

The Board of Commissioners for the County of Cabarrus met in regular session in the Commissioners' Meeting Room at the Cabarrus County Governmental Center in Concord, North Carolina at 6:30 p.m. on Monday, December 20, 2021.

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

live broadcast at 6:30 p.m. on Channel 22  
<https://www.youtube.com/cabarruscounty>  
<https://www.cabarruscounty.us/cabcotv>

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

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

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

Josh Furr, Deacon and Youth Leader from Broadus Baptist Church in Concord delivered the invocation.

**(A) APPROVAL OR CORRECTION OF MINUTES**

**UPON MOTION** of Commissioner Shue, seconded by Vice Chairman Honeycutt and unanimously carried, the Board approved the minutes of October 20, 2021 (Cabarrus Summit), November 1, 2021 (Work Session), and November 15, 2021 (Regular Meeting) as presented.

**(B) BOARD ORGANIZATION**

Chairman Morris turned the meeting over to Mike Downs, County Manager, who presided over the organization of the Board.

**(B-1) Board of Commissioners - Election of Chairman**

Mike Downs, County Manager, called for nominations for the position of Chairman.

Commissioner Shue **NOMINATED** Commissioner Morris. Commissioner Kiger seconded the nomination.

**UPON MOTION** of Commissioner Honeycutt, seconded by Commissioner Kiger and unanimously carried, the Board voted to close the floor for nominations.

**UPON MOTION** of Commissioner Shue and unanimously carried, Commissioner Morris was re-elected as Chairman of the Cabarrus County Board of Commissioners by acclamation.

Mr. Downs announced Commissioner Morris has been re-elected Chairman and turned the meeting over to him.

**(B-2) Board of Commissioners - Election of Vice Chairman**

Chairman Morris called for nominations for the position of Vice Chairman.

Commissioner Honeycutt **NOMINATED** Commissioner Kiger.

**UPON MOTION** of Commissioner Shue, seconded by Commissioner Honeycutt and unanimously carried, the Board voted to close nominations and elected Commissioner Kiger as Vice Chairman of the Cabarrus County Board of Commissioners by acclamation.

**(B-3) Board of Commissioners - Comments from Chairman and Vice Chairman**

Chairman Morris expressed appreciation to the Board for their support. He also thanked Commissioner Honeycutt for her dedication and service as Vice Chairman.

Vice Chairman Kiger expressed appreciation to the Board and thanked Commissioner Honeycutt for her service to the community and for her years of serving as Vice Chairman of the Board of Commissioners

**(C) APPROVAL OF THE AGENDA**

Chairman Morris reviewed the following changes to the agenda.

Additions:

Recognitions and Presentations

D-4 Proclamation - Celebrating Corine Cannon's Milestone Birthday

Closed Session

L-1 Closed Session - Pending Litigation, Acquisition of Real Property, and Personnel Matters

Supplemental Information:

New Business

H-1 Economic Development Investment - Kroger Fulfillment Network LLC (Project Independence - K) - Public Hearing 6:30 p.m.

- Project Overview
- Grant Analysis

H-2 Economic Development Investment - Ocado Solutions USA, Inc. (Project Independence - O) - Public Hearing 6:30 p.m.

- Project Overview
- Grant Analysis

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

**(D) RECOGNITIONS AND PRESENTATIONS**

**(D-1) Human Resources - Recognition of Captain David W. Taylor's Retirement from Cabarrus County Sheriff's Office**

Chief Deputy James Bailey, Cabarrus County Sheriff's Office, recognized Captain David Taylor on his retirement after 30 years of service to Cabarrus County. Chief Bailey highlighted a number of Captain Taylor's accomplishments during his tenure.

Vice Chairman Kiger presented Captain Taylor with a service award in appreciation of his service and dedication to the County.

Captain Taylor graciously accepted the award and expressed appreciation.

**(D-2) Human Resources - Recognition of Ronnie Blackmon's Retirement from Cabarrus County Human Services Department**

Karen Calhoun, Department of Human Services Director, recognized Ronnie Blackmon on his retirement after 30 years of service to Cabarrus County. Ms. Calhoun highlighted a number of Mr. Blackmon's accomplishments during his tenure.

Vice Chairman Kiger presented Mr. Blackmon with a service award in appreciation of his service and dedication to the County.

Mr. Blackmon graciously accepted the award and expressed appreciation.

**(D-3) Proclamation - Reverend Dr. Martin Luther King, Jr. Day**

Chairman Morris read the proclamation aloud.

**UPON MOTION** of Vice Chairman Kiger, seconded by Commissioner Honeycutt and unanimously carried, the Board adopted the proclamation.

Proclamation No. 2021-29

**PROCLAMATION**

WHEREAS, Reverend Dr. Martin Luther King, Jr., was born on January 15, 1929 in Atlanta, Georgia, and devoted his life to fighting poverty, injustice and racism in America; and

WHEREAS, Reverend Dr. King, through his practice of non-violent protest, promoted the importance of love, peace and freedom for humankind and challenged America to honor its promise of liberty and justice for all citizens; and

WHEREAS, during his lifetime, Reverend Dr. King sought to forge the common ground on which individuals of all ages, races and backgrounds could join together to address important community issues and provide service to their community; and

WHEREAS, the third Monday in January has been established as a national holiday to observe the anniversary of Reverend Dr. King's birth and commemorated as a national day of service; and

NOW THEREFORE, the Cabarrus County Board of Commissioners hereby proclaims Monday, January 17, 2022 as Reverend Dr. Martin Luther King, Jr. Day in Cabarrus County and encourages all citizens to join in the special programs and ceremonies to be held throughout the county honoring the life and work of Reverend Doctor King and his legacy of peace and equality for all citizens.

Adopted this 20<sup>th</sup> day of December, 2021.

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

Attest:

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

**(D-4) Proclamation - Celebrating Corine Cannon's Milestone Birthday**

Chairman Morris read the proclamation aloud.

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

Proclamation No. 2021-30

**CORINE L CANNON  
CELEBRATION PROCLAMATION**

WHEREAS, it has been brought to the attention of the Cabarrus County Board of Commissioners that Mrs. Corine Cannon celebrated her one hundred and second birthday on December 1, 2021; and

WHEREAS, Mrs. Cannon was born in 1919, to Emanuel and Rosa Lytle of Huntersville, NC; and

WHEREAS, Corine attended Logan High School in Concord, NC; and

WHEREAS, Corine married Esau Cannon in 1938, and their marriage was blessed with eight children, twenty-one grandchildren, twenty-eight great-grandchildren and nine great-great grandchildren; and

WHEREAS, in addition to being a wife, mother, grandmother, sister and aunt, Corine Cannon has been an active member of Covenant United Presbyterian Church in Kannapolis, serving in many leadership roles; and

WHEREAS, Mrs. Cannon was the first African American to be hired at Cannon Mills in a production position. She continues to be a strong advocate for equality in her community; and

WHEREAS, Mrs. Cannon has received multiple awards through her life: Cabarrus County Woman of the Year Award in 2013, 2014 Presidents award from NAACP, and the 2019 Lucy Lane Award; and

WHEREAS, Mrs. Cannon continues to lead a spectacular life as she has much more to celebrate;

NOW, THEREFORE, BE IT PROCLAIMED, that the Cabarrus County Board of Commissioners do hereby extend Congratulations and Best Wishes to Mrs. Corine Cannon on her big celebration and many more to come.

Adopted this 20th day of December, 2021.

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

**(E) INFORMAL COMMENTS**

Chairman Morris opened the meeting for Informal Public Comments at 6:54 p.m. He stated each speaker would be limited to three minutes.

Jeeter Anderson, resident of 133 Kennedy Avenue in Kannapolis, commented on his dissatisfaction with the Department of Human Services.

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

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

**(F) OLD BUSINESS**

None.

**(G) CONSENT****(G-1) Appointments - Industrial Facilities and Pollution Control Financing Authority**

The terms for Industrial Facilities and Pollution Control Financing Authority members Robert Pierce, Jr., and Sanjay Mistry end January 10, 2022. Both would like to serve another term. If reappointed, an exception to the length of service provision of the Appointment Policy will be needed for them.

The Authority meets on an as-needed basis and the County Attorney serves as the contact for this Authority.

**UPON MOTION** of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board reappointed Robert Pierce, Jr. and Sanjay Mistry to the Industrial Facilities and Pollution Control Financing Authority for six-year terms ending January 31, 2028, including an exception to the length of service provision of the Appointment Policy for Mr. Pierce and Mr. Mistry.

**(G-2) Appointments (Removals) - Nursing Home Community Advisory Committee**

Sylvia Currie-Johnson has resigned from her position on the Nursing Home Community Advisory Committee. Ms. Currie-Johnson has served on this committee since 2009. The Regional Ombudsman has sent a request to have Ms. Currie-Johnson removed from the roster.

**UPON MOTION** of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board removed Sylvia Currie-Johnson from the Nursing Home Community Advisory Committee roster and thanked her for her many years of service.

**(G-3) Appointments and Removals - Human Services Advisory Board**

William Garrity has resigned from his position on the Human Services Advisory Board.

An application has been received from Natalie Atwell to serve on the Human Services Advisory Board. A letter of recommendation regarding her appointment to fill the unexpired term was included in the agenda.

**UPON MOTION** of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board removed William Garrity from the Human Services Advisory Board roster and thanked him for his service.

**UPON MOTION** of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board appointed Natalie Atwell to the Human Services Advisory Board to complete an unexpired term ending May 31, 2023.

**(G-4) Appointments and Removals - Mental Health Advisory Board**

There are several terms on the Mental Health Advisory Board ending December 31, 2021. The following members would like to serve another term: Ashlie Shanley, Jay White, Mitzie Quinn, Gary Gacek, William Dusch, Darrell Hinnant, Del Eudy, Jessica Grant, Bonnie Coyle, Rebecca True, Jon McKinsey and Alan Thompson. Mr. White also serves on the Tourism Authority. An exception to the service on multiple boards provision of the Appointment Policy will be needed for him. Ms. True is not a county resident. An exception to the residency provision of the Appointment Policy will be needed for her.



Commissioner Strang is unable to continue to serve on this board due to her schedule. Roderick Lilly does not wish to serve another term at this time. It is requested to remove their names from the roster.

UPON MOTION of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board removed Barbara Strang and Dr. Roderick Lilly from the Mental Health Advisory Board roster and thanked them for their service.

UPON MOTION of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board reappointed the following members of the Mental Health Advisory Board for three-year terms ending December 31, 2024: Ashlie Shanley, Jay White, Mitzie Quinn, Gary Gacek, William Dusch, Darrell Hinnant, Del Eudy, Jessica Grant, Bonnie Coyle, Rebecca True, Jon McKinsey and Alan Thompson, including an exception to the service on multiple boards provision of the Appointment Policy for Mr. White and an exception to the residency provision of the Appointment Policy for Ms. True.

**(G-5) Appointments and Removals - Public Health Authority of Cabarrus County**

Chris Bowe, Member, Atrium Health-Cabarrus Local Governing or Advisory Board, representative has resigned from his position on the Public Health Authority of Cabarrus County. The Authority's selection committee has met and recommends Asha Rodriquez to fill that position. A letter in that regard was included in the agenda.

UPON MOTION of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board removed Chris Bowe from the Public Health Authority of Cabarrus County roster and thanked him for his service.

UPON MOTION of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board appointed Asha Rodriquez to the Public Health Authority of Cabarrus County as a Member, Atrium Health-Cabarrus Local Governing or Advisory Board representative to complete an unexpired term ending June 30, 2022.

**(G-6) Active Living and Parks - Fees and Charges**

Each year, the Active Living and Parks Department reviews the Fees and Charges Policy, presents it to the Active Living and Parks Commission and Senior Centers Advisory Council, and recommends changes to the Board of Commissioners.

The updated documents reflect the proposed changes to the Fees and Charges Policy and a summary of the requested changes. These items are addressed during this time of year so that they can be in place in January and for the entire calendar year. A fiscal year approval would split some of the sports and activity sessions.

Both the Senior Center Advisory Council and the Parks Commission unanimously approved this recommendation.

UPON MOTION of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board approved the Fees and Charges edits as presented.

**(G-7) BOC - Commissioner Appointments for 2022**

The following chart outlines commissioner appointments to various boards and committees and appointments as liaisons to the surrounding municipalities for 2022.

UPON MOTION of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board approved the commissioner appointments for 2022 as set forth in the agenda.

NAME OF BOARD	2022 APPOINTMENTS
Active Living and Parks Commission	Kiger
Cabarrus County Animal Protection Advisory Board	Strang
Cabarrus County Board of Education - Business Mtg.	Kiger/Honeycutt
Cabarrus County Board of Education - Work Session	Honeycutt/Kiger
Cabarrus County Partnership for Children (Smart Start)	Morris
Cabarrus Planning and Zoning Commission	Kiger/Shue
Cabarrus-Rowan Urban Area MPO Transportation Adv. Comm.	Kiger/Strang
Centralina Council of Government Executive Board	Shue
Centralina Council of Government Board of Directors	Shue

Centralina Workforce Development Consortium	Strang
City of Concord	Kiger
City of Kannapolis	Morris
City of Locust	Morris
Cooperative Extension Service	Honeycutt
Council of Planning - NC 73 Corridor	Strang/Honeycutt
Early Childhood Task Force Advisory Board	Kiger/Harris
East 49 Taskforce	Strang/Downs
Fire Departments & First Responder Advisory Committee	Strang/Shue
Home and Community Care Block Grant Advisory Committee	Honeycutt
Human Services Advisory Board	Honeycutt
Juvenile Crime Prevention Council	Morris
Kannapolis Board of Education	Shue/Kiger
Library Board of Trustees	Morris
Local Emergency Planning Committee	Honeycutt
Mental Health Advisory Board	Morris
Public Health Authority of Cabarrus County	Morris
Region F Aging Advisory Committee	Shue
Rowan-Cabarrus Community College Board of Trustees	Morris
Senior Centers Advisory Council	Honeycutt
Soil & Water Conservation District	Shue
Tourism Authority	Honeycutt
Town of Harrisburg	Kiger
Town of Midland	Strang
Town of Mt. Pleasant	Shue
Transportation Advisory Board	Morris
Water and Sewer Authority	Shue/Marshall
Youth Council	Strang

**(G-8) BOC - Ordinance Implementing State Criminal Justice Reforms**

Under previous law, a violation of most county ordinances is punishable as a Class 3 misdemeanor subject to a fine of between \$50 and \$500, unless the county ordinance provides for a lesser penalty. See G.S. 153A-123(b); G.S. 14-4. The Cabarrus County Code of Ordinances implements this provision by providing a general, default penalty of a Class 3 misdemeanor with a fine of up to \$500 for any violation of the County Code. See Cabarrus County Code § 1-7.

Part XIII of Session Law 2021-138 (SB 300), entitled “Decriminalization of Certain Ordinances”, amended G.S. 153A-123 and G.S. 14-4 to prohibit criminal penalties for violations of certain development and business regulation ordinances. The act also prohibits the application of criminal penalties to county ordinances unless each individual ordinance specifically provides for such a penalty. Those charged with criminal violation of an ordinance may avoid conviction by not violating the same ordinance within 30 days or remediating the underlying cause of the violation by obtaining professional assistance. This legislation became effective on December 1, 2021.

Most of the current County Code does not comply with these changes. The ordinance under consideration would restore the possibility of criminal penalties, as allowed under the law. It would also allow the assessment of civil monetary penalties where criminal sanctions are inappropriate or not available. The ordinance would not change the substantive requirements in the County Code, nor would it increase potential criminal liability beyond what is currently provided in the Code. The Cabarrus County Development Ordinance will be addressed separately.

**UPON MOTION** of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board adopted the Ordinance to Implement State Criminal Justice Reforms.

Ordinance No. 2021-32

**AN ORDINANCE TO IMPLEMENT STATE CRIMINAL JUSTICE REFORMS**

WHEREAS, a violation of a county ordinance is a misdemeanor punishable by of up to a fine of \$500.00 for each offense, in accordance with G.S. 14-4 and section 1-7 of the Cabarrus County Code of Ordinances; and

WHEREAS, the General Assembly of North Carolina enacted Part XIII of Session Law 2021-138, which, in part, requires local governments to specify criminal penalties for each individual criminal offense; and

WHEREAS, the Cabarrus County Board of Commissioners intends to maintain existing criminal penalties to the maximum intent allowed under law.

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

Section 1. General Penalties. Section 1-7 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

Sec. 1-7. General penalty.

(a) Any person violating or failing, refusing or neglecting to comply with any provision or requirement of any section or subsection of this Code, or any ordinance of this county now in force or hereafter enacted, that is specifically designated as a misdemeanor and to which no specific criminal penalty is affixed, shall be guilty of a Class 3 misdemeanor punished in accordance with G.S. 14-4 and shall be fined in an amount not to exceed \$500.00 for each offense.

...

(g) Any person violating or failing, refusing or neglecting to comply with any provision or requirement of any section or subsection of this Code, or any ordinance of this county now in force or hereafter enacted, to which no specific civil penalty is affixed, shall also be subject to a civil penalty of \$100.00 for each violation. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt.

Sec. 2. Pool and Billiard Rooms. Article II of Chapter 6 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

#### ARTICLE II. POOL AND BILLIARD ROOMS

~~Sec. 6-26. Penalty for violation of article. Reserved.~~

~~(a) Any person violating the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-7.~~

~~(b) The board of commissioners may take civil action, including the application for injunctive relief, against any person violating the provisions of this article.~~

Sec. 6-27. Restrictions for ten or more tables for rent or hire.

It shall be unlawful for any person to operate a pool or billiard room where more than ten pool, billiard or bagatelle tables, or tables of like character, are kept for rent or hire or for any other compensation, directly or indirectly. A violation of this section is punishable as a misdemeanor.

Sec. 6-28. Hours and days of operation.

No pool or billiard room or establishment shall be operated later than 11:00 p.m. on Mondays, Tuesdays, Wednesdays, or Thursdays, or later than 11:00 p.m. on Fridays or Saturdays. No pool or billiard room establishment shall be operated on Sundays. A violation of this section is punishable as a misdemeanor.

Sec. 6-29. Gambling.

It shall be unlawful for any owner, manager, or any person in charge of a pool or billiard room or establishment to allow gambling. A violation of this section is punishable as a misdemeanor.

...

Sec. 6-31. Clear view of interior of establishment required.

It shall be unlawful for any person to place or keep any kind of stain, paint, curtains or other things on or in front of any glass which obscures the view into any place or building where a poolroom is maintained. A violation of this section is punishable as a misdemeanor.

Sec. 3. Animals. Chapter 10 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

#### Chapter 10 ANIMALS ARTICLE I. IN GENERAL

...

Sec. 10-3. ~~Penalty for violation of chapter. Reserved.~~

~~Any person violating the provision of this chapter shall be guilty of a Class 3 misdemeanor and punished in accordance with section 1-7.~~

Sec. 10-4. Cruelty.

It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulation of the wildlife resources commission; nor to prohibit the animal control department or its agents or veterinarians from destroying dangerous, unwanted, or injured animals in a humane manner; nor to prohibit any individual from killing a dangerous animal in imminent defense of person or property; nor to prohibit the lawful use of animals in scientific research. A violation of this section is punishable as a misdemeanor.

Sec. 10-6. Restraint.

...

(d) Violations. Issuance of a citation for a violation of subsection (a) of this section is directed toward and against the owner of an animal. The purpose of the issuance of a citation is to effect the conduct of the owner of an animal by seeking to have an owner responsibly maintain sufficient restraint and confinement of his/her animal. Therefore, an owner of an animal shall be subject to escalating penalties for each violation of subsection (a) of this section allowed by the owner, whether the animal is the same animal, a different animal, or various animals belonging to the owner. Each violation of subsection (a) of this section shall be punishable as a misdemeanor and subject the owner to the following escalating citation penalties:

...

Sec. 10-7. Public nuisance.

...

(c) A violation of this section is punishable as a misdemeanor.

Sec. 10-8. Dangerous animals.

...

(d) A violation of this section is punishable as a misdemeanor.

Sec. 10-9. Seizure and disposition.

...

(g) A violation of this section is punishable as a misdemeanor.

Sec. 10-10. Interference with enforcement of chapter.

It shall be unlawful for any person to interfere with, hinder or molest the animal control department or its agents or animal control officers or veterinarians in the performance of any duty authorized by this chapter, or otherwise specifically provided. When requested, an officer of the county sheriff's department or the municipal law enforcement agency shall accompany an animal control officer investigating a suspected dangerous or vicious dog. A violation of this section is punishable as a misdemeanor.

Sec. 10-11. Sale and adoption.

Notwithstanding any other provision of this chapter, impounded animals shall not be sold to or adopted by anyone who intends to use them or sell them for research, experimentation or vivisection. A violation of this section is punishable as a misdemeanor.

...

#### ARTICLE III. DOGS AND CATS

Sec. 10-56. Vicious dogs.

...

(f) Violation. Violation of the requirements of this article by a dog declared vicious pursuant to the procedure set forth in this section shall result in the immediate seizure of the vicious dog and may result in its humane destruction and the prosecution of its owner for a misdemeanor.

Sec. 10-57. Protective measures for confinement of potentially dangerous dogs.

...

(d) Failure to comply with written order. It shall be unlawful for an owner to fail to comply with a written order to take preventive measures within the designated time for compliance stated in the written order or any extension thereof. A violation of this section is punishable as a class 3 misdemeanor with a fine of \$100.00 for a first offense and \$200.00 for each subsequent violation. ~~The penalty for failure to comply with written order to take preventive measures shall be \$100.00. The department shall have the authority to issue an additional \$200.00 citation for continuing failure to comply with a written order.~~

...

#### ARTICLE IV. RABIES CONTROL

Sec. 10-96. Compliance with state law; article as supplement to state law.

...

(c) A violation of this section is punishable as a misdemeanor.

Sec. 10-97. Inoculation of dogs, cats, and other pets.

...

(c) A violation of this section is punishable as a misdemeanor.

Sec. 10-98. Inoculation tag.

...

(b) It shall be unlawful for any dog owner to fail to provide the dog with a collar or harness to which a current tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times unless the animal is confined in a secure enclosure. Dogs not wearing such tags and for which the owner cannot promptly display a valid tag shall be impounded ~~and shall be subject to a citation penalty of \$50.00.~~ A violation of this subsection is punishable as a misdemeanor subject to a fine of \$50.00.

(c) It shall be unlawful for any person to use for any animal a rabies inoculation issued for an animal other than the one using the tag. A violation of this subsection is punishable as a misdemeanor.

Sec. 10-99. Evidence of inoculation of cats.

Cats shall not be required to wear the metallic tag referred to in section 10-98, but the owner of a cat shall maintain the rabies vaccination certificates as written evidence to prove that the cat has a current rabies inoculation. Cats for which the owner cannot promptly display a valid rabies tag shall be impounded ~~and shall be subject to a citation penalty of \$50.00.~~ A violation of this section is punishable as a misdemeanor subject to a fine of \$50.00.

Sec. 10-100. Report and confinement of animals biting persons or showing symptoms of rabies.

...

(f) A violation of this section is punishable as a misdemeanor.

Sec. 10-101. Destruction or confinement of animal bitten by rabid animal.

...

(c) A violation of this section is punishable as a misdemeanor.

...

Sec. 10-103. Postmortem diagnosis.

...

(c) A violation of this section is punishable as a misdemeanor.

Sec. 10-104. Unlawful killing, releasing, of certain animals.

It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the county without written permission from the animal control department and the county director of public health. A violation of this section is punishable as a misdemeanor.

Sec. 10-105. Failure to surrender animal for quarantine or destruction. It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required in this article, when



demand is made therefor by the animal control department. A violation of this section is punishable as a misdemeanor.

...

#### ARTICLE VI. INHERENTLY DANGEROUS ANIMALS

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Sec. 10-132. Possession of inherently dangerous animals.

At no time may any person or persons harbor an inherently dangerous exotic mammal or inherently dangerous reptile. A violation of this section is punishable as a misdemeanor. For every day that the animal(s) remain housed or harbored as defined in section 10-131 shall constitute a new offense.

...

Sec. 10-135. ~~Violation. Reserved.~~

~~Any person who is found guilty of violation of this article shall be guilty of a class 3 misdemeanor. For every day that the animal(s) remain housed or harbored as defined in section 10-131 shall constitute a new offense.~~

Sec. 4. Buildings and Building Regulations. Chapter 14 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

#### Chapter 14 BUILDINGS AND BUILDING REGULATIONS

...

##### ARTICLE II. PERMITS AND INSPECTIONS

Sec. 14-26. Permits required.

...

(1) A violation of this section is punishable as a misdemeanor.

...

Sec. 14-29. Variations.

...

(c) A violation of this section is punishable as a misdemeanor.

...

Sec. 14-32. Inspections.

...

(d) At the conclusion of all work done under a permit, the appropriate codes enforcement officer shall make a final inspection. If he finds that the completed work complies with all applicable state and local laws, local ordinances and regulations and with the terms of the permit, he/she shall issue a certificate of occupancy. No new building or part thereof may be occupied, no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or removed may be occupied until the public safety services department has issued a certificate of occupancy. A temporary certificate of occupancy may be issued permitting occupancy for a stated period of specified portions of the building that the chief inspector finds may safely be occupied before completion of the entire building. Violation of this subsection constitutes a misdemeanor.

(e) It shall be unlawful to secure permanent electrical power to the premises before a final inspection. A violation of this subsection is punishable as a misdemeanor.

...

#### ARTICLE III. HOUSING CODE

##### DIVISION 1. GENERALLY

Sec. 14-51. Purpose of article.

(a) Pursuant to G.S. ~~160A-441~~160D-1201, it is hereby declared that there exist in the county dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities; and other conditions rendering such dwellings unsafe or unsanitary, dangerous, and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the county.

(b) In order to protect the health, safety and welfare of the residents of the county as authorized by part of G.S. 160D-202, ~~160A-360~~, it is the purpose of this article to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160D-1205. ~~160A-444.~~



...

## DIVISION 2. MINIMUM STANDARDS

Sec. 14-71. Fitness for dwellings and dwelling units.

...

(c) A violation of this section is punishable as a misdemeanor.

...

## DIVISION 3. ADMINISTRATION AND ENFORCEMENT

...

Sec. 14-97. Inspections; duty of owners and occupants.

...

(c) A violation of this section is punishable as a misdemeanor.

Sec. 14-98. Procedure for enforcement.

...

(c)...

(1) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the chief building inspector to repair, alter, or improve or to vacate and close same within the time specified therein, or if the owner of a dilapidated dwelling or dwelling unit shall fail to comply with an order of the chief building inspector to repair, alter, or improve or to vacate and close and remove or demolish and remove same within the time specified therein, the chief building inspector shall submit to the board of county commissioners at their next regular meeting a resolution directing the county attorney to petition the superior court for an order directing such owner to comply with the order of the chief building inspector, as authorized by G.S. 160D-1208(e). ~~160A-446(g).~~

(2) *In rem remedy.* After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the chief building inspector within the time specified therein, if injunctive relief has not been sought or has not been granted, as provided in the subsection (1) of this section, the chief building inspector shall submit to the board of county commissioners an ordinance ordering the chief building inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed or demolished and removed, as provided in the original order of the chief building inspector, and pending removal or demolition and removal, to place a placard on such dwelling as provided by G.S. 160D-1203. ~~160A-443.~~

(d) *Appeals from orders of the chief building inspector.* An appeal from any decision or order of the chief building inspector may be taken by any person aggrieved thereby. Any appeal from the chief building inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the chief building inspector and with the planning and zoning commission, serving as the zoning board of adjustment, a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the chief building inspector shall forthwith transmit to the commission all the papers constituting the record upon which the decision appealed from was made. When the appeal is from a decision of the chief building inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When an appeal is from a decision of the chief building inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the commission, unless the chief building inspector certifies to the commission, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate, a copy of which shall be furnished the person who is appealing, a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except for due cause shown upon not less than one day's written notice to the chief building inspector, by the commission, or by a court of record upon petition made pursuant to G.S. 160D-1208(d). ~~160A-446(f)~~ and subsection (e) of this section. The commission shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The commission may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be

made in the matter, and to that end it shall have all the powers of the chief building inspector, but the concurring vote of 80 percent of the members of the commission shall be necessary to reverse or modify any decision or order of the chief building inspector. The commission shall have power also in passing upon appeals, in the case where there are practical difficulties or unnecessary hardships in a way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. Every decision of the commission shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the commission, but not otherwise.

(e) *Petition to superior court by owner.* Any person aggrieved by an order issued by the chief building inspector or a decision rendered by the commission shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining chief building inspector pending a final disposition of the cause, as provided by G.S. 160D-1208(d) ~~160A-446(f)~~.

...

Sec. 14-100. In rem action by chief building inspector; placarding.

(a) After failure of an owner of a dwelling or dwelling unit to comply with an order of the chief building inspector issued pursuant to the provisions of this article, and upon adoption by the board of county commissioners of an ordinance authorizing and directing him to do so, as provided by G.S. 160D-1203(5) ~~160A-443(5)~~ and section 14-98(c), the chief building inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this article, or to be vacated and closed and removed or demolished and removed, as directed by the ordinance of the board of county commissioners. The chief building inspector shall, immediately upon adoption of such ordinance, cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.

(b) Each ordinance shall be recorded in the office of the register of deeds of the county, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160D-1203(5) ~~160A-443(5)~~.

Sec. 14-101. Costs; a lien on premises.

As provided by G.S. 160D-1203(7) ~~160A-446(6)~~, the cost of any repairs, alterations or improvements, or of vacating and closing, or removal or demolition and removal, caused to be made or done by the chief building inspector pursuant to section 14-100 shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have priority, and be collected in the same manner as the lien for special assessments established by G.S. 160A-216 et seq.

Sec. 5. Businesses. Chapter 18 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

#### Chapter 18 BUSINESSES

...

#### ARTICLE II. MASSAGE PARLORS

...

#### DIVISION 1. GENERALLY

...

~~Sec. 18-28. Reserved. Penalty for violation of article.~~

~~Any person convicted of violating any provisions of this article shall be punished in accordance with section 1-7.~~

Sec. 18-29. Hours of operation.

...

(d) A violation of this section is punishable as a misdemeanor.

Sec. 18-30. Restrictions concerning minors.

...

(d) A violation of this section is punishable as a misdemeanor.

...

## DIVISION 2. LICENSES

...

## Subdivision II. Business License

Sec. 18-71. Licensing of massage business operators.

(a) No person shall operate a massage business, unless such person shall have first applied for and received the privilege license provided by this section. A violation of this subsection is punishable as a misdemeanor.

...

Sec. 6. Cable Television. Chapter 20 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

## Chapter 20 CABLE TELEVISION

...

## ARTICLE II. GRANT OF FRANCHISE

...

Sec. 20-26. Franchise required.

No cable television system shall be allowed to occupy or use the streets of the county or be allowed to operate without a franchise. A violation of this section is punishable as a misdemeanor.

...

Sec. 7. Emergency Services. Chapter 26 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

## Chapter 26 EMERGENCY SERVICES

...

## ARTICLE III. FIRST RESPONDER PROGRAM

Sec. 26-52. Requirements for certification of a first responder agency or an individual first responder.

...

(d) A violation of this section is punishable as a misdemeanor.

...

## ARTICLE IV. ALARMS RESPONDED TO BY EMERGENCY RESPONSE AGENCIES

...

Sec. 26-83. Permit required; application; fee; transferability; false statements.

...

(i) A violation of this section is punishable as a misdemeanor.

Sec. 26-84. Alarm systems in apartment complexes—Contracted for by individual tenant.

...

(d) A violation of this section is punishable as a misdemeanor.

...

Sec. 26-85. Alarm systems in apartment complexes—Furnished by the apartment complex as an amenity.

...

(d) A violation of this section is punishable as a misdemeanor.

Sec. 26-86. Permit duration and renewal.

A permit shall expire one year from the date of issuance, and shall be renewed annually by submitting an updated application and a permit renewal fee to the alarm administrator. The alarm administrator shall notify each alarm user of the need to renew 30 days prior to the expiration of the permit. The alarm user shall submit an application prior to the permit expiration date. Failure to renew shall constitute use of a non-permitted alarm system and citations and penalties shall be assessed without waiver. A violation of this section is punishable as a misdemeanor.

Sec. 26-87. Proper alarm systems operation and maintenance.

...

(c) A violation of this section is punishable as a misdemeanor.

Sec. 26-88. Monitoring procedures.

...

(c) A violation of this section is punishable as a misdemeanor.

Sec. 26-89. Duties of alarm business.

...

(c) Alarm systems that provide for direct dialing over telephone lines to a dispatch center and the delivery of a pre-recorded message are prohibited in Cabarrus County. Such installation by an alarm business and use by an alarm system owner is punishable as a misdemeanor. ~~shall constitute a criminal offense as outlined in section 26-98 of this article.~~

Sec. 26-90. Alarm system operating instructions.

An alarm user shall maintain at each alarm site, a set of written operating instructions for each alarm system. A violation of this section is punishable as a misdemeanor.

...

Sec. 26-93. False alarm administrative processing fees.

...

(b) Any person, operating a non-permitted alarm system (whether revoked, suspended or never acquired) will be subject to punishment as a misdemeanor ~~a criminal citation~~ and an administrative processing fee of \$200.00 for each false alarm dispatch, in addition to any other fines.

...

(e) All administrative processing fees shall be payable in and to the Cabarrus County ~~Developmental Services~~/Fire Marshal's Office.

...

Sec. 26-95. Revocation, suspension or loss of alarm permit.

...

(b) A person shall commit an offense if he operates an alarm system during the period in which his alarm permit is suspended or revoked. A violation of this subsection is punishable as a misdemeanor.

...

Sec. 26-99. ~~Reserved. Violations.~~

~~A person commits a Class 3 misdemeanor criminal offense if he violates by commission or omission any provision of this article that imposes upon him a duty or responsibility.~~

Sec. 8. Noise. Article II of Chapter 30 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

#### ARTICLE II. NOISE

Sec. 30-26. ~~Reserved. Penalty for violation of article.~~

~~Any person violating the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-7.~~

Sec. 30-27. Enumeration of prohibited acts.

...

(c) A violation of this section is punishable as a misdemeanor.

...

Sec. 8. Fire Prevention Code. Article III of Chapter 34 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

#### ARTICLE III. FIRE PREVENTION CODE

...

Sec. 34-56. Permits.

...

(b) No person shall maintain, store or handle materials or conduct processes which produce conditions hazardous to life or property or install equipment used in connection with such activities without a permit as required by the N.C. Fire Code. Before a permit may be issued, the Cabarrus County Fire Marshal or his/her representative shall inspect and approve the receptacles, vehicles, buildings, structures, storage areas, devices, processes or conditions related to the permit. A violation of this subsection is punishable as a misdemeanor.

...

Sec. 34-59. Open burning regulations.

...

(g) A violation of this section is punishable as a misdemeanor.

Sec. 9. Offenses and Miscellaneous Provisions. Chapter 46 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

#### Chapter 46 OFFENSES AND MISCELLANEOUS PROVISIONS

Sec. 46-1. Finding of fact; unauthorized presence in county facilities and the surrounding premises prohibited; penalty.

...

(c) The use of skates, skateboards, etc., is prohibited in or about county facilities and surrounding premises unless expressly permitted by formal authority of the board of county commissioners or county manager. A violation of this subsection is punishable as a misdemeanor.

...

Sec. 46-4. Possession of weapons on county property: exceptions.

...

(c) Violation of this section is punishable as a misdemeanor and shall also be a violation of the applicable state statute which prohibits possession of a concealed handgun on county property.

...

Sec. 10. Active Living and Parks. Chapter 50 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

#### Chapter 50 ACTIVE LIVING AND PARKS

##### ARTICLE I. IN GENERAL

...

Sec. 50-3. Property and facility preservation.

(a) It shall be unlawful for any person to:

...

(b) A violation of this section is punishable as a misdemeanor.

Sec. 50-4. Weapons; explosives; alcoholic beverages; drugs; dangerous substances.

(a) It shall be unlawful for any person to bring into or have in his possession any weapon (or any device that, in the reasonable opinion of county law enforcement authorities or department officials can be used as a weapon) including without limitation:

...

(b) A violation of this section is punishable as a misdemeanor.

Sec. 50-5. Hunting and fishing.

(a) It shall be unlawful for any person in the park areas to:

...

(b) A violation of this section is punishable as a misdemeanor.

Sec. 50-6. Water activities.

(a) It shall be unlawful to:

...

(b) A violation of this section is punishable as a misdemeanor.

Sec. 50-7. Camping; fires; picnic areas.

(a) It shall be unlawful to:

...

(b) A violation of this section is punishable as a misdemeanor.

...

Sec. 50-9. Aviation.

It shall be unlawful for any person within the confines of the park to voluntarily launch, take off, land, or cause to descend or take off any airplane, flying machine, balloon, parachute, or other apparatus of aviation, except by special permit. Voluntarily shall mean any action other than a forced landing. This section shall also apply to radio-controlled airplanes, helicopters, rockets, etc. However, kite flying in

open areas is permitted. A violation of this section is punishable as a misdemeanor.

Sec. 50-10. Hours of operation.

It shall be unlawful for any person to enter or remain in the park/recreation facility except during those hours of operation that it is open to the general public. Park/recreation facility hours of operation will be posted and may be changed from time to time by the board of commissioners. Cabin and tent renters are exempt. A violation of this section is punishable as a misdemeanor.

Sec. 50-11. Vehicles and parking.

(a) It shall be unlawful for any person to:

...

(b) A violation of this section is punishable as a misdemeanor.

Sec. 50-12. Personal conduct.

(a) It shall be unlawful for any person to:

...

(b) A violation of this section is punishable as a misdemeanor.

...

## ARTICLE II. SEX OFFENDERS

...

Sec. 50-32. Prohibition.

No registered sex offender shall enter into or upon any park or recreation facility owned, leased, operated or maintained by the county except as permitted by section 50-33. A violation of this section is punishable as a misdemeanor.

...

Sec. 11. Solid Waste Management. Chapter 58 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

### Chapter 58 SOLID WASTE MANAGEMENT

#### ARTICLE I. IN GENERAL

...

~~Sec. 58-3. Reserved. Enforcement of chapter.~~

~~(a) Criminal penalty. Any person violating this chapter shall be guilty of a misdemeanor punishable in accordance with section 1-7.~~

~~(b) Civil penalty. Any person who is found in violation of this chapter shall be subject to the civil penalty provided in G.S. 153A-123. Each day's violation shall be treated as a separate offense.~~

~~(c) Remedies. This chapter may be enforced by equitable remedies, and any unlawful condition existing or in violation of this chapter may be enforced by injunction and order of abatement in accordance with G.S. 153A-123.~~

...

#### ARTICLE II. COLLECTION, STORAGE AND DISPOSAL

Sec. 58-36. Storage and disposal.

...

(o) A violation of this section is punishable as a misdemeanor.

Sec. 58-37. Landfill management.

...

(h) A violation of this section is punishable as a misdemeanor.

Sec. 58-38. Source separation and recycling.

...

(e) A violation of this section is punishable as a misdemeanor.

Sec. 58-39. Flow control.

...

(d) A violation of this section is punishable as a misdemeanor.

#### ARTICLE III. SOLID WASTE COLLECTORS

##### DIVISION 1. GENERALLY



Sec. 58-61. Report to county manager required.

(a) When requested by the county manager, a licensee shall submit a report to the county manager containing the following information:

...

(b) A violation of this section is punishable as a misdemeanor.

Sec. 58-62. Vehicles and containers.

...

(c) A violation of this section is punishable as a misdemeanor.

...

#### DIVISION 2. LICENSE

Sec. 58-81. Required.

No person may engage in business as a solid waste collector except under a license issued by the county pursuant to this division. A violation of this section is punishable as a misdemeanor.

...

#### DIVISION 3. FRANCHISE

Sec. 58-106. Required.

No person may engage in the business of solid waste collector unless he holds a franchise issued by the board of county commissioners authorizing him to collect, transport, and dispose of solid waste and describing the area for which the franchise is issued. A violation of this section is punishable as a misdemeanor.

...

Sec. 12. Streets, Sidewalks and Other Public Places. Chapter 62 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

#### Chapter 62 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

...

#### ARTICLE II. ROAD NAMES AND ADDRESS DISPLAY

...

Sec. 62-38. Road names.

...

(c) A violation of this section is punishable as a misdemeanor.

...

Sec. 62-40. Display of road address numbers.

...

(i) A violation of this section is punishable as a misdemeanor.

...

#### ARTICLE III. PARADES

Sec. 62-61. Permit required.

It shall be unlawful for any person to promote, sponsor, instigate, organize or take part in, any parade or procession in the unincorporated areas of the county involving more than three automobiles or 12 pedestrians, unless a permit for the parade or procession shall first have been secured from the county manager. Expressly excepted from the operation of this article shall be bona fide funeral processions, activities of fire departments, police departments, or other valid functions by governmental agencies. A violation of this section is punishable as a misdemeanor.

Sec. 62-62. Carrying deadly weapons.

No deadly weapons may be carried by anyone marching or riding in vehicles or otherwise participating in parades, other than law enforcement officers and members of the armed forces or national guards or armed forces reserves while on duty. Persons in attendance as spectators shall not carry dangerous weapons, except when permitted to carry them in the parade. A violation of this section is punishable as a misdemeanor.

Sec. 13. Ambulances. Section 82-51 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

Sec. 82-51. Required, exceptions.

...

(c) A violation of this section is punishable as a misdemeanor.

...

Sec. 14. Effective Date. This ordinance becomes effective upon adoption and applies to all offenses and violations committed on or after that date.

ADOPTED this 20<sup>th</sup> day of December, 2021.

/s/ Stephen M. Morris

Stephen M. Morris, Chairman  
Cabarrus County Board of Commissioners

Attest:

/s/ Lauren Linker

Clerk to the Board

**(G-9) BOC - Resolution Establishing the Board of Commissioners' 2022 Meeting Schedule**

The following resolution establishes the Boards' meeting schedule for 2022.

Regular meetings that will fall on Tuesday due to holidays are:

- \* January 18, 2022 (Martin Luther King, Jr.)
- \* April 19, 2022 (Easter)

Work sessions that will fall on Tuesday due to holidays are:

- \* July 5, 2022 (Independence Day)
- \* September 6, 2022 (Labor Day)

**UPON MOTION** of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board adopted the Resolution Establishing the Regular Meeting Schedule for Calendar Year 2022.

Resolution No. 2021-15

RESOLUTION  
ESTABLISHING THE REGULAR MEETING SCHEDULE  
FOR CALENDAR YEAR 2022

WHEREAS, the regular agenda work sessions of the Cabarrus County Board of Commissioners are held on the first Monday of each month at 4:00 p.m. in the Multipurpose Room at the Governmental Center, except in December; and

WHEREAS, the regular meetings of the Board of Commissioners are held on the third Monday of each month at 6:30 p.m. in the Commissioners' Meeting Room at the Governmental Center; and

WHEREAS, the Board holds an annual goal-setting/planning retreat in the winter which is set for February 25, 2022 at 4:00 p.m. and February 26, 2022 at 8:00 a.m. at the Cabarrus Arena and Events Center in Concord; and

WHEREAS, budget workshops are held annually and are scheduled for April 14 and June 9, 2022 from 4:00 p.m. to 7:00 p.m. in the Multipurpose Room at the Governmental Center; and

WHEREAS, the Board will hold a Budget Public Hearing meeting June 6, 2022 at 4:00 p.m. in the Commissioners' Meeting Room at the Governmental Center; and

WHEREAS, quarterly summits are scheduled at the Cabarrus Arena and Events Center on January 19, 2022, April 20, 2022, July 20, 2022, and October 19, 2022 at 6:00 p.m.; and

WHEREAS, the Martin Luther King, Jr. and Easter holidays require a change in the regular meeting dates in January and April 2022; and

WHEREAS, the Independence and Labor Day holidays require a change in the agenda work session meeting date in July and September 2022; and

WHEREAS, the Board may attend the following conferences/gatherings and desires to give the public ample notice:

NACo Legislative Conference in Washington, DC on February 12 - 16, 2022;  
 NCACC County Assembly Day/Legislative Reception in Raleigh TBD;  
 NACo Annual Conference in Aurora, Colorado on July 21 - 24, 2022; and  
 NCACC Annual Conference in Concord, NC on August 11-13, 2022.

WHEREAS, North Carolina General Statute 153A-39 requires that the Board hold an organizational meeting the first Monday in December for each even numbered year; and

WHEREAS, on the first Monday in December of even numbered years, it is customary for the Board to hold a reception and swearing-in ceremony at the Governmental Center honoring incoming and outgoing elected officials prior to the commencement of the organizational meeting; and

WHEREAS, the organizational meeting will be held in the Board of Commissioners' Meeting Room and begin at 6:00 p.m.; and

WHEREAS, the December agenda work session will be held in the Board of Commissioners' Meeting Room and will commence upon the conclusion of the organizational meeting (on or about 6:15 p.m.).

NOW, THEREFORE, BE IT RESOLVED, the Cabarrus County Board of Commissioners, pursuant to North Carolina General Statute 153A-40(a), does hereby:

- (1) Establish the Board's regular agenda work session schedule to meet at 4:00 p.m. in the Multipurpose Room at the Governmental Center on the following dates, except in December:

January 3, 2022	July 5, 2022 (Tuesday)
February 7, 2022	August 1, 2022
March 7, 2022	September 6, 2022 (Tuesday)
April 4, 2022	October 3, 2022
May 2, 2022	November 7, 2022
June 6, 2022	December 5, 2022 (6:15 p.m.)

- (2) Establish the Board's regular meeting schedule to meet at 6:30 p.m. in the Commissioner's Meeting Room at the Governmental Center on the following dates:

January 18, 2022 (Tuesday)	July 18, 2022
February 21, 2022	August 15, 2022
March 21, 2022	September 19, 2022
April 19, 2022 (Tuesday)	October 17, 2022
May 16, 2022	November 21, 2022
June 20, 2022	December 19, 2022

- (3) Establish the Board's annual goal-setting/planning retreat in the winter to meet at the Cabarrus Arena and Events Center which is set on the following dates:

February 25, 2022 (4:00 p.m.)	February 26, 2022 (8:00 a.m.)
-------------------------------	-------------------------------

BE IT FURTHER RESOLVED that any recessed, special or emergency meeting will be held as needed with proper notice as required by North Carolina General Statute 153A-40.

ADOPTED this 20<sup>th</sup> day of December 2021.

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

ATTEST:

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

**(G-10) Cooperative Extension - 4-H Club Access to Archery Range at Camp T.N. Spencer**

The Cabarrus 4-H Program would like approval to allow the 4-H archery team to practice target shooting at the archery range at Camp T.N. Spencer. The request is for approximately 25 youth and screened adults to access the location multiple times a month to practice March - October.

**UPON MOTION** of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board approved the 4-H archery team's use of the archery range at Camp T.N. Spencer.

**(G-11) Cooperative Extension - 4-H Club Access to Cabarrus County Sheriff's Office Training Range**

The Cabarrus 4-H Program would like approval to allow the 4-H rifle team to practice target shooting at the Cabarrus County Sheriff's Office Training Range. The request is for approximately 25 youth and screened adults to access the location multiple times a month to practice March - October 2022.

**UPON MOTION** of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board approved 4-H rifle team's use of the Cabarrus County Sheriff's Office training range.

**(G-12) County Manager - Appropriate Fund Balance for Cabarrus Dream Center**

The Cabarrus Dream Center was founded in Cabarrus County in February of 2019 and is located at 280 Concord Pkwy. S in Concord. In addition to staff from County Human Services, the Dream Center houses more than 14 agencies addressing mental health, teen trafficking, and substance abuse, among others. Funding will be used to renovate space to provide teen trafficking and behavioral health services.

**UPON MOTION** of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board awarded a grant of \$410,000 to Multiply Church (DBA Cabarrus Dream Center) and adopted the associated budget amendment.

Date:12/20/2021

Amount:410,000.00

Dept. Head:Rodney Harris

Department:CMO

☐ Internal Transfer Within Department

☐ Transfer Between Departments/Funds

☒ Supplemental Request

Grant Award to Multiply Church (DBA Cabarrus Dream Center) - Funding to renovate space to provide teen trafficking and behavioral health services.							
Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	6	1910-6901	Fund Balance Appropriated	2,192,832.37	410,000.00		2,602,832.37
001	9	5910-971059	Dream Center		410,000.00		410,000.00

**(G-13) County Manager - Easement Request at CC Griffin Middle School**

The City of Concord approved a subdivision on land adjacent to CC Griffin Middle School. When that school site was acquired and the school developed a sewer easement was created for the benefit of adjacent properties. There is an 11' gap between the existing easement and the property line and the developer is requesting an easement to make the connection.

**UPON MOTION** of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board approved the easement with authorization for the County Manager to sign the document pending review by the County Attorney.

**(G-14) DHS - Appropriation of American Rescue Plan Funding to Families First, Inc.**

This is to request the appropriation of Cabarrus County American Rescue Plan funding in the amount of \$99,500 to Families First, Inc. for the Visitation Station program. This program was originally funded by a combined grant with Rowan and Cabarrus counties through the NC Governor's Crime Commission grant but for the first time in fourteen years was not renewed. The program serves domestic violence and child protective services families in both counties by providing court-based services called Visitation Station. This program provides a place for safe exchanges and supervised visits between a child(ren) and non-custodial parent or other family members.

**UPON MOTION** of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board adopted the budget amendment.

Date:12/20/2021

Amount:99,950.00

Dept. Head:Karen Calhoun

Department:DHS

☐ Internal Transfer Within Department

☐ Transfer Between Departments/Funds

☐ Supplemental Request

Appropriating funds for Families First-NC Visitation Station

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
440	9	1925-974914-ARP62	Families First Non-Profits using Cares	-	99,500.00		99,500.00
440	9	1925-9397-ARP	Miscellaneous	1,267,399.00		99,500.00	1,167,899.00

(G-15) DHS - Appropriation of Low Income Household Water Assistance Program Funding

The new, temporary Low Income Household Water Assistance Program (LIHWAP) is a federally funded program that provides emergency assistance to low-income households to prevent disconnection or provide assistance with reconnection of drinking and wastewater services. The North Carolina Department of Health and Human Services, Division of Social Services is requiring local county Department of Social Services to administer the program. LIHWAP assistance will be made available to households based on a priority group system to lessen the hardship on those households that have already lost water services or are in jeopardy of losing water services. The program begins December 1, 2021 and will be administered through September 30, 2023, based upon funding availability. Cabarrus County's allocation is \$226,472 in program funding and \$45,255 in administration funding. No county funds are required.

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

Date:12/20/2021

Amount:226,472.00

Dept. Head:Karen Calhoun

Department:DHS

☐ Internal Transfer Within Department

☐ Transfer Between Departments/Funds

☒ Supplemental Request

Cabarrus county received funding allocation for the Low-Income Household Water Assistance Program (LIHWAP). The program provides assistance to low income households with their water and wastewater expenses. The program is expected to begin December 1, 2021. LIHWAP is 100% federally funded. County match is NOT required.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	9	5615-946001-LIWAP	Low Income Energy Asst Program	-	226,472.00		226,472.00
001	6	5615-6204-LIWAP	Soc Service Admin Reimb	-	226,472.00		226,472.00

(G-16) EDC - Spark Grant Funding for the Cabarrus Center for Innovation and Entrepreneurship

Cabarrus Economic Development, Flywheel Foundation and the other partners that make up the Cabarrus Entrepreneurship Council are working together to offer programming at the Cabarrus Center that continue to stimulate organic economic development. We are requesting \$25,000 per year for three years to amplify the impact proven by the pilot Spark Grant program. Along with other municipal funding and corporate matches, this would allow the Cabarrus Center to offer two grant cycles each year, for a total of 60 grants over three years.

UPON MOTION of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board approved the request and adopted the budget amendment.

Date:12/20/2021

Amount:25,000.00

Dept. Head:Page Castrodale

Department:EDC

☐ Internal Transfer Within Department

☒ Transfer Between Departments/Funds

☐ Supplemental Request

Cabarrus Economic Development, Flywheel Foundation and the other partners that make up the Cabarrus Entrepreneurship Council are working together to offer programming at the Cabarrus Center that continue to stimulate organic economic development. This is the funding for the first of three years.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	9	1910-9109	Salary Adjustments	6,230,635.00		25,000.00	6,205,635.00
001	9	3310-9724-Spark	Economic Development Corp	-	25,000.00		25,000.00

(G-17) Finance - Update Capital Project Fund Budget and Related Project Ordinance

Kannapolis City Schools has \$500,000 approved in their maintenance budget for A.L. Brown Tennis Courts. They would like to use these funds for Jackson Park Roof (\$330,000) and a boiler (\$70,000) and track maintenance (\$100,000) at A.L. Brown. A budget amendment is not required for this action because the



funds are already budgeted. However, we wanted to keep the Board informed of the change.

The budget amendment includes an increase to the EMS Headquarters budget by \$1,700,000 to cover increased construction cost. It also budgets an additional \$210,000 for deferred maintenance to cover the Milestone Building.

**UPON MOTION** of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board approved the Multi-year Budget Amendment and revised Project Ordinance.

Date:12/20/2021

Amount:1,910,000.00

Dept. Head:Wendi Heglar

Department:Finance - County Capital Projects

☐ Internal Transfer Within Department

☐ Transfer Between Departments/Funds

☒ Supplemental Request

Budget an additional \$1,500,000 for the EMS Headquarter project due to price increases. This budget amendment also budgets additional deferred maintenance for the Milestone Building.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
380	9	2730 9820 EMSHQ	Construction	18,820,017	1,700,000		20,520,017
380	6	2730 6918 2022A	Proceeds from COPS/LOBS	16,000,000	1,700,000		17,700,000
380	9	1952 9501 DM	Deferred Maintenance	2,988,298	100,000		3,088,298
380	6	1952 6902 DM	Contribution from the General Fund	2,991,450	100,000		3,091,450
380	9	1940 9501 DM	Deferred Maintenance	2,125,000	110,000		2,235,000
380	6	1940 6902 DM	Contribution from the General Fund	2,125,000	110,000		2,235,000

Ordinance No. 2021-33

CABARRUS COUNTY  
COUNTY CAPITAL PROJECTS  
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 and renovations of County Facilities. 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 2020 Draw Note	\$ 77,592,977
Debt Proceeds 2022 Draw Note	88,626,452
Contributions from Capital Projects Fund	27,766,063
Contribution from General Fund	36,350,372
Contribution from Capital Reserve Fund	3,657,664
Contribution from Internal Service Fund	1,065,425
TOTAL REVENUES	\$235,058,953

- C. The following appropriations are made as listed.

Courthouse Site Enabling Construction & Renovation	\$ 134,859,518
Governmental Center Skylight & Roof Replacement	2,028,494
Contribution to Capital Reserve (Reimb for Skylight Project)	2,085,000
Artificial Turf Fields	4,401,748
Frank Liske Barn Replacement	6,069,827
Legal / Closing Expenses	952,508
Governmental Center Parking Deck Sealing	350,000
Emergency Equipment Warehouse/ ITS Location	14,867,999
Fiber Infrastructure Improvement	720,000
Jail Annex HVAC Replacement	193,000
Sheriff Training & Firing Range Renovations	2,450,000
Human Services HVAC	180,000



Frank Liske Park ADA Renovations	1,100,000
Frank Liske Park Playground Replacement	93,600
Camp Spencer Vending & Archery Building	336,998
West Cabarrus Library & Senior Center	2,400,000
Deferred Maintenance Projects	6,471,450
EMS Headquarters	20,520,017
Northeast Area Park	2,164,024
Northeast Area Land	3,650,150
Mental Health Facility	3,097,554
Other Improvements Unallocated	2,443,763
Enterprise Physical Security Project (ITS)	700,000
Concord Senior Center Overflow Parking Lot	100,000
Contribution to the General Fund	47,500
Frank Liske Park Softball Complex Utilities	60,000
Rob Wallace Park	1,000,000
Animal Shelter Expansion	190,000
Frank Liske Park Stormwater Project	570,803
Northeast Cabarrus Radio Tower Project	2,435,000
Milestone Building	8,150,000
Fire Services Building	370,000
Mt Pleasant Library	10,000,000
 TOTAL EXPENDITURES	 \$235,058,953
 GRAND TOTAL - REVENUES	 \$235,058,953
GRAND TOTAL - EXPENDITURES	\$235,058,953

## 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. Transfers amounts between objects of expenditure and revenues within a function without limitation.
  2. Transfer amounts up to \$500,000 between functions of the same fund.
  3. 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. Enter 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.
  5. 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.
  6. 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.
  7. Reject formal bids when deemed appropriate and in the best interest of Cabarrus County pursuant to G.S. 143-129(a).

## 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 Community Investment Fund and the portion of the Capital Project associated with the project is closed.

Adopted this 20<sup>th</sup> day of December 2021.

CABARRUS COUNTY BOARD OF COMMISSIONERS

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

ATTEST:

/s/ Lauren Linker  
Clerk to the Board

**(G-18) Infrastructure and Asset Management - Recommended Approval of Preferred Alternates for Frank Liske Park Barn Replacement and Emergency Equipment Warehouse - ITS Building Projects(s)**

NCGS 133-3 requires performance standards to be used when specifying products. The statute also allows preferred brands of equipment to be bid as an alternate on the Cabarrus County Frank Liske Park Barn Replacement Project provided that the performance standards were approved by the Cabarrus County Board of Commissioners. To be approved, the alternate must either provide a cost savings or maintain/improve the functioning of a process or system affected by the brand alternate. Approval is requested for the preferred brand alternates for the equipment as indicated on the attachment.

**UPON MOTION** of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board approved the preferred brand alternate list for equipment for the Cabarrus County Frank Liske Park Barn Replacement and Emergency Equipment Warehouse - ITS Building Projects(s)

CABARRUS COUNTY FRANK LISKE PARK BARN PREFERRED ALTERNATES

*§ 133-3. Specifications to carry competitive items; substitution of materials. All architects, engineers, designers, or draftsmen, when providing design services, or writing specifications, directly or indirectly, for materials to be used in any city, county or State work, shall specify in their plans the required performance and design characteristics of such materials. However, when it is impossible or impractical to specify the required performance and design characteristics for such materials, then the architect, engineer, designer or draftsman may use a brand name specification so long as they cite three or more examples of items of equal design or equivalent design, which would establish an acceptable range for items of equal or equivalent design. The specifications shall state clearly that the cited examples are used only to denote the quality standard of product desired and that they do not restrict bidders to a specific brand, make, manufacturer or specific name; that they are used only to set forth and convey to bidders the general style, type, character and quality of product desired; and that equivalent products will be acceptable.*

*Where it is impossible to specify performance and design characteristics for such materials and impossible to cite three or more items due to the fact that there are not that many items of similar or equivalent design in competition, then as many items as are available shall be cited.*

*On all city, county or State works, the maximum interchangeability and compatibility of cited items shall be required. The brand of product used on a city, county or State work shall not limit competitive bidding on future works. Specifications may list one or more preferred brands as an alternate to the base bid in limited circumstances.*

*Specifications containing a preferred brand alternate under this section must identify the performance standards that support the preference. Performance standards for the preference must be approved in advance by the owner in an open meeting. Any alternate approved by the owner shall be approved only where (i) the preferred alternate will provide cost savings, maintain or improve the functioning of any process or system affected by the*

preferred item or items, or both, and (ii) a justification identifying these criteria is made available in writing to the public. Substitution of materials, items, or equipment of equal or equivalent design shall be submitted to the architect or engineer for approval or disapproval; such approval or disapproval shall be made by the architect or engineer prior to the opening of bids. The purpose of this statute is to mandate and encourage free and open competition on public contracts. (1933, c. 66, s. 3; 1951, c. 1104, s. 5; 1993, c. 334, s. 7.1; 2002-107, s. 5; 2002-159, s. 64(c).)

#### 10 28 00 Toilet, Bath, and Laundry Accessories

I. Preferred Alternate - TA-10 Recessed Hand Dryer w/ ADA Recessed Kit: XL-SB Xlerator Hand Dryer, Brushed Stainless Steel Cover; and 40502 Xlerator ADA Compliant Recess Kit, Brushed Stainless Steel

The preferred hand dryer and hand dryer recessed kit manufacturer is Xlerator. The primary reasons for the preference are the county staff's existing inventory in current buildings, local availability of parts and units, maintenance experience, and the attic stock of tradable parts. The county's familiarity with the equipment will help them observe trends that indicate declining performance or potential failure of the equipment.

#### CABARRUS COUNTY EMERGENCY EQUIPMENT WAREHOUSE & ITS FACILITY PREFERRED ALTERNATES

§ 133-3. Specifications to carry competitive items; substitution of materials. All architects, engineers, designers, or draftsmen, when providing design services, or writing specifications, directly or indirectly, for materials to be used in any city, county or State work, shall specify in their plans the required performance and design characteristics of such materials. However, when it is impossible or impractical to specify the required performance and design characteristics for such materials, then the architect, engineer, designer or draftsman may use a brand name specification so long as they cite three or more examples of items of equal design or equivalent design, which would establish an acceptable range for items of equal or equivalent design. The specifications shall state clearly that the cited examples are used only to denote the quality standard of product desired and that they do not restrict bidders to a specific brand, make, manufacturer or specific name; that they are used only to set forth and convey to bidders the general style, type, character and quality of product desired; and that equivalent products will be acceptable.

Where it is impossible to specify performance and design characteristics for such materials and impossible to cite three or more items due to the fact that there are not that many items of similar or equivalent design in competition, then as many items as are available shall be cited.

On all city, county or State works, the maximum interchangeability and compatibility of cited items shall be required. The brand of product used on a city, county or State work shall not limit competitive bidding on future works. Specifications may list one or more preferred brands as an alternate to the base bid in limited circumstances.

Specifications containing a preferred brand alternate under this section must identify the performance standards that support the preference. Performance standards for the preference must be approved in advance by the owner in an open meeting. Any alternate approved by the owner shall be approved only where (i) the preferred alternate will provide cost savings, maintain or improve the functioning of any process or system affected by the preferred item or items, or both, and (ii) a justification identifying these criteria is made available in writing to the public. Substitution of materials, items, or equipment of equal or equivalent design shall be submitted to the architect or engineer for approval or disapproval; such approval or disapproval shall be made by the architect or engineer prior to the opening of bids. The purpose of this statute is to mandate and encourage free and open competition on public contracts. (1933, c. 66, s. 3; 1951, c. 1104, s. 5; 1993, c. 334, s. 7.1; 2002-107, s. 5; 2002-159, s. 64(c).)

#### 08 71 00 Door Hardware

- I. Preferred Leverset Alternate (PBA-1) - Marks USA 75 Series Grade 2 Cylindrical Survivor Series Leversets.
- II. Preferred Door Closer Alternate (PBA-2) - LCN 4040XP Series Door Closers.

The primary reasons for the preference for the Marks USA Leverset and LCN Door Closer are the county staff's existing inventory in current buildings, local availability of parts and units, maintenance experience, and the attic stock

of tradable parts. The county's familiarity with the equipment will help them observe trends that indicate declining performance or potential failure of the equipment.

08 36 13 Vertical Operating Sectional Doors

- I. Preferred Electric Motor Alternate (PBA-3) - The LiftMaster Logic 5.0 commercial door operator is the only operator that provides the following safety devices:
  - a. Light Curtain for additional monitored entrapment protection consisting of 8 LED's per side and 22 cross-beams producing an invisible curtain of infrared light for maximum detection capability.
  - b. Traffic Signal with a red/green traffic light that changes from flashing red to solid green when door reaches full open position.

The additional safety devices will be beneficial at this facility to protect personnel and equipment. It will be difficult to specify a single source electric motor manufacturer (other than LiftMaster) that has these safety devices as compatible accessories. There are third party vendors that supply these device's but compatibility, warranty and maintenance could be a concern. Cabarrus County currently utilizes LiftMaster devices for all vertical and horizontal applications and is comfortable with parts, operations, and troubleshooting.

09 68 13 Tile Carpeting

- I. Preferred Tile Carpeting Alternate (PBA-4) - Tile Carpeting as manufactured by Shaw Industries Group, Inc.

The preferred tile carpeting manufacturer is Shaw Industries Group, Inc. Cabarrus County currently has over 95% of Shaw carpet products in existing County facilities. Purchasing of that material is on several purchasing cooperative agreements which gives the County flexibility. Additionally, the durability and cleanability of the carpet has been proven in existing County facilities.

10 28 00 Toilet, Bath, and Laundry Accessories

- II. Preferred Toilet Accessory Alternate (PBA-5) - TA-18 Electric, Warm-Air Hand Dryer with ADA Recessed Kit: XL-SB Xlerator Hand Dryer, Brushed Stainless Steel Cover; and 40502 Xlerator ADA Compliant Recess Kit, Brushed Stainless Steel.

The preferred hand dryer and hand dryer recessed kit manufacturer is Xlerator. The primary reasons for the preference are the county staff's existing inventory in current buildings, local availability of parts and units, maintenance experience, and the attic stock of tradable parts. The county's familiarity with the equipment will help them observe trends that indicate declining performance or potential failure of the equipment.

23 09 23 Direct Digital Control (DDC) Systems for HVAC

- I. Preferred Alternate PBA-6a) - Controls Manufacturer: Johnson Controls Facility Explorer (Fx) System with Niagara based Tridium Platform.
- II. Preferred Alternate (PBA-6B) - Controls Integration Contractor: Platinum Building Automation.

The Johnson Controls Fx system HVAC controls must match the controls used by the majority of the large square footage buildings owned and maintained by the county for ultimate cost and efficiency. Using a different manufacturer will ultimately increase long-term operational costs and different systems will not necessarily provide the same level of remote accessibility for maintenance personnel. Further, additional training will be required for the facilities department personnel to learn additional user interface and operational procedures.

26 32 13 Packaged Engine Generators - Diesel

Preferred Generator Manufacturer Alternate (PBA-7) - Caterpillar. The primary reasons for the preference are the county staff's existing maintenance contracts, training for operation of this equipment, attic stock of tradable parts, and the physical needs of the equipment within the mechanical yard. The county's familiarity with the equipment will help them observe trends that indicate declining performance or potential failure of the equipment. Maintenance contracts may be reduced with similar equipment as less replacement parts may be stocked, and the maintenance staff can provide a lower overall cost due to familiarity with the equipment. In this specific application, the physical requirements within the mechanical yard are tightly



coordinated with maintenance clearances, performance clearances, the chillers, gas meter spatial needs, and accessibility for installation and replacement.

#### 28 31 00 Fire Detection and Alarm

The preferred Fire Alarm Manufacturer Alternate (PBA-8) - Notifier. The primary reasons for the preference are the county staff's existing maintenance contracts, training for operation of this equipment, attic stock of tradable parts. The county's familiarity with the equipment will help them observe trends that indicate declining performance or potential failure of the equipment. Maintenance contracts may be reduced with similar equipment as less replacement parts may be stocked, and the maintenance staff can provide a lower overall cost due to familiarity with the equipment.

The Fire Alarm must match the manufacturer (Notifier) used by the majority of the large square footage buildings owned and maintained by the county for ultimate cost and efficiency. Using a different manufacturer will ultimately increase long-term operational costs and different systems will not necessarily provide the same level of accessibility for maintenance personnel.

#### **(G-19) Sheriff's Office - Award of Service Weapon to Captain David W. Taylor Upon His Retirement**

Captain David W. Taylor is retiring December 31, 2021 after a long career at the Sheriff's Office. Pursuant to N.C.G.S. 20-187.2, it is requested that Captain Taylor's service weapon (Sig Sauer P320, SN# 58K104891) be declared surplus property and awarded to him for the price of \$1.00 upon his retirement.

**UPON MOTION** of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board declared a service weapon (Sig Sauer P320, SN# 58K104891) as surplus property and awarded it to Captain Taylor for the price of \$1.00 upon his retirement.

#### **(G-20) Tax Administration - Refund and Release Reports - November 2021**

The Release Report contains taxpayers' names, bill numbers, valuations, tax amounts, along with the justifications for releasing the valuation/tax amounts for outstanding levies in accordance with N.C.G.S. 105-381. The Refund Report is a summary sheet which lists data from each refund request form, along with the justification for the refunds to the taxpayers in accordance with N.C.G.S. 105-381.

Note: Due to the transition of motor vehicles onto the new North Carolina Vehicle Tax System (NCVTS), motor vehicle-related refunds and releases will begin to be displayed on the new report generated by NCVTS.

**UPON MOTION** of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the Board approved the November 2021 Refund and Release Reports as submitted, including the NCVTS Refund Report, and granted authority to the Tax Collector to process the refunds and releases. The report is hereby incorporated into the minutes by reference and is on file with the Clerk to the Board.

#### **(H) NEW BUSINESS**

##### **(H-1) Economic Development Investment - Kroger Fulfillment Network LLC (Project Independence - K) - Public Hearing 6:30 p.m.**

Samantha Grass, Cabarrus Economic Development Corporation, Recruitment Project Manager, presented a request for an economic development investment for Kroger Fulfillment Network, LLC pursuant to North Carolina General Statute 158.7.1. The project proposes to construct a 200,000 square foot facility at 227 Hwy 49 S in Concord with a projected investment of approximately \$89,000,000 in real and personal property. They also plan to create 692 jobs with average wages above our current County average wage. A three-year grant equivalent to 85 percent of the ad valorem taxes on the increase in real and personal property tax values is requested. The estimated grant during the term is \$1,220,763 with a net revenue of over \$200,000 to the County.

#### Cabarrus County Economic Development Grant Analysis Project Independence - Component K

		Year 1	Year 2	Year 3
Total Assessed Value (Real)		\$20,000,000	\$75,000,000	\$75,000,000
Total Assessed Value (Personal)			\$12,600,000	\$11,480,000
	\$14,000,000.00		\$12,600,000	\$11,480,000

County taxes at .74		\$148,000	\$648,240	\$639,952
Grant @ 85 %		\$125,800	\$551,004	\$543,959
Net Taxes to County		\$22,200	\$97,236	\$95,993
			Taxes	\$ 1,436,192
			Grant	\$ 1,220,763
			Net Taxes to County	\$ 215,429

Chairman Morris opened the public hearing at 7:02 p.m. The Public Hearing Notice was posted on the County’s website ([www.cabarruscounty.us](http://www.cabarruscounty.us)) on December 10, 2021 in accordance with Article 2, Administration, Section 2.1 (Use of Electronic Means to Provide Public Notices) of the Cabarrus County Code of Ordinances.

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

Commissioner Shue **MOVED** to approve an economic development agreement (3 years, 85 percent) between Kroger Fulfillment Network, LLC and Cabarrus County, and authorized the County Manager to execute the Agreement on behalf of the Board, subject to review or revision by the County Attorney. Commissioner Honeycutt seconded the motion.

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

**(H-2) Economic Development Investment - Ocado Solutions USA, Inc. (Project Independence - O) - Public Hearing 6:30 p.m.**

Samantha Grass, Cabarrus Economic Development Corporation, Recruitment Project Manager, presented a request for an economic development investment for Ocado Solutions USA, Inc. pursuant to North Carolina General Statute 158.7.1. The project proposes to locate at 227 Hwy 49 S, Concord with a projected investment of over \$50,000,000 over 4 years in personal property. They also plan to create 30 jobs with average wages above our current County average wage. Ms. Grass stated the Cabarrus County grant analysis is based on their estimated investment in the first three years which is \$48,000,000. A three-year grant equivalent to 85 percent of the ad valorem taxes on the increase in personal property tax values is requested. The estimated grant during the term is \$536,537 with a net revenue of over \$94,000 to the County.

Cabarrus County Economic Development Grant Analysis  
Project Independence - Component O

		Year 1	Year 2	Year 3
Total Assessed Value (Real)				
Total Assessed Value (Personal)		\$5,400,000	\$40,920,000	\$38,980,000
	\$6,000,000	\$5,400,000	\$4,920,000	\$4,380,000
	\$40,000,000		\$36,000,000	\$32,800,000
	\$2,000,000			\$1,800,000
County taxes at .74		\$39,960	\$302,808	\$288,452
Grant @ 85 %		\$33,966	\$257,387	\$245,184
Net Taxes to County		\$5,994	\$45,421	\$43,268
			Taxes	\$ 631,220
			Grant	\$ 536,537
			Net Taxes to County	\$ 94,683

Chairman Morris opened the public hearing at 7:08 p.m. The Public Hearing Notice was posted on the County’s website ([www.cabarruscounty.us](http://www.cabarruscounty.us)) on December 10, 2021 in accordance with Article 2, Administration, Section 2.1 (Use of Electronic Means to Provide Public Notices) of the Cabarrus County Code of Ordinances.

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

Commissioner Honeycutt **MOVED** to approve an economic development agreement (3 years, 85 percent) between Ocado Solutions USA, Inc. and Cabarrus County, and authorized the County Manager to execute the Agreement on behalf of the Board,



subject to review or revision by the County Attorney. Vice Chairman Kiger seconded the motion.

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

**(H-3) BOC - Modernization of the Discharge of Firearms Ordinance - Public Hearing 6:30 p.m.**

David Goldberg, Deputy County Attorney, provided a summary of the proposed modernization of the discharge of firearms ordinance.

Chief Deputy James Bailey, Cabarrus County Sheriff's Office, provided additional information regarding the enforceability of the modernization to the ordinance versus the current ordinance.

A discussion ensued. During discussion, Chief Deputy Bailey responded to questions from the Board.

Chairman Morris opened the public hearing at 7:19 p.m. The Public Hearing Notice was posted on the County's website ([www.cabarruscounty.us](http://www.cabarruscounty.us)) on December 8, 2021 in accordance with Article 2, Administration, Section 2.1 (Use of Electronic Means to Provide Public Notices) of the Cabarrus County Code of Ordinances.

Larry Pittman, resident of 250 Roberta Road SW in Concord and North Carolina State Representative, expressed support for the modernization of firearms ordinance.

Patsy Clontz, resident of 4001 Hahn Scott Road in Mount Pleasant, and on behalf of her and her family, commented on the modernization of firearms ordinance along with additional concerns of property owners living in rural areas.

Jim Quick, resident of 126 Spencer Avenue in Concord, expressed support for the modernization of firearms ordinance.

Hal Allman, Jr., resident of 3959 Highway 200 in Concord, expressed support for the modernization of firearms ordinance.

Gary Steele, resident of 2607 Lane Street in Kannapolis, expressed support of the modernization of firearms ordinance.

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

Commissioner Strang **MOVED** to adopt the Ordinance to Modernize the Standards Governing the Discharge of Firearms in the Unincorporated Areas of Cabarrus County as presented. Vice Chairman Kiger seconded the motion.

A discussion ensued. During discussion, Chief Deputy Bailey responded to questions from the Board.

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

Ordinance No. 2021-34

ORDINANCE TO MODERNIZE THE STANDARDS GOVERNING THE DISCHARGE OF FIREARMS IN  
THE UNINCORPORATED AREAS OF CABARRUS COUNTY

WHEREAS, Section 153A-129 of the General Statutes of North Carolina authorizes counties to adopt ordinances regulating, restricting, or prohibiting the discharge of firearms; and

WHEREAS, the purpose of this ordinance is to implement standards for the discharge of firearms to mitigate the risk of injury, death, or damage to personal property; and

WHEREAS, the intent of this ordinance is to protect the personal freedom to use firearms, while promoting the health, safety, and welfare of the citizens of Cabarrus County.

NOW, THEREFORE BE IT ORDAINED that section 46-2 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

## Sec. 46-2. - Discharge of firearms.

## (a) Definitions.— In this section—

## (1) "covered structure" means—

(A) an occupied structure; or

(B) a residence, business, house of worship, educational facility, park facility, or any other public gathering facility, regardless of whether these structures are occupied.

(2) "firearm" means a device designed or used to expel a projectile using an explosive charge as a propellant, such as a handgun, shotgun, rifle, or cannon.

## (b) In general.— No person may discharge a firearm—

(1) carelessly and heedlessly, so as to endanger any person or property;

(2) while appreciably impaired by an impairing substance, such as alcohol or a Schedule I controlled substance listed in G.S. 90-89;

(3) on, from, or across any public street, highway, or right-of-way;

(4) on the property of another without having permission from a person who owns or otherwise controls such property at the time of the discharge;

(5) in a manner causing the projectile to enter the property of another without having permission from a person who owns or otherwise controls such property at the time of the discharge; or

(6) within three hundred (300) feet of a covered structure located on a parcel other than the parcel from which the firearm was discharged, which shall be measured from the point of discharge to the actual physical structure of a covered structure.

## (c) Exceptions.—

(1) General exceptions. — Subsection (b) shall not apply to the discharge of a firearm—

(A) by a person in defense of person, animal, or property, including a person protecting a person, animal or property against any dangerous or destructive animal;

(B) by a person acting pursuant to lawful directions of law enforcement officers;

(C) by a person hunting birds or animals in compliance with Chapter 113, Subchapter IV of the North Carolina General Statutes; or

(D) by law enforcement officers or members of the armed forces acting in the line of duty, including for training purposes.

(2) Distance exceptions.— Subsection (b)(6) shall not apply to the discharge of a firearm—

(A) at a shooting range or other training facility operated by a law enforcement agency; or

(B) by a person performing in an historical ceremony or commemorative function in which such discharge does not involve the release of projectiles.

(d) Applicability.— This section shall apply in areas of the county not in the corporate limits of any municipality.

(e) Conflict with other laws.— The section shall not be construed as altering any other provision of any other ordinance or law, such as the Cabarrus County Development Ordinance, Article II, Chapter 30 of the Code of Ordinances (governing noise), or state firearms laws.

(f) Enforcement.— A violation of this section is punishable as a misdemeanor.

ADOPTED this 20<sup>th</sup> day of December, 2021.

/s/ Stephen M. Morris

Stephen M. Morris, Chairman

Cabarrus County Board of Commissioners

Attest:

/s/ Lauren Linker

Clerk to the Board

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

Commissioner Strang provided an update on the Youth Commission projects. She also reported the Youth Commission is accepting applications to fill vacant positions.

Vice Chairman Kiger announced the Town of Harrisburg has a new mayor.

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

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

- Adult Care Home Community Advisory Committee - 8 Vacant Positions
- Agricultural Advisory Board - 2 Terms Expiring Soon
- Concord Planning and Zoning Commission (ETJ) - 1 Vacant Position
- Harrisburg Planning and Zoning Board - 1 Expired Term
- Home and Community Care Block Grant Committee - 4 Terms Expiring Soon
- Juvenile Crime Prevention Council - 1 Vacant Position
- Mental Health Advisory Board - 1 Vacant Position
- Nursing Home Community Advisory Committee - 9 Vacant Positions
- Planning and Zoning Commission - 2 Vacant Positions
- Region F Aging Advisory Committee - 1 Vacant Position
- Transportation Advisory Board - 6 Vacant Positions
- Youth Commission - 10 Vacant Positions

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

**(I-3) Budget - Monthly Budget Amendment Report**

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

**(I-4) Budget - Monthly Financial Update**

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

**(I-5) County Manager - Monthly Building Activity Reports**

The Board received the Cabarrus County Construction Standards Dodge Report for November 2021 and the Cabarrus County Commercial Building Plan Review Summary for November 2021 for informational purposes. No action was required of the Board.

**(I-6) County Manager - Monthly New Development Report**

The Board received the monthly new development report for informational purposes. No action was required of the Board.

**(I-7) Economic Development Corporation - November 2021 Monthly Summary Report**

The Board received the Cabarrus Economic Development Corporation (EDC) monthly report for the month of November 2021 for informational purposes. No action was required of the Board.

**(J) GENERAL COMMENTS BY BOARD MEMBERS**

Commissioner Shue wished everyone a safe and Merry Christmas.

Commissioner Strang wished everyone a safe and healthy Christmas and New Year.

Commissioner Honeycutt commented on the employee recognition event held prior to the meeting recognizing employees from five to forty years of service. She thanked all employees for what they do and wished everyone a safe and happy holiday. She also thanked the board for allowing her to serve as vice chair.

Chairman Morris announced employees recognized today include a total of 1,700 years of service. He commended Londa Strong for her 40 years of service as well as Mike Downs for his 35 years of service and dedication to the citizens of Cabarrus County. He also wished everyone a Merry Christmas and a wonderful holiday season.

**(K) WATER AND SEWER DISTRICT OF CABARRUS COUNTY**

None.

**(L) CLOSED SESSION**

**(L-1) Closed Session - Pending Litigation, Acquisition of Real Property, and Personnel Matters**

UPON MOTION of Commissioner Honeycutt, seconded by Commissioner Shue and unanimously carried, the Board moved to go into closed session to discuss matters related to pending litigation, acquisition of real property and personnel matters as authorized by NCGS 143-318.11(a)(3), (5) and (6).

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

**RETURN TO OPEN SESSION**

UPON MOTION of Commissioner Strang, seconded by Commissioner Shue and unanimously carried, the Board approved the Sheriff's compensation plan to include an annual merit pay adjustment equal to the average merit adjustment for all employees of the Sheriff's Office. This compensation plan shall become retroactively effective as of July 3, 2021, with subsequent merit pay adjustments taking effect on December 1 of each year at the discretion of the County Manager.

**(M) ADJOURN**

UPON MOTION of Commissioner Honeycutt, seconded by Vice Chairman Kiger and unanimously carried, the meeting adjourned at 9:00 p.m.

  
Lauren Linker Clerk to the Board