

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 Tuesday, January 16, 2024.

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/cabctv>

Present - Chairman: Stephen M. Morris
Vice Chairman: Lynn W. Shue
Commissioners: Christopher A. Measmer
Timothy A. Furr
Kenneth M. Wortman

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

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

Chairman Morris recognized Makhi Nash, Youth Commission representative from A.L. Brown High School.

Chairman Morris led the Pledge of Allegiance.

A moment of silence was observed.

(A) APPROVAL OF THE AGENDA

Additions:

Reports

G-6 DHS - Emergency Assistance Quarterly Report

Closed Session

J-1 Closed Session - Pending Litigation, Economic Development, and Acquisition of Real Property

Updated:

Consent Agenda

E-6 County Manager - Nuisance Ordinance

New Business

F-1 Emergency Medical Services - New Stretcher Lease Resolution

Removals:

Recognitions and Presentations

B-2 Recognition - Emergency Management - Fire Safety Bulletin Board Contest

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Furr and unanimously carried, the Board approved the meeting minutes as amended.

(B) RECOGNITIONS AND PRESENTATIONS

(B-1) Recognition - Department of Human Services - Employee Anna Green

Aalece Pugh, Assistant County Manager, recognized Anna Green, Department of Human Services, Social Work/Assess Treatment for her incredible job on a case event. During a home visit, there was a distressing moment when a baby experienced a cardiac event causing the child to stop breathing, turned purple, and prompted the mother to call 911. Anna reacted swiftly, administering chest compressions until EMS arrived. Her calm demeanor was pivotal, and her quick actions successfully helped restore the child's breathing.

(B-2) Proclamation - Black History Month

Chairman Morris read the proclamation aloud.

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

BLACK HISTORY MONTH PROCLAMATION

WHEREAS, Black History Month is the observance of a special period to recognize the achievements and contributions of African-Americans to our county, state and nation; and

WHEREAS, this observance presents the special opportunity to become more knowledgeable about black heritage, and to honor the many black leaders who have played a part in the progress of our county; and

WHEREAS, such knowledge can strengthen the insight of all our citizens regarding the issues of human rights, the great strides that have been made in the crusade to eliminate the barriers of equality for minority groups, and the continuing struggle against racial discrimination and poverty; and

WHEREAS, as a result of their determination, hard work, intelligence, and perseverance, African-Americans have achieved exceptional success in all aspects of society including business, education, politics, science, athletics and the arts; and

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Commissioners for Cabarrus County, North Carolina, do hereby recognize February 2024 as Black History Month and encourage all citizens to participate in the educational and celebratory events honoring the contributions and accomplishments of African-Americans.

ADOPTED this 16th day of January 2024.

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

Attest:

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

(C) INFORMAL PUBLIC COMMENTS

Chairman Morris opened the meeting for Informal Public Comments at 6:38 p.m. He reviewed the public participation policy and stated each speaker would be limited to three minutes.

Jeeter Anderson, a resident at 133 Kennedy Avenue, Kannapolis, commented on the Department of Human Services.

Jerry E. Anderson, a resident at 133 Kennedy Avenue, Kannapolis, spoke regarding a Department of Human Services matter.

John David Tucker Jr., a resident at 4533 Manteo Drive, Concord, spoke regarding the nuisance ordinance.

Rich Wise, a resident at 3403 Brickwood Circle, Midland, and a Midland Town Councilman, commented on tax incentives and Cabarrus County tax rates.

Brian Echevarria, a resident at 3940 Balmoral Avenue, Harrisburg, provided political comments.

James Campbell, a Cabarrus County Resident, commented on a Department of Human Services matter.

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

(D) OLD BUSINESS

None.

(E) CONSENT**(E-1) Appointments - Cabarrus County Planning and Zoning Commission**

The Cabarrus County Planning and Zoning Commission currently has a vacancy for the Midland Planning Area representative. Staff respectfully requests that the Board of Commissioners consider the appointment of Mr. Michael Bywaletz to

fill the Midland Planning Area position vacated by Mr. Kevin Crutchfield. It is an unexpired term ending August 31, 2024.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board appointed Mr. Michael Bywaletz to the Planning and Zoning Commission as the Midland Planning Area representative with a term ending August 31, 2024.

(E-2) Appointments - Home and Community Care Block Grant (HCCBG) Advisory Committee

There are currently 2 at-large vacancies on the HCCBG Advisory Committee. There has been one long-standing vacancy and another vacancy created by the recent resignation of Andrea Black from the committee.

The HCCBG Advisory Committee reviewed the applications and voted to appoint Cynthia Hayes to fill the first vacancy for a term of 3 years and Rosemary Gause to fill the unexpired term of Ms. Black, which expires on December 31, 2024.

The Human Services Designee for Older Adults, Anthony Hodges, will retire on December 29, 2023. It is recommended the Interim Program Administrator, Tammy Bare, fill this position on the committee.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board approved to removal of Andrea Black and Anthony Hodges from the Home and Community Care Block Grant (HCCBG) Advisory Committee and thanked them for their service.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board appointed Cynthia Hayes to the HCCBG Advisory Committee for a term of 3 years, which will expire on December 31, 2026.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board appointed Rosemary Gause to the HCCBG Advisory Committee to fill the unexpired term of Ms. Black, which will expire on December 31, 2024, and to include an exception to the multiple board provision of the Appointment Policy.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board appointed Tammy Bare to the HCCBG Advisory Committee as the Human Services Designee for Older Adults.

(E-3) Active Living and Parks - Hartsell/Top Gun School Use Agreement

The process of developing an agreement and "leasing" the elementary school's outdoor athletic facilities began a few years ago. Currently, Concord Parks and Recreation has assumed responsibilities for all programming and maintenance of the elementary schools inside the city limits. In continuing to share the elementary schools with the local Volunteer Athletic Associations, the Agreement specifies the responsibilities of the Association and the County Schools or Cabarrus County. Chuck Taylor, Cabarrus County Schools (CCS) Director of Facilities, and the County attorney have reviewed and approved the agreement.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board approved the Agreement and will allow the County Manager to sign.

(E-4) County Manager - Appointment to Harrisburg Planning and Zoning Board for Extraterritorial Jurisdiction

The Town of Harrisburg has requested the appointment of a new member to the Planning and Zoning Board. Cabarrus County was required to appoint an extraterritorial board member in the past; however, it has become very difficult to find volunteers in the required area. Harrisburg has amended the requirements to allow the member to come from the planning area rather than just the extraterritorial jurisdiction. The Town requested a motion to allow them to appoint the position. The clerk provided three applications that were on file and eligible to serve Harrisburg for their review.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board approved The Town of Harrisburg to appoint a Planning and Zoning Board member from the planning area.

(E-5) County Manager- Dedication of a Utility Easement on Ramdin Court

Cabarrus County dedicated Ramdin Court as a public right of way. As part of that process, the City of Concord requires the dedication of permanent public utility easements along the right of way. The agreement of the proposed area of dedication for the easement was previously provided. The dedication will allow for property owners at the rear to access it and allow for public maintenance.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board approved the permanent public utility easement on Ramdin Court.

(E-6) County Manager - Nuisance Ordinance

The Construction Standards staff, Zoning staff, and Legal staff worked together to draft a nuisance ordinance as directed by the Board of Commissioners a few months ago. The ordinance was crafted to deal with the illegal occupancy of certain types of dilapidated housing that may also have elements of salvage material storage or waste collection. The ordinance may also apply to certain vacant properties that become an attractive nuisance. The problem of dilapidated housing with accumulating waste and/or salvage materials is a growing problem and staff has been receiving complaints. A nuisance ordinance was provided for review and consideration.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board adopted the nuisance ordinance as presented.

Ordinance No. 2024-01

WHEREAS, Section 153A-140 of the General Statutes of North Carolina authorizes counties to adopt ordinances to remove, abate, or remedy everything that is dangerous or prejudicial to the public health or safety.

WHEREAS, the purpose of this ordinance is to implement standards for what is considered a public health nuisance; to inspect such public health nuisances; and to mitigate the risk of injury, death or damage to the general public.

WHEREAS, the intent of this ordinance is to remove, abate, or remedy every condition that is dangerous or prejudicial to the public while promoting the health, safety, and welfare of the citizens of Cabarrus County.

NOW, THEREFORE BE IT ORDAINED that Chapter 14 of the Code of Ordinances, Cabarrus County, North Carolina, is hereby amended to read as follows:

ARTICLE IV. - PUBLIC HEALTH NUISANCES¹**Sec. 14-104. - Authority.**

This is adopted pursuant to the authority set forth in N.C. Gen. Stat. §§ 153A-121(a) and 153A-140.

Sec. 14-105. - Application.

(a) *Jurisdiction:* This article shall be effective:

- (1) Everywhere throughout the County outside corporate municipalities except for any areas that lie within the extraterritorial planning areas now or hereafter established for any such municipality; and
- (2) Everywhere within the corporate limits or extraterritorial planning areas of any municipality that has adopted a resolution authorizing the Ordinance to be applicable within such areas.

Bona fide farms exempt: this article may not affect property used for bona fide farm purposes as defined by the North Carolina General Statute sec. 160D-903, as modified from time-to-time; provided, however, that this section does not limit regulation with respect to the conditions on farm property used for nonfarm purposes; or those regulations otherwise applicable by law.

Sec. 14-106. - Nuisances Defined.

¹ *State Law reference – Authority to adopt ordinances defining nuisances, G.S. 153A-121.*

- (a) *Public health nuisances* are defined as any action or condition that is dangerous or prejudicial to public health, welfare, or safety.
- (b) An *attractive nuisance* is a dangerous condition or situation on a property that may attract children and pose a risk to their safety. (Examples: swimming pools, trampolines, construction equipment, abandoned housing, facilities, and old appliances).
- (c) The following conditions on any lot or parcel of land shall be deemed to be dangerous, noxious, detrimental, and prejudicial to the public health and general welfare and/or shall constitute a public health nuisance under this article:
 - (1) **Abandoned Manufactured Home:** A Manufactured home that has not been used as a dwelling for at least 180 days and is in a wrecked, scrapped, disassembled, unusable, cannibalized, burnt, or inoperable state, or in need of extensive repair so as to be uninhabitable.
 - (2) **Abandoned Real Property or Housing:** Any structure, building, or condition that may invite occupancy, may cause entrapment, or that has been condemned by the county chief building inspector as unfit for human habitation, and/or is not capable of being repaired, altered, or improved in accordance with the State Building Code or as otherwise provided by law. Such conditions include but are not limited to attractive nuisances; dangerous buildings or structures; construction debris; temporary housing; uncovered structures; or portions of a building, dwelling, or structure remaining on a lot or parcel of land after damage by fire, wind, erosion or any combination thereof.
Any temporary housing, dwelling, structure, building, or parts thereof which presents a danger of falling, turning over, or collapsing, or which cannot be improved, repaired, or altered or is not capable of being repaired, altered, or improved in accordance with the State Building Code or as otherwise provided by law.
 - (3) **Abandoned or incomplete construction sites** for which no valid building permit exists or for which building permits have expired, or accumulations of unusable building materials including concrete, steel, masonry, wood, glass, wiring, plumbing supplies and other similar building materials.
 - (4) **Abandoned vehicles:** Any motor vehicle, recreational vehicle, or house trailer, as defined by Article 1, of Chapter 20 of the North Carolina General Statutes, and amended from time to time, that can invite occupancy or is currently occupied, and which does not display a current license tag and registration; or is partially dismantled or wrecked; or cannot be self-propelled or moved in a manner in which it originally was intended to move.
 - (5) **Abandoned equipment:** Any piece of equipment not currently awaiting repairs, or is partially dismantled or wrecked, or cannot function or operate in a manner in which it was originally manufactured or intended.

Sec. 14-107. - Notice to Owner and Removal of Nuisance.

- (a) The County chief building inspector, or their designee, is delegated the authority to investigate alleged public health nuisances and to declare whether or not a public health nuisance exists.
- (b) The chief building inspector shall notify the occupant and owner for each identified condition set forth herein, in writing, and such notice shall be sent to the person in the form of certified mail. In the event an inspector determines that a nuisance is an immediate detriment to human safety or welfare, the inspector may take appropriate action to abate the nuisance without notice.

Owner means any person who alone, jointly, or severally with others:

- (1) Shall have title to any dwelling, dwelling unit or rooming unit, or vehicle, with or without accompanying actual possession thereof;

- (2) Shall be a mortgagee of record for any dwelling, dwelling unit or rooming unit; or
- (3) Shall have charge, care or control of any dwelling, dwelling unit or rooming unit, or vehicle, as owner or agent of the actual owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

(c) Unknown or absent property Owner. In the event the Owner of the property is unknown or absent and has no known representative upon whom the notice can be served, the chief building inspector, or designee, shall post a written or printed notice on the property stating that, unless the nuisance is abated or removed within 60 days, the County will have the public health nuisance abated or removed at the expense of the owner under the provisions of this Chapter, or other applicable state or local law. The person providing the notice shall certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

(d) Removal of Nuisance.

- (1) The owner, or responsible party - as set forth above - shall be given 60 days from receipt of the written notice of violation to dispose of the nuisance or nuisance conditions in a legal manner.
- (2) If, upon the expiration of the 60 day period set forth above, the owner, or responsible party, fails to comply with the notice of violation, the County shall take any action it deems reasonably necessary to dispose of the nuisance, including entering the property where the nuisance is located and arranging to have the nuisance abated or disposed of, in a manner consistent with applicable law.
- (3) A statement of the cost of removing, abating or remedying the nuisance shall be mailed to the Owner or shall be personally served on the Owner. These costs shall be paid within 30 days of receipt of the statement. If not paid, the amount of the cost of abatement or removal or demolition shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and shall be collected as unpaid taxes.

Sec. 14-108. - Appeals.

- (a) Within the 60-day period set forth in section (d) above, the owner of the property where the nuisance exists may appeal the findings of the chief building inspector to the Board of Commissioners by giving written notice of appeal to the chief building inspector. An appeal stays all proceedings and additional accrual of applicable fines in furtherance of the decision or determination appealed from until final determination by the Board of Commissioners. In the event no appeal is taken, the chief building inspector may proceed to abate the nuisance.
- (b) The Board of Commissioners, in the event an appeal is taken, as provided in subsection (a) above, may, after hearing all interested persons and reviewing the findings of the chief building inspector, reverse the finding of a public nuisance, but if the Board of Commissioners shall determine that the findings of the chief building inspector are correct and proper, it shall declare the condition existing on the property to be dangerous or prejudicial to public health, welfare, or safety and a public health nuisance, and direct the chief building inspector to cause the conditions to be abated.

The decision of the Board of Commissioners shall be subject to review at the instance of any aggrieved party to Superior Court for Cabarrus County. Such appeal must be in writing and filed within thirty (30) days of the filing of the decision. The notice of appeal must clearly state the basis for the appeal and be served in accordance with the North Carolina Rules of Civil Procedure

(E-7) County Manager - Resolution for Medication Assisted Treatment (MAT) Delivered through the Cabarrus County Community Paramedicine Program

Cabarrus County's Emergency Medical System (EMS) will utilize funds to render mobile Medication Assisted Treatment (MAT) through its Community Paramedicine program. FDA-approved medications will be used for individuals battling opioid use disorders to promote long-term recovery. Mobile MAT would be considered Option A, Strategy 2 (Evidence-based Addiction Treatment), allowing for immediate support and funding. It is intended to use FDA-approved medications in combination with behavioral therapies to treat opioid use disorders (OUD) and promote long-term recovery. Two paramedic positions will be needed and included in the grant funding. A budget amendment was provided for review and consideration.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board authorized two grant-funded positions for the Cabarrus County Community Paramedicine Program and approved the necessary resolution and budget amendment.

| | |
|--|---|
| Date: <input type="text" value="January 16, 2024"/> | Amount: <input type="text" value="300,000.00"/> |
| Dept. Head: <input type="text" value="Suzanne Burgess"/> | Department: <input type="text" value="Fund 442"/> |

Internal Transfer Within Department Transfer Between Departments/Funds Supplemental Request

This budget amendment is to budget fiscal year 2024 expenditures per resolution number 2024-01. The resolution was approved by the Board of Commissioners on January 16th, 2024. The resolution directs the expenditures of OPIOID Settlement Funds for evidence based addiction treatment (Strategy 2) and will fund Medication - Assisted Treatment (MAT) through the Cabarrus County EMS Community Paramedic Program. The initial (first year) request of approximately \$300,000 includes salaries and benefits based on a full year of employment for two positions.

| Fund | Indicator | Department/ Object/ Project | Account Name | Approved | Budget | Increase Amount | Decrease Amount | Revised Budget |
|------|-----------|-----------------------------|---------------------|----------|------------|-----------------|-----------------|----------------|
| 442 | 9 | 5910-9101 | Salaries and Wages | | - | 140,000.00 | - | 140,000.00 |
| 442 | 9 | 5910-9201 | Social Security | | - | 9,000.00 | - | 9,000.00 |
| 442 | 9 | 5910-9202 | Medicare | | - | 2,100.00 | - | 2,100.00 |
| 442 | 9 | 5910-9205 | Hospital Insurance | | - | 21,500.00 | | 21,500.00 |
| 442 | 9 | 5910-9210 | Retirement | | - | 7,000.00 | | 7,000.00 |
| 442 | 9 | 5910-9235 | 401k | | - | 2,500.00 | | 2,500.00 |
| 442 | 9 | 5910-9207 | Life | | - | 50.00 | | 50.00 |
| 442 | 9 | 5910-9206 | Vision | | - | 50.00 | | 50.00 |
| 442 | 9 | 5910-9230 | Workers Comp | | - | 10,500.00 | | 10,500.00 |
| 442 | 9 | 5910-9640 | Insurance and Bonds | | - | 2,300.00 | | 2,300.00 |
| 442 | 9 | 5910-9201 | Vehicles | | - | 65,000.00 | - | 65,000.00 |
| 442 | 9 | 5910-9860 | Equipment | | - | 26,000.00 | - | 26,000.00 |
| 442 | 9 | 5910-9360 | Medical Supplies | | - | 14,000.00 | - | 14,000.00 |
| 442 | 9 | 5910-9397 | Miscellaneous | | 861,587.00 | - | 300,000.00 | 561,587.00 |

Resolution No. 2024-01

**A RESOLUTION BY THE COUNTY OF CABARRUS
TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS**

WHEREAS Cabarrus County has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids, including settlements with drug distributors Cardinal, McKesson, and AmerisourceBergen, and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals;

WHEREAS the allocation, use, and reporting of funds stemming from these national settlement agreements and certain bankruptcy resolutions ("Opioid Settlement Funds") are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation ("MOA") and the Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation ("SAAF");

WHEREAS Cabarrus County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA;

WHEREAS section E.6 of the MOA states:

E.6. Process for drawing from special revenue funds.

- Budget item or resolution required.** Opioid Settlement Funds can be used

for a purpose when the Governing Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.

b. Budget item or resolution details. The budget or resolution should (i) indicate that it is an authorization for expenditure of opioid settlement funds; (ii) state the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy, and (iii) state the amount dedicated to each strategy for a stated period of time.

NOW, THEREFORE BE IT RESOLVED, in alignment with the NC MOA and SAAF, Cabarrus County authorizes the expenditure of opioid settlement funds as follows:

1. Strategy authorized

a. Name of strategies:
Evidence-based Addiction Treatment (Strategy 2)

b. Strategy is in:
Exhibit A

c. Item letter and/or number:
2

d. Amounted authorized:
\$930,000.00

e. Term:
February 1, 2024 through June 30, 2027

f. Description of the program, project, or activity:

Proposal:

Medication-assisted treatment (MAT) is the use of FDA-approved medications to treat opioid use disorders and is considered the gold standard of care. Community paramedicine programs are increasingly recognized as a viable opportunity to bridge gaps in service delivery for individuals with opioid use disorders. Through community paramedics, MAT can be safely delivered while simultaneously providing education, connecting individuals to resources and primary care, and diverting individuals from use of local emergency departments. The nimble and community-based model of community paramedicine makes it an ideal modality for MAT and provides access to individuals who might otherwise not have access to treatment.

Cabarrus County's Emergency Medical System (EMS) will utilize funds to render mobile MAT through its Community Paramedicine program. FDA-approved medications would be used for individuals battling opioid use disorders to promote long-term recovery. Mobile MAT would be considered an Option A, Strategy 2 (Evidence-based Addiction Treatment), allowing for immediate support and funding. The intent is to use FDA-approved medications in combination with behavioral therapies to treat opioid use disorders (OUD) and promote long-term recovery.

The total dollar amount of Opioid Settlement Funds appropriated across the above named and authorized strategies is \$930,000.00.

Adopted this the 16th day of January 2024.

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

ATTEST:

/s/ Lauren Linker
Clerk to the Board

(E-8) County Manager - Resolution for Medication Assisted Treatment (MAT) for Incarcerated Persons

The Cabarrus County Sheriff's Office, the operator of the Cabarrus County Detention Center (CCDC), and the Cabarrus Health Alliance, the administrator of Cabarrus County's Stepping Up re-entry program, will partner to provide Medication Assisted Treatment (MAT) to individuals with opioid use disorders who are currently incarcerated and will continue care post release. As such, the funds will be used to fund MAT in the Cabarrus County Detention Center (CCDC) under Strategy 11 (Addiction Treatment for Incarcerated Persons) and Strategy 2 (Evidence-based Addiction Treatment) to ensure best practices with respect to continuity of care. The intent will be to use FDA-approved medications in combination with behavioral therapies to treat opioid use disorders (OUD) to promote long-term recovery, reduce recidivism, and improve the physical and mental health of people who are justice involved while incarcerated and upon release.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board approved Direct Expenditure of Opioid Settlement Funds and approved the necessary resolution and budget amendment.

| Date: January 16, 2024 | Amount: 55,000.00 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|---|---------------------|-----------------|-----------------------------|-----------------|-----------------|-----------------|-----------------|----------------|-----|---|-----------|---------------|------------|---|-----------|------------|-----|---|-----------|---------------------|---|-----------|---|---|
| Dept. Head: Suzanne Burgess | Department: Fund 442 | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Internal Transfer Within Department | <input type="checkbox"/> Between Departments/Funds | <input type="checkbox"/> Supplemental Request | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>This budget amendment is to budget fiscal year 2024 expenditures per resolution number 2024-02. The resolution was approved by the Board of Commissioners, January 16th, 2024. The resolution directs expenditures of OPIOID Settlement Funds for medication-assisted treatment in the Cabarrus County Detention Center (CCDC). The initial (first year) request includes a contract increase with the current contracted medical provider (SHP) planning phase for CCDC - \$55,000. Funds will be budgeted in Fiscal Years 2025, 2026 and 2027 as part of the annual budget to include the total amount authorized by the resolution for a total of \$1,447,702.00.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th>Fund</th> <th>Indicator</th> <th>Department/ Object/ Project</th> <th>Account Name</th> <th>Approved Budget</th> <th>Increase Amount</th> <th>Decrease Amount</th> <th>Revised Budget</th> </tr> </thead> <tbody> <tr> <td>442</td> <td>9</td> <td>5910-9397</td> <td>Miscellaneous</td> <td>561,587.00</td> <td>-</td> <td>55,000.00</td> <td>506,587.00</td> </tr> <tr> <td>442</td> <td>9</td> <td>5910-9653</td> <td>Medical Consultants</td> <td>-</td> <td>55,000.00</td> <td>-</td> <td>-</td> </tr> </tbody> </table> | | | Fund | Indicator | Department/ Object/ Project | Account Name | Approved Budget | Increase Amount | Decrease Amount | Revised Budget | 442 | 9 | 5910-9397 | Miscellaneous | 561,587.00 | - | 55,000.00 | 506,587.00 | 442 | 9 | 5910-9653 | Medical Consultants | - | 55,000.00 | - | - |
| Fund | Indicator | Department/ Object/ Project | Account Name | Approved Budget | Increase Amount | Decrease Amount | Revised Budget | | | | | | | | | | | | | | | | | | | |
| 442 | 9 | 5910-9397 | Miscellaneous | 561,587.00 | - | 55,000.00 | 506,587.00 | | | | | | | | | | | | | | | | | | | |
| 442 | 9 | 5910-9653 | Medical Consultants | - | 55,000.00 | - | - | | | | | | | | | | | | | | | | | | | |

Resolution No. 2024-02

**A RESOLUTION BY THE COUNTY OF CABARRUS
TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS**

WHEREAS Cabarrus County has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids, including settlements with drug distributors Cardinal, McKesson, and AmerisourceBergen, and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals;

WHEREAS the allocation, use, and reporting of funds stemming from these national settlement agreements and certain bankruptcy resolutions ("Opioid Settlement Funds") are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation ("MOA") and the Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation ("SAAF");

WHEREAS Cabarrus County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA;

WHEREAS section E.6 of the MOA states:

E.6. Process for drawing from special revenue funds.

- a. Budget item or resolution required. Opioid Settlement Funds can be used for a purpose when the Governing Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.
- b. Budget item or resolution details. The budget or resolution should (i) indicate that it is an authorization for expenditure of opioid settlement funds; (ii) state the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy, and (iii) state the amount dedicated to each strategy for a stated period of time.

NOW, THEREFORE BE IT RESOLVED, in alignment with the NC MOA and SAAF, Cabarrus County authorizes the expenditure of opioid settlement funds as follows:

1. First strategy authorized
 - a. Name of strategy: Addiction treatment for incarcerated persons
 - b. Strategy is included in Exhibit A
 - c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: 11
 - d. Amount authorized for this strategy: \$ 745,000.00
 - e. Period of time during which expenditure may take place: Start date: Feb 1, 2024 through End date: June 30, 2027
 - f. Description of the program, project, or activity:
The Cabarrus County Sheriff's Office, the operator of the Cabarrus County Detention Center (CCDC) will provide MAT to individuals with opioid use disorders who are currently incarcerated. The intent is to use FDA approved medications in combination with behavioral therapies to treat opioid use disorders (OUD) to promote long-term recovery, reduce recidivism, and improve the physical and mental health of people who are justice-involved while incarcerated and upon release.
 - g. Provider: Cabarrus County Sheriff's Office
2. Second strategy authorized
 - a. Name of strategy: Evidence-based addiction treatment
 - b. Strategy is included in Exhibit A
 - c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: 2
 - d. Amount authorized for this strategy: \$ 702,702.00
 - e. Period of time during which expenditure may take place: Start date: Feb 1, 2024 through End date: June 30, 2027
 - f. Description of the program, project, or activity:
The Cabarrus Health Alliance, the administrator of Cabarrus County's Stepping Up re-entry program, will provide MAT to individuals with opioid use disorders post-release from the Cabarrus County Detention Center to ensure best practice with respect to continuity of care. The intent is to use FDA approved medications in combination with behavioral therapies to treat opioid use disorders (OUD) to promote long-term recovery, reduce recidivism, and improve the physical and mental health of people once they are released from jail.
 - g. Provider: Cabarrus Health Alliance (CHA)

(Attachment includes full proposal and breakdown of costs.)

The total dollar amount of Opioid Settlement Funds appropriated across the above named and authorized strategies is \$1,447,702.00.

Adopted this the 16th day of January 2024.

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

ATTEST:

/s/ Lauren Linker
Clerk to the Board

(E-9) County Manager - Transfer of Assets at CC Griffin Middle School

The City of Concord requested a transfer of assets on the CC Griffin Middle School property that was initially donated in February 2012. The process of the transfer did not follow the proper legal order at the time. Essentially, the request is to clean up the paperwork of previously donated assets. The transfer of assets was approved by the BOC, the school board, and the city council at the time.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board approved to transfer of assets as listed in the documentation to the City of Concord.

(E-10) County Manager -Water and Sewer Authority of Cabarrus County Pretreatment Agreement

The proposed WSACC agreement deals with the requirements for the pretreatment of wastewater into the system. The current agreement expired at the end of 2023. The new inter-jurisdictional agreement proposes to run for a period of twenty years. Legal has reviewed the agreement and does not feel it places any new responsibilities or liabilities on the county.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board approved the agreement with the Water and Sewer Authority of Cabarrus County.

(E-11) DHS - Budget Revision for Additional ARPA Congregate Nutrition Funds

The Cabarrus County Congregate Nutrition (LunchPlus) program originally received ARPA funding through the Centralina Area Agency on Aging in March 2022 in the amount of \$100,244.00. Those funds were exhausted by the end of FY23. The Congregate Nutrition program has now been awarded an additional \$32,500.00 in ARPA funding through the Area Agency on Aging. The deadline to spend these funds will be September 30, 2024. There is no county match required for these funds.

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

Budget Revision/Amendment Request

| | |
|---|-------------------|
| Date: 1/16/2024 | Amount: 32,500.00 |
| Dept. Head: Karen Calhoun | Department: DHS |
| <input type="checkbox"/> Internal Transfer Within Department <input type="checkbox"/> Transfer Between Departments/Funds <input checked="" type="checkbox"/> Supplemental Request | |
| The Nutrition Services Department is receiving additional ARPA funding for congregate nutrition in the amount of \$32,500.00. The funds are to assist with expenses of innovation services like program design, implementation, assessment, workflow, data collection and reporting and service delivery to hard to reach, underserved, and high risk populations. The grant will run through September 2024. There is NO County Match. | |

| Fund | Indicator | Department/ Object/ Project | Account Name | Approved Budget | Increase Amount | Decrease Amount | Revised Budget |
|------|-----------|-----------------------------|----------------------------|-----------------|-----------------|-----------------|----------------|
| 001 | 6 | 5750-6224-ARP | Congregate Nutrition Grant | - | 32,500.00 | - | 32,500.00 |
| 001 | 9 | 5750-9335-ARP | Food | - | 32,500.00 | - | 32,500.00 |

(E-12) Finance - Fiscal Year 2023 ACFR and Audit

The Annual Comprehensive Financial Report (ACFR) for the fiscal year ended June 30, 2023, was previously presented to the Board for review and consideration.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board accepted the Fiscal Year 2023 Annual Comprehensive Finance Report as presented.

(E-13) Finance - Transfer of Funds in accordance with the County's 15% Fund Balance Policy

As part of the County's Financial and Budgetary Policies, the sum of the General Operating Fund's fund balance of more than 15% of the current fiscal year's budget is available to transfer and appropriate to the Community Investment Fund for future project allocation in the amount of \$36,359,791. A budget amendment is required to transfer the fund balance in the General Fund to the Community Investment Fund.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board approved the transfer of the fund balance from the General Fund to the Community Investment Fund.

(E-14) Sheriff's Office - Retirement of K9 Brad

A request to surplus K9 Brad and turn him over to K9 handler Deputy Brent Saffell due to the upcoming retirement of both K9 Brad and his handler, Deputy Brent Saffell, on February 1st, 2024. K9 Brad is an eight-year-old Czech Shephard who has served a long and faithful career with the Cabarrus County Sheriff's Office. He is close to aging out and would not be able to be switched to a new handler upon Deputy Saffell's retirement.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board declared K9 Brad surplus property and authorized disposition in accordance with the County's policy.

(E-15) Sheriff's Office - Awarding of Service Weapon to Sgt. David Burchett Upon Retirement

Sgt. David Burchett will retire from the Cabarrus County Sheriff's Office on February 1st, 2024, after 30 years of service. Pursuant to NC General Statute 20-187.2, it is requested that Sgt. Burchett's service weapon (Sig Sauer P320, SN 58C352010) is designated surplus and awarded to Sgt. Burchett for a price of \$1.00 upon his retirement.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board declared Sig Sauer P320, SN 58C352010 surplus property and authorized disposition in accordance with the County's policy.

(E-16) Sheriff's Office - Awarding of Service Weapon to Deputy Brian Isenhour Upon His Retirement

Deputy Brian Isenhour will retire from the Cabarrus County Sheriff's Office on February 1st, 2024. Pursuant to N.C. General Statute 20-187.2, it is requested that Deputy Isenhour's service weapon (Sig Sauer P320, SN 58C352193) be designated surplus property and awarded to Deputy Isenhour for a price of \$1.00 upon his retirement.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board declared Sig Sauer P320, SN 58C352193 surplus property and authorized disposition in accordance with the County's policy.

(E-17) Sheriff's Office - Awarding of Service Weapon to Deputy Brent Saffell Upon His Retirement

Deputy Brent Saffell will retire from the Cabarrus County Sheriff's Office on February 1st, 2024. Pursuant to N.C. General Statute 20-187.2, it is requested that Deputy Saffell's service weapon (Sig Sauer P320, SN 58C351893) be designated surplus property and awarded to Deputy Saffell for a price of \$1.00 upon his retirement.

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman and unanimously carried, the Board declared Sig Sauer P320, SN 58C351893 surplus property and authorized disposition in accordance with the County's policy.

(E-18) Tax Administration - Refund and Release Reports - December 2023

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

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

UPON MOTION of Vice Chairman Shue, seconded by Commissioner Wortman, and unanimously carried, the Board approved the December 2023 Refund and Release Reports as submitted, including the NCVTS Refund Report, and granted authority to the Tax Collector to process the refunds and releases.

(F) NEW BUSINESS**(F-1) Emergency Medical Services - New Stretcher Lease Resolution**

Evan Lee, General Counsel, reported on November 20, 2023, that the Board approved the new lease agreement for Emergency Medical Services' new 10-year stretcher lease. As part of the Local Government Commission's ("LGC") approval process, a resolution will be required to make the necessary findings, authorizing the contract and authorizing the filing of the application for approval by the North Carolina Local Government Commission for this project. A resolution was provided for review and consideration.

UPON MOTION of Commissioner Measmer, seconded by Commissioner Wortman, and unanimously carried, the board adopted the stretcher lease resolution as presented.

**A RESOLUTION BY THE COUNTY OF CABARRUS
TO ENTER INTO A CERTAIN MASTER LEASE AGREEMENT**

WHEREAS Cabarrus County, through Cabarrus County Emergency Medical Services, provides advanced medical care and transport to patients and citizens; and in furtherance thereof, leases certain equipment in the form of stretchers and power load equipment in the performance of these duties;

WHEREAS the County has determined that the equipment herein described will be needed by the County in furtherance of its responsibilities and duties to provide advanced medical care and transport to patients and citizens in and around the County;

WHEREAS the current stretcher and equipment lease expires on June 30, 2024, and the County has the opportunity to execute a new ten (10) year lease, which provides for an update of equipment at the 5-year mark;

WHEREAS the County desires to enter into a lease with Flex Financial, a division of Stryker Sales, LLC, for the lease of certain stretchers, power loads, and related equipment for a period of ten (10) years to commence upon the expiration of its existing lease, and in accordance with the terms and conditions of a Master Lease Agreement; and

WHEREAS the Board of Commissioners of Cabarrus County approved the Master Lease agreement subject to review and revision by the County Attorney as item F-8 on its Consent Agenda at the November 20, 2023, Regular Meeting;

WHEREAS N.C.G.S. § 159-148, provides that certain contracts or agreements entered into by the County as a unit of local government, including *inter alia*, those for a term of ten years, must be approved by the Local Government Commission in accordance with the provisions of Article 8 of Chapter 159 of the North Carolina General Statutes; and

WHEREAS the Board of Commissioners of Cabarrus County enact this resolution to meet the necessary provisions of Article 8 of Chapter 159 of the North Carolina General Statutes;

NOW, THEREFORE BE IT RESOLVED, the Board of Commissioners of Cabarrus County hereby approve the Master Lease Agreement between the County and Flex Financial, a division of Stryker Sales, LLC for a term commencing in July 2024 and terminating in June 2034, and for ten (10) Annual payments of \$435,596.58 (Plus Applicable Sales/Use Tax); and further authorize the County Manager to execute such Master Lease Agreement and to take such further actions as necessary to effectuate the terms and conditions as set forth therein.

BE IT FURTHER RESOLVED, the Board of Commissioners of Cabarrus County hereby authorizes the Finance Director to take such further actions as necessary to effectuate the Master Lease Agreement, including any necessary approvals before the Local Government Commission in accordance with N.C.G.S. §§ 159-148 through 159-153, or as otherwise provided by law.

Adopted this on the 16th day of January 2024.

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

ATTEST:

/s/ Lauren Linker
Clerk to the Board

(G) REPORTS

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

Commissioner Wortman, Active Living and Parks liaison, spoke on behalf of Londa Strong regarding the Department Master Plan needing board input that can be provided through the ALP website using the QR code provided. He also spoke about upcoming events:

- Pickle Ball - Beginner's class will be held on January 23, 2024, at the Hartsell Recreation Center. The cost per class is \$5 and individuals may contact the ALP department to register.
- Pickle Ball - Double's Tournament will be held on January 24, 2024, at the Hartsell Recreation Center. The cost per team is \$16.
- Senior Games Sports Clinic will be held on February 21, 2024, from 1:00 p.m. - 3:30 p.m. This is free of charge.

Individuals with questions about any upcoming events may contact 704-920-3484 for more information.

(G-2) BOC - Request for Applications for County Boards/Committees

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

- Adult Care Home Community Advisory Committee - 13 Vacant Positions
- Concord Planning and Zoning Commission (ETJ) - 1 Vacant Position
- Harrisburg Planning and Zoning Commission (ETJ) - 1 Vacant Position
- Home and Community Care Block Grant Committee - 1 Vacant Position
- Juvenile Crime Prevention Council - 2 Vacant Positions
- Library Board of Trustees - 2 Vacant Positions
- Mental Health Advisory Board - 3 Vacant Positions
- Nursing Home Community Advisory Committee - 11 Vacant Positions
- Planning and Zoning Commission - 1 Vacant Position
- Region F Aging Advisory Committee - 2 Vacant Positions
- Senior Centers Advisory Council - 4 Vacant Positions
- Transportation Advisory Board - 6 Vacant Positions
- Youth Commission - 4 Vacant Positions

(G-3) Budget - Monthly Budget Amendment Report

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

(G-4) Budget - Monthly Financial Update

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

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

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

(G-6) DHS - Emergency Assistance Quarterly Report

The board received the Emergency Assistance quarterly report for informational purposes. No action was required of the Board.

(G-7) Economic Development Corporation - December 2023 Monthly Summary Report

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

(G-8) Infrastructure & Asset Management - Courthouse Construction Update

The Board received an update on the Courthouse Construction for informational purposes. No action was required of the Board.

(G-9) Infrastructure & Asset Management - Afton Library and Active Living Center Construction Update

The Board received an update on the Afton Library and Active Living Center Construction for informational purposes. No action was required of the Board.

(G-10) Infrastructure & Asset Management - Mt Pleasant Library and Active Living Center Construction Update

The Board received an update on the Mt. Pleasant Library and Active Living Center Construction for informational purposes. No action was required of the Board.

(H) GENERAL COMMENTS BY BOARD MEMBERS

None.

(J) CLOSED SESSION**(J-1) Closed Session - Pending Litigation, Economic Development and Acquisition of Real Property**

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

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

Return to Open Session

Disclosure of settlement for claim I.C. File Number 15-029654 and 21-718156 in the amount of \$150,000. This settlement is being reported pursuant to NCGS 143-318.11 (a) (3).

Disclosure of settlement for claim Lessane v. Cabarrus County and Charles Ratliff, 20 CVS 3368 in the amount of \$275,000. The plaintiff signed a full release of claims and took a dismissal with prejudice. This settlement is being reported pursuant to NCGS 143-318.11 (a) (3).

Disclosure of settlement for claim Veltri v. Cabarrus County, 22 CVS 978 in the amount of \$90,000. The plaintiff signed a full release of claims and took a dismissal with prejudice. This settlement is being reported pursuant to NCGS 143-318.11 (a) (3).

Disclosure of settlement for claim I.C. File Number 22-716276 in the additional amount of \$5,000. This settlement is being reported pursuant to NCGS 143-318.11 (a) (3).

Disclosure of settlement for claim I.C. File Number 19-031543 in the amount of \$47,000. This settlement is being reported pursuant to NCGS 143-318.11 (a) (3).

Disclosure of settlement for claim I.C. File Number 18-003043 in the amount of \$245,000. This settlement is being reported pursuant to NCGS 143-318.11 (a) (3).

Disclosure of settlement for claim I.C. File Number 18-000685 in the amount of \$80,000 plus \$5,000 for future worker's compensation medical care. This settlement is being reported pursuant to NCGS 143-318.11 (a) (3).

Disclosure of settlement for claim I.C. File Number 18-742353 in the amount of \$183,905 plus \$1260 in mediation fees. This settlement is being reported pursuant to NCGS 143-318.11 (a) (3).

Disclosure of settlement for claim I.C. File Number 18-712080 in the amount of \$55,000. This settlement is being reported pursuant to NCGS 143-318.11 (a) (3).

Disclosure of settlement for claim I.C. File Number 17-036822 in the amount of \$25,000. This settlement is being reported pursuant to NCGS 143-318.11 (a) (3).

(K) ADJOURN

UPON MOTION of Commissioner Wortman, seconded by Commissioner Measmer and unanimously carried, the meeting adjourned at 8:16 p.m.



Lauren Linker
Lauren Linker, Clerk to the Board