County for property and buildings located at 484 Cabarrus Avenue West (County PINs 5620-44-0037, 5620-44-2451, 5620-44-6644). A contract with terms is attached. In addition, Susan Fearington has prepared a recommendation on to budget for this purchase. The due diligence period is 90 days and the property owners have requested the option of an additional 90 days after that period before closing.

**REQUESTED ACTION:**

Motion to approve the purchase contract between Cabarrus County and Evangel Worship Center Inc.; and authorize the County Manager to execute the contract on behalf of Cabarrus County, subject to review or revisions by the County Attorney.

Motion to approve the necessary budget amendments as outlined by the County Finance Director, Susan Fearington.

**EXPECTED LENGTH OF PRESENTATION:**

Finance – Funding for County Operations Center

Brief Summary: The County has issued a letter of intent to purchase property for an Operations Center located at \_\_\_\_\_ Cabarrus Avenue. The purchase price of \$3,100,000 has been accepted and the County will move forward with the purchase. The following is a recommendation for funding the purchase:

Funds set aside in FY17 for an Operations Center	\$2,141,264
Balance of Capital Reserve Funding based on 6-30-17 CAFR	500,000
Fund Balance allocation based on preliminary 6-30-18 CAFR	<u>458,736</u>
Total	<u>\$3,100,000</u>

Requested Action: Motion to approve the Operations Center purchase and authorize the Finance Director to prepare the appropriate Budget Amendment and Project Ordinances using Capital Reserve and Fund Balance funding.

Submitted by: Susan Fearington, Finance Director

# CABARRUS COUNTY CONSTRUCTION AND RENOVATION PROJECT BUDGET ORDINANCE

**BE IT ORDAINED** by the Board of Commissioners of Cabarrus County, North Carolina that, Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section I.

- A. The project authorized is the various County construction and renovation related projects. Details of the projects are listed in section C. of this Project Ordinance.
- B. The officers of this unit are hereby directed to proceed with this capital project within the terms of the Generally Accepted Accounting Principles (GAAP) and the budget contained herein.
- C. It is estimated that the following revenues will be available to complete capital projects as listed.

Capital Reserve Fund Contribution	\$13,738,399
Rental – Tower Lease	847,693
Lease Proceeds (Robert Wallace Park)	4,596,394
General Fund Contribution	5,675,516
Sale of Fixed Assets	423,417
Contributions and Donations	117,036
Park & Recreation Trust Fund(PARTF) Grant	350,000
Capital Projects Fund Contribution	2,147,039
<b>TOTAL REVENUES</b>	<b>\$27,895,494</b>

- D. The following appropriations are made as listed.

Government Center Chiller Replacement	\$211,000
Governmental Center ADA Bathrooms	205,000
Tax Collector Renovation	128,898
BOE Election Equipment	323,000
ITS Fiber Technology Improvements	120,000
County Website Design	283,750
Furniture Replacements	178,723
County Operation Center	3,100,000
Elevator Modernization Government Center	180,000
Multiple building Fall Protection Measures	300,000
Jail Camera Upgrade	112,607
LEC Law Enforcement Technology	791,325
Training & Firing Range Renovation	50,000
Courthouse Expansion	6,100,000
Clerk of Court Improvements	113,000
Public Safety Training Center	90,000
EMS Headquarters – Consultants	50,000
EMS Co-location – Concord Fire #11	375,000
EMS Heart Monitors	550,111
Emergency Communications Equip & Ethernet Backhaul	2,721,086
JM Robinson High School Wetlands Mitigation	100,000
Landfill Retaining Wall	230,324
Veterans Services Improvements	95,000
Cooperative Ext. ADA Bathrooms	150,000

RCCC Land for future expansion	1,244,001
Robert Wallace Park	8,147,964
Frank Liske Park – W. Playground & Barn Restrooms	724,911
Carolina Thread Trail	109,329
Frank Liske Park Overflow Parking	222,649
Frank Liske Park Playground Replacement	100,000
Senior Center Parking Lot	64,476
Midland Library Furniture	75,000
Arena- Restroom Renovation	78,170
Arena –Aisle Safety Lighting	129,234
Arena Lighting Control System Replacement	235,000
Arena – Marque Replacement & Sign	111,260
Unassigned	94,676

**TOTAL EXPENDITURES** **\$27,895,494**

**GRAND TOTAL – REVENUES** **\$27,895,494**

**GRAND TOTAL – EXPENDITURES** **\$27,895,494**

Section II.

- A. Special appropriations to non-profit organizations shall be distributed after the execution of an agreement which ensures that all County funds are used for statutorily permissible public purposes.
- B. The County Manager or designee is hereby authorized to transfer appropriations within or between funds, or modify revenue and expenditure projections as contained herein under the following conditions:
  1. The Manager may transfer amounts between objects of expenditure and revenues within a function without limitation.
  2. The County Manager may transfer amounts up to \$500,000 between functions of the same fund.
  3. The County Manager may transfer amounts between contingency funds which are set aside for a specific project for budgetary shortfalls or upon the appropriate approval of a change order.
  4. The County Manager is authorized to transfer funds from the General Fund or Capital Reserve Fund to the appropriate fund for projects approved within the Capital Improvement Plan for the current fiscal year.
  5. Upon notification of funding increases or decreases to existing grants or revenues, or the award of grants or revenues, the Manager or designee may adjust budgets to match, including grants that require a County match for which funds are available.
  6. The Manager or designee may adjust debt financing from estimated projections to actual funds received.
  7. The County Manager may enter into and execute change orders or amendments to construction contracts in amounts less than \$90,000 when the appropriate annual budget or capital project ordinance contains sufficient appropriated but unencumbered funds.

8. The County Manager may award and execute contracts which are not required to be bid or which G.S. 143-131 allows to be let on informal bids so long as the annual budget or appropriate capital project ordinance contains sufficient appropriated but unencumbered funds for such purposes.
9. The County Manager may execute contracts with outside agencies to properly document budgeted appropriations to such agencies where G.S. 153 A-248(b), 259, 449 and any similar statutes require such contracts.
10. The County Manager may reject formal bids when deemed appropriate and in the best interest of Cabarrus County pursuant to G.S. 143-129(a).
11. The County Manager may reduce revenue projections consistent with prevailing economic conditions, and also reduce expenditures correspondingly.

Section III.

This ordinance and the budget documents shall be the basis of the financial plan for the County of Cabarrus.

- a. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy the requirements of the law.
- b. The Finance Director is directed to report, at the request of the Board, on the financial status of each project element in Section I and on the total revenues received or claimed.
- c. Copies of this capital project ordinance shall be furnished to the Clerk to the governing Board, and to the Finance Director for direction in carrying out this project.
- d. At the completion of a construction project, all unrestricted excess funds are transferred to the General Fund and the portion of the Capital Project associated with the project is closed.

Adopted this 15<sup>th</sup> Day of October, 2018.

CABARRUS COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_  
Stephen M. Morris, Chairman

ATTEST:

\_\_\_\_\_  
Clerk to the Board

**CABARRUS COUNTY  
LIMITED OBLIGATION BONDS 2017 PROJECT  
BUDGET ORDINANCE**

**BE IT ORDAINED** by the Board of Commissioners of Cabarrus County, North Carolina that, Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section I.

- A. The project authorized is for the construction of a Parking Deck. Details of the project are listed in section C. of this Project Ordinance.
- B. The officers of this unit are hereby directed to proceed with this capital project within the terms of the Generally Accepted Accounting Principles (GAAP) and the budget contained herein.

It is estimated that the following revenues will be available to complete capital projects as listed.

Debt Proceeds	\$79,194,879
General Fund Contribution	997,000
Capital Projects Fund	7,179,803
Capital Reserve Contribution	6,509,665
<b>TOTAL REVENUES</b>	<b>\$93,881,347</b>

- C. The following appropriations are made as listed.

Financing Costs	\$814,779
Parking Deck Downtown Concord	13,583,850
Performance Learning Center	4,000,000
Other County Projects	2,472,973
West Cabarrus High School	73,009,745
<b>TOTAL EXPENDITURES</b>	<b>\$93,881,347</b>

<b>GRAND TOTAL – REVENUES</b>	<b>\$93,881,347</b>
<b>GRAND TOTAL – EXPENDITURES</b>	<b>\$93,881,347</b>

Section II.

- A. Special appropriations to non-profit organizations shall be distributed after the execution of an agreement which ensures that all County funds are used for statutorily permissible public purposes.
- B. The County Manager or designee is hereby authorized to transfer appropriations within or between funds, or modify revenue and expenditure projections as contained herein under the following conditions:
  - 1. The Manager may transfer amounts between objects of expenditure and revenues within a function without limitation.

2. The County Manager may transfer amounts up to \$500,000 between functions of the same fund.
3. The County Manager may transfer amounts between contingency funds which are set aside for a specific project for budgetary shortfalls or upon the appropriate approval of a change order
4. The County Manager is authorized to transfer funds from the General Fund or Capital Reserve Fund to the appropriate fund for projects approved within the Capital Improvement Plan for the current fiscal year.
5. Upon notification of funding increases or decreases to existing grants or revenues, or the award of grants or revenues, the Manager or designee may adjust budgets to match, including grants that require a County match for which funds are available.
6. The Manager or designee may adjust debt financing from estimated projections to actual funds received.
7. The County Manager may enter into and execute change orders or amendments to construction contracts in amounts less than \$90,000 when the appropriate annual budget or capital project ordinance contains sufficient appropriated but unencumbered funds.
8. The County Manager may award and execute contracts which are not required to be bid or which G.S. 143-131 allows to be let on informal bids so long as the annual budget or appropriate capital project ordinance contains sufficient appropriated but unencumbered funds for such purposes.
9. The County Manager may execute contracts with outside agencies to properly document budgeted appropriations to such agencies where G.S. 153 A-248(b), 259, 449 and any similar statutes require such contracts.
10. The County Manager may reject formal bids when deemed appropriate and in the best interest of Cabarrus County pursuant to G.S. 143-129(a).
11. The County Manager may reduce revenue projections consistent with prevailing economic conditions, and also reduce expenditures correspondingly.
12. The Manager, Finance Director, or designee may create debt financing amendments from estimated projections upon approval by the Board of Commissioners of the debt financing and adjust as needed upon closing.

### Section III.

This ordinance and the budget documents shall be the basis of the financial plan for the County of Cabarrus.

- a. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy the requirements of the law.
- b. The Finance Director is directed to report, at the request of the Board, on the financial status of each project element in Section I and on the total revenues received or claimed.

- c. Copies of this capital project ordinance shall be furnished to the Clerk to the governing Board, and to the Finance Director for direction in carrying out this project.
- d. At the completion of a construction project, all unrestricted excess funds are transferred to the General Fund and the portion of the Capital Project associated with the project is closed.

Adopted this 15th day of October, 2018.

CABARRUS COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_  
Stephen M. Morris, Chairman

ATTEST:

\_\_\_\_\_  
Clerk to the Board

# CABARRUS COUNTY CAPITAL RESERVE CAPITAL PROJECT BUDGET ORDINANCE

**BE IT ORDAINED** by the Board of Commissioners of Cabarrus County, North Carolina that, Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section I.

- A. The project authorized is for the purpose of accumulating and appropriating funds specifically for future County and School capital projects.
- B. The officers of this unit are hereby directed to proceed with this capital project within the terms of the Generally Accepted Accounting Principles (GAAP) and the budget contained herein.
- C. It is estimated that the following revenues will be available to complete capital projects as listed.

Interest on Investments	\$ 560,142
Contributions from General Fund	79,684,286
Contribution from Capital Projects Fund	338,309
Contributions from CVB	573,771

<b>TOTAL REVENUES</b>	<b>\$81,156,508</b>
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- D. The following appropriations are made as listed:

Mt. Pleasant Middle School	3,627,164
Royal Oaks Elementary	4,476,490
Kannapolis Middle School	5,018,148
Odell 3-5 Elementary School	19,755,175
G.W. Carver Renovations	1,520,978
CBTC Campus Renovations, Safety, Security	184,075
CBTC A/C Unit Replacement	205,000
Concord Middle School Roof	884,359
Harrisburg Elementary School Roof	630,306
Site Study Multiple Schools	30,000
J.N. Fries Middle School – Upfit	300,000
A.L. Brown High School Paving	500,000
Performance Learning Center	590,709
West Cabarrus High School	9,801,495
Hickory Ridge Elementary School	3,550,001
RCCC – Advanced Technology Center	1,580,396
RCCC Renovations	280,043
Cabarrus County Schools – Buses FY16	875,000
Cabarrus County Schools – Mobile Units FY16	1,110,000
Cabarrus County Schools yellow buses (10) FY17	880,000
Cabarrus County Schools mobile units (20) FY17	2,400,000
Kannapolis City Schools yellow buses (5) FY17	441,739
School Contingencies	2,017,889
Tax Collector’s Office Renovation	9,116
Frank Liske Park Overflow Parking Lot	24,908
Training & Firing Range Renovations	50,000
Public Safety Training Center	75,000
Carolina Thread Trail	50,000
FLP – Western Playground Restroom Facility	375,000

Arena Aisle Safety Lighting	185,000
Arena Marquee Replacement & Sign Enhancement	112,500
County Website Development	250,000
Renovations to 2325 Lake Concord Road	195,000
Courthouse Expansion	6,100,000
Arena Restroom Renovations	100,000
FLP Barn Restrooms	102,000
EMS Heart Monitors	550,111
EMS Relocation to Concord Fire #10	375,000
Government Center Bathroom ADA	205,000
Door Access & Security Cameras - Sheriff	70,000
ITS – Fiber Infrastructure Improvements	120,000
Governmental Center Chiller Replacement	211,000
Radio Network & ethernet Backhaul & Edge	500,000
Arena Lighting Control System Replacement	235,000
Frank Liske Park Playground Replacement	100,000
EMS Headquarters - Consultant	50,000
Midland Library Furniture	75,000
Operations Center	2,641,264
County Facility Projects	27,717
Downtown Parking Deck	1,070,000
Robert Wallace Park	3,091,047
Park Projects/CVB	573,771
Other County Capital Projects	2,974,107
<b>TOTAL EXPENDITURES</b>	<b>\$81,156,508</b>
<b>GRAND TOTAL – REVENUES</b>	<b>\$81,156,508</b>
<b>GRAND TOTAL – EXPENDITURES</b>	<b>\$81,156,508</b>

Section II.

- A. Special appropriations to non-profit organizations shall be distributed after the execution of an agreement which ensures that all County funds are used for statutorily permissible public purposes.
- B. The County Manager or designee is hereby authorized to transfer appropriations within or between funds, or modify revenue and expenditure projections as contained herein under the following conditions:
  1. The Manager may transfer amounts between objects of expenditure and revenues within a function without limitation.
  2. The County Manager may transfer amounts up to \$100,000 between functions of the same fund.
  3. The County Manager may transfer amounts between contingency funds which are set aside for a specific project for budgetary shortfalls or upon the appropriate approval of a change order.
  4. The County Manager is authorized to transfer funds from the General Fund or Capital Reserve Fund to the appropriate fund for projects approved within the Capital Improvement Plan for the current fiscal year.
  5. Upon notification of funding increases or decreases to existing grants or revenues, or the award of grants or revenues, the Manager or designee may adjust budgets to match, including grants that require a County match for which funds are available.

6. The Manager or designee may adjust debt financing from estimated projections to actual funds received.
7. The County Manager may enter into and execute change orders or amendments to construction contracts in amounts less than \$90,000 when the appropriate annual budget or capital project ordinance contains sufficient appropriated but unencumbered funds.
8. The County Manager may award and execute contracts which are not required to be bid or which G.S. 143-131 allows to be let on informal bids so long as the annual budget or appropriate capital project ordinance contains sufficient appropriated but unencumbered funds for such purposes.
9. The County Manager may execute contracts with outside agencies to properly document budgeted appropriations to such agencies where G.S. 153 A-248(b), 259, 449 and any similar statutes require such contracts.
10. The County Manager may reject formal bids when deemed appropriate and in the best interest of Cabarrus County pursuant to G.S. 143-129(a).
11. The County Manager may reduce revenue projections consistent with prevailing economic conditions, and also reduce expenditures correspondingly.

Section III.

This ordinance and the budget documents shall be the basis of the financial plan for the County of Cabarrus.

- a. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy the requirements of the law.
- b. The Finance Director is directed to report, at the request of the Board, on the financial status of each project element in Section I and on the total revenues received or claimed.
- c. Copies of this capital project ordinance shall be furnished to the Clerk to the governing Board, and to the Finance Director for direction in carrying out this project.
- d. At the completion of a construction project, all unrestricted excess funds are transferred to the General Fund and the portion of the Capital Project associated with the project is closed.

Adopted this 17<sup>th</sup> day of October, 2018.

CABARRUS COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_  
Stephen M. Morris, Chairman

ATTEST:

\_\_\_\_\_  
Clerk to the Board

# CABARRUS COUNTY



## BOARD OF COMMISSIONERS WORK SESSION

**October 1, 2018  
4:00 PM**

**AGENDA CATEGORY:**  
DISCUSSION ITEMS FOR ACTION

**SUBJECT:**  
Planning and Development - Proposed Text Amendment TEXT2018-00002, Chapter 16, Flood Damage Prevention Ordinance

**BRIEF SUMMARY:**

- Attached you will find proposed text amendments to the Cabarrus County Development Ordinance, Chapter 16, Flood Damage Prevention.
- This is a proposed amendment to replace the current Model Floodplain Ordinance (Chapter 16 of the CCDO) with the updated version provided by the North Carolina Department of Public Safety, Emergency Management Division.
- The amendment adds the new date for the National Flood Insurance Rate Maps into the text as the maps will transition from Preliminary to Effective November 16, 2018. The new Ordinance and Maps must be adopted prior to the new effective date.
- The proposed changes have been reviewed and approved by the NCDPS Western Branch NFIP Planner and the County Engineer. The Planning and Zoning Commission voted unanimously (9-0) in favor of forwarding the amendments to the Board of Commissioners for final consideration at the September 11, 2018 regular meeting.
- The Board of Commissioners will need to hold a public hearing to receive input prior to considering the proposed changes.

**REQUESTED ACTION:**

1. Receive staff report
2. Hold public hearing
3. Motion to consider approval of TEXT2018-00002, proposed text amendment to Chapter 16 of the Cabarrus County Development Ordinance and adoption of new FEMA FIRM maps dated November 16, 2018.

**EXPECTED LENGTH OF PRESENTATION:**

5 Minutes

**SUBMITTED BY:**

Susie Morris, AICP, CFM, CZO  
Planning and Zoning Manager

**BUDGET AMENDMENT REQUIRED:**

No

**COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:**

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**ATTACHMENTS:**

- Ordinance
- Proposed Text

**AN ORDINANCE AMENDING THE CABARRUS COUNTY DEVELOPMENT ORDINANCE  
TEXT2018-00002 CHAPTER 16, FLOOD DAMAGE PREVENTION**

**BE IT ORDAINED** that the Cabarrus Development Ordinance is hereby amended as follows:

**AMEND CHAPTER 16, FLOOD DAMAGE PREVENTION AS FOLLOWS:**

**DELETE** current Chapter 16 in its entirety from the Cabarrus County Development Ordinance.  
**REPLACE** with new Chapter 16, which also includes the adoption of new FEMA FIRM maps dated November 16, 2018.

**BE IT ALSO ORDAINED** that the Cabarrus County Development Ordinance is hereby amended as follows:

**RENUMBER AND REVISE** the Table of Contents and page numbers in the Cabarrus County Development Ordinance to correspond to the text changes as needed.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ by the Cabarrus County Board of Commissioners.

\_\_\_\_\_  
Stephen M. Morris, Chairman  
Cabarrus County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Clerk to the Board

**PART 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

**SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Board of Commissioners of Cabarrus County, North Carolina, does ordain as follows:

**SECTION B. FINDINGS OF FACT**

- (1) The flood prone areas within the jurisdiction of Cabarrus County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

**SECTION C. STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

**SECTION D. OBJECTIVES**

The objectives of this ordinance are to:

- (1) Protect human life, safety, and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

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- (4) Minimize prolonged business losses and interruptions;
- (5) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) Minimize damage to private and public property due to flooding;
- (7) Make flood insurance available to the community through the National Flood Insurance Program;
- (8) Maintain the natural and beneficial functions of floodplains;
- (9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (10) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

### **PART 2. DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

Accessory Structure (Appurtenant Structure) means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

Area of Shallow Flooding means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard see Special Flood Hazard Area (SFHA).

Area of Future-Conditions Flood Hazard means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology.

Base Flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Regulatory Flood Protection Elevation.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building see Structure.

Chemical Storage Facility means a building, portion of a building, or exterior area adjacent to a building used for the storage

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of any chemical or chemically reactive products.

Design Flood: See Regulatory Flood Protection Elevation.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Activity means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

Digital Flood Insurance Rate Map (DFIRM) means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Disposal means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Elevated Building means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

Existing building and existing structure means any building and/or structure for which the start of construction commenced before November 2, 1994.

Existing Manufactured Home Park or Manufactured Home Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood Insurance means the insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM) means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (See also DFIRM)

Flood Insurance Study (FIS) means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

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Flood Prone Area see Floodplain

Flood Zone means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain means any land area susceptible to being inundated by water from any source.

Floodplain Administrator is the individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Flood-resistant material means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

Freeboard means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the Regulatory Flood Protection Elevation. The freeboard for Cabarrus County is 2 feet.

Functionally Dependent Facility means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hazardous Waste Management Facility means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

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Highest Adjacent Grade (HAG) means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic Structure means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a local inventory of historic landmarks in communities with a Certified Local Government (CLG) Program; or
- (d) Certified as contributing to the historical significance of a historic district designated by a community with a Certified Local Government (CLG) Program.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Letter of Map Change (LOMC) means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light Duty Truck means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

Lowest Adjacent Grade (LAG) means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant

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enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

New Construction means structures for which the start of construction commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

Non-Conversion Agreement means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.

Non-Encroachment Area (NEA) means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

Post-FIRM means construction or other development for which the start of construction occurred on or after November 2, 1994, the effective date of the initial Flood Insurance Rate Map.

Pre-FIRM means construction or other development for which the start of construction occurred before November 2, 1994, the effective date of the initial Flood Insurance Rate Map.

Principally Above Ground means that at least 51% of the actual cash value of the structure is above ground.

Public Safety and/or Nuisance means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational Vehicle (RV) means a vehicle, which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck;
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- (e) Is fully licensed and ready for highway use.

For the purpose of this ordinance, Tiny Homes/Houses and Park Models that do not meet the items listed above are not considered Recreational Vehicles and are required to meet the standards of, and be permitted as, Residential Structures.

Reference Level is the top of the lowest floor for structures within Special Flood Hazard Areas.

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Regulatory Flood Protection Elevation means the Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 2 feet of freeboard. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least **2 feet** above the highest adjacent grade.

Remedy a Violation means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage Yard means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Solid Waste Disposal Facility means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a) (35).

Solid Waste Disposal Site means, as defined in NCGS 130A-290(a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Flood Hazard Area (SFHA) means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Part 3, Section B of this ordinance.

Start of Construction includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

Substantial Damage means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of substantial improvement. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to

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- assure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Part 4 Section E of this ordinance.

Technical Bulletin and Technical Fact Sheet means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

Temperature Controlled means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Variance is a grant of relief from the requirements of this ordinance.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Parts 4 and 5 is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation (WSE) means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

### **PART 3. GENERAL PROVISIONS**

#### **SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all Special Flood Hazard Areas within the unincorporated areas of Cabarrus County.

#### **SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS**

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated November 5, 2008 for Cabarrus County and associated DFIRM panels dated November 5, 2008, March 2, 2009, June 16, 2009, February 19, 2014 and November 16, 2018, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Cabarrus County are also adopted by reference and declared a part of this ordinance.

#### **SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT**

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Part 3, Section B of this ordinance.

**SECTION D. COMPLIANCE**

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

**SECTION E. ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**SECTION F. INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the Board of Commissioners; and
- (c) Deemed neither to limit nor repeal any other powers granted under State statutes.

**SECTION G. WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Cabarrus County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**SECTION H. PENALTIES FOR VIOLATION**

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Cabarrus County from taking such other lawful action as is necessary to prevent or remedy any violation.

**PART 4. ADMINISTRATION**

**SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR**

The Zoning Administrator or his/her designee, hereinafter referred to as the Floodplain Administrator, is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

**SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS**

- (1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain

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Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
  - (i) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
  - (ii) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Part 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
  - (iii) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Part 3, Section B;
  - (iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in Part 3, Section B;
  - (v) The Base Flood Elevation (BFE) where provided as set forth in Part 3, Section B; Part 4, Section C; or Part 5, Section D;
  - (vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
  - (vii) The certification of the plot plan by a registered land surveyor or professional engineer.
- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
  - (i) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
  - (ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
  - (iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
- (c) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
  - (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
  - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Part 5, Section B(4)(d) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
- (e) Usage details of any enclosed areas below the lowest floor.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water

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systems to be located and constructed to minimize flood damage.

- (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Part 5, Section B, subsections (6) and (7) of this ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

- (a) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Part 3, Section B.
- (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
- (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
- (e) All certification submittal requirements with timelines.
- (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Part 5, Section F have been met.
- (g) The flood openings requirements, if in Zone AE.
- (h) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
- (i) A statement, that all materials below BFE/RFPE must be flood resistant materials.

(3) **Certification Requirements**

(a) Elevation Certificates

(i) An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

(ii) An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the

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certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

- (iii) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3 × 3. Digital photographs are acceptable.
- (b) Floodproofing Certificate
  - (i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
  - (ii) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.
- (c) If a manufactured home is placed within Zone AE and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Part 5, Section B(3)(b).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity

of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

- (e) Certification Exemptions. The following structures, if located within Zone AE, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
  - (i) Recreational Vehicles meeting requirements of Part 5, Section B (6) (a);
  - (ii) Temporary Structures meeting requirements of Part 5, Section B (7); and
  - (iii) Accessory Structures that are 150 square feet or less meeting requirements of Part 5, Section B(8).

(4) **Determinations for existing buildings and structures**

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building and Tax Officials, shall:

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

**SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-

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carrying capacity is maintained.

- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Part 5, Section F are met.
- (6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Part 4, Section B(3).
- (7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Part 4, Section B(3).
- (8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Part 4, Section B (3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Part 4, Section B(3) and Part 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in in Part 4, Section D.
- (11) When BFE data has not been provided in accordance with the provisions of Part 3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to Part 5, Section D (2) (c), in order to administer the provisions of this ordinance.
- (12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Part 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation.

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Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

- (18) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Part 4, Section D.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Part 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

**SECTION D. CORRECTIVE PROCEDURES**

- (1) Violations to be corrected: When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
  - (a) That the building or property is in violation of the floodplain management regulations;
  - (b) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
  - (c) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than ninety (90) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Floodplain Administrator and the Planning and Zoning Commission Clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time

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and may affirm, modify and affirm, or revoke the order.

- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the Board of Adjustment following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

**SECTION E. VARIANCE PROCEDURES**

- (1) The Board of Adjustment as established by Cabarrus County, hereinafter referred to as the “appeal board,” shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
  - (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
  - (b) Functionally dependent facilities if determined to meet the definition as stated in Part 2 of this ordinance, provided provisions of Part 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
  - (c) Any other type of development provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
  - (a) The danger that materials may be swept onto other lands to the injury of others;
  - (b) The danger to life and property due to flooding or erosion damage;
  - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (d) The importance of the services provided by the proposed facility to the community;
  - (e) The necessity to the facility of a waterfront location as defined under Part 2 of this ordinance as a functionally dependent facility, where applicable;
  - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (g) The compatibility of the proposed use with existing and anticipated development;
  - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects

of wave action, if applicable, expected at the site; and

- (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.
- (9) Conditions for Variances:
  - (a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
  - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
  - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (d) Variances shall only be issued prior to development permit approval.
  - (e) Variances shall only be issued upon:
    - (i) A showing of good and sufficient cause;
    - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
    - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

**PART 5. PROVISIONS FOR FLOOD HAZARD REDUCTION**

**SECTION A. GENERAL STANDARDS**

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant

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to flood damage in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.

- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the Regulatory Flood Protection Elevation (RFPE) or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
  - (a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
  - (b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (9) A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Part 4, Section B (3).
- (10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (11) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (13) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (14) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

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- (15) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

**SECTION B. SPECIFIC STANDARDS**

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in Part 3, Section B, or Part 5, Section D, the following provisions, in addition to the provisions of Part 5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Part 2 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Part 2 of this ordinance. Structures located in Zone AE, may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Part 4, Section B (3), along with the operational plan and the inspection and maintenance plan.
- (3) Manufactured Homes
- (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Part 2 of this ordinance.
- (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- (c) All enclosures or skirting below the lowest floor shall meet the requirements of Part 5, Section B (4).
- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.
- (4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
- (a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

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- (b) Shall not be temperature-controlled or conditioned;
  - (c) Shall be constructed entirely of flood resistant materials
  - (d) Shall include, in Zone, AE flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
    - (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
    - (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
    - (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
    - (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;
    - (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
    - (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
  - (f) Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space ; Cabarrus County will have the right to inspect the enclosed area . Cabarrus County will conduct annual inspections. This agreement shall be recorded with the Cabarrus County Register of Deeds and shall transfer with the property in perpetuity.
- (5) Additions/Improvements.
- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
    - (i) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
    - (ii) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
  - (b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.
  - (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
    - (i) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.

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- (ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
  
- (d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 1 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the 2 year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
  - (i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
  - (ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
  
- (6) Recreational Vehicles. Recreational vehicles shall either:
  - (a) Temporary Placement
    - (i) Be on site for fewer than 180 consecutive days; or
    - (ii) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)
  - (b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.
  
- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
  - (a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
  - (b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
  - (c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
  - (d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
  - (e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

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- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
  - (b) Accessory structures shall not be temperature-controlled;
  - (c) Accessory structures shall be designed to have low flood damage potential;
  - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
  - (e) Accessory structures shall be firmly anchored in accordance with the provisions of Part 5, Section A(1);
  - (f) All service facilities such as electrical shall be installed in accordance with the provisions of Part 5, Section A(4); and
  - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Part 5, Section B(4)(d).

An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$3,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Part 5, Section B (2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Part 4, Section B(3).

- (9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
  - (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
  - (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section B (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
  - (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
    - (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
    - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

- (10) Other Development. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant

**CABARRUS COUNTY DEVELOPMENT ORDINANCE  
CHAPTER 16-FLOOD DAMAGE PREVENTION**

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must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Part 5, Section F of this ordinance.
- (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Part 5, Section F of this ordinance.
- (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Part 5, Section F of this ordinance.

**SECTION C. RESERVED**

**SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS**

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Part 3, Section B, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Part 5, Section A, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
  - (a) When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Part 5, Sections A and B.
  - (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Part 5, Sections B and F.
  - (c) All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with Part 3, Section B and utilized in implementing this ordinance.
  - (d) When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Part 2. All other applicable provisions of Part 5, Section B shall also apply.

**SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS**

**CABARRUS COUNTY DEVELOPMENT ORDINANCE**  
**CHAPTER 16-FLOOD DAMAGE PREVENTION**

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Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Part 5, Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

**SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS**

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Part 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Part 5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
  - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
  - (b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
  - (c) In addition to subsection (a) and (b), the following standards apply to all fill activities in special flood hazard areas:
    - a. Fill material must be graded to drain, provide such is protected against erosion. When expected velocities during the occurrence of the base flood are greater than five feet per second armoring with stone or rock protection shall be provided. When expected velocities during the base flood are five feet per second or less protection shall be provided by covering them with vegetative cover.
    - b. Any fill material on which is structure is to be located shall be extended at grade 10 feet beyond the limits if the structure foundation and shall have a side slope no steeper than one foot vertical to two feet horizontal.
    - c. Fill shall be composed of clean granular or earthen material.
- (2) If Part 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided following provisions are met:
  - (a) The anchoring and the elevation standards of Part 5, Section B(3); and
  - (b) The encroachment standards of Part 5, Section F(1).

**CABARRUS COUNTY DEVELOPMENT ORDINANCE  
CHAPTER 16-FLOOD DAMAGE PREVENTION**

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**SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)**

Located within the Special Flood Hazard Areas established in Part 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Part 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 2 feet, above the highest adjacent grade; or at least 4 feet where a depth is not provided above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Part 5, Section I(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Part 4, Section B(3) and Part 5, Section B(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

**PART 6. LEGAL STATUS PROVISIONS**

**SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE**

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted November 2, 1994 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Cabarrus County enacted on November 2, 1994, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for each municipal jurisdiction within Cabarrus County is as follows:

***Mount Pleasant: November 2, 1994***  
***Town of Harrisburg: October 13, 2008***  
***Town of Midland: November 10, 2008***

***City of Locust: September 3, 2008***  
***City of Kannapolis: December 17, 1990***  
***City of Concord: February 14, 1983***

**SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.**

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

**SECTION C. SEVERABILITY**

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

**SECTION D. EFFECTIVE DATE**

CABARRUS COUNTY DEVELOPMENT ORDINANCE  
CHAPTER 16-FLOOD DAMAGE PREVENTION

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This ordinance shall become effective upon the adoption by the Cabarrus County Board of Commissioners.

**SECTION E. ADOPTION CERTIFICATION**

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the Board of Commissioners of Cabarrus County, North Carolina, on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

WITNESS my hand and the official seal of \_\_\_\_\_ this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
(Signature)

DRAFT BOC

# CABARRUS COUNTY



## BOARD OF COMMISSIONERS WORK SESSION

**October 1, 2018  
4:00 PM**

### **AGENDA CATEGORY:**

DISCUSSION ITEMS FOR ACTION

### **SUBJECT:**

Planning and Development - Proposed Text Amendments TEXT2018-00003 and TEXT2018-00004

### **BRIEF SUMMARY:**

TEXT2018-00003-Proposed amendment to Chapter 10 and Chapter 14.

- Chapter 10, Parking and Loading, proposed amendment to include language related to interior access roads and the NC Fire Code Requirements.
- Chapter 14, Nonconformities, proposed amendment to allow additional time for structures destroyed by natural causes to be rebuilt.

TEXT2018-00004-Proposed amendment to Chapter 2 and Chapter 7.

- Chapter 2, Rules of Construction and Definitions, proposed amendment to definitions for accessory structure and accessory dwelling unit.
- Chapter 7, Performance Based Standards, proposed amendment to accessory structure standards to allow additional flexibility.

Additions are in red and items to be deleted are in strikeout text.

The Planning and Zoning Commission voted unanimously (9-0) in favor of forwarding these amendments to the Board of Commissioners for final consideration at the September 11, 2018 regular meeting.

The Board of Commissioners will need to hold a public hearing to receive input prior to considering the proposed changes.

### **REQUESTED ACTION:**

1. Receive staff report
2. Hold public hearing
3. Motion to consider adoption of TEXT2018-00003 and TEXT2018-00004, amendments to Chapter 2, Chapter 7, Chapter 10 and Chapter 14.

**EXPECTED LENGTH OF PRESENTATION:**

10 Minutes

**SUBMITTED BY:**

Susie Morris, AICP, CFM, CZO  
Planning and Zoning Manager

**BUDGET AMENDMENT REQUIRED:**

No

**COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:**

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**ATTACHMENTS:**

- ▣ ORDINANCE

**AN ORDINANCE AMENDING THE CABARRUS COUNTY DEVELOPMENT ORDINANCE**

**TEXT2018-00003 AND TEXT2018-00004**

**CHAPTER 2, CHAPTER 7, CHAPTER 10 AND CHAPTER 14**

**BE IT ORDAINED** that the Cabarrus Development Ordinance is hereby amended as follows:

**TEXT2018-00003**

**AMEND CHAPTER 10, PARKING AND LOADING, TO ADD THE FOLLOWING LANGUAGE:**

**Interior Access Roads**

Where access roads are proposed interior to the site and are not associated with parking areas, a reduction may be allowed or an increase may be required to the 24 feet requirement for two-way traffic by the Fire Marshal. The burden shall be on the applicant to show the Fire Marshal that the Fire Code requirements for life safety and access are being met. The minimum reduction allowed is to 20 feet wide.

**AMEND CHAPTER 14, NONCOMFORMITIES, AS FOLLOWS:**

Reconstruction of damaged structures

~~When a nonconforming structure (excluding signs) or structure that contains a nonconforming use is damaged by fire, wind, flood, or any other natural cause, such structure may be reconstructed and used as it was before the event, provided such reconstruction takes place within one year of the date of the event.~~ When a nonconforming structure (excluding signs) or structure that contains a nonconforming use is damaged by fire, wind, flood, or any other natural cause, such structure may be reconstructed and used as it was before the event, provided that a building permit is issued for reconstruction within eighteen months of the date of the event.

**TEXT2018-00004**

**AMEND CHAPTER 2, RULES OF CONSTRUCTION AND DEFINITIONS AS FOLLOWS:**

ACCESSORY BUILDING, **ACCESSORY STRUCTURE** - A building or structure located on the same lot parcel as a properly permitted principal building or structure. ~~is customarily incidental and subordinate to the principal building.~~

ACCESSORY DWELLING UNIT, ~~A structure used as~~ **A secondary** residence located on the same lot parcel as a properly permitted principal residence. ~~customarily incidental and subordinate to the principal building.~~

**AMEND CHAPTER 7, PERFORMANCE BASED STANDARDS, AS FOLLOWS:**

Accessory Building, Accessory Dwelling Unit and Swimming Pools Accessory to Single Family Residential

- a. Residential accessory dwelling units in the AO, CR, LDR, MDR and HDR districts shall not exceed fifty (50) percent of the square footage of the base floor area **as listed on the Cabarrus County Tax Card.** ~~or 1,100 square feet, whichever is less. Accessory dwelling units located as part of a commercial or industrial building shall not exceed 800 square feet.~~
- b. If sited as part of a commercial or industrial building, the accessory dwelling unit shall be incorporated into the overall building design **and shall not exceed twenty five (25) percent of the structure in which it is located.**

Accessory Building, **Accessory Structure**

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial, Limited Industrial, General Industrial districts

~~Accessory building on lots less than 2 acres~~

- ~~a. Accessory buildings shall not be located closer to an adjacent road than the principal structure. Exception—Double frontage lots may place an accessory building to the rear of the principal structure so long as the principal building setback is met along the property lines adjacent to the street.~~
- b. Accessory buildings up to 15 feet in height shall meet the front and side setback requirements of the principal structure. The rear setback shall be no less than five (5) feet.
- c. Buildings greater than 15 feet in height shall meet the principal building setbacks listed in Chapter 5.
- d. Accessory buildings shall be subject to all other dimensional, impermeable and structural coverage requirements listed in Chapter 5.

~~Accessory buildings on lots 2 acres or greater~~

- ~~a. Accessory buildings shall not be located closer to an adjacent road than the principal structure or shall be located at least 100 feet from the road right of way, whichever is less. Exception—double frontage lots may place an accessory building to the rear of the principal structure so long as the principal building setback is met along the property lines adjacent to the street.~~
- ~~b. Accessory buildings up to 15 feet in height shall meet the front and side setback requirements of the principal structure. The rear setbacks shall be no less than five (5) feet. Accessory structures greater than fifteen (15) feet in height shall meet the setback requirements of the principal structure.~~
- ~~c. Accessory buildings shall be subject to all other dimensional, impermeable and structural coverage requirements listed in Chapter 5.~~

**BE IT ALSO ORDAINED** that the Cabarrus County Development Ordinance is hereby amended as follows:

**RENUMBER AND REVISE** the Table of Contents and page numbers in the Cabarrus County Development Ordinance to correspond to the text changes as needed.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ by the Cabarrus County Board of Commissioners.

\_\_\_\_\_  
Stephen M. Morris, Chairman  
Cabarrus County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Clerk to the Board

# CABARRUS COUNTY



## BOARD OF COMMISSIONERS WORK SESSION

**October 1, 2018  
4:00 PM**

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**AGENDA CATEGORY:**

APPROVAL OF REGULAR MEETING AGENDA

**SUBJECT:**

BOC - Approval of Regular Meeting Agenda

**BRIEF SUMMARY:**

The proposed agenda for the October 15, 2018 regular Board of Commissioners' meeting is attached.

**REQUESTED ACTION:**

Motion to approve the agenda for the October 15, 2018 regular meeting.

**EXPECTED LENGTH OF PRESENTATION:**

1 Minute

**SUBMITTED BY:**

Lauren Linker, Clerk to the Board

**BUDGET AMENDMENT REQUIRED:**

No

**COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:**

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**ATTACHMENTS:**

- October 15, 2018 Agenda

# CABARRUS COUNTY



## BOARD OF COMMISSIONERS REGULAR MEETING

**October 15, 2018  
6:30 PM**

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### MISSION STATEMENT

THROUGH VISIONARY LEADERSHIP AND GOOD STEWARDSHIP, WE WILL ADMINISTER STATE REQUIREMENTS, ENSURE PUBLIC SAFETY, DETERMINE COUNTY NEEDS, AND PROVIDE SERVICES THAT CONTINUALLY ENHANCE QUALITY OF LIFE

### PRESENTATION OF COLORS

AIR FORCE JROTC, NORTHWEST CABARRUS HIGH SCHOOL

### INVOCATION

PASTOR BOB PAGE, EMMANUEL BAPTIST CHURCH

### A. APPROVAL OR CORRECTIONS OF MINUTES

1. Approval or Correction of Meeting Minutes

### B. APPROVAL OF THE AGENDA

### C. RECOGNITIONS AND PRESENTATIONS

1. Active Living and Parks - Recognition of North Carolina Senior Games State Finals Participants
2. Centralina Council of Governments - 50th Anniversary Proclamation Presentation to Cabarrus County
3. BOC - Red Ribbon Week 2018 Proclamation
4. BOC - Veterans Day Proclamation
5. Communications & Outreach, Cabarrus County TV, Channel 22 - NATOA Communications Awards
6. Planning and Development - Weatherization Day Proclamation

### D. INFORMAL PUBLIC COMMENTS

### E. OLD BUSINESS

### F. CONSENT AGENDA

*(Items listed under consent are generally of a routine nature. The Board may take*

*action to approve/disapprove all items in a single vote. Any item may be withheld from a general action, to be discussed and voted upon separately at the discretion of the Board.)*

1. County Manager - Public Service Company of North Carolina Easement at West Cabarrus High School
2. Finance – Appropriate Fund Balance for Landfill Fund – Purchased Services
3. Finance - Request for reallocation of funds for the Frank Liske Park Restroom project \$50,000
4. Finance - Project Ordinance Updates for the County Operations Center Purchase
5. Infrastructure and Asset Management - Governmental Center Nativity Scene Display Request
6. Tax Administration - Refund and Release Reports - September 2018

**G. NEW BUSINESS**

1. DHS - FY20 Community Transportation Grant - Public Hearing 6:30 p.m.
2. Planning and Development - Proposed Text Amendment TEXT2018-00002, Chapter 16, Flood Damage Prevention Ordinance - Public Hearing 6:30 p.m.
3. Planning and Development - Proposed Text Amendments TEXT2018-00003 and TEXT2018-00004 - Public Hearing 6:30 p.m

**H. APPOINTMENTS TO BOARDS AND COMMITTEES**

1. Appointments - Early Childhood Task Force Advisory Board
2. Appointments - Library Board of Trustees
3. Appointments and Removals - Human Services Advisory Board
4. Appointments and Removals - Juvenile Crime Prevention Council

**I. REPORTS**

1. BOC - Receive Updates From Commission Members who Serve as Liaisons to Municipalities or on Various Boards/Committees
2. BOC - Request for Applications for County Boards/Committees
3. County Manager - Monthly Building Activity Reports
4. County Manager - Monthly New Development Report
5. EDC - August 2018 Monthly Summary Report
6. Finance - Monthly Financial Update

**J. GENERAL COMMENTS BY BOARD MEMBERS**

**K. WATER AND SEWER DISTRICT OF CABARRUS COUNTY**

**L. CLOSED SECTION**

**M. ADJOURN**

**Scheduled Meetings**

In accordance with ADA regulations, anyone who needs an accommodation to participate in the meeting

should notify the ADA Coordinator at 704-920-2100 at least forty-eight (48) hours prior to the meeting.

<b>November 5</b>	<b>Work Session</b>	<b>4:00 p.m.</b>	<b>Multipurpose Room</b>
<b>November 19</b>	<b>Regular Meeting</b>	<b>6:30 p.m.</b>	<b>BOC Meeting Room</b>
<b>December 5</b>	<b>Work Session</b>	<b>4:00 p.m.</b>	<b>Multipurpose Room</b>
<b>December 12</b>	<b>Cabarrus Summit</b>	<b>6:00 p.m.</b>	<b>Kannapolis City Hall</b>
<b>November 19</b>	<b>Regular Meeting</b>	<b>6:30 p.m.</b>	<b>BOC Meeting Room</b>

**Mission:** Through visionary leadership and good stewardship, we will administer state requirements, ensure public safety, determine county needs, and provide services that continually enhance quality of life.

**Vision:** Our vision for Cabarrus is a county where our children learn, our citizens participate, our dreams matter, our families and neighbors thrive, and our community prospers.

**Cabarrus County Television Broadcast Schedule  
Cabarrus County Board of Commissioners' Meetings**

The most recent Commissioners' meeting is broadcast at the following days and times. Agenda work sessions begin airing after the 1st Monday of the month and are broadcast for two weeks up until the regular meeting. Then the regular meeting begins airing live the 3rd Monday of each month and is broadcast up until the next agenda work session.

<b>Sunday - Saturday</b>	<b>1:00 P.M.</b>
<b>Sunday - Tuesday</b>	<b>6:30 P.M.</b>
<b>Thursday &amp; Friday</b>	<b>6:30 P.M.</b>

# CABARRUS COUNTY



## BOARD OF COMMISSIONERS WORK SESSION

**October 1, 2018  
4:00 PM**

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**AGENDA CATEGORY:**  
CLOSED SESSION

**SUBJECT:**  
Closed Session - Pending Litigation and Economic Development

**BRIEF SUMMARY:**  
A closed session is needed to discuss matters related to pending litigation and economic development as authorized by NCGS 143-318.11(a)(3) and (4).

**REQUESTED ACTION:**  
Motion to go into closed session to discuss matters related to pending litigation and economic development as authorized by NCGS 143-318.11(a)(3) and (4).

**EXPECTED LENGTH OF PRESENTATION:**  
30 Minutes

**SUBMITTED BY:**  
Mike Downs, County Manager

**BUDGET AMENDMENT REQUIRED:**  
No

**COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:**

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