



City Council Agenda

Thursday, March 11, 2021

6:00 PM

35 Cabarrus Avenue, W, Concord NC 28025

Cell phones are to be turned off or placed on vibrate during the meeting. Please exit the Council Chambers before using your cell phone.

The agenda is prepared and distributed on Friday preceding the meeting to Council and news media. A work session is then held on the Tuesday preceding the regular meeting at 4:00 pm.

In order to maintain the safety of City residents, City Council, and staff, the March 9, 2021 City Council Work Session and the March 11, 2021 City Council meeting will be conducted electronically via Zoom and can be accessed with the following link:

Join Zoom Meeting:

<https://us02web.zoom.us/j/82744897457?pwd=UGh3OXI4UHFIZzhpTkpUWVF2a2tgQT09>

Phone Dialing alternative:

646-876-9923 or 312-626-6799

Meeting ID: 827 4489 7457 Password: 579922

Public Hearings will be conducted during the March 9, 2021 Work Session. If you would like to comment on a public hearing item or to comment during the Persons Requesting to be Heard portion of the March 11, 2021 City Council meeting click the following link:

<https://forms.gle/M37tMtHE3AFFjbBp8>.

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I. Call to Order

II. Pledge of Allegiance and Moment of Silent Prayer:

III. Approval of Minutes:

January 28, January 29, February 9, and February 11, 2021

IV. Presentations

- 1. **Recognition of US Air Force Captain, John Alexander Sweat, Jr., and US Marine Corp Major, Ruth Brooks, for their inductions into the North Carolina Military Veterans Hall of Fame.** US Air Force Captain, John Alexander Sweat, Jr., and US Marine Corp Major, Ruth Brooks, were inducted into the North Carolina Military Veterans Hall of Fame on Saturday, February 20, 2021.

V. Unfinished Business

VI. New Business

A. Informational Items

B. Departmental Reports

C. Recognition of persons requesting to be heard

D. Public Hearings

- 1. **Conduct a public hearing for case Z(CD)-24-20 and consider adopting an ordinance amending the official zoning map for +/- 9.58 acres located at 3070 Zion Church Rd from County O-I (Office Institutional) to RC-CD (Residential Compact-Conditional District).** The Planning and Zoning Commission heard case Z(CD)-24-20 at their February 16th and 18th meetings and unanimously voted to

forward the request to City Council with a recommendation that the zoning map be amended to RC-CD (Residential Compact-Conditional District) and that the Land Use Plan be modified from Industrial Employment to Urban Neighborhood. The purpose of the rezoning and Land Use Plan amendment is to establish a residential neighborhood with a maximum of 45 Single Family Detached Lots.

Recommendation: Consider adopting an ordinance amending the official zoning map from Cabarrus County O-I (Office Institutional) to City of Concord RC-CD (Residential Compact-Conditional District) and to amend the 2030 Land Use Plan for the subject site from Industrial/Employment to Urban Neighborhood.

E. Presentations of Petitions and Requests

1. Consider increasing membership on the Public Arts Committee with a representative from Parks and Recreation and three at-large members.

Currently, the Public Arts Committee consists of ten (10) members. The members include two from City Council: Andy Langford and Ella Mae Small; two from the Planning Department: Sarah Gay and Starla Rogers; the Director of Concord Downtown Development Corporation, which is now the Downtown Development Manager: Johnson Bray; the Director of Cabarrus Arts Council: Noelle Scott; a Cabarrus Arts Council Board Member, Rebecca Collins; a Local Community Member: Tara Bengle; an Artist: Julia Lawing; and a Downtown Building Owner: Justin Mueller. During the Public Arts Committee meeting on February 18th, it was discussed and recommended that the Committee be expanded to include Montana Maurer from the Parks and Recreation Department and three at-large members with the goal of increasing diversity on the Committee. The decision for a Parks and Recreation employee is due to the city-wide opportunities to include art along greenways and within recreation centers. If City Council concurs with the additional members the City Clerk will receive applications and a Council subgroup will make recommendations to the full board for consideration.

Recommendation: Motion to approve the addition of Montana Maurer from the Parks and Recreation Department and three at-large members be added to the Public Arts Committee.

2. Consider adopting an ordinance ordering the demolition of the structure located at 53 Corban Ave. SW (PIN# 5620-96-0884) owned by Obafemi Balogun and wife Marie Ann Balogun.

The structure is located on a single parcel, which has a building tax value of \$77,600, per Cabarrus County land records. Upon inspection, the structure was considered to be dilapidated. Michael Coble, Code Enforcement Officer, opened the case November 9, 2020. The Finding of Fact and Order to Repair or Demolish was issued on November 30, 2020. The Order to Repair or Demolish said structure was not extended. The Order to Repair or Demolish expired on January 4, 2021. After contacting the owners on multiple occasions, the owner agreed to sign a hold harmless, indemnity, and release form for the Concord Police Code Enforcement Division to contract to clean and clear the premises. No Civil penalties have been imposed.

Recommendation: Motion to adopt an ordinance ordering the demolition of the structure located at 53 Corban Ave SW.

3. Consider awarding a bid to Carolina Siteworks Inc. for sitework and grading at 114 Union Cemetery Rd. for purpose of future construction of Delivery Station #4.

Considerable site work and grading is necessary for planned construction of Delivery Station #4. Civil engineering was completed and formal bids were received on February 19, 2021 with six respondents submitting proposals. All bids were evaluated for compliance with the specifications and for relevant project experience. The lowest bidder, Carolina Siteworks Inc., at \$477,413, was determined to be a responsible and responsive bidder. They have completed or are in progress on several projects for the City, including the BOC round-a-bout and the Spring St. round-a-bout. The work is expected to take 150 days to complete.

Recommendation: Motion to award a bid for \$477,413 to Carolina Siteworks Inc. for sitework and grading at 114 Union Cemetery Rd. for purpose of future construction of Delivery Station # 4.

- 4. Consider authorizing the City Manager to negotiate and execute a contract with Ramey Kemp & Associates, Inc. for site design and engineering of 51 Rider Transit bus stop sites.** Rider Transit is seeking a consultant to provide site design and engineering, including assistance with right-of-way acquisition and production of construction documents and construction cost estimates, for the improvement of 51 existing bus stop sites within its service area. The work from this project will ultimately be used to help Rider Transit staff coordinate construction and implementation of its bus stop amenity program. A team consisting of staff from Rider Transit, the City of Concord Transportation Department, and the City of Kannapolis Engineering Department, selected Ramey Kemp & Associates, Inc. through a request for qualifications process, from which four firms submitted statements of qualification. With professional services contracts, FTA requires that the most qualified firm be selected, with price negotiated following firm selection. Total negotiated cost will not exceed \$320,700. Eighty percent of the project will be paid for using FTA 5339 Bus and Bus Facilities grant funding that has already been set aside. The remaining twenty percent will be split evenly by Concord and Kannapolis, resulting in a total cost of \$32,070 to each City.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Ramey Kemp & Associates, Inc. for site design and engineering of Rider Transit bus stop sites.

- 5. Consider supporting an application to increase Congestion Mitigation and Air Quality (CMAQ) funding for C-5603G - Bruton Smith Boulevard/Weddington Road Intersection.** In January 2017, staff requested to apply for CMAQ funding for enhancements at the Intersection of Bruton Smith Blvd and Weddington Rd. In June 2018, City Council approved entering into an agreement for the construction phase of the project, consisting of the extension of dual left turn lanes, addition of a right turn lane and associated striping on Bruton Smith Blvd at Weddington Rd. The total estimate for this project was \$182,100. NCDOT would participate in 80% of the estimated cost (\$145,680). The City of Concord agreed to participate in 20% of the estimated cost (\$36,420). Under this Project Agreement, overpayment would be the responsibility of the City of Concord. In September 2019, staff received authorization by NCDOT for the construction phase of the said project. The following month of October 2019, NCDOT suspended the project due to implementing measures to reduce expenditures statewide. In September 2020, staff received a letter lifting the suspension of C-5603G, allowing the City to advertise the project for construction. The project was advertised in December 2020 and received no bid submittals. The project was re-advertised in February 2021 and received 2 total bids, with the lowest bid received of \$308,476. Due to the increase of funding, and inflation of construction costs, staff proposes to submit in the current call for CMAQ projects the amount of the difference of \$126,377. Therefore, if approved, the City of Concord would be responsible for \$25,275 (20%), and NCDOT would be responsible for \$101,102 (80%).

Recommendation: Motion to consider supporting an application to increase Congestion Mitigation and Air Quality (CMAQ) funding for C-5603G - Bruton Smith Boulevard/Weddington Road Intersection.

- 6. Consider entering into an agreement between the City of Concord, the City of Albemarle, and the City of Kannapolis to conduct a water treatment plant expansion study.** The agreement will allow for a study to be conducted to determine the expansion options for the Albemarle water treatment plan. The total fee is estimated to be \$60,000. Albemarle will pay the consultant 100% of the cost. Concord and Kannapolis will each reimburse Albemarle 25% of the costs.

Recommendation: Motion to enter into an agreement between the City of Concord, the City of Albemarle, and the City of Kannapolis to conduct a water treatment plant expansion study.

- 7. Consider authorizing the City Manager to negotiate and execute a contract with Insituform Technologies, LLC. for the lining of 27,497 linear feet sewer lines and rehabilitation of 108 manholes.** The Water Resource department performs inspections of the City's sewer lines and identifies those that need to be repaired or replaced. Lines that would cause excessive disturbance to the public if they were repaired or replaced by conventional methods, are earmarked for the cure-in-place pipe rehabilitation method (CIPP). The CIPP method allows the sewer lines to be rehabilitated without the disturbances to the public caused by the conventional method of excavation and replacement. This project was publicly bid and four (4) bids were received, the lowest responsible bidder was Insituform Technologies, LLC. in the amount of \$865,178.58. The total amount of the lowest responsible bidder is below the budgeted amount.

Recommendation: Motion authorizing the City Manager to negotiate and execute a contract with Insituform Technologies, LLC. in the amount of \$865,178.58 for the rehabilitation of 27,497 linear feet of sewer lines and 108 manholes.

- 8. Consider authorizing the City Manager to negotiate and execute a contract with Carolina Siteworks Inc. for the 2-inch water line replacement on Gold St. NW and Howerton Ave. NW, Crowell Dr. SW and Vee Ave. SW, and Crowell Dr. NW and Cedar Dr. NW.** The existing 2-inch water lines on Gold St. NW, Crowell Dr. SW, and Crowell Dr. NW have reached the end of its useful life and need to be replaced. The total length of water lines to be replaced by this project is 1,876 linear feet. The project was publicly bid under the informal bidding process, two (2) bids were received and the lowest responsible bidder was Carolina Siteworks Inc. in the amount of \$249,446.12. The total amount of the lowest responsible bidder is within the budgeted amount.

Recommendation: Motion authorizing the City Manager to negotiate and execute a contract with Carolina Siteworks Inc. in the amount of \$249,446.12 for the 2-inch water line replacement on Gold St. NW, Crowell Dr. SW, and Crowell Dr. NW.

- 9. Consider authorizing the City Manager to negotiate and execute a contract with RNF Construction, LLC for the relocation of the Market St. Sewer main.** Due to the relocation of the existing generator that powers the Police HQ and the City Hall, the existing sewer main in the alleyway behind the Police HQ will have to be relocated. The proposed location of the generator is in close proximity to the existing sewer line and would make it very difficult to maintain. Several sites were considered for the relocation of the generator, but there were no better alternatives. A new alignment for the sewer was designed to make the line accessible for maintenance. This project was publicly bid under the formal bidding process, 3 bids were received and the lowest responsible bidder was RNF Construction, LLC in the amount of \$295,381.90.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with RNF Construction, LLC in the amount of \$295,381.90 for the relocation of the existing Market St. Sewer main.

- 10. Consider a Preliminary Application from Freedom Homes.** In accordance with City Code Chapter 62, Freedom Homes has submitted a preliminary application to receive sewer service outside the City limits. The property is located at 258 Litaker Lane. The lot size is 1.08 acres and zoned MDR. Water service is not available to the parcel.

Recommendation: Motion to accept the preliminary application and have the owner proceed to the final application phase excluding annexation.

VII. Consent Agenda

- A. Consider approving the 2021 Federal Legislative Agenda and State Legislative Priorities.** Council heard presentations on Federal and State priorities during the January 2021 Annual Planning Session.

Recommendation: Motion to approve the 2021 Federal Legislative Agenda and State Legislative Priorities.

- B. Consider approving the current Concord ABC Board Travel Policy.** The ABC Board is required by the NC General Statute to have their travel policy approved each year by City Council. NC General Statute 18B-700, Appointment and organization of local ABC boards, section (g2) states the following: Travel Allowance and Per Diem Rates. - "Approved travel on official business by the members and employees of local boards shall be reimbursed pursuant to G.S. 138-6 unless the local board adopts a travel policy that conforms to the travel policy of the appointing authority and such policy is approved by the appointing authority. The local board shall annually provide the appointing authority's written confirmation of such approval to the Commission and a copy of the travel policy authorized by the appointing authority. Any excess expenses not covered by the local board's travel policy shall only be paid with the written authorization of the appointing authority's finance officer. A copy of the written authorization for excess expenses shall be submitted to the Commission by the local board within 30 days of approval." No changes have been made to the ABC Board travel policy.

Recommendation: Motion to approve the Concord ABC Board Travel Policy.

- C. Consider adopting the annual updates to the City's UAS Policy Manual for calendar year 2021.** Annual updates were made to the City's UAS Policy Manual for calendar year 2021.

Recommendation: Motion to adopt the annual updates made to the City's UAS Policy Manual.

- D. Consider adopting an ordinance amending the City of Concord Code of Ordinances, Chapter 62, Water and Wastewater Utilities.** The proposed amendment would clarify pipe material standards in water mains 12" and greater, clarify that the one-time fee for pump stations applies to expansions, and corrects references to State Departments and administrative codes that have been revised.

Recommendation: Motion to adopt an ordinance amending the City of Concord Code of Ordinances, Chapter 62, Water and Wastewater Utilities.

- E. Consider authorizing the Fire Department to apply for the Staffing for Adequate Fire & Emergency Response Grant (SAFER) through the Federal Emergency Management Association (FEMA).** The Concord Fire Department is seeking authorization to apply for the 2020 SAFER grant through the Federal Emergency Management Association (FEMA). The SAFER Grant is a three-year grant performance period. If awarded, the grant will cover 100% of the associated salaries for 3 years. The grant is associated with the personnel request associated with FY 18 staffing study which has been presented for the FY22 budget cycle. There are 6 full-time employees (FTE's) associated with this grant request and the FY22 budget request.

Recommendation: Motion to authorize the Fire Department to apply for the Staffing for Adequate Fire & Emergency Response Grant (SAFER) through the Federal Emergency Management Association (FEMA).

- F. Consider authorizing the City Manager to accept and execute the Airport Coronavirus Response Grant in the amount of \$38,549 and to adopt a budget amendment.** Last month, the Federal Aviation Administration (FAA) released specific airport allocations for the Coronavirus Response and Relief Supplemental Appropriations Act. Concord Padgett Regional will receive \$38, 549 in grant funds.

These funds will be used specifically for relief from rent and minimum annual guarantees to on-airport car rental, on-airport parking, and in-terminal concessions.

Recommendation: Motion to accept and execute the FAA grant and to adopt a budget amendment.

- G. Consider authorizing the City Manager to accept and execute the Airport Coronavirus Response Grant in the amount of \$1,777,077 and to adopt a budget amendment.** Last month, the Federal Aviation Administration released specific airport allocations for the Coronavirus Response and Relief Supplemental Appropriation Act. Concord-Padgett Regional Airport will receive \$1,777,077 in grant funds. These funds will be used for cost related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport and debt service payments.

Recommendation: Motion to accept and execute the FAA grant and to adopt a budget amendment.

- H. Consider accepting an offer of infrastructure at Courtyards at Poplar Tent PH 2, 7-Eleven Store on Harris Road, Birchwood Commons, Wilkinson Ct. Townhomes, The Grounds Roadway Utilities, The Mills at Rocky River PH 1 and PH 2 roadways.** Birchwood Commons, 40 LF of 8-inch water line, 54 LF of 4-inch water line, 2 valves and 3 fire hydrants, Wilkinson Ct. Townhomes, 391 LF of 2-inch water line and 6 valves, 7-Eleven Store on Harris Road, 12 LF of 6-inch water line, 11 LF of 2-inch water line, 2 valves, 1 Fire Hydrant, 404 LF of 8-inch sanitary sewer line and 2 manholes, The Grounds Roadway Utilities, 1,686 LF of 12-inch water line, 799 LF of 8-inch water line, 23 LF of 4-inch water line, 8 valves and 4 fire hydrants, 698 LF of 8-inch sanitary sewer and 6 manholes, The Mills PH 1 and PH 2, 5,863 LF of roadway, Courtyards at Poplar Tent PH 2, 1,324 LF of 8-inch water line, 305 LF of 2-inch water line, 4 valves and 4 hydrants, 1363 LF of 8-inch sanitary sewer and 10 manholes.

Recommendation: Motion to accept the offer of infrastructure acceptance in the following subdivisions and sites. Courtyards at Poplar Tent PH 2, 7-Eleven Store on Harris Road, Birchwood Commons, Wilkinson Ct. Townhomes, The Grounds Roadway Utilities, The Mills at Rocky River PH 1 and PH 2 roadways.

- I. Consider accepting an Offer of Dedication of an access easement and approval of the maintenance agreement.** In accordance with the CDO Article 4, the following access easements and maintenance agreements are now ready for approval: White Park, LLC (First amended and restated agreement DB 14004 Page 146). Access easements and SCM maintenance agreements are being offered by the owners.

Recommendation: Motion to approve the maintenance agreements and accept the offers of dedication on the following properties: White Park, LLC.

- J. Consider adopting an ordinance to amend the FY 2020/2021 Budget Ordinance for the General Fund to appropriate miscellaneous proceeds received.** The City of Concord received insurance reimbursements to cover repairs and replacement of damaged vehicles and property as well as proceeds from the sale of surplus firearms. The attached budget ordinance will appropriate these funds to the respective impacted departments.

Recommendation: Motion to adopt an ordinance to amend the FY 2020/2021 Budget Ordinance for the General Fund to appropriate miscellaneous proceeds received.

- K. Consider adopting an ordinance to amend the FY 2020/2021 Budget Ordinance for the Aviation Fund to appropriate additional fuel revenue.** Fuel sales at the airport are exceeding original budget estimates. The attached budget ordinance will appropriate these funds to cover the additional related fuel costs.

Recommendation: Motion to adopt an ordinance to amend the FY 2020/2021 Budget Ordinance for the Aviation Fund to appropriate additional fuel revenue.

L. Consider adopting an ordinance amending the operating budgets for Stormwater and Wastewater for the OPEB (Other Postemployment Benefits) contribution. Staff is recommending additional funding to the OPEB fund based on current reserves in the Stormwater and Wastewater operating funds. The City is aggressively working to address the outstanding liability for Concord's total OPEB liability of \$30.5 million as of June 30, 2020. The following additional amounts will be sent to the trust that holds our OPEB reserves, upon City Council approval: Wastewater \$1,109,007 and Stormwater \$302,236. These amounts are in addition to the OPEB contribution of \$998,165 that was approved across all funds in the Original FY21 Budget. After this contribution is made, the City will have approximately \$12 million in the OPEB Trust Fund.

Recommendation: Motion to adopt an ordinance amending the operating budgets for Wastewater and Stormwater to fund the City's OPEB liability.

M. Receive the quarterly report on water and wastewater extension permits issued by the Engineering Department in the fourth quarter of 2020. In accordance with City Code Chapter 62, attached is a report outlining the water and wastewater extension permits that were issued between October 1, 2020 and December 31, 2020.

Recommendation: Motion to receive the fourth quarter water and wastewater extension report for 2020.

N. Consider acceptance of the Tax Office reports for the month of January 2021. The Tax Collector is responsible for periodic reporting of revenue collections for the Tax Collection Office.

Recommendation: Motion to accept the Tax Office collection reports for the month of January 2021.

O. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of January 2021. G.S. 105-381 allows for the refund and/or release of tax liability due to various reasons by the governing body. A listing of various refund/release requests is presented for your approval, primarily due to overpayments, situs errors and/or valuation changes.

Recommendation: Motion to approve the Tax releases/refunds for the month of January 2021.

P. Receive monthly report on status of investments as of January 31, 2021. A resolution adopted by the governing body on 12/9/1991 directs the Finance Director to report on the status of investments each month.

Recommendation: Motion to accept the monthly reports on investments.

VIII. Matters not on the agenda

- TAC
- MTC
- Centralina Regional Council
- Concord/Kannapolis Transit Commission
- WSACC
- Public Art Advisory Committee
- Concord Family Enrichment Association
- PTT Committee
- Barber Scotia Community Task Force Committee

IX. General comments by Council of non-business nature

X. Closed Session (if needed)

XI. Adjournment

*IN ACCORDANCE WITH ADA REGULATIONS, PLEASE NOTE THAT ANYONE WHO NEEDS AN ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE

CITY CLERK AT (704) 920-5205 AT LEAST FORTY-EIGHT HOURS PRIOR TO THE MEETING.

Captain John Alexander Sweat, Jr.

United States Air Force



Captain Sweat joined the Air force at the age of 21 in 1986 and completed training to become a Security Policeman. While stationed at Tyndall AFB, Florida, he was selected as the Tactical Air Command First Term Airman of the year. He served in both Desert Shield and Desert Storm. Captain Sweat retired honorably from the Air Force after nine years of active duty and joined the NC Air National Guard.

In 2009, he was appointed Council Member for the City of Concord. As City Councilman, he has served his state and community as the NC League of Municipalities' representative to the National League of Cities Council on Youth, Education, and Families and many other positions to better serve the citizens of Cabarrus County and the City of Concord. For the past eight years, he has honored our veterans every Tuesday by hosting Veteran's coffee at his restaurant, allowing veterans to have coffee, talk and fellowship.

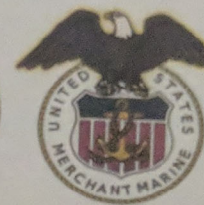
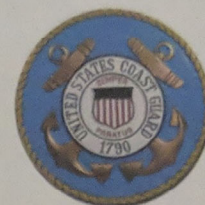
Major Willie Ruth Brooks

United States Marine Corp



Major Brooks has used service as a lifetime goal and achievement. As a retired Major of the United States Marine Corps, she served as the company disbursing officer where she managed and disbursed payroll of more than \$1,000,000 annually.

Major Brooks was the first black woman Disbursing Officer and the eighth black woman to enter the Marine Corps as an officer. She has 32-year history of service to Cabarrus County and is the founder and CEO of Multi-Cultural Community Student Union, a 501 C.3 foundation that provides a summer camp and year-round, weekly activities for disadvantaged children. She is renowned for her recognition as the 2007 recipient of the prestigious “Nine Who Cares Award.”

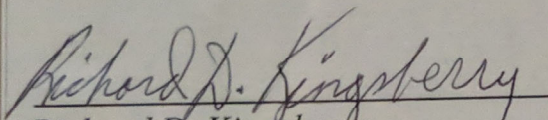


CERTIFICATE OF HONOR

THIS IS TO CERTIFY THAT

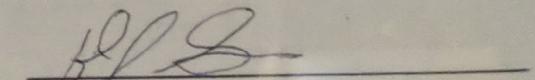
CAPTAIN JOHN ALEXANDER SWEAT JR.
UNITED STATES AIRFORCE

WAS DEEMED WORTHY OF CONSIDERATION FOR ENTRANCE INTO THE NORTH CAROLINA MILITARY VETERANS HALL OF FAME CLASS OF 2020, AS A RESULT OF A SUSTAINED AND EXEMPLARY LEVEL OF SERVICE DEMONSTRATED DURING THE PERIOD FOLLOWING MILITARY DUTY.


Richard D. Kingsberry
Lieutenant Colonel, USA (Retired)
Chairman of NCMVHOF



February 20, 2021
Service


David E. Broadie
Sergeant First Class, USA (Retired)
Founder of NCMVHOF

MEETING DATE:

March 9th and 11th 2021

BACKGROUND:

The Planning and Zoning Commission heard case Z(CD)-24-20 at their February 16th and 18th meetings and unanimously voted to forward the request to City Council with a recommendation that the zoning map be amended to RC-CD (Residential Compact-Conditional District) and that the Land Use Plan be modified to Urban Neighborhood for +/- 9.58 acres as depicted on the attached map.

The subject property was annexed on December 10, 2020 as a part of a larger annexation. The petitioner requested a split zoning and dual development plan for the larger property, with line of division placed north to south. The Eastern portion (16.67 acres) of the larger property annexed in December, was approved for rezoning by the Planning and Zoning Commission from Cabarrus County MDR (Medium Density Residential) and O-I (Office Institutional) to City I-1 (Light Industrial) at their February 18th meeting. The approved industrial zoning is consistent with the current Land Use Plan categorization of Industrial/Employment. The petitioner also requested the western portion of the property (9.58 acres) be rezoned to RC-CD (Residential Compact Conditional District) for the purpose of establishing a single-family detached neighborhood. RC and conditional variations are not corresponding zoning classifications to the "Industrial/Employment" Land Use Category. Therefore, the rezoning of the western residential portion can only be approved by City Council and if approval is deemed appropriate, the Land Use Plan must be modified in accordance with zoning. Should Council choose to rezone the property to RC-CD, Staff recommends modifying the Land Use Plan to Urban Neighborhood.

The purpose of the rezoning and Land Use Plan amendment is to establish a residential neighborhood on approximately 9.58 acres located on Amhurst St. SW. This request is for RC-CD (Residential Compact Conditional District) zoning. As a conditional district rezoning, a site plan and conditions must be provided. The applicant has submitted a preliminary site plan indicating that only single-family detached dwellings would be permitted on the site and the maximum unit count would be 45. The plan demonstrates a minimum lot size of 5,000 sf., which is consistent with the dimensional standards for the Residential Compact (RC) zoning district. The proposal also includes a 50 ft wide undisturbed landscape buffer along the newly proposed eastern property line, where the proposed development abuts the recently approved industrial (I-

1) component. A preliminary grading plan has also been submitted, demonstrating that the lots can be created without encroaching into the undisturbed buffer. This buffer, combined with the required 50ft wide (or 25' wide with a 6' berm) Type "D" landscape buffer on the proposed industrial zoned parcel, would provide a 75ft to 100ft wide landscaped barrier between the two uses. As a conditional district, the submitted site plan is binding, meaning any changes to the approved plan, beyond minor changes permitted under the CDO, would require rezoning.

Statement of Consistency adopted by the Planning & Zoning Commission

- The subject property is a portion of 3070 Zion Church Rd., totals +/- 9.58 acres, is zoned County O-I (Office Institutional) and fronts on Amhurst St. SW.

- The subject property was voluntarily annexed on December 10, 2020 as part of a larger annexation area. The property at 3070 Zion Church Rd. is vacant of development on the subject 9.58 acres.

- The proposed zoning amendment for the 9.58 acres fronting Amhurst Street SW to RC-CD (Residential Compact Conditional District) is inconsistent with the 2030 Land Use Plan (LUP) as RC (Residential Compact) and conditional district variations are not corresponding zoning classifications to the "Industrial/Employment" Land Use Category. However, the proposal of small lot, high density, residential between an existing neighborhood and the proposed industrial to the east, with a 50ft wide undisturbed buffer, would provide a transition between incompatible uses. Furthermore, the request eliminates the potential for future non-residential development to access Amhurst Street SW., and the established Southern Chase single-family residential neighborhood. The conditional district nature of the proposal ensures the development of residential units comparable in dimensional characteristics to adjacent lots to the west and ensures enhanced buffering would be installed between the residential and industrial uses. The 2030 Land Use Plan should therefore be amended on the +/- 9.58 acres to "Urban Neighborhood," for consistency with the proposed zoning, use and plan design, and the "Urban Neighborhood" Future Land Use designations to the south and west, and in order to permit the requested RC-CD zoning.

- The zoning amendment for the +/- 9.58 acres to RC-CD (Residential Compact Conditional District) is reasonable and in the public interest as it is consistent with the existing development patterns and zoning to the west and south, both in use and dimensional standards. It also would allow for infill housing which is encouraged by the 2030 Land Use Plan in areas where infrastructure is already available. Furthermore, the condition of a 50ft wide undisturbed buffer between the proposed residential and proposed industrial zonings would provide a gradient transition between lower and higher intensity uses.

Conditions Recommended by the Planning & Zoning Commission

1. Substantial compliance with the “Zion Church Subdivision” Rezoning Plan sheets C100, C200-201, and C300-301 dated October 12, 2020, revised February 8th, 2021.
2. Only single-family detached dwellings are permitted within the RC-CD zoned property.
3. A maximum of forty-five (45) single-family detached lots are permitted within the RC-CD zoned property.
4. All dimensional standards of the RC and I-1 zoning districts shall be met for all primary and accessory structures upon plat submittal.
5. Technical Site Plan approval required.
6. No land disturbing activities shall be permitted within the 50’ undisturbed landscape buffer/common open space. Limits of disturbance shall be delineated on subsequent technical plans and shall be field surveyed by the developer and verified by the City of Concord prior to any land disturbing activities.

Council Action Items:

1. Conduct the public hearing
2. Motion to adopt a Statement of Consistency
3. Motion to Approve **OR** Deny the rezoning request
4. If approved – Motion to amend the 2030 Land Use Plan to Urban Neighborhood



DATE: February 16, 2021

CASE #: Z(CD)-24-20

ACCELA CASE #: CN-RZC-2020-00019

DESCRIPTION: Zoning Map Amendments from:
County O-I (Office Institutional) & MDR (Medium Density Residential) to City I-1 (Light Industrial) and RC-CD (Residential Compact Conditional District)

APPLICANT: Kate Underwood, CESI

OWNER: Frank Shepherdson

LOCATIONS: 3070 Zion Church Rd. & 3100 Zion Church Rd.

PIN#s: PINs: 5529-84-2776, 5529-84-8550

AREA: +/- 26.25 acres

ZONING: County O-I (Office Institutional) & MDR (Medium Density Residential)

PREPARED BY: Katherine Godwin, Senior Planner

IMPORTANT NOTE: *This petition includes two requested zoning districts. Therefore, two Statements of Consistency and two separate actions are required by the Commission. The Commission may vote on the industrial request but must forward the residential zoning request to City Council with a recommendation of approval or denial. If a recommendation of approval is forwarded to City Council, a Land Use Plan recommendation must also be provided in the motion. Please see the end of the staff report for potential actions. Staff will also provide suggested motion options at the hearing.*

BACKGROUND

The subject property consists of two (2) parcels, comprising approximately 26.25 acres (3070 and 3100 Zion Church Rd.). There is currently a single-family house and a shed on the property at 3100 Zion Church Rd., and a shed on the property at 3070 Zion Church Rd., all slated for removal in order to construct a single-family detached neighborhood on the western portion of the combined property, and an industrial development on the eastern portion of the property. Both properties are owned by Frank Shepherdson who seeks a rezoning from County O-I (Office Institutional) & MDR (Medium Density Residential) to City I-1 (Light Industrial) and RC-CD (Residential Compact Conditional District) following recent annexation.

HISTORY

Both properties were annexed into the City on December 10, 2020.

SUMMARY OF REQUEST

The applicant is requesting to rezone the subject properties from County O-I (Office Institutional) & MDR (Medium Density Residential) to City I-1 (Light Industrial) and RC-CD (Residential Compact Conditional District) for the purpose of creating two separate developments.

Proposed Industrial Property

This component comprises approximately 16.67 acres and fronts on Zion Church Rd. The rezoning petition splits the overall property, north to south, with the eastern section requested to be rezoned to traditional I-1 (Light Industrial) as indicated on the submitted preliminary site plan. The creation of this zoning boundary would maintain frontage on Zion Church Rd. but eliminate the ability for future industrial development to obtain a street connection via Amhurst Street. The subject request is for traditional I-1 zoning; therefore, all uses permissible within the I-1 zoning district would be permitted. As the request is not a conditional district, a detailed site plan has not been submitted to depict the manner in which the industrial component would be designed. Conditions concerning layout of the I-1 site are not permitted under this type of rezoning request. However, it should be noted that prior to development of the site as I-1, technical site plan approval must be acquired. CDO (Concord Development Ordinance) standards require that a 50' wide (or 25' wide with a 6' berm) Type "D" Landscape Buffer be installed along all industrial property lines that abut residential zoning or residential uses.

Proposed Residential Property

The proposed residential component totals approximately 9.58 acres, and is located on the western portion of the overall property. This request is for RC-CD (Residential Compact Conditional District) zoning. As a conditional district rezoning, a site plan and conditions must be provided. The applicant has submitted a preliminary site plan indicating that only single-family detached dwellings would be permitted on the site and the maximum unit count would be 45. The plan demonstrates a minimum lot size of 5,000 sf., which is consistent with the dimensional standards for the Residential Compact (RC) zoning district. The proposal also includes a 50 ft wide undisturbed landscape buffer along the newly proposed eastern property line, where the proposed development abuts the proposed industrial (I-1) component. A preliminary grading plan has also been submitted, demonstrating that the lots can be created without encroaching into the undisturbed buffer. This buffer, combined with the required 50ft wide (or 25' wide with a 6' berm) Type "D" landscape buffer on the proposed industrial zoned parcel, would provide a 75ft to 100ft wide landscaped barrier between the two uses. As a conditional

district, the submitted site plan is binding, meaning any changes to the approved plan, beyond minor changes permitted under the CDO, would require rezoning.

Surrounding Zoning and Land Use

A variety of zoning districts surround the subject properties and the adjacent uses include industrial, single-family detached, and vacant land.

Existing Zoning and Land Uses					
Current Zoning of Subject Property	Zoning Within 500 Feet		Land Uses(s) of Subject Property	Land Uses within 500 Feet	
County O-I (Office Institutional) And County MDR (Medium Density Residential)	North	County O-I (Office Institutional) County GI (General Industrial) City I-2 (Heavy Industrial)	House and Shed	North	Single Family Residential, Vacant, BB Sossamon Industrial Park
	South	City RC (Residential Compact), County MDR (Medium Density Residential)		South	Vacant, Single Family Residential, Southern Chase Neighborhood (Single Family Detached)
	East	County MDR (Medium Density Residential), City I-2 (Heavy Industrial)		East	Single Family Residential, Industrial
	West	City RC (Residential Compact), City I-2 (Heavy Industrial), County O-I (Office Institutional)		West	Southern Chase Neighborhood (Single Family Detached), Vacant

COMPLIANCE WITH 2030 LAND USE PLAN

The 2030 Land Use Plan (LUP) designates the subject properties as “Industrial/Employment,” for which I-1 is listed as a corresponding zoning district and is therefore consistent. However, RC-CD is not considered a corresponding zoning classification and is consequently inconsistent with the 2030 Land Use Plan. Therefore, in order to approve the RC-CD portion of the rezoning request, a Land Use Plan modification would be required by City Council. Should the Commission desire to forward the request to City Council with a recommendation of approval, staff recommends that the Land Use Plan be modified on the +/- 9.58 acres to “Urban Neighborhood.” This Land Use Plan category was chosen due to RC (Residential Compact) being a corresponding zoning district, and for consistency with the residential neighborhoods to the

south and west, as well as the “Urban Neighborhood” Future Land Use designations to the south and west.

NOTE: *The Commission may vote on the industrial zoning but must forward the residential zoning request and possible land use plan amendment to City Council.*

Applicable LUP Guidance:

Industrial Employment (IE): The intent of the Industrial/Employment (IE) Future Land Use category is to identify those areas that have either already developed as industrial or are suited for additional industrial development due to the presence of infrastructure and access to transportation routes, such as major highways and railroads. These industrial areas should be preserved for employment uses to generate jobs for the community.

Industrial uses have already developed in several areas throughout the community, most of which are light industrial in function and impact. The 2030 Plan identifies the need to protect industrial lands, and to encourage additional growth in industrial/employment uses in designated areas.

Urban Neighborhood (UN): The Urban Neighborhood (UN) Future Land Use category includes a mix of moderate- to high-density housing options. These neighborhoods are relatively compact, and may contain one or more of the following housing types: small lot, single family detached, townhomes, condominiums, or apartments.

5.3 Goals, Objectives and Policy Guidance:

Goal 1: *Maintain a sustainable balance of residential, commercial, and industrial land uses.*

Objective 1.4: *Protect existing and future industrial sites from encroachment of development that would limit their intended uses.*

Policy Guidance for Objective 1.4:

- **Site Development:** *Limit non-industrial uses to those that are accessory to existing uses or uses to be developed concurrently with the accessory uses.*

Objective 1.6: *Provide a diverse mix and range of housing options throughout the City that will accommodate the current and future needs of the citizens of Concord.*

Policy Guidance for Objective 1.6:

- **Infill Housing:** *Promote a variety of compatible infill housing types in areas with access to adequate facilities and services.*
- **Housing Balance:** *Ensure that zoning allows for a mix of housing types at a variety of prices to meet the demands of existing and future residents.*

- **Mixed-Density Housing:** Foster a compatible mix of higher density housing types at different densities within mixed-use activity centers and village centers.

Goal 4: Ensure compatibility between neighboring land uses.

Objective 4.1: Use a combination of land use transitions, intensity gradients, buffering and design to ensure that land use transitions are compatible.

Objective 4.2: Ensure that industrial and commercial developments are designed to limit encroachment of incompatible traffic, noise, odors and lighting into nearby residential areas.

Policy Guidance for Objectives 4.1 to 4.3:

- **Land Use and Intensity Transitions:** Zoning use and site development standards should promote a gradient in the type and intensity of uses. For instance, higher density residential development can provide a compatible transition between medium-density residences and neighborhood commercial centers.
- **Buffers:** Buffers should be used to screen uses and activities that may detract from the enjoyment of adjacent land uses. Where large buffers are not necessary, the landscape design should soften land use transitions.

SUGGESTED STATEMENT OF CONSISTENCY – INDUSTRIAL ONLY

- The subject properties are located at 3100 Zion Church Rd. and part of 3070 Zion Church Rd. and total +/- 16.67 acres. 3070 Zion Church Road is zoned County O-I (Office Institutional) and 3100 Zion Church Rd. is zoned County MDR (Medium Density Residential).
- The subject properties were voluntarily annexed on December 10, 2020 as part of a larger annexation area. The property at 3070 Zion Church Rd. is primarily vacant with a shed on the north central portion of the property. The property at 3100 Zion Church Rd. is improved with a single-family residential structure and a shed.
- The proposed zoning amendment for the +/- 16.67 acres fronting on Zion Church Road to I-1 (Light Industrial) is consistent with the 2030 Land Use Plan (LUP) as I-1 (Light Industrial) is listed as a corresponding zoning classification to the “Industrial/Employment” Land Use Category. It would also be compatible with the existing industrial zoning district and uses further to the north, advancing the Land Use Plan’s Guidance pertaining to the preservation of industrial property.
- The zoning amendment for +/- 16.67 acres fronting on Zion Church Road to I-1 (Light Industrial) is reasonable and in the public interest as it is: consistent with the existing industrial development to the north and northeast, existing County and City industrial zoning to the north, is in keeping with the 2030 Land Use Plan, and would provide suitable industrial parcels for employment uses to generate jobs for the community.

SUGGESTED STATEMENT OF CONSISTENCY – RESIDENTIAL ONLY

- The subject property is a portion of 3070 Zion Church Rd., totals +/- 9.58 acres, is zoned County O-I (Office Institutional) and fronts on Amhurst St. SW.
- The subject property was voluntarily annexed on December 10, 2020 as part of a larger annexation area. The property at 3070 Zion Church Rd. is vacant of development on the subject 9.58 acres.
- The proposed zoning amendment for the 9.58 acres fronting Amhurst Street SW to RC-CD (Residential Compact Conditional District) is inconsistent with the 2030 Land Use Plan (LUP) as RC (Residential Compact) and conditional district variations are not corresponding zoning classifications to the “Industrial/Employment” Land Use Category. However, the proposal of small lot, high density, residential between an existing neighborhood and the proposed industrial to the east, with a 50ft wide undisturbed buffer, would provide a transition between incompatible uses. Furthermore, the request eliminates the potential for future non-residential development to access Amhurst Street SW., and the established Southern Chase single-family residential neighborhood. The conditional district nature of the proposal ensures the development of residential units comparable in dimensional characteristics to adjacent lots to the west and ensures enhanced buffering would be installed between the residential and industrial uses. The 2030 Land Use Plan should therefore be amended on the +/- 9.58 acres to “Urban Neighborhood,” for consistency with the proposed zoning, use and plan design, and the “Urban Neighborhood” Future Land Use designations to the south and west, and in order to permit the requested RC-CD zoning.
- The zoning amendment for the +/- 9.58 acres to RC-CD (Residential Compact Conditional District) is reasonable and in the public interest as it is consistent with the existing development patterns and zoning to the west and south, both in use and dimensional standards. It also would allow for infill housing which is encouraged by the 2030 Land Use Plan in areas where infrastructure is already available. Furthermore, the condition of a 50ft wide undisturbed buffer between the proposed residential and proposed industrial zonings would provide a gradient transition between lower and higher intensity uses.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the zoning map amendment request for the eastern half of the property is consistent with the 2030 Land Use Plan, and has no objections to this portion of the petition.

The staff finds the zoning map amendment request for the western half of the property to be inconsistent with the 2030 Land Use Plan but consistent with the development and zoning to the west and south of the property. Should the Commission desire to approve the request for the RC-CD zoning, staff recommends forwarding the request to City Council with a recommendation of approval and a recommendation that the 2030 Land Use Map, for the +/- 9.58 acres, be amended from “Industrial/Employment” to “Urban Neighborhood.”

Should the Commission desire to forward the residential portion of the petition to City Council with a recommendation of approval, staff recommends the following conditions:

1. *Substantial compliance with the “Zion Church Subdivision” Rezoning Plan sheets C100, C200-201, and C300-301 dated October 12, 2020, revised February 8th, 2021.*
2. *Only single-family detached dwellings are permitted within the RC-CD zoned property.*
3. *A maximum of forty-five (45) single-family detached lots are permitted within the RC-CD zoned property.*
4. *All dimensional standards of the RC and I-1 zoning districts shall be met for all primary and accessory structures upon plat submittal.*
5. *Technical Site Plan approval required.*
6. *No land disturbing activities shall be permitted within the 50’ undisturbed landscape buffer/common open space. Limits of disturbance shall be delineated on subsequent technical plans and shall be field surveyed by the developer and verified by the City of Concord prior to any land disturbing activities.*

PROCEDURAL CONSIDERATIONS

This particular case is a rezoning, which under the CDO, is “legislative” in nature. Legislative hearings DO NOT require the swearing or affirming of witnesses prior to testimony at the public hearing.

The rezoning request is being presented to the Planning and Zoning Commission for review and recommendation to City Council for a final decision on the zoning and the Land Use Plan amendment.

Steps after the close of the public hearing:

- 1) Vote on a Statement of Consistency for the industrial rezoning request.
- 2) Vote on approval or denial of the industrial rezoning request.
- 3) Vote on a Statement of Consistency for the residential rezoning request.
- 4) Vote on a motion to forward the residential rezoning request to City Council with a recommendation of approval OR denial. If approval is recommended, a Land Use Plan Amendment recommendation must also be forwarded.

Examples:

“I move to forward the request for rezoning to RC-CD to City Council with a recommendation of denial.”

OR

“I move to forward the request for rezoning to RC-CD to City Council with a recommendation of approval and that the Land Use Plan be amended to Urban Neighborhood.”

(Please type or print)

Applicant Name, Address, Telephone Number and email address: _____

Kate Underwood, 45 Spring St. SW Concord, NC 28025, kateunderwood@cesicgs.com

980-234-7500

Owner Name, Address, Telephone Number: _____

Frank Shepherdson, 230 Wonderwood Drive, Charlotte, NC 28211 (704) 200-9208,

fshep@belforno.com

Project Location/Address: 3070 Zion Church Rd. & 3100 Zion Church Rd. Concord, NC 28025

P.I.N.: 55298427760000, 55298485500000

Area of Subject Property (acres or square feet): 26.35 AC

Lot Width: + 628 lf Lot Depth: + 2153 lf

Current Zoning Classification: O-I, MDR

Proposed Zoning Classification: RC- CD and I-1

Existing Land Use: None

Future Land Use Designation: Residential, Industrial

Surrounding Land Use: North single family, undeveloped South single family, undeveloped

East single family West single family

Reason for request: Property purchased for the purpose of development into residential and industrial use.

Has a pre-application meeting been held with a staff member? No

Staff member signature: _____ Date: _____

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

1. List the Use(s) Proposed in the Project:

Residential - Single Family Detached

Industrial - Light Industrial


2. List the Condition(s) you are offering as part of this project. Be specific with each description.

(You may attach other sheets of paper as needed to supplement the information):

See attached site plan for RC-CD zoning

I make this request for Conditional district zoning voluntarily. The uses and conditions described above are offered of my own free will. I understand and acknowledge that if the property in question is rezoned as requested to a Conditional District the property will be perpetually bound to the use(s) specifically authorized and subject to such conditions as are imposed, unless subsequently amended as provided under the City of Concord Development Ordinance (CDO). All affected property owners (or agents) must sign the application.


Signature of Applicant 10/14/2020
Date

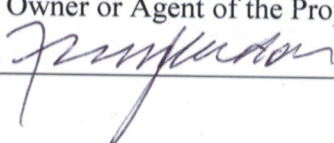

Signature of Owner(s) 10.14.2020
Date

Certification

I hereby acknowledge and say that the information contained herein and herewith is true, and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department.

Date: 10/14/2020

Applicant Signature: 

Property Owner or Agent of the Property Owner Signature:


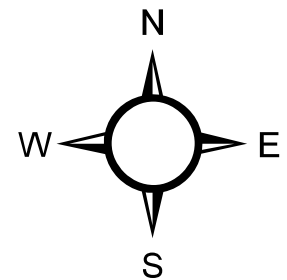
Z(CD)-24-20
Subject Property Map

Kate Underwood
CESI

3070 & 3100
Zion Church Rd

County MDR and
OI to City I-1 and
RC-CD

PINs
5529-84-2776 &
5529-84-8550



Source: City of Concord
Planning Department

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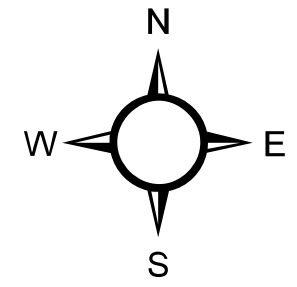
Z(CD)-24-20
Zoning Map

Kate Underwood
CESI

3070 & 3100
Zion Church Rd

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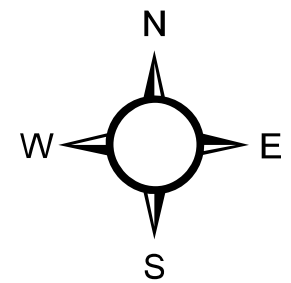
Z(CD)-24-20
LUP Map

Kate Underwood
CESI

3070 & 3100
Zion Church Rd

County MDR and
OI to City I-1 and
RC-CD

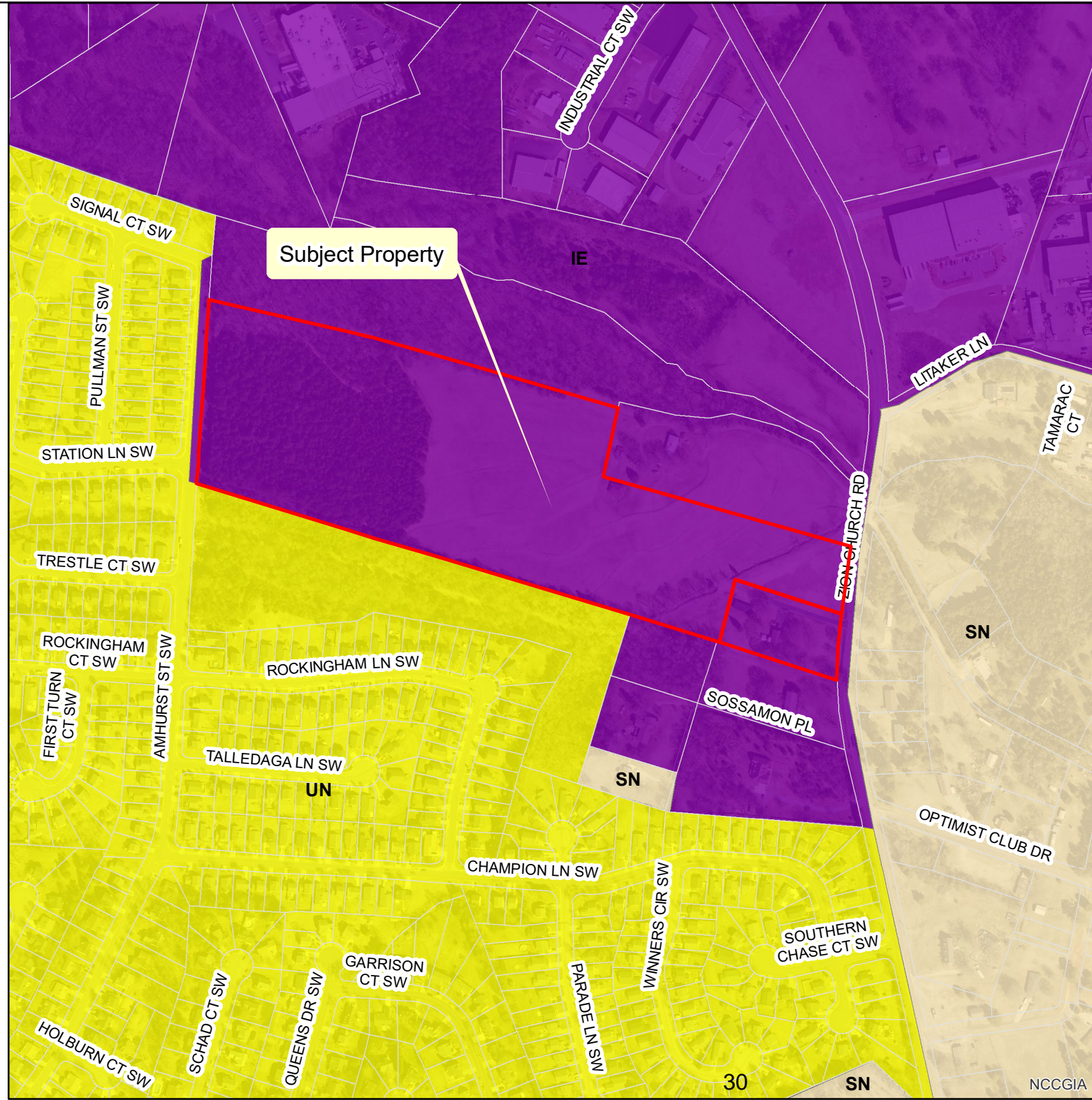
PINs
5529-84-2776 &
5529-84-8550

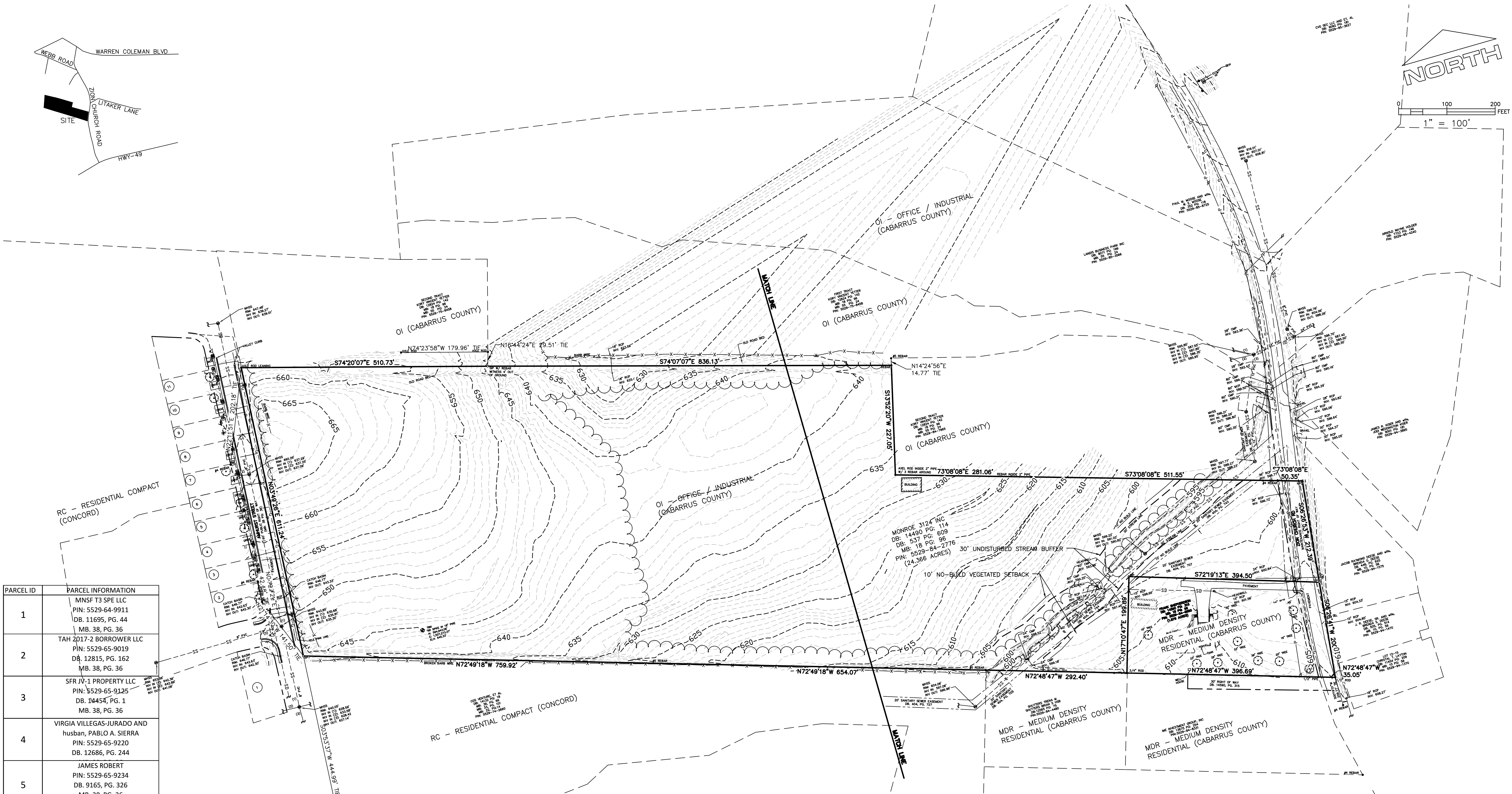
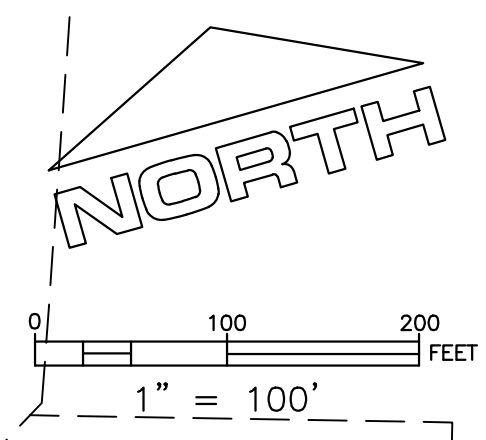
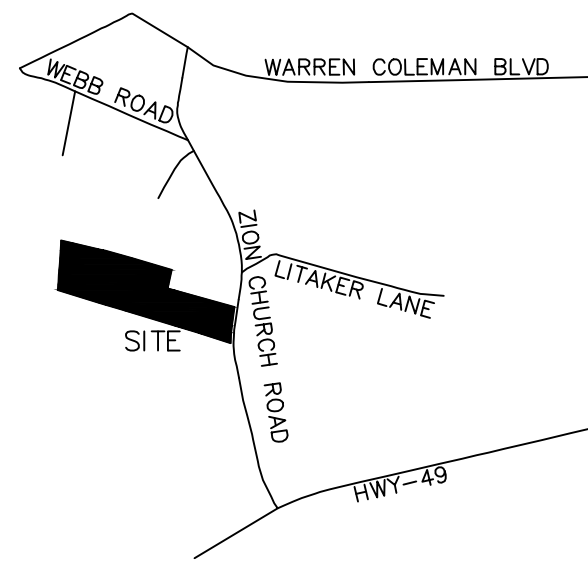


Source: City of Concord
Planning Department

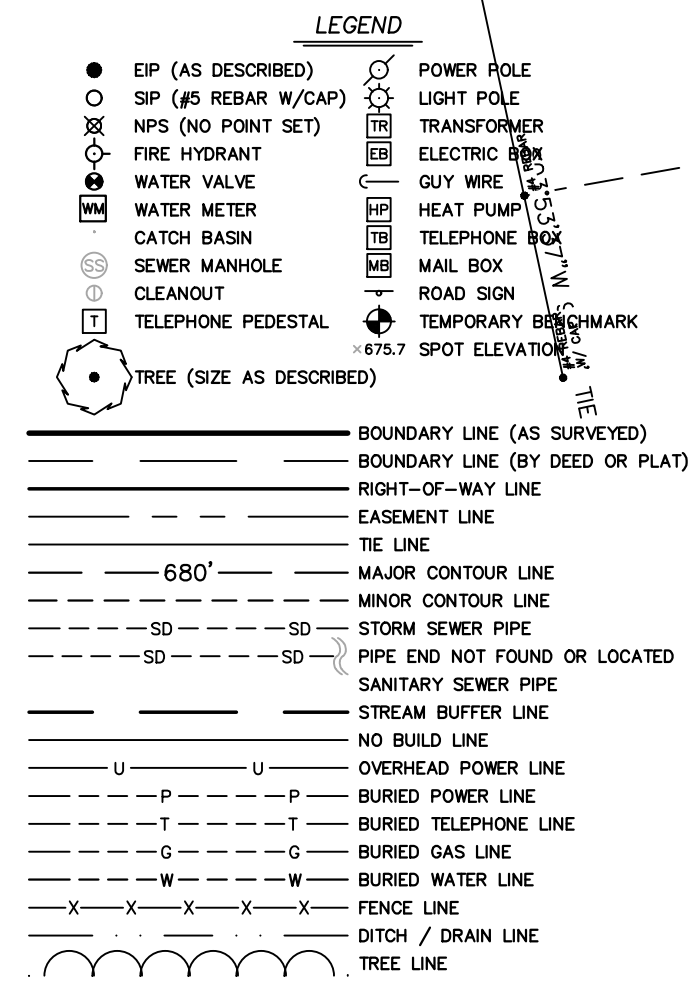
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PARCEL ID	PARCEL INFORMATION
1	MNSF T3 SPE LLC PIN: 5529-64-9911 DB. 11695, PG. 44 MB. 38, PG. 36
2	TAH 2017-2 BORROWER LLC PIN: 5529-65-9019 DB. 12815, PG. 162 MB. 38, PG. 36
3	SFR JV-1 PROPERTY LLC PIN: 5529-65-9125 DB. 14454, PG. 1 MB. 38, PG. 36
4	VIRGIA VILLEGAS-JURADO AND husban, PABLO A. SIERRA PIN: 5529-65-9220 DB. 12686, PG. 244
5	JAMES ROBERT PIN: 5529-65-9234 DB. 9165, PG. 326 MB. 38, PG. 36
6	MARIAN H. VIAR PIN: 5529-65-9239 DB. 4647, PG. 297 MB. 38, PG. 36
7	KIMBERLY S. THOMPSON PIN: 5529-65-9334 DB. 6686, PG. 289 MB. 38, PG. 38
8	ROBERT R. HOUSTON JR., AND DIANE J. HOUSTON PIN: 5529-65-9339 DB. 11959, PG. 100 MB. 38, PG. 38
9	MNSF T2 SPE, LLC PIN: 5529-65-9444 DB. 13073 PG. 67 MB. 38, PG. 38
10	ARMANDO SORIANO AND ELENA V. SORIANO PIN: 5529-65-9449 DB. 5047, PG. 126 MB. 38, PG. 38
11	DANA L. SMITH PIN: 5529-65-9544 DB. 5582, PG. 321 MB. 38, PG. 38



NOTES:
 1. TRAVERSE ADJUSTED BY LEAST SQUARES ADJUSTMENT METHOD; RAW ERROR OF CLOSURE IS 1:86,306.
 2. AREA COMPUTED BY COORDINATE COMPUTATIONS.
 3. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
 4. BASIS OF NC GRID ~ NAD 83(2011), EPOCH 2010.00 AND NAVD 1988 ELEVATIONS WERE DERIVED FROM NCGS NETWORK RTK ON NOVEMBER 05, 2020 AND NOVEMBER 13, 2020. THIS WAS A CLASS A SURVEY (HORIZONTAL POSITIONAL ACCURACY 0.05") AND A VERTICAL POSITIONAL ACCURACY 0.05", GEOD MODEL GEOD12B AND UNIT OF MEASUREMENT IS U.S. SURVEY FEET.
 5. PROJECT POINT OF LOCALIZATION IS EXISTING TRAVERSE NAIL W/ PLASTIC DISK #19; N=59421.42', E=1528529.7', ELEV=625.93', C.G.F.=0.9989497014
 6. SUBJECT PROPERTY LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN) AS PER F.I.R.M MAP NUMBER 3710552900K, EFFECTIVE DATE NOVEMBER 16, 2018.
 7. THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).
 8. THIS PLAT WAS NOT PREPARED IN ACCORDANCE WITH G. S. 47-30(M) AS REVISED.

REFERENCES:
 1. ALL DEEDS AND MAPS SHOWN HEREON:
 2. CABARRUS COUNTY ON-LINE G.I.S. TAX MAP.
 3. RECORDED MAP TITLED "PROPERTY OF JOHN R. FURR & WIFE IVA", BY J. L. BLACKLEY DATED AUGUST 25, 1981, RECORDED AT THE CABARRUS COUNTY REGISTER OF DEEDS, MB. 18, PG. 98.
 4. RECORDED MAP TITLED "PLAT OF: W. E. LITAKER EST.", BY G. SAM KOWE DATED MAY 13, 1955, RECORDED AT THE CABARRUS COUNTY REGISTER OF DEEDS, MB. 10, PG. 56.
 5. RECORDED MAP TITLED "MAP OF J. H. SOSSAMON EST. SUBDIVISION", BY J. LAWRENCE BLACKLEY DATED MAY 15, 1987, RECORDED AT THE CABARRUS COUNTY REGISTER OF DEEDS, MB. 22, PG. 14.
 6. RECORDED MAP TITLED "FINAL PLAT: SOUTHERN CHASE - PHASE V" BY CESI DATED DECEMBER 19, 2000, RECORDED AT THE CABARRUS COUNTY REGISTER OF DEEDS, MB. 38, PG. 36.
 7. RECORDED MAP TITLED "FINAL PLAT: SOUTHERN CHASE - PHASE V" BY CESI DATED DECEMBER 19, 2000, RECORDED AT THE CABARRUS COUNTY REGISTER OF DEEDS, MB. 38, PG. 38.
 8. RECORDED MAP TITLED "MINOR SUBDIVISION 17.60 ACRES ON THE WESTERN SIDE OF ZION CHURCH RD. TRACT 4 'JOHN FURR PROP'", BY HARRISBURG SURVEYING DATED JANUARY 15, 2008, RECORDED AT THE CABARRUS COUNTY REGISTER OF DEEDS, MB. 55, PG. 24.
 9. TERMINATION OF RIGHT OF WAY AGREEMENT, DATED NOVEMBER 24, 2020, RECORDED AT THE CABARRUS COUNTY REGISTER OF DEEDS, DB. 14696, PG. 100.

North Carolina One-Call Center
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 CONTRACTORS SHALL CONTACT
 EVERY 10 DAYS FOR AN UPDATE
 TO UTILITIES.
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REVISION	DATE	DESCRIPTION
1.	1.20.2021	REVISED PER CITY COMMENTS, REVIEW #1
2.	2.8.2021	REVISED PER CITY COMMENTS, REVIEW #2

ZION CHURCH SUBDIVISION
 EXISTING CONDITIONS PLAN
 3070 ZION CHURCH RD., CONCORD, NC
 MONROE 3124, LLC
 PROJECT MANAGER: KWU
 APPROVED BY: KWU
 PROJECT NO. 200524.000
 CHECKED BY: NUB
 PROJECT START: 10.12.2020

CESI CIVIL
 GEOTECHNICAL
 SURVEYING
 PO BOX 268
 CONCORD, NC 28026-0268
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 F. 704.786.7454
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ENGINEERS SEAL
 PRELIMINARY
 NOT FOR
 CONSTRUCTION

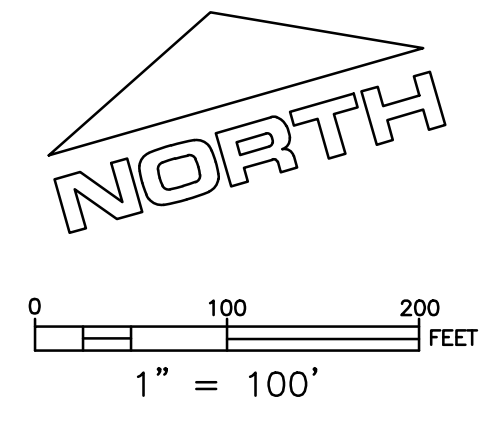
02/08/2021
C100

LEGEND

- SILT FENCE
- TEMP. DIVERSION DITCH
- BOUNDARY
- RIGHT OF WAY
- EASEMENT
- PROPOSED CENTERLINE
- PROPOSED CURB AND GUTTER
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED PAVEMENT
- PROPOSED STORM SEWER
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING PAVEMENT
- EXISTING WATERLINE
- EXISTING FENCE
- EXISTING UNDERGROUND TELEPHONE LINE
- EXISTING UNDERGROUND POWER LINE
- EXISTING GAS LINE
- EXISTING SANITARY SEWER LINE
- EXISTING DRAINAGE LINE
- EXISTING TREE LINE
- EXISTING IRON PIN
- BOLLARD
- SANITARY SEWER MANHOLE
- EXISTING DROP INLET
- EXISTING STORM DRAIN MANHOLE
- EXISTING CLEAN OUT
- EXISTING FLARED END SECTION
- EXISTING MAIL BOX
- EXISTING GAS METER
- EXISTING GAS TEST STATION
- EXISTING GAS VALVE
- EXISTING WATER VAULT
- EXISTING WATER VALVE
- EXISTING HYDRANT
- EXISTING TELEPHONE PEDESTAL
- EXISTING IRRIGATION VALVE
- EXISTING TRANSFORMER
- EXISTING ELECTRIC BOX
- EXISTING LIGHT POLE
- EXISTING ELECTRIC MANHOLE
- EXISTING WATER METER
- SIGN
- PROPOSED CATCH BASIN
- PROPOSED DROP INLET
- PROPOSED STORM DRAIN MANHOLE
- PROPOSED SANITARY SEWER MANHOLE
- TRUNCATED DOME
- PROPOSED WATER METER
- PROPOSED FIRE HYDRANT
- PROPOSED WATER VALVE

SITE DATA TABLE

EXISTING ZONING	01 - CABARRUS COUNTY
PROPOSED ZONING	RC-CD (CITY OF CONCORD) AND I-1 (CITY OF CONCORD)
TOTAL PROJECT AREA	26.245 ACRES (2 PARCELS COMBINED)
RESIDENTIAL AREA	417,370 SF / 9.58 ACRES
EXISTING IMPERVIOUS (RESIDENTIAL)	0 ACRES
PROPOSED IMPERVIOUS (RESIDENTIAL)	208,685 SF / 4.791 ACRES (FOR INDIVIDUAL RESIDENTIAL LOT ACREAGE SEE SHEET C201)
INDUSTRIAL AREA	725,927 SF / 16.665 ACRES
EXISTING IMPERVIOUS (INDUSTRIAL)	12,182 SF / 0.280 ACRES
PROPOSED IMPERVIOUS (INDUSTRIAL)	579,644 SF / 13.307 ACRES
EXISTING LOTS:	
RESIDENTIAL	45 (SEE SHEET C201 FOR INDIVIDUAL RESIDENTIAL LOT ACREAGES)
MAXIMUM RESIDENTIAL DENSITY	15 LOTS / ACRE
PROPOSED RESIDENTIAL DENSITY	5 LOTS / ACRE
RESIDENTIAL LOT SIZE	MINIMUM 5,000 SF, MINIMUM DIMENSIONS 50' WIDE BY 100' LONG
RESIDENTIAL LOT SETBACKS	FRONT SETBACK 24' (2 FRONT SETBACKS FOR CORNER LOTS, NON-DRIVEWAY SETBACK MAY BE REDUCED TO 20'), 7' SIDE SETBACK, 5' REAR SETBACK
INDUSTRIAL	2 CURRENTLY, [POSSIBLY UP TO 10 IN THE FUTURE]
BUILDING SETBACKS (RESIDENTIAL)	24' FRONT, 7' INTERIOR SIDE, 5" REAR
BUILDING SETBACKS (INDUSTRIAL)	30' FRONT, NO SIDE OR REAR BUILDING SETBACKS REQUIRED
PARCEL NUMBERS	5529-84-2776, 5529-84-8550
RESIDENTIAL OPEN SPACE REQUIRED	12% (5 UNITS PER ACRE) = 1.150 ACRES REQUIRED
RESIDENTIAL OPEN SPACE PROVIDED	1.155 ACRES



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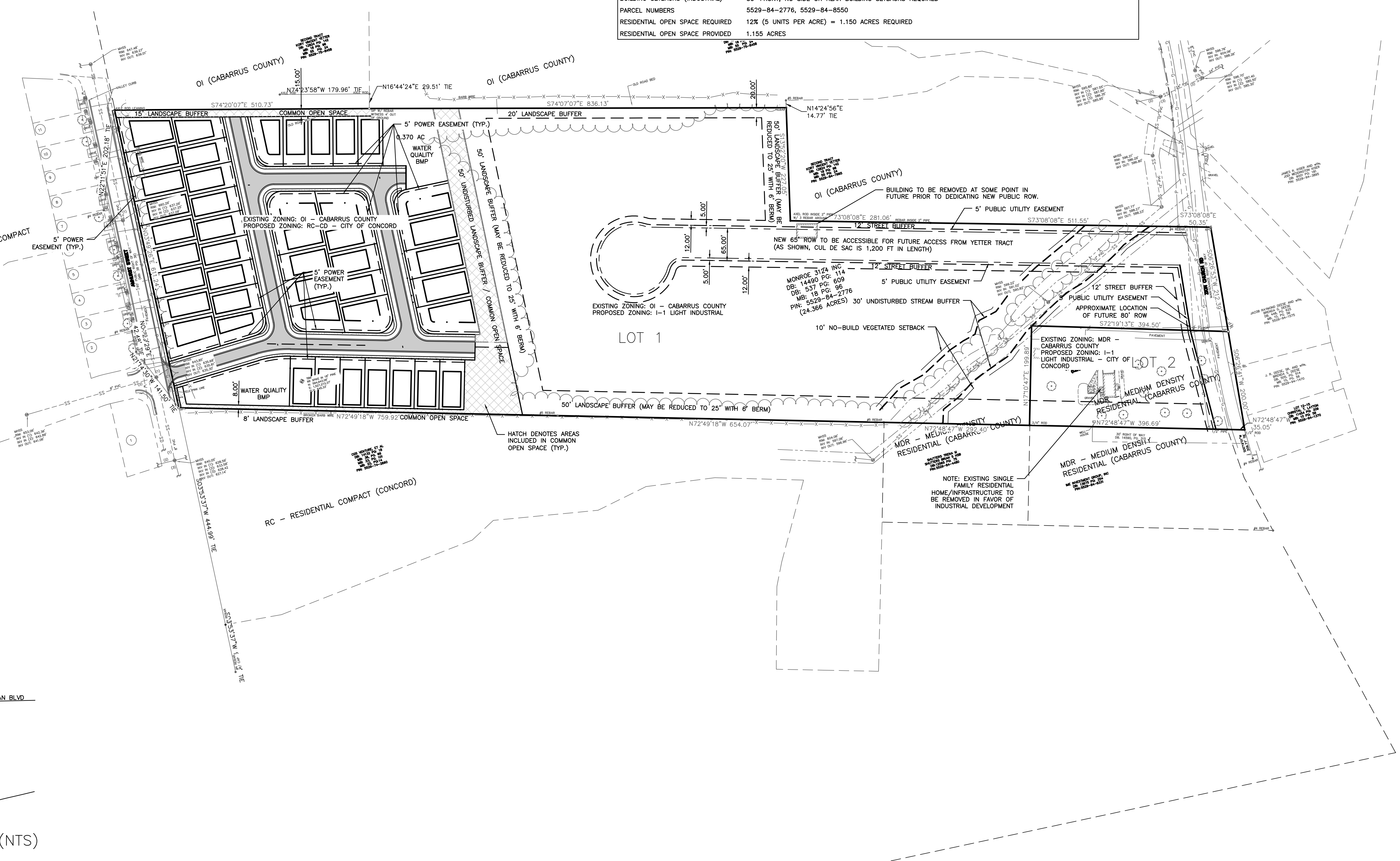
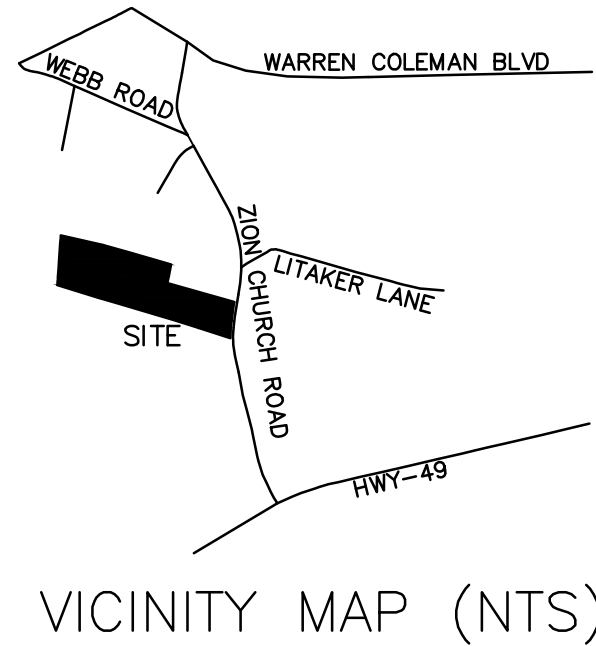
REVISION	DATE	DESCRIPTION
1.	1.20.2021	REVISED PER CITY COMMENTS, REVIEW #1
2.	2.8.2021	REVISED PER CITY COMMENTS, REVIEW #2

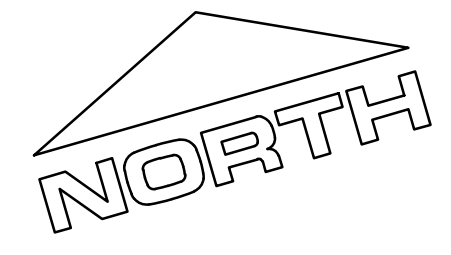
ZION CHURCH SUBDIVISION
 OVERALL DEVELOPMENT PLAN
 3070 ZION CHURCH RD., CONCORD, NC
 MONROE 3124, LLC
 PROJECT MANAGER: KWU
 APPROVED BY: KWU
 PROJECT NO. 200524.000
 DRAWN BY: KWU
 CHECKED BY: NUB
 PROJECT START: 10.12.2020

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 02/08/2021

C200





0 40 80 FEET
1" = 40'

SECOND TRAC.
KORY VINCENT YETTER
DB: 12824 PG: 142
MB: 18 PG: 96
NB: 55 PG: 24
PIN: 5529-75-8458

01 (CABARRUS COUNTY)

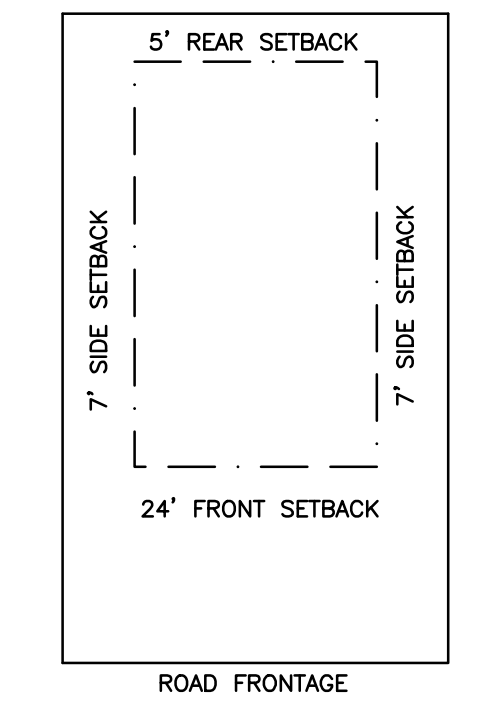
01 (CABARRUS COUNTY)

LEGEND

- SILT FENCE
- TEMP. DIVERSION DITCH
- BOUNDARY
- RIGHT OF WAY
- EASEMENT
- PROPOSED CENTERLINE
- PROPOSED CURB AND GUTTER
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED PAVEMENT
- PROPOSED STORM SEWER
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING PAVEMENT
- EXISTING WATERLINE
- EXISTING FENCE
- EXISTING UNDERGROUND TELEPHONE LINE
- EXISTING UNDERGROUND POWER LINE
- EXISTING GAS LINE
- EXISTING SANITARY SEWER LINE
- EXISTING DRAINAGE LINE
- EXISTING TREE LINE

- EXISTING IRON PIN
- BOLLARD
- SANITARY SEWER MANHOLE
- EXISTING DROP INLET
- EXISTING STORM DRAIN MANHOLE
- EXISTING CLEAN OUT
- EXISTING FLARED END SECTION
- EXISTING MAIL BOX
- EXISTING GAS METER
- EXISTING GAS TEST STATION
- EXISTING GAS VALVE
- EXISTING WATER VAULT
- EXISTING WATER VALVE
- EXISTING HYDRANT
- EXISTING TELEPHONE PEDESTAL
- EXISTING IRRIGATION VALVE
- EXISTING TRANSFORMER
- EXISTING ELECTRIC BOX
- EXISTING LIGHT POLE
- EXISTING ELECTRIC MANHOLE
- EXISTING WATER METER
- SIGN
- PROPOSED CATCH BASIN
- PROPOSED DROP INLET
- PROPOSED STORM DRAIN MANHOLE
- PROPOSED SANITARY SEWER MANHOLE
- TRUNCATED DOME
- PROPOSED WATER METER
- PROPOSED FIRE HYDRANT
- PROPOSED WATER VALVE

TYPICAL LOT DETAIL



- NOTES:
- DRAINAGE PATTERNS TO BE BASED ON LOT LOCATION:
TYPE A: DRAINS TO FRONT
TYPE B: DRAINS TO REAR
TYPE C: SPLITS DRAINAGE 1/2 TO FRONT AND 1/2 TO REAR.
 - BUILDING FOOTPRINTS TO FIT WITHIN BUILDING SETBACKS.
 - MAXIMUM IMPERVIOUS AREA FOR RESIDENTIAL SUBDIVISION 50%
 - MINIMUM LOT DIMENSION 50' X 100'
 - MINIMUM LOT AREA 5,000SF

50' LANDSCAPE BUFFER (MAY BE REDUCED TO 25' WITH 6' BERM)



CGS VENTURE, ET AL
DB: 14132 PG: 18
MB: 36 PG: 66
NB: 33 PG: 101
PIN: 5529-74-2660

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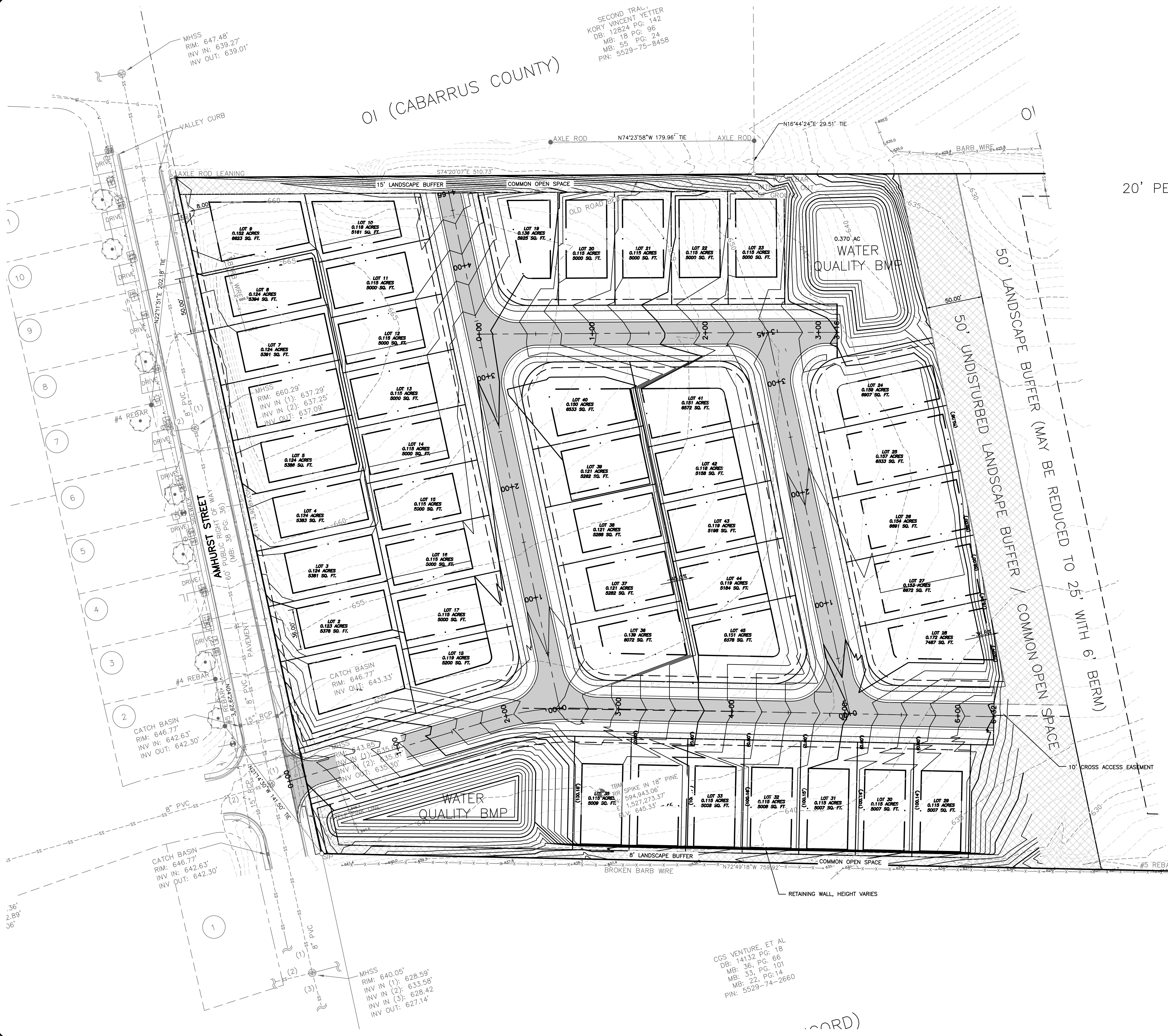
ZION CHURCH SUBDIVISION
RESIDENTIAL SITE PLAN
3070 ZION CHURCH RD., CONCORD, NC
MONROE 3124, LLC
PROJECT NO. 200524-000
PROJECT MANAGER: KWU
DRAWN BY: KWU
CHECKED BY: NDB
PROJECT START: 10.12.2020

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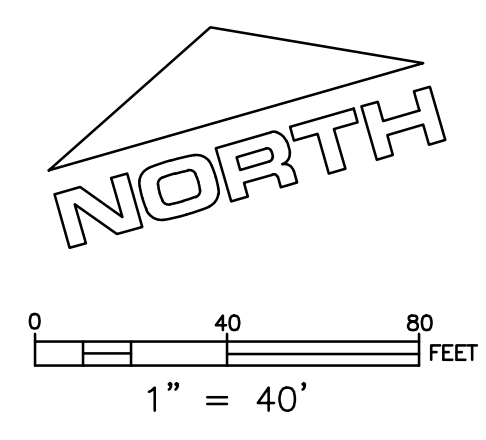
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02/08/2021

C201



SECOND TRAC.
KORY VINCENT YETTER
DB: 12824 PG: 142
MB: 18 PG: 96
MB: 55 PG: 24
PIN: 5529-75-8458



20' PERIMETER LANDSCAPE BUFFER

LEGEND

- SILT FENCE
- TEMP. DIVERSION DITCH
- BOUNDARY
- RIGHT OF WAY
- EASEMENT
- PROPOSED CENTERLINE
- PROPOSED CURB AND GUTTER
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED PAVEMENT
- PROPOSED STORM SEWER
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- EXISTING FENCE
- EXISTING UNDERGROUND TELEPHONE LINE
- EXISTING UNDERGROUND POWER LINE
- EXISTING GAS LINE
- EXISTING SANITARY SEWER LINE
- EXISTING DRAINAGE LINE
- EXISTING TREE LINE

- EXISTING IRON PIN
- BOLLARD
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- EXISTING DROP INLET
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- EXISTING IRRIGATION VALVE
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50' LANDSCAPE BUFFER (MAY BE REDUCED TO 25' WITH 6' BERM)

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ZION CHURCH SUBDIVISION
 GRADING AND DRAINAGE PLAN
 3070 ZION CHURCH RD., CONCORD, NC
 MONROE 3124, LLC
 PROJECT MANAGER: RWJ
 APPROVED BY: RWJ
 PROJECT START: 10.12.2020
 CESI PROJECT NO. 200524.000
 DRAWN BY: RWJ
 CHECKED BY: NDB

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C300



LEGEND

	SILTY FENCE
	TEMP. DIVERSION DITCH
	BOUNDARY
	RIGHT OF WAY
	EASEMENT
	PROPOSED CENTERLINE
	PROPOSED CURB AND GUTTER
	PROPOSED MAJOR CONTOUR
	PROPOSED MINOR CONTOUR
	PROPOSED PAVEMENT
	PROPOSED STORM SEWER
	EXISTING MAJOR CONTOUR
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ZION CHURCH SUBDIVISION
 AERIAL EXHIBIT
 3070 ZION CHURCH RD., CONCORD, NC
 MONROE 3124, LLC
 PROJECT MANAGER: KWU
 APPROVED BY: KWU
 PROJECT START: 10.12.2020
 CESI PROJECT NO. 200524.000
 DRAWN BY: KWU
 CHECKED BY: NOB

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02/08/2021
C301

Drawn By: Katherine Godwin
Return to: City of Concord ROD Box

PIN: p/o 5529-84-2776
Case: Z(CD)-24-20

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF CONCORD, NORTH CAROLINA
FOR PROPERTY LOCATED AT 3070 ZION CHURCH RD.**

WHEREAS, the City of Concord, North Carolina, pursuant to the authority conferred by the North Carolina General Statutes 160A-364 enacted an Official Zoning Ordinance for the City of Concord, North Carolina and the Area of Extraterritorial Jurisdiction on July 28, 1977; and

WHEREAS, the City of Concord, North Carolina, pursuant to the authority conferred by North Carolina General Statute 160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951, may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

WHEREAS, the City of Concord, North Carolina, pursuant to the authority conferred by North Carolina General Statute, Chapter 160A, Art.19 Session Laws of 1993, Chapter 247, House Bill 575 and Section 3.2.4.B.2 of the Concord Development Ordinance does hereby allow the Planning and Zoning Commission to be final approval authority for zoning changes of land, provided that at least three-fourths of the members present vote in the affirmative, and no appeal of the decision is taken; and

WHEREAS, Section 3.2.4.B.5 of the Concord Development Ordinance specifies that any person aggrieved by the decision of the Planning and Zoning Commission shall have the right to appeal the decision to the City Council within fifteen days of the decision of the Planning and Zoning Commission decision by giving written notice to the Administrator; and

WHEREAS, Section 3.2.4.B.2 of the Concord Development Ordinance specifies that a final approval decision shall not be in effect until the fifteen-day appeal period expires;

NOW, THEREFORE BE IT ORDAINED by the Planning and Zoning Commission of the City of Concord, North Carolina:

SECTION 1. That the P&Z Commission held duly advertised public hearings on February 16th and 18th, 2021. At the close of the public hearing, the P&Z Commission adopted the following "Statement of Zoning Consistency" as required by NC Gen Stat 160D-605.

- The subject property is a portion of 3070 Zion Church Rd., totals +/- 9.58 acres, is zoned County O-I (Office Institutional) and fronts on Amhurst St. SW.
- The subject property was voluntarily annexed on December 10, 2020 as part of a larger annexation area. The property at 3070 Zion Church Rd. is vacant of development on the subject 9.58 acres.
- The proposed zoning amendment for the 9.58 acres fronting Amhurst Street SW to RC-CD (Residential Compact Conditional District) is inconsistent with the 2030 Land Use Plan (LUP) as RC (Residential Compact) and conditional district variations are not corresponding zoning classifications to the "Industrial/Employment" Land Use Category. However, the proposal of small lot, high density, residential between an existing neighborhood and the proposed industrial to the east, with a 50ft wide undisturbed buffer, would provide a transition between incompatible uses. Furthermore, the request eliminates the potential for future non-residential development to access Amhurst Street SW., and the established Southern Chase single-family residential neighborhood. The conditional district nature of the proposal ensures the development of residential units comparable in dimensional characteristics to adjacent lots to the west and ensures enhanced buffering would be installed between the residential and industrial uses. The 2030 Land Use Plan should therefore be amended on the +/- 9.58 acres to "Urban Neighborhood," for consistency with the proposed zoning, use and plan design, and the "Urban Neighborhood" Future Land Use designations to the south and west, and in order to permit the requested RC-CD zoning.
- The zoning amendment for the +/- 9.58 acres to RC-CD (Residential Compact Conditional District) is reasonable and in the public interest as it is consistent with the existing development patterns and zoning to the west and south, both in use and dimensional standards. It also would allow for infill housing which is encouraged by the 2030 Land Use Plan in areas where infrastructure is already available. Furthermore, the condition of a 50ft wide undisturbed buffer between the proposed residential and proposed industrial zonings would provide a gradient transition between lower and higher intensity uses.

The P&Z Commission then voted to forward the request to City Council with a recommendation that the zoning map for the subject property be modified from County O-I (Office Institutional) to RC-CD (Residential Compact Conditional District) and a recommendation that the 2030 Land Use Plan be modified from Industrial/Employment to Urban Neighborhood, by the required super-majority.

SECTION 2. That the City Council held duly advertised public hearings on March 9th and 11th, 2021. At the close of the public hearing, the City Council adopted the following “Statement of Zoning Consistency” as required by NC Gen. Stat 160D-605.

- The subject property is a portion of 3070 Zion Church Rd., totals +/- 9.58 acres, is zoned County O-I (Office Institutional) and fronts on Amhurst St. SW.
- The subject property was voluntarily annexed on December 10, 2020 as part of a larger annexation area. The property at 3070 Zion Church Rd. is vacant of development on the subject 9.58 acres.
- The proposed zoning amendment for the 9.58 acres fronting Amhurst Street SW to RC-CD (Residential Compact Conditional District) is inconsistent with the 2030 Land Use Plan (LUP) as RC (Residential Compact) and conditional district variations are not corresponding zoning classifications to the “Industrial/Employment” Land Use Category. However, the proposal of small lot, high density, residential between an existing neighborhood and the proposed industrial to the east, with a 50ft wide undisturbed buffer, would provide a transition between incompatible uses. Furthermore, the request eliminates the potential for future non-residential development to access Amhurst Street SW., and the established Southern Chase single-family residential neighborhood. The conditional district nature of the proposal ensures the development of residential units comparable in dimensional characteristics to adjacent lots to the west and ensures enhanced buffering would be installed between the residential and industrial uses. The 2030 Land Use Plan should therefore be amended on the +/- 9.58 acres to “Urban Neighborhood,” for consistency with the proposed zoning, use and plan design, and the “Urban Neighborhood” Future Land Use designations to the south and west, and in order to permit the requested RC-CD zoning.
- The zoning amendment for the +/- 9.58 acres to RC-CD (Residential Compact Conditional District) is reasonable and in the public interest as it is consistent with the existing development patterns and zoning to the west and south, both in use and dimensional standards. It also would allow for infill housing which is encouraged by the 2030 Land Use Plan in areas where infrastructure is already available. Furthermore, the condition of a 50ft wide undisturbed buffer between the proposed residential and proposed industrial zonings would provide a gradient transition between lower and higher intensity uses.

SECTION 3: The City Council then voted to **APPROVE/DENY** the request by rezoning the subject property from County O-I (Office Institutional) to City RC-CD (Residential Compact Conditional District) for the area described as follows:

LYING AND BEING IN THE NUMBER 11 TOWNSHIP, CABARRUS COUNTY, NORTH CAROLINA, LOCATED BETWEEN ZION CHURCH ROAD AND AMHURST STREET, AND BEING THE PROPERTY CONVEYED TO MONROE 3124 INC (DB.14490, PG. 114; DB. 537, PG. 609; MB. 18, PG. 96 CABARRUS COUNTY REGISTRY), AND FRANK SHEPHERDSON (DB. 14590, PG. 315; MB:18 PG:96, CABARRUS COUNTY REGISTER), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1:

BEGINNING AT A LEANING AXLE ROD ON THE EASTERN SIDE OF THE 60' PUBLIC R/W OF AMHURST STREET, ALSO BEING THE SOUTHWEST CORNER OF KORY VINCENT YETTER (DB. 12824, PG. 142) AND BEING **THE POINT AND PLACE OF BEGINNING**;

THENCE FROM THE **POINT AND PLACE OF BEGINNING** S74°20'07" E 510.73' TO A SET #5 REBAR WITH A WITNESS POST LOCATED IN AN OLD ROADBED, SOUTHERN CORNER OF YETTER'S FIRST AND SECOND TRACT (DB.12824, PG.142) ;

THENCE S74°07'07" E 178.92' W TO A SET #5 REBAR ON THE SOUTHERN LINE OF KORY VINCENT YETTER FIRST TRACT, (DB:12824 PG:142).

THENCE S04°12'35"W 628.27, A NEW LINE, TO A SET #5 REBAR.

THENCE WITH THE LINE OF BRIAN SCOTT LEPARD (DB. 14132, PG. 19) N72°49'18"W 689.24' TO A SET #5 REBAR, ALSO BEING ON THE EASTERN RIGHT OF WAY OF SAID AMHURST ST;

THENCE WITH SAID AMHURST STREET EASTERN RIGHT OF WAY N03°49'26" E 611.24 TO THE **POINT AND PLACE OF BEGINNING** AS SHOWN ON A SURVEY LABELED AS "RECOMBINATION SURVEY OF 3070 AND 3100 ZION CHURCH ROAD" COMPLETED BY CESI LAND DEVELOPMENT SERVICES ON FEBRUARY 11, 2021.

Subject to the following conditions:

1. Substantial compliance with the "Zion Church Subdivision" Rezoning Plan sheets C100, C200-201, and C300-301 dated October 12, 2020, revised February 8th, 2021.
2. Only single-family detached dwellings are permitted within the RC-CD zoned property.
3. A maximum of forty-five (45) single-family detached lots are permitted within the RC-CD zoned property.
4. All dimensional standards of the RC and I-1 zoning districts shall be met for all primary and accessory structures upon plat submittal.
5. Technical Site Plan approval required.
6. No land disturbing activities shall be permitted within the 50' undisturbed landscape buffer/common open space. Limits of disturbance shall be delineated on subsequent technical plans and shall be field surveyed by the developer and verified by the City of Concord prior to any land disturbing activities.

SECTION 4. The City Council then voted to **APPROVE/DENY** the request by amending the 2030 Land Use Plan for the property described in Section 3 from Industrial/Employment to Urban Neighborhood.

SECTION 5. That the establishment of this district and subsequent issuance of Zoning Clearance Permits are hereby authorized.

SECTION 6. That the above described property shall be perpetually bound to the uses authorized in the Concord Development Ordinance, as such may be amended from time to time and as provided for under Article 3 of the Concord Development Ordinance.

SECTION 7. That the effective date hereof is the 26th day of March, 2021

Adopted the 11th day of March, 2021

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST:

APPROVED AS TO FORM:

Kim Deason, City Clerk

Valerie Kolczynski, City Attorney

ORDINANCE DIRECTING THE HOUSING CODE ENFORCEMENT OFFICER TO VACATE, CLOSE, DEMOLISH AND REMOVE THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED

WHEREAS, the City Council of the City of Concord finds that the property described herein is unfit for human habitation under the City Housing Code, and that all of the provisions of the Housing Code have not been complied with as a condition of the adoption of this ordinance; and

WHEREAS, said dwelling should be vacated, closed, demolished and removed to meet the requirements of the Housing Code as directed by the Housing Code Enforcement Officer, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owner of said dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Housing Code in accordance with G.S. 160A-443 (5) pursuant to an order issued by the Housing Code Enforcement Officer on November 30, 2020 and the owner having failed to comply with the order;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, that:

Section 1. The Housing Code Enforcement Officer is hereby authorized and directed to place a sign containing the legend, "THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL." on the buildings owned by Obafemi Balogun and wife Marie Ann Balogun and located at the following address: 53 Corban Ave SW, Concord NC 28025

Section 2: The Housing Code Enforcement Officer is hereby authorized and directed to proceed to vacate, close, demolish and remove the above described dwelling in accordance with his order to the owner thereof dated the 11 day of March and with the Housing Code and G.S. 160A-443.

Section 3: It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

Section 4: The total cost of demolition of the above described dwelling, in accordance with this order, shall constitute a lien against subject property.

Section 5: This ordinance shall become effective March 11, 2021.

Adopted this ____ day of _____, 2021.

CITY COUNCIL
CITY OF CONCORD, N.C.

William C. Dusch, Mayor

ATTEST:

Kim Deason, City Clerk

Valerie Kolczynski, City Attorney

53 CORBAN AVE SW



53 CORBAN AVE SW



8/



FINANCE ROUTING SHEET

Date: 03/11/2021

Department: Police-Code Enforcement

Award Information

Awarded To: _____

Project Number: _____

Bid Amount: _____

Bid Number: _____

Financial Information	Yes	No
Does this item require additional personnel?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does this item require additional equipment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will this item increase operating costs?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will this item require in-kind services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Budgetary Impact

State/Federal Funds Required: _____

City Funds Required: To be determined by bidding.

Other Financial Resources: _____

In-Kind Services Required: _____

Budget Code: 4312-5303000

Comments

Consider adopting an ordinance ordering the demolition of the structure located at 53 Corban Ave. SW (PIN# 5620-96-0884) owned by Obafemi Balogun and wife Marie Ann Balogun



Southeastern Consulting Engineers, Inc.

February 21, 2021

Mr. Scott Chunn
Deputy Director of Electric Systems
City of Concord
P. O. Box 308
Concord, North Carolina 28025

Ref.: Delivery #4 – Site work
Bid Recommendation

Dear Scott:


The City received sealed proposals at 11:00 a.m. on February 19, 2021 from six contractors for the sitework and grading at Delivery #4. The six bids were reviewed for compliance with the specifications and relevant project experience. A bid tabulation is attached.

The low bid was submitted by Carolina Siteworks, Inc. from China Grove, NC in the amount of \$477,413.00. Carolina Siteworks does not have any prior experience with the Electric Department, but has completed several recent projects with other City departments.

We recommend that the City accept Carolina Siteworks, Inc. proposal and proceed with executing the contract documents. Please let us know if you have any questions or need any additional information.

Very truly yours,

SOUTHEASTERN CONSULTING ENGINEERS, INC.

By 
Jerry L. Ford, Jr., P.E.
Senior Design Engineer

JLF/lc

Att: Bid Tabulation

cc: Mr. Alex Burris
Mrs. Andrea Cline

BID TABULATION
 Site Work - Delivery #4

City of Concord
Concord, North Carolina

Bid Date: February 19, 2021
 Time: 11:00 AM, EST

<u>Bidder</u>	<u>Ikes Construction, Inc.</u>	<u>Carolina Site Works, Inc.</u>	<u>Propst Construction Inc.</u>	<u>Kemp Sigmon Construction, Inc.</u>	<u>Bell Construction Company</u>	<u>Performance Managed Construction, Inc.</u>
All Costs for all Labor, Materials, Equipment, Supplies, Supervision, Insurance, other miscellaneous costs, profit and overhead, both direct & indirect, for completion of all Work. (less Sediment Pond Conversion)	\$ <u>527,000.00</u>	\$ <u>427,460.00</u>	\$ <u>1,501,002.55</u>	\$ <u>470,000.00</u>	\$ <u>645,570.00</u>	\$ <u>800,895.00</u>
Sediment Pond Conversion to Sand Filter (to be completed after Substation Construction)	<u>71,000.00</u>	<u>49,553.00</u>	<u>176,830.00</u>	<u>25,000.00</u>	<u>89,575.00</u>	<u>30,000.00</u>
Total	\$ <u><u>598,000.00</u></u>	\$ <u><u>477,413.00</u></u>	\$ <u><u>1,677,832.55</u></u>	\$ <u><u>495,000.00</u></u>	\$ <u><u>735,145.00</u></u>	\$ <u><u>830,895.00</u></u>
Bid Bond	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

BID TABULATION (Continued)

Site Work - Delivery #4

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<u>Bidder</u>	<u>Ikes Construction, Inc.</u>	<u>Carolina Site Works, Inc.</u>	<u>Propst Construction Inc.</u>	<u>Kemp Sigmon Construction, Inc.</u>	<u>Bell Construction Company</u>	<u>Performance Managed Construction, Inc.</u>
<u>Miscellaneous Unit Prices</u>						
Unit Adder - Suitable Fill	\$ <u>23.00</u> /Cu.Yd.	\$ <u>19.45</u> /Cu.Yd.	\$ <u>35.00</u> /Cu.Yd.	\$ <u>20.00</u> /Cu.Yd.	\$ <u>30.00</u> /Cu.Yd.	\$ <u>30.00</u> /Cu.Yd.
Unit Adder - Additional Excavation	\$ <u>6.00</u> /Cu.Yd.	\$ <u>15.00</u> /Cu.Yd.	\$ <u>25.00</u> /Cu.Yd.	\$ <u>10.00</u> /Cu.Yd.	\$ <u>15.00</u> /Cu.Yd.	\$ <u>20.00</u> /Cu.Yd..
Unit Adder - Rock Excavation	\$ <u>300.00</u> /Cu.Yd.	\$ <u>85.00</u> /Cu.Yd.	\$ <u>100.00</u> /Cu.Yd.	\$ <u>100.00</u> /Cu.Yd.	\$ <u>200.00</u> /Cu.Yd.	\$ <u>200.00</u> /Cu.Yd..
Unit Adder - Additional Concrete, including forming, finishing, and reinforcing steel	\$ <u>400.00</u> /Cu.Yd.	\$ <u>1,500.00</u> /Cu.Yd.	\$ <u>750.00</u> /Cu.Yd.	\$ <u>1,000.00</u> /Cu.Yd.	\$ <u>1,500.00</u> /Cu.Yd.	\$ <u>300.00</u> /Cu.Yd..
Unit Adder - Slit Fencing	\$ <u>3.00</u> /Per Ft. Installed	\$ <u>3.00</u> /Per Ft. Installed	\$ <u>3.00</u> /Per Ft. Installed	\$ <u>5.00</u> /Per Ft. Installed	\$ <u>6.00</u> /Per Ft. Installed	\$ <u>5.00</u> /Per Ft. Installed
Unit Adder - Rock Removal from Site	\$ <u>40.00</u> /Cu.Yd.	\$ <u>25.00</u> /Cu.Yd.	\$ <u>75.00</u> /Cu.Yd.	\$ <u>30.00</u> /Cu.Yd.	\$ <u>50.00</u> /Cu.Yd.	\$ <u>100.00</u> /Cu.Yd.



FINANCE ROUTING SHEET

Date: 2/22/21

Department: Electric Systems

Award Information

Awarded To: Carolina Siteworks, Inc
Project Number: _____
Bid Amount: \$477,413.00
Bid Number: 2472

Financial Information	Yes	No
Does this item require additional personnel?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does this item require additional equipment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will this item increase operating costs?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will this item require in-kind services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Budgetary Impact

State/Federal Funds Required: N/A
City Funds Required: \$477,413.00
Other Financial Resources: N/A
In-Kind Services Required: N/A
Budget Code: 6949-5801152

Comments

from formal bids received 2/19/2021

**CITY OF CONCORD
PURCHASING BID REVIEW AND ROUTING FORM**

DATE: Feb 2, 2021

FORMAL BID: Yes

BID DATE: 2/19/2021

DEPARTMENT: Electric Systems, Delivery4
Site Work

BIDDERS	AMOUNT	DELIVERY
Carolina Site Works, Inc..	\$477,413.00	N/A
Kemp Sigmon Construction, Inc.	\$495,000.00	N/A
Ikes Construction, Inc.	\$598,000.00	N/A
Bell Construction Company	\$735,145.00	N/A
Performance Managed Construction, Inc.	\$830,895.00	N/A

RECOMMENDATION: Carolina Site Works, Inc.

LOW BIDDER: YES NO (IF NOT, DOCUMENTATION REQUIRED)

ADDED OPTIONS: _____

PRICE: _____

◆◆◆◆◆

FLEET SERVICES SIGNATURE (IF REQUIRED) _____

DEPARTMENT HEAD: Bob Pate DATE: 2-22-21

COMMENTS: _____

◆◆◆◆◆

ASSISTANT CITY MANAGER OR EXECUTIVE DIRECTOR OF OPERATIONS: Leifrich Bloech DATE: 2-22-21

COMMENTS: _____

◆◆◆◆◆

PURCHASING OFFICIAL: Gabe DATE: 2/22/21

COMMENTS: _____

◆◆◆◆◆

FINANCE DIRECTOR: Jessica Jan DATE: 2/24/21

COMMENTS: _____

◆◆◆◆◆

APPROVE AS RECOMMENDED: YES DATE: 2/26/2021

CITY MANAGER: (for Lloyd Wm. Payne, Jr.) DATE: _____

COMMENTS: _____

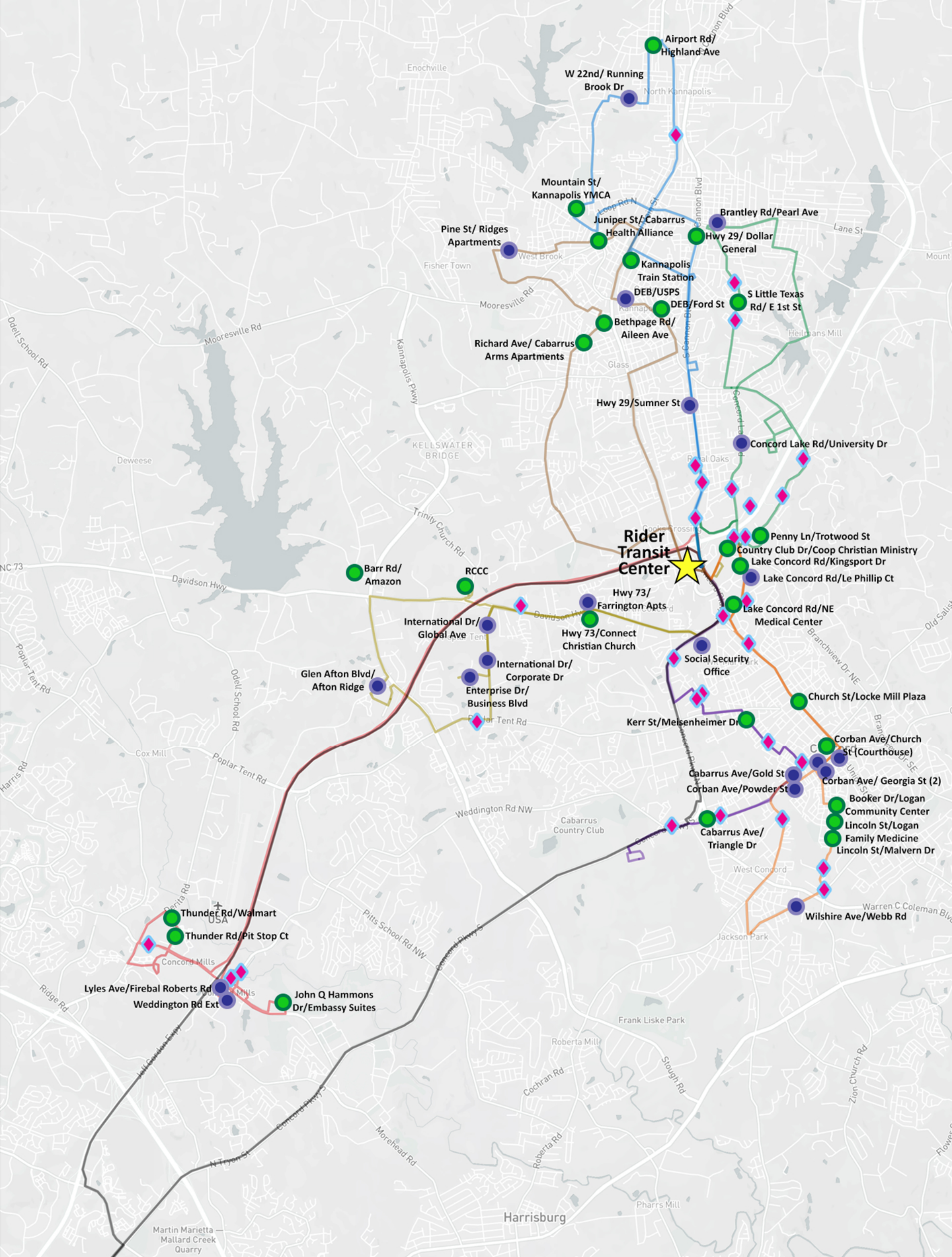
Averaged Scores for RFQ #11042020
Professional Site Design and Engineering for Rider Transit Bus Stop Sites

Rank	Firm	Evaluator					Averaged Score
		RT2	RT3	CT	KE	RT1	
1	Ramey Kemp Associates	74	70	80	98	100	84
2	Kimley-Horn	79	80	75	83	86	81
3	Timmons Group	84	80	55	91	88	80
4	Stantec	74	70	45	80	63	66

Score Sheet for RFQ #11042020

Professional Site Design and Engineering for Rider Transit Bus Stop Sites

Evaluator:		Bidder:	
Statement of Qualification Evaluation: 100 Points Maximum			
	Score	Max Pts	
Criterion 1: Successful experience of the firm's staff assigned to this project to perform this type of work.		30	
Criterion 2: Firm's approach to complete the work and efficiency of firm's anticipated time for completion for all proposed work.		30	
Criterion 3: Firm's recent experience, knowledge, and familiarity with the type of work contained within the scope of this project.		20	
Criterion 4: Ethical and professional standing of the firm and satisfactory performance of previous contracts including positive client relationships, sufficient supervision, and efficient project delivery.		20	
Evaluation Total:		0	100
Comments:			





Rider Transit Bus Stop Amenities

● Planned Rider Shelter (21)

● Existing Rider Shelter (26)

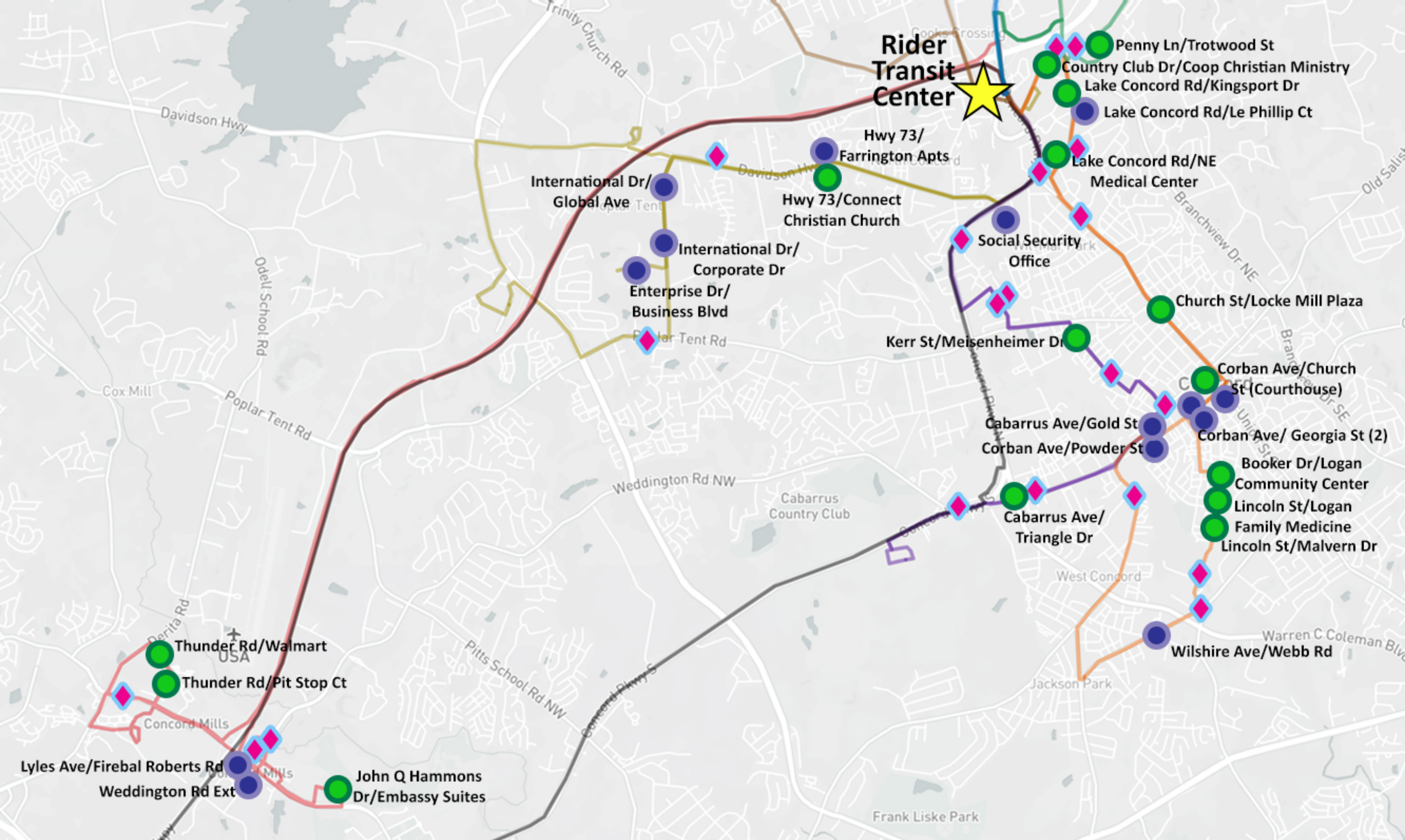
◆ Planned Rider Simme Seat (30)

March 2021

5000 ft

+

-



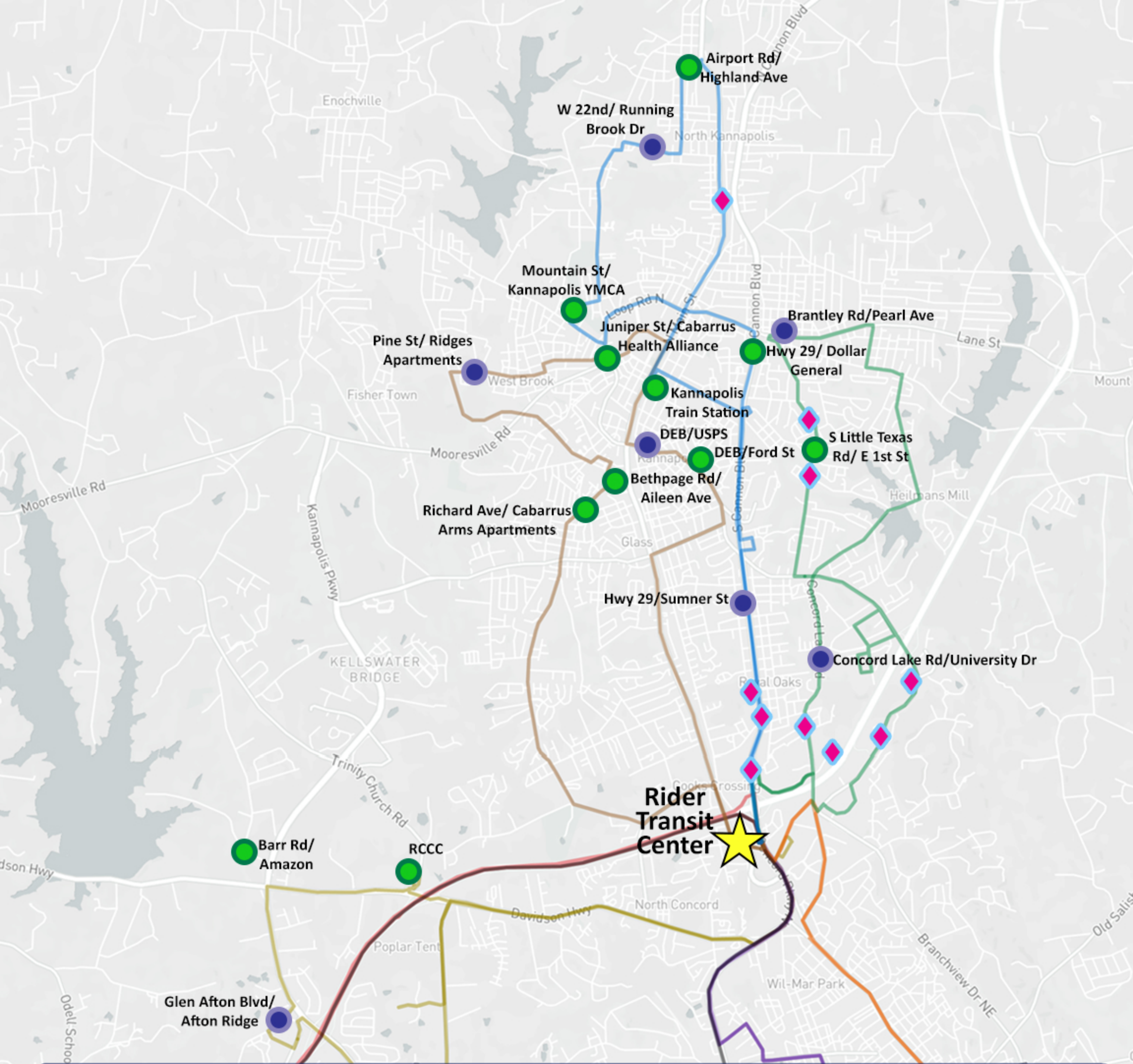
Rider Transit Bus Stop Amenities - Concord



● Planned Rider Shelter (14)
 ● Existing Rider Shelter (15)




◆ Planned Rider Simme Seat (20)

March 2021



Rider Transit Bus Stop Amenities - Kannapolis



- 
Planned Rider Shelter (7)
- 
Existing Rider Shelter (11)
- 
Planned Rider Simme Seat (10)

March 2021

Rider Transit Planned Bus Stop Amenities (21 Shelters, 30 Simme Seats)

City	Stop ID	Planned Rider Transit Shelters	Amenity	Easement Needed?
C	25	Wilshire Ave/Webb Rd	Shelter	N
C	5	Hwy 73/Fairington West Apts	Shelter	N
C	8	International Dr/Global Ave	Shelter	N
K	15	Pine St/The Ridges Apartments	Shelter	N
K	28	Dale Earnhardt Blvd/Kannapolis Post Office	Shelter	N
K	40	Concord Lake Rd/University Dr	Shelter	N
K	27	W 22nd St/Running Brook Dr	Shelter	N
C	14	Corban Ave\Church St (County Courthouse)	Shelter	Y
C	13	Cabarrus Ave/Gold St	Shelter	Y
C	11	Enterprise Dr/Business Blvd	Shelter	Y
C	12	International Dr/Corporate Dr	Shelter	Y
C	8	Weddington Rd Ext	Shelter	Y
K	47	Hwy 29/Sumner St (Food Lion)	Shelter	Y
K	27	Brantley Rd/Pearl Ave	Shelter	Y
C	33	Corban Ave/Powder St	Shelter	Y
C	15	Corban Ave/Georgia St (OB)	Shelter	Y
C	35	Corban Ave/Georgia St (IB)	Shelter	Y
C	47	Lake Concord/Le Phillip Ct	Shelter	Y
C	38	Social Security Office	Shelter	Y
K	18	Glen Afton Blvd/Afton Ridge	Shelter	Y
C	7	Lyles Ave/Fireball Roberts Rd	Shelter	Y
City	Stop ID	Planned Simme Seats	Amenity	Easement Needed?
C	22	Rutherford St/Amber Ct	Seat	N
C	24	Rutherford St/Wilshire Ave	Seat	N
C	45	Lake Concord Rd/Northeast Medical Center	Seat	N
K	2	Cloverleaf Pkwy/Econolodge	Seat	N
C	4	Executive Park Dr/Daymark	Seat	N
C	9	Copperfield Blvd/Gateway Ct (Northeast Imaging Center)	Seat	N
C	11	Copperfield Blvd/Dickens Pl	Seat	N
K	41	Concord Lake Rd/Bishop Ln	Seat	N
C	2	Hwy 29/Central Dr (CVS & Lowes)	Seat	N
C	9	Kerr St/Elm St	Seat	N
C	17	Hwy 29/S&D Coffee	Seat	N
C	23	Cabarrus Ave/Lark Ct	Seat	N
C	27	Crowell Dr/ Cabarrus Ave	Seat	N
C	28	Cedar Dr / Kerr St	Seat	N
C	2	Concord Mills Blvd/Derita Rd	Seat	N
C	12	Hotels @ Gateway/Cook-Out	Seat	N
C	23	Poplar Tent Rd/Berwick Ct	Seat	N
C	35	Concord Parkway & Mr C's	Seat	N
K	11	E First St/Denver St	Seat	Y
K	20	N Main St/W 16th St	Seat	Y
K	45	Hwy 29/Irene Ave	Seat	Y
K	46	Hwy 29/McLain Rd (Taco Bell, Wendy's)	Seat	Y
K	49	Hwy 29/Virginia St	Seat	Y
K	23	S Little Texas Rd/Summit Ridge Ln	Seat	Y
K	25	N Little Texas Rd/El Paso St	Seat	Y
K	44	Cloverleaf Pkwy/Microtel Inn	Seat	Y
C	32	Old Charlotte Rd/Pharr Dr	Seat	Y
C	43	Church St/Paliside Dr	Seat	Y
C	30	Kerr St/Elm St	Seat	Y
C	11	Hotels @ Gateway/Wingate	Seat	Y

3/5/2021



CMAQ PROJECT APPLICATION

FOR NCDOT USE ONLY	
APP ID	STIP ID
	C-5603G

IN ORDER TO BE CONSIDERED A COMPLETE APPLICATION PACKAGE, ALL FIELDS MUST BE APPROPRIATELY COMPLETED & REQUIRED ADDITIONAL INFORMATION AS NOTED MUST BE ATTACHED. INCOMPLETE APPLICATIONS WILL BE RETURNED.

GENERAL PROJECT INFORMATION

1 SELECT CMAQ PROJECT TYPE

STATEWIDE REGIONAL SUBREGIONAL

2 SELECT MPO/RPO(S)

<input type="checkbox"/> Burlington-Graham MPO	<input type="checkbox"/> Gaston-Cleveland-Lincoln MPO	<input type="checkbox"/> Land of Sky RPO	<input type="checkbox"/> Triangle RPO
<input checked="" type="checkbox"/> Cabarrus-Rowan MPO	<input type="checkbox"/> Greensboro MPO	<input type="checkbox"/> NW Piedmont RPO	<input type="checkbox"/> Unifour RPO
<input type="checkbox"/> Capital Area MPO	<input type="checkbox"/> Hickory MPO	<input type="checkbox"/> Rocky Mount MPO	<input type="checkbox"/> Upper Coastal Plain RPO
<input type="checkbox"/> Charlotte Regional TPO	<input type="checkbox"/> High Point MPO	<input type="checkbox"/> Rocky River RPO	<input type="checkbox"/> Winston-Salem MPO
<input type="checkbox"/> Durham-Chapel Hill-Carrboro MPO	<input type="checkbox"/> Kerr-Tar RPO	<input type="checkbox"/> Southwestern RPO	

3 PROJECT SPONSOR INFORMATION

Agency	City of Concord		
Contact Name	Lloyd Wm. Payne Jr. c/o Phillip Graham, PE		
Contact Title	City Manager		
Address	P.O. Box 308, Concord, NC 28026		
Telephone	704-920-5338	Email Address	grahamp@concordnc.gov

4 PROJECT INFORMATION

Title	Bruton Smith Boulevard (SR2894) and Weddington Rd, NW Turn Lanes
Description	Extension of dual left turn lanes on Bruton Smith Blvd. at Weddington Rd and associated pavement marking. See narrative.

Include project details, proposed improvements, purpose, need, how it will provide service, who are the primary stake holders & where it will operate & serve. Attach a sketch design plan of the proposed project which shows the general location.

PROJECT COSTS & DELIVERY SCHEDULE

5 APPLICABLE PROJECT PHASES, FUNDING & YEARS

- CMAQ projects are awarded by Federal Fiscal Years (FFY). FFY run from October 1st of the prior year through September 30th of the next year. For example, FFY 2016 runs from October 1, 2015 through September 30, 2016.
- Cost estimates should reflect anticipated inflation compounded annually at 5% from the current calendar year.
- Minimum 20% match is required for most projects. See 23 U.S.C. §120 paragraph (c) for listing of safety projects that may be funded at up to 100% Federal share.
- In the case of purchasing alternative fueled vehicles (AFV) for general governmental use, CMAQ funding is limited to the cost difference between standard and AFV vehicles. For example, a 2011 Ford Escape lists for \$27,000 and a 2011 Ford Escape Hybrid lists for \$33,000. The total CMAQ-eligible funding for purchase of this AFV would be: \$33,000 - \$27,000 = \$6,000 (subject to local match).

Check box if this project is not typical 80/20 split

Phases(s)	CMAQ Amount	Matching Amount	Total	FFY
<input type="checkbox"/> Planning, Engineering & Design	\$0	\$0	\$0	FY 21
<input type="checkbox"/> Right-of-Way	\$0	\$0	\$0	FY 21
<input checked="" type="checkbox"/> Construction	\$101,101.60	\$25,275.40	\$126,377	FY 21
<input type="checkbox"/> Transit Operation	\$0	\$0	\$0	FY 21
<input type="checkbox"/> Transit Implementation	\$0	\$0	\$0	FY 21
<input type="checkbox"/> Non-transit Implementation	\$0	\$0	\$0	FY 21
Project Total	\$101,101.6	\$25,275.4	\$126,377	

6 ANTICIPATED PROJECT MILESTONE DATES

* Milestone dates must coordinate with funding schedule in Section 5.
 * Planning & environmental document; plans, specifications & estimate package; and right of way certification must be complete prior to let date.

Milestone(s)	Month/Year
Planning & Environmental document to be complete:	N/A
Plans, Specifications & Estimate package to be complete:	N/A
Right-of-Way acquisition to begin:	N/A
Anticipated let date (opening of bids):	2/25/2021
Anticipated completion date of project (including project close-out & reimbursement of all eligible expenses):	12/2021

7 LIST THE SOURCE(S) OF MATCHING FUNDS:

City of Concord Transportation Improvement Fund

8 TRANSIT START-UP INFORMATION

Operation assistance under CMAQ is intended to help start up viable new transportation services that will benefit air quality and eventually cover their own costs. This funding is limited to three years. Other funding sources should supplement & ultimately replace CMAQ funds for operation assistance. Briefly describe how funding will be secured to continue the program after year three.
 (ATTACH ADDITIONAL SHEET(S) IF NEEDED)

N/A

GENERAL PROJECT INFORMATION

9 SELECT NC NONATTAINMENT/MAINTENANCE COUNTY(IES):

* Indicates partial county AQ designation

<input checked="" type="checkbox"/> Cabarrus	<input type="checkbox"/> Davidson	<input type="checkbox"/> Edgecombe	<input type="checkbox"/> Gaston	<input type="checkbox"/> Haywood*	<input type="checkbox"/> Lincoln	Orange	<input type="checkbox"/> Swain*
<input type="checkbox"/> Catawba	<input type="checkbox"/> Davie	<input type="checkbox"/> Forsyth	<input type="checkbox"/> Granville	<input type="checkbox"/> Iredell*	<input type="checkbox"/> Mecklenburg	Person	<input type="checkbox"/> Union
<input type="checkbox"/> Chatham*	<input type="checkbox"/> Durham	<input type="checkbox"/> Franklin	<input type="checkbox"/> Guilford	<input type="checkbox"/> Johnston	<input type="checkbox"/> Nash	Rowan	<input type="checkbox"/> Wake

10 SELECT CMAQ-ELIGIBLE IMPROVEMENT TYPE (check all that apply):

<input type="checkbox"/> Transportation Control Measures	<input type="checkbox"/> Extreme Low-Temperature Cold Start Programs
<input type="checkbox"/> Alternative Fuels	<input checked="" type="checkbox"/> Congestion Relief & Traffic Flow Improvements
<input type="checkbox"/> Transit Improvements	<input type="checkbox"/> Bicycle/Pedestrian Facilities & Programs
<input type="checkbox"/> Transportation Management Associations	<input type="checkbox"/> Carpooling & Vanpooling
<input type="checkbox"/> Freight/Intermodal	<input type="checkbox"/> Diesel Engine Retrofits
<input type="checkbox"/> Idle Reduction	<input type="checkbox"/> Training
<input type="checkbox"/> Travel Demand Management	<input type="checkbox"/> Public Education & Outreach Activities
<input type="checkbox"/> I/M Programs	<input type="checkbox"/> Experimental Pilot Projects

11 IF TRANSPORTATION CONTROL METHOD, CHECK THE ALLOWABLE TYPE(S):

<input type="checkbox"/>	Programs/ordinances to facilitate non-automobile travel, provision/utilization of mass transit & general reduction of the need for SOV travel, as part of transportation planning & development efforts of a locality, including programs & ordinances applicable to new shopping centers, special events & other centers of vehicle activity
<input type="checkbox"/>	Programs for improved public transit
<input type="checkbox"/>	Restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or HOV
<input type="checkbox"/>	Employer-based transportation management plans, including incentives
<input type="checkbox"/>	Trip-reduction ordinances
<input checked="" type="checkbox"/>	Traffic flow improvement programs that reduce emissions
<input type="checkbox"/>	Fringe & transportation corridor parking facilities serving multiple-occupancy vehicle programs or transit services
<input type="checkbox"/>	Multiple-occupancy vehicle programs or transit service
<input type="checkbox"/>	Programs to limit/restrict vehicle use in downtown areas/other areas of emission concentration during peak periods
<input type="checkbox"/>	Programs for the provision of all forms of high-occupancy, shared-ride services
<input type="checkbox"/>	Programs to limit portions of road surfaces/certain sections of metro area to the use of non-motorized vehicles or pedestrian

<input type="checkbox"/>	Programs for secure bicycle storage facilities & other facilities, including bicycle lanes in both public & private areas
<input type="checkbox"/>	Programs to control extended idling of vehicles
<input type="checkbox"/>	Reducing emissions from extreme cold-start conditions
<input type="checkbox"/>	Employer-sponsored programs to permit flexible work schedules
<input type="checkbox"/>	Public Education & Outreach Activities

12 IF TRANSIT IMPROVEMENT, SPECIFY HOW SERVICE WILL BE IMPROVED:

<input type="checkbox"/>	New facilities associated with a service increase	<input type="checkbox"/>	New vehicles used to expand the transit fleet
<input type="checkbox"/>	Operating assistance for new service (limit three years)	<input type="checkbox"/>	Fare subsidies as part of program to limit exceedances of NAAQS

13 EMISSIONS REDUCTION CRITERIA

QUANTITATIVE analysis of air quality impacts is required for most project types. **QUALITATIVE** analysis is only allowable when it is not possible to accurately quantify emissions benefits, such as public education, marketing & other outreach efforts, which can include advertising alternatives to SOV travel, employer outreach & public education campaigns. The qualitative analysis should be based on a reasoned & logical determination that the project/program will decrease emissions & contribute to attainment or maintenance of NAAQS. The primary benefit of these activities enhanced communication & outreach that is expected to influence travel behavior & air quality.

• **Indicate the type of analysis completed:** Quantitative Qualitative

For QUANTITATIVE analyses, list the expected daily emissions BEFORE and AFTER project implementation:

Pollutant	Daily Emissions Before (kg)	Daily Emission After (kg)	Daily Emissions Reduction (kg)
Carbon Monoxide (CO)	490.34	453.72	36.62
Volatile Organic Compounds (VOC)	113.69	105.17	8.52
Oxides of Nitrogen (NOx)	95.4	88.32	7.08
Particulate Matter (PM2.5)			
Carbon Dioxide equivalent (CO ₂ e)			
Total Daily Emissions (kg)	699.43	647.21	52.22

• **Describe the method used to estimate the emissions reduction and show calculations: (ATTACH ADDITIONAL SHEET(S) IF NEEDED)**

An analysis of the proposed improved intersection was performed by the City of Concord using SYNCRO software to demonstrate increased level of service and reduction in vehicle delay time, thus reducing auto emissions.

14 MISCELLANEOUS

For construction of trails, has the Department of Interior been contacted	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
Is the fare/fee subsidy program part of a broad program to reduce emissions	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
Will the ITS project conform to the National ITS architecture	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A

15 SUPPORTING INFORMATION CHECK LIST

Check supporting information included as attachment(s) to this application:

<input checked="" type="checkbox"/>	MPO/RPO Support Resolution (Required for SUBREGIONAL proposals)
<input checked="" type="checkbox"/>	Additional project description and/or details
<input type="checkbox"/>	Map of general project location
<input type="checkbox"/>	Complete emissions calculations
<input type="checkbox"/>	Any assumptions used
<input type="checkbox"/>	Other, please specify:

16 MPO/RPO PRIORITY INFORMATION

This project has been prioritized by the MPO/RPO and received the following ranking among all CMAQ requests (UNRANKED APPLICATIONS WILL NOT BE PROCESSED):

17 SUBMIT

- 1) SAVE APPLICATION AND ALL ATTACHMENTS IN A SINGLE PDF DOCUMENT
- 2) Upload application as single PDF document to CMAQ Sharepoint Website

COUNTY OF CABARRUS

THIS AGREEMENT of Interlocal Cooperation, pursuant to Article 20 of Chapter 160A of the General Statutes of North Carolina, made and entered into as of the ____ day of _____, 2021, by and between the **City of Kannapolis, North Carolina** (“Kannapolis”), the **City of Albemarle, North Carolina** (“Albemarle”) and the **City of Concord, North Carolina** (“Concord”), municipal corporations of the State of North Carolina (collectively the “Parties”) :

WHEREAS, the Parties entered into the Water Sale and Purchase Agreement dated November 24th, 2010 (the “Sale Agreement”); and

WHEREAS the Sale Agreement provides for sale of 5.0 MGD of treated water from Albemarle to Concord and Kannapolis until such time as the Albemarle expands its water treatment capacity and for the sale of 10.0 MGD after such expansion; and

WHEREAS, the Parties desire to undertake a study to determine expansion options for the Albemarle water treatment facility (the “Study”);

NOW, THEREFORE, in consideration of the premises and mutual covenants and agreements hereinafter made, Kannapolis, Albemarle and Concord agree as follows:

1. Purpose: The purpose of this Agreement is to set forth the terms under which the Parties will commission the Study and the terms of payment for the Study.
2. Albemarle agrees to contract with the consulting engineer known as LKC Engineering and commission the Study. LKC Engineering is determined by the Parties to be the best choice to undertake the Study based on their previous work and knowledge of the water treatment facility.
3. The Parties agree that the fee charged by the consultant to Albemarle shall be split between the Parties as follows:
 - a. Albemarle to pay 100% of the fee due to the consultant.
 - b. Kannapolis to pay 25% reimbursement of the fee to Albemarle.
 - c. Concord to pay 25% reimbursement of the fee to Albemarle.
4. The total fee is estimated to be \$60,000 and the reimbursement amount shall not exceed 25% of the Study costs for either Concord or Kannapolis. Concord and Kannapolis agree to make their respective reimbursement payments to Albemarle not later than 30 days from the date of receipt of documentation of payment to the consultant by Albemarle.
5. This Agreement may be amended by written addendum executed by all Parties; except that any expansion of the scope of this Agreement beyond the commissioning, contracting and payment for the Study shall require a separate agreement between the Parties.

IN WITNESS WHEREOF, Kannapolis, Albemarle and Concord have executed this Agreement the day and year first above written.

CITY OF KANNAPOLIS, NORTH CAROLINA

By: _____
Mayor

ATTEST:

Clerk (SEAL)

Approved as to Form

City Attorney

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Director

CITY OF CONCORD, NORTH CAROLINA

By: _____
Mayor

ATTEST:

Clerk (SEAL)

Approved as to Form

City Attorney

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Director

CITY OF ALBEMARLE, NORTH CAROLINA

By: _____
Mayor

ATTEST:

Clerk (SEAL)

Approved as to Form

City Attorney

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Director



City of Concord Project Bid Tabulation

Sewer CIPP Lining Contract - 2021
Project # 2021-009

Tabulation of Bids Received February 25, 2021

CIPP Lining, Manhole & Lateral Rehab											
				Granite Inliner		AM-Liner East, Inc.		Insituform Technologies, LLC		Tri-State Utilities Co.	
No.	Item	Units	Quantity	Unit Price (\$)	Item Total (\$)	Unit Price (\$)	Item Total (\$)	Unit Price (\$)	Item Total (\$)	Unit Price (\$)	Item Total (\$)
1	6-inch Lining	LF	697	\$32.00	\$22,304.00	\$27.00	\$18,819.00	\$22.40	\$15,612.80	\$30.00	\$20,910.00
2	8-inch Lining	LF	26,523	\$28.50	\$755,905.50	\$24.60	\$652,465.80	\$24.00	\$636,552.00	\$26.54	\$703,920.42
3	24-inch Lining	EA	277	\$95.00	\$26,315.00	\$98.00	\$27,146.00	\$98.80	\$27,367.60	\$93.65	\$25,941.05
4	Re-connection of service lines	EA	364	\$50.00	\$18,200.00	\$60.00	\$21,840.00	\$75.00	\$27,300.00	\$75.00	\$27,300.00
5	Removing protruding taps	EA	10	\$250.00	\$2,500.00	\$480.00	\$4,800.00	\$250.00	\$2,500.00	\$450.00	\$4,500.00
6	4-foot diameter manhole rehabilitation (97 MH's)	VF	662	\$180.00	\$119,160.00	\$177.00	\$117,174.00	\$139.60	\$92,415.20	\$180.75	\$119,656.50
7	Invert Reconstruction	EA	15	\$545.00	\$8,175.00	\$525.00	\$7,875.00	\$317.40	\$4,761.00	\$537.95	\$8,069.25
8	Rebuild Shelf of line-through MH	EA	10	\$450.00	\$4,500.00	\$420.00	\$4,200.00	\$211.60	\$2,116.00	\$430.00	\$4,300.00
9	Traffic Control	LS	1	\$14,500.00	\$14,500.00	\$24,200.00	\$24,200.00	\$15,355.00	\$15,355.00	\$14,000.00	\$14,000.00
				ESTIMATED BASE COST		\$971,559.50	\$878,519.80	\$823,979.60	\$928,597.22		
				5% CONTINGENCY		\$48,577.98	\$43,925.99	\$41,198.98	\$46,429.86		
				TOTAL ESTIMATED COST		\$1,020,137.48	\$922,445.79	\$865,178.58	\$975,027.08		

This is to certify that bids tabulated herein were publicly opened and read aloud at 10:30 AM on 2/25/2021 at the Brown Operations Center 635 Alfred Brown Jr Ct. Concord, NC, and the said bids were accompanied by acceptable bidders bonds in the amount of 5% of the bid. This Certified Bid Tabulation is true and correct to the best of my abilities and knowledge.

Enrique A. Blat

2/25/2021

Bid Tabulation Sheet Summary
Fall 2020 Waterline Replacement Projects, Bid # 2473
Bids Received February 25, 2021 at 2:00 PM in the BOC Ready Room



CONTRACTOR:	1	2
	Herrin Industrial, Inc.n P.O. 523 Mt Pleasant, NC 28124	Carolina Siteworks Inc. 300 Wade Dr. China Grove, NC 28610

A. Gold St. NW and Howerton Ave. NW				LICENSE #:		71184	45224	
Item No.	Sect. No.	Description	Estimated Quantity	Unit	Unit Cost	Total Cost	Unit Cost	Total Cost
A1	WSACC 01025	Mobilization	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 17,500.00	\$ 17,500.00
A2	NCDOT 801	Construction Surveying	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 1,750.00	\$ 1,750.00
A3	SP-01	Traffic Control	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 4,168.00	\$ 4,168.00
A4	SP-02	2" HDPE IPS DR9 Water Pipe by Trenchless Installation	970	LF	\$ 32.74	\$ 31,757.80	\$ 26.70	\$ 25,899.00
A5	WSACC 01025	2" K-Copper Water Pipe, incl. fittings	70	LF	\$ 104.38	\$ 7,306.60	\$ 84.20	\$ 5,894.00
A6	WSACC 01025	2"x2"x2" Tee	1	EA	\$ 245.46	\$ 245.46	\$ 416.00	\$ 416.00
A7	WSACC 01025	2" Gate Valve, w/ Valve Box	2	EA	\$ 1,273.11	\$ 2,546.22	\$ 739.00	\$ 1,478.00
A8	SP-03	Connection to Ex. 6" Water Main - Tapping Sleeve & Valve	2	EA	\$ 8,249.67	\$ 16,499.34	\$ 1,665.00	\$ 3,330.00
A9	SP-03	Connection to Ex. 2" Water Main - Tapping Sleeve & Valve	1	EA	\$ 5,762.87	\$ 5,762.87	\$ 1,665.00	\$ 1,665.00
A10	WSACC 01025	Water Service Connection and Meter Assembly, excluding Meter (City to install Meter) - 3/4" Domestic (long side)	7	EA	\$ 1,806.95	\$ 12,648.65	\$ 1,536.00	\$ 10,752.00
A11	SP-04	Plumbing Permit and Requirements for Reconnecting Water Services	7	EA	\$ 1,038.77	\$ 7,271.39	\$ 150.00	\$ 1,050.00
A12	WSACC 01025	Removing ex. 8" Sanitary Sewer, and Replacing with 8" DIP	60	LF	\$ 449.78	\$ 26,986.80	\$ 215.00	\$ 12,900.00
A13	NCDOT 654	Asphalt Plant Mix, Pavement Repair	30	TN	\$ 405.81	\$ 12,174.30	\$ 300.00	\$ 9,000.00
A14	NCDOT 520	Aggregate Base Course	65	TN	\$ 52.33	\$ 3,401.45	\$ 55.00	\$ 3,575.00
A15	SP-05	Flowable Fill (Excavatable)	15	CY	\$ 355.16	\$ 5,327.40	\$ 479.00	\$ 7,185.00
A16	NCDOT 1660	Seeding and Mulching	100	SY	\$ 17.89	\$ 1,789.00	\$ 2.00	\$ 200.00
Base Bid Price - Project A only						\$146,217.28	\$106,762.00	

B. Crowell Dr. SW and Vee Ave. SW				Estimated Quantity	Unit	Unit Cost	Total Cost	Unit Cost	Total Cost
B1	WSACC 01025	Mobilization	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 17,500.00	\$ 17,500.00	
B2	NCDOT 801	Construction Surveying	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 1,750.00	\$ 1,750.00	
B3	SP-01	Traffic Control	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 4,168.00	\$ 4,168.00	
B4	SP-02	2" HDPE IPS DR9 Water Pipe by Trenchless Installation	360	LF	\$ 32.74	\$ 11,786.40	\$ 26.70	\$ 9,612.00	
B5	WSACC 01025	2" K-Copper Water Pipe, incl. fittings	200	LF	\$ 104.38	\$ 20,876.00	\$ 72.00	\$ 14,400.00	
B6	WSACC 01025	2"x2"x2" Tee	1	EA	\$ 245.46	\$ 245.46	\$ 416.00	\$ 416.00	
B7	WSACC 01025	2" Gate Valve, w/ Valve Box	1	EA	\$ 1,273.11	\$ 1,273.11	\$ 739.00	\$ 739.00	
B8	WSACC 01025	2" Blow-off Assembly	2	EA	\$ 1,499.13	\$ 2,998.26	\$ 2,475.00	\$ 4,950.00	
B9	SP-03	Connection to Ex. 8" Water Main - Tapping Sleeve & Valve	1	EA	\$ 13,231.08	\$ 13,231.08	\$ 2,130.00	\$ 2,130.00	
B10	WSACC 01025	Water Service Connection and Meter Assembly, excluding Meter (City to install Meter) - 3/4" Domestic (short side)	4	EA	\$ 1,806.95	\$ 7,227.80	\$ 1,137.00	\$ 4,548.00	
B11	WSACC 01025	Water Service Connection and Meter Assembly, excluding Meter (City to install Meter) - 3/4" Domestic (long side)	2	EA	\$ 1,806.95	\$ 3,613.90	\$ 1,536.00	\$ 3,072.00	
B12	WSACC 01025	Water Service Connection and Meter Assembly, excluding Meter (City to install Meter) - 3/4" Irrigation (long side)	1	EA	\$ 1,806.95	\$ 1,806.95	\$ 1,536.00	\$ 1,536.00	
B13	SP-04	Plumbing Permit and Requirements for Reconnecting Water Services	7	EA	\$ 1,038.77	\$ 7,271.39	\$ 150.00	\$ 1,050.00	
B14	SP-05	Polyethylene Tube Encasement	20	LF	\$ 85.67	\$ 1,713.40	\$ 20.00	\$ 400.00	
B15	NCDOT 654	Asphalt Plant Mix, Pavement Repair	45	TN	\$ 405.81	\$ 18,261.45	\$ 300.00	\$ 13,500.00	
B16	NCDOT 520	Aggregate Base Course	40	TN	\$ 52.33	\$ 2,093.20	\$ 55.00	\$ 2,200.00	
B17	SP-06	Flowable Fill (Excavatable)	15	CY	\$ 355.16	\$ 5,327.40	\$ 479.00	\$ 7,185.00	
B18	NCDOT 1605	Temporary Silt Fence	200	LF	\$ 7.00	\$ 1,400.00	\$ 3.00	\$ 600.00	
B19	NCDOT 1660	Seeding and Mulching	100	SY	\$ 17.89	\$ 1,789.00	\$ 2.00	\$ 200.00	
Base Bid Price - Project B only						\$113,414.80	\$89,956.00		

C. Crowell Dr. NW and Cedar Dr. NW.				Estimated Quantity	Unit	Unit Cost	Total Cost	Unit Cost	Total Cost
C1	WSACC 01025	Mobilization	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 10,868.00	\$ 10,868.00	
C2	NCDOT 801	Construction Surveying	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 1,750.00	\$ 1,750.00	
C3	SP-01	Traffic Control	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 300.00	\$ 300.00	
C4	SP-02	2" HDPE IPS DR9 Water Pipe by Trenchless Installation	276	LF	\$ 32.34	\$ 8,925.84	\$ 26.70	\$ 7,369.20	
C5	WSACC 01025	2" Blow-off Assembly	1	EA	\$ 1,499.13	\$ 1,499.13	\$ 2,475.00	\$ 2,475.00	
C6	SP-03	Connection to Ex. 6" Water Main - Tapping Sleeve & Valve	1	EA	\$ 5,749.67	\$ 5,749.67	\$ 1,750.00	\$ 1,750.00	
C7	WSACC 01025	Water Service Connection and Meter Assembly, excluding Meter (City to install Meter) - 3/4" Domestic (short side)	2	EA	\$ 1,806.95	\$ 3,613.90	\$ 1,137.00	\$ 2,274.00	
C8	SP-04	Plumbing Permit and Requirements for Reconnecting Water Services	2	EA	\$ 1,038.77	\$ 2,077.54	\$ 150.00	\$ 300.00	
C9	NCDOT 654	Asphalt Plant Mix, Pavement Repair	7	TN	\$ 405.81	\$ 2,840.67	\$ 300.00	\$ 2,100.00	
C10	NCDOT 520	Aggregate Base Course	15	TN	\$ 52.33	\$ 784.95	\$ 55.00	\$ 825.00	
C11	NCDOT 1660	Seeding and Mulching	20	SY	\$ 17.89	\$ 357.80	\$ 2.00	\$ 40.00	
Base Bid Price - Project C only						\$30,849.50	\$30,051.20		
Total Base Bid Price (Project A + Project B + project C)						\$290,481.58	\$226,769.20		
Contingency Allowance (10 % of Base Bid Price)						\$29,048.16	\$22,676.92		
Total Bid Price(Base Bid +Contingency Allowance)						\$319,529.74	\$249,446.12		
Bid Security (5%)						Yes	Yes		
Irregularities (see highlighted areas on form)						None	None		

CERTIFICATION: This is certified to be an accurate tabulation of bids received for the project.



 2-26-2021



Bid Tabulation Sheet Summary
 30 Market St Sewer Relocation 2018-058
 Bids Received March 4, 2021 at 2:00 PM in Conference room C of the BOC

No.	Item NCDOT	Description	Units	QTY.	United of the Carolinas, Inc.		Carolina Siteworks, Inc.		RNF Construction, LLC	
					Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1	800	Mobilization	LS	1	\$23,000.00	\$23,000.00	\$42,735.00	\$42,735.00	\$14,105.00	\$14,105.00
2	SP-05	Comprehensive Grading	LS	1	\$138,000.00	\$138,000.00	\$17,647.00	\$17,647.00	\$8,137.50	\$8,137.50
3	801	Construction Surveying	LS	1	\$4,500.00	\$4,500.00	\$3,846.00	\$3,846.00	\$4,340.00	\$4,340.00
4	SP-01	Traffic Control, provide and maintain all signs	LS	1	\$10,200.00	\$10,200.00	\$4,705.00	\$4,705.00	\$13,562.50	\$13,562.50
5	WSACC 2620	10-inch Restrained DIP Sanitary Sewer Main (14-16 feet)	LF	33	\$200.00	\$6,600.00	\$471.00	\$15,543.00	\$300.00	\$9,900.00
6	WSACC 2628	12-inch PVC Sanitary Sewer Main (14 - 16 feet)	LF	16	\$200.00	\$3,200.00	\$529.00	\$8,464.00	\$200.00	\$3,200.00
7	WSACC 2628	12-inch PVC Sanitary Sewer Main (8 - 10 feet)	LF	42	\$200.00	\$8,400.00	\$471.00	\$19,782.00	\$180.00	\$7,560.00
8	WSACC 2605	5' Dia. Sanitary Sewer Manhole (MH-1) Including Inside Drop	EA	1	\$7,200.00	\$7,200.00	\$15,412.00	\$15,412.00	\$11,000.00	\$11,000.00
9	WSACC 2605	5' Dia. Sanitary Sewer Manhole Extra Depth	LF	9	\$500.00	\$4,500.00	\$471.00	\$4,239.00	\$1,500.00	\$13,500.00
10	WSACC 2605	Tie in into Ex MH A (including inside drop)	EA	1	\$4,320.00	\$4,320.00	\$5,295.00	\$5,295.00	\$8,680.00	\$8,680.00
11	WSACC	Trenchless Crossing <u>in Soil</u> (All Inclusive -24" Casing Pipe, 10" restrained DIP Carrier Pipe)	LF	45	\$1,600.00	\$72,000.00	\$5,027.00	\$226,215.00	\$1,200.00	\$54,000.00
12	WSACC	Trenchless Crossing <u>not in Soil</u> (All Inclusive 24" Casing Pipe, 10" restrained DIP Carrier Pipe)	LF	35	\$1,600.00	\$56,000.00	\$5,027.00	\$175,945.00	\$1,200.00	\$42,000.00
13	WSACC 2605	Tie in into Ex MH C and MH F	EA	2	\$3,400.00	\$6,800.00	\$4,118.00	\$8,236.00	\$5,425.00	\$10,850.00
14	WSACC	Pump Around	LS	1	\$64,000.00	\$64,000.00	\$11,176.00	\$11,176.00	\$15,732.50	\$15,732.50
15	SP-02	Storm Drain Inlet protection	EA	1	\$500.00	\$500.00	\$530.00	\$530.00	\$217.00	\$217.00
16	848	Concrete pavement replacement at City Hall Alley	SY	45	\$71.00	\$3,195.00	\$182.00	\$8,190.00	\$99.82	\$4,491.90
17	848	Concrete Pavement replacement, Carolina Court	SY	225	\$71.00	\$15,975.00	\$115.00	\$25,875.00	\$99.82	\$22,459.50
18	846	2'-6" Concrete Curb and gutter replacement, Carolina Court.	LF	40	\$40.00	\$1,600.00	\$54.00	\$2,160.00	\$65.10	\$2,604.00
19	610	Surface Course 1.5" S9.5B	TON	5	\$150.00	\$750.00	\$308.00	\$1,540.00	\$434.00	\$2,170.00
20	610	Intermediate Course 5.0" I19.0C	TON	7	\$150.00	\$1,050.00	\$308.00	\$2,156.00	\$434.00	\$3,038.00
21	620	Asphalt Binder for Plant Mix	TON	4	\$700.00	\$2,800.00	\$1,077.00	\$4,308.00	\$434.00	\$1,736.00
22	520	8" ABC Base Course	TON	20	\$60.00	\$1,200.00	\$111.00	\$2,220.00	\$81.38	\$1,627.60
23	607	Milling Asphalt Pavement, 0" to 1 1/2" Depth	SY	10	\$90.00	\$900.00	\$31.00	\$310.00	\$271.25	\$2,712.50
24	270	NCDOT 1056 – Geotextile for soil stabilization, Type 4 (Mirafi 500 X or equivalent)	SY	100	\$10.00	\$1,000.00	\$17.65	\$1,765.00	\$2.72	\$272.00
25	SP-03	Select Material	Tons	50	\$48.00	\$2,400.00	\$76.50	\$3,825.00	\$65.10	\$3,255.00
26	SP-04	Remove and replace Carolina Court sign.	LS	1	\$9,000.00	\$9,000.00	\$10,000.00	\$10,000.00	\$3,797.50	\$3,797.50
27	NCDOT 1530	Abandon Existing MH B (Fill with Select Material).	LS	1	\$1,600.00	\$1,600.00	\$5,647.00	\$5,647.00	\$1,302.00	\$1,302.00
28	NCDOT 1530	Abandon existing 10-inch PVC line between MH C And B, and Between MH C and A. (Plug both ends of the pipe with grout)	EA	2	\$1,080.00	\$2,160.00	\$6,471.00	\$12,942.00	\$1,139.25	\$2,278.50
Base Bid Price					\$452,850.00		\$640,708.00		\$268,529.00	
Contingency Allowance (10 % of Base Bid Price)					\$45,285.00		64070.8		26852.9	
Total Bid Price(Base Bid +Contingency Allowance)					\$498,135.00		\$704,778.80		\$295,381.90	
Bid Security (5%)					YES		YES		YES	

CERTIFICATION: This is certified to be an accurate tabulation of bids received for the project.

Emrique A. Blot

3-4-2021

City of Concord, North Carolina
Preliminary Application – Extension of Concord Utilities outside Concord City Limits
(Please type or print in black ink)

1. Name of development: N/A / Single Family Home
2. Name and address of owner(s)/developer(s): Freedom Homes or
CMH Homes Inc. DBA Freedom Homes
3. Owner(s)/developer(s) telephone: (704)-528-7960 Fax: (704)-528-7355
4. Name and address of surveyor/engineer: David Clark (Clark Surveying)
1920 32nd Street NE, Hickory, NC 28601
5. Surveyor/engineer's telephone: (828)-256-6400 Fax: _____
6. Name, telephone and fax number, and address of agent (if any): N/A
7. Name and address of person to whom comments should be sent: Mike Maggio
1124 Charlotte Hwy. Troutman, NC 28166
8. Telephone number of person to whom comments should be sent: (704)-528-7960
Fax: _____
9. Location of property: 258 Litaker Ln: Concord, NC 28025
10. Cabarrus County P.I.N.#: 55390459100000
11. Current zoning classification: MDR
12. Total acres: 1.08 acres Total lots proposed: 1
13. Brief Description of development: Single family off-frame modular home
14. Proposed Construction Schedule Start Date April 2021
15. Type of Service requested City Sewer only. Water source will be Well.

2-19-21
Date


Signature of Owner/Agent

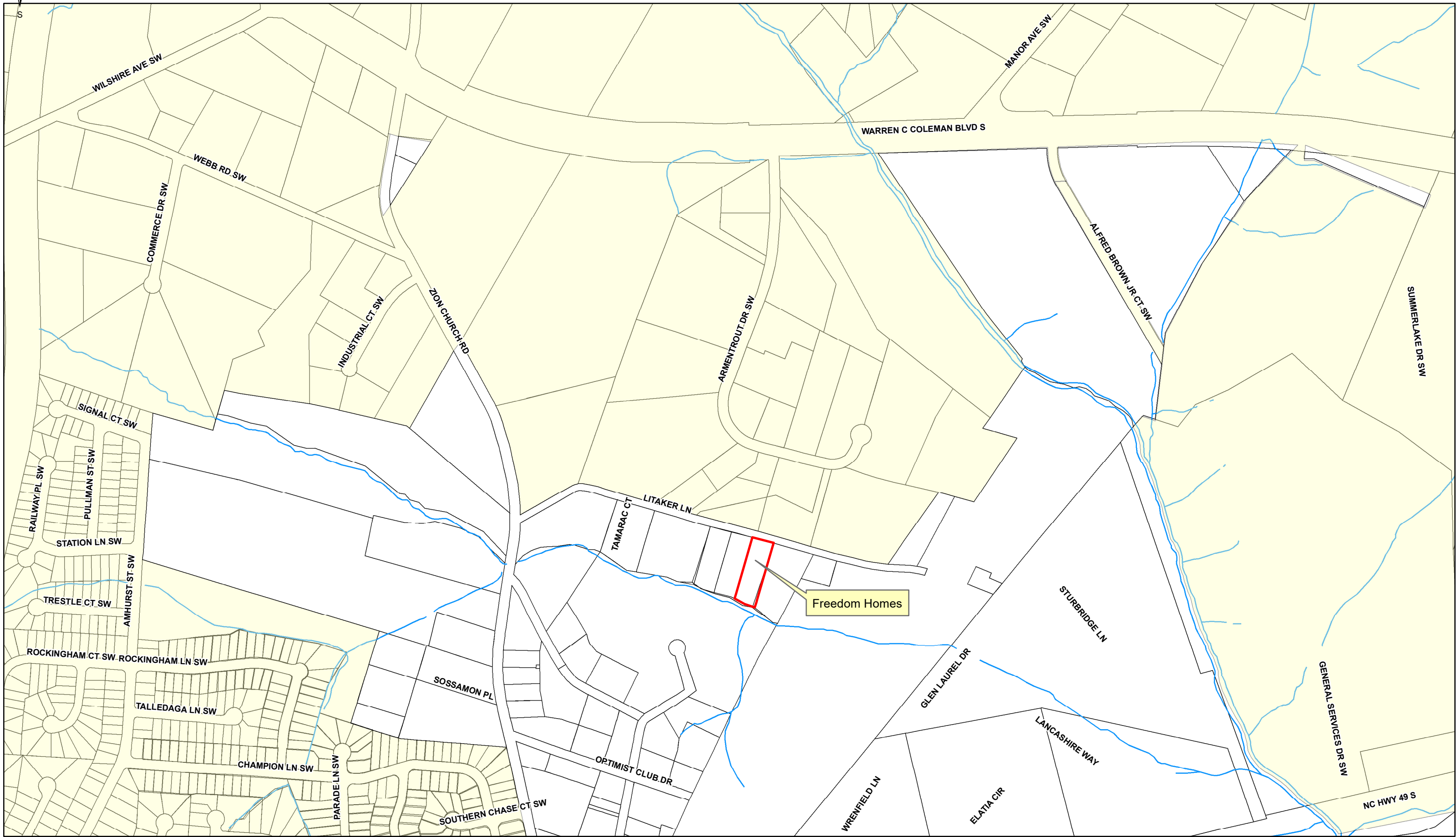
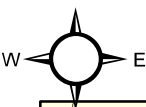
John T. Putnam
Name (printed)

NOTE: By affixing his or her signature hereto, the owner/developer acknowledges understanding of and agreement to comply with all provisions of the Concord City Code section 62.

Staff Use Only:

Received by: _____ Date: _____

Preliminary Application



1 in = 500 ft



CITY OF CONCORD 2021 STATE LEGISLATIVE PRIORITIES

1. “Government closest to the people governs best” – This adage is often attributed to a founding father, either as a direct quote or as symbolic of a philosophy upon which our nation was founded. The City of Concord (Concord) opposes laws that centralize authority in Raleigh and Washington to undermine the ability of local elected officials, those closest and most accessible to the people, to govern. We urge the General Assembly to use this adage as a yard stick when considering legislation that impacts municipalities and replace local governance with dictates from Raleigh.

2. Funding and Control of Local Infrastructure – Concord supports legislation that provides municipalities with the authority to assess the level of fees and charges necessary for the continued growth and economic development in the future.

Concord continues to oppose any effort leading to the forced taking of any local government infrastructure as it sets a dangerous precedent in the State of North Carolina, a precedent that will have a chilling effect on any local government investing in needed infrastructure in the future. Where issues arise, a local solution arrived at by an open, collaborative process is preferable to a legislative directed disposition of local government assets.

3. Local Government Revenues and Tax Reform – If there are continued efforts regarding tax reform, Concord requests the General Assembly make sure any changes impacting local government are at least revenue neutral. There are too many infrastructure and customer service needs that are essential for the growth of the economy and jobs to further reduce revenues to municipal governments.

Concord supports efforts to provide municipalities with additional locally-controlled revenue options. Changes in revenue options, such as the elimination of business license fees, have narrowed the ability of municipalities to respond to local needs beyond increasing property taxes. Other actions, such as providing homebuilders with tax exemptions on property, have eroded the property tax base. More local revenue options are needed to reflect the differences within municipalities across the State to order to provide the flexibility to meet those needs and to replace lost revenues.

Concord continues to oppose efforts to divert local and State revenues from urban counties and supports open dialogue to develop creative ways to help those areas in North Carolina with declining tax bases. Concord urges the General Assembly to develop strategies to promote economic development activity throughout North Carolina rather than trying to divide the State. The idea that you assist areas that may be struggling economically by sending even more of the local revenues generated elsewhere disregards the formulas that already redistribute various types of revenues in North Carolina.

Penalizing those areas that have growing economies to the point it undermines their ability to pay for basic services and infrastructure to support that growth and address issues of urban poverty within their own borders. It will also eventually compromise other State revenues benefiting from that growth, ultimately leading to reductions in State revenue sources. At the same time, Concord pledges to work with other local governments and State representatives to develop strategies to target improvements in those areas that are not growing and have specific needs.

Finally, Concord **opposes any legislation imposing mandated requirements** on municipalities unless full funding or adequate new revenue sources are provided for implementation.

4. Economic Development – Concord urges continued support and expansion of State economic development funding to spur job creation and revenue in low growth areas as well as parts of the state where growth is already helping to produce jobs and revenues to support State services used by all.

5. Planning and Providing Services for Urban Growth – Cities and towns are the economic engines of the state and should be permitted to grow in an orderly and reasonable fashion that does not diminish the quality of life of current and future residents. All North Carolina citizens have gained greatly from strong and healthy urban areas.

Concord opposes state-wide or local bills that will further undermine local land use authority, such as tools within zoning ordinances, to impact development that is or will become urban in nature.

6. Surface Transportation – The current methods of paying for transportation improvements in North Carolina are inadequate to meet future needs. However, it is important that proposed changes in legislation be monitored, local government input be solicited and considered, and that parties work to improve the relationship between the N.C. Department of Transportation and local government.

The gas tax is the North Carolina Department of Transportation's primary source of revenue for building and maintaining our transportation infrastructure across North Carolina and is the source for Powell Bill funding for municipalities. There are millions of dollars of unmet new construction needs in the State, and we are even more concerned about the State having the funds to take care of our investment in existing infrastructure through ongoing maintenance of our roads. Concord supports efforts to make sure North Carolina has revenue to support the schedule for the Concord related improvements outlined in the STIP and to add critical projects as proposed. In addition, Concord supports the recommendations put forth by the NC First Commission to develop new and multiple investment strategies for our State.

7. Air Transportation – Concord encourages the continuation of and growth in funding as airports are vitally important to economic development efforts in our State.

8. Mental Health Needs and Opioid Abuse – Concord supports and advocates for Federal, State, and local efforts to bolster the State's mental health treatment resources, including resources and solutions to lessen the strain on law enforcement officers when providing custody of individuals in crisis.

Concord supports and advocates for efforts at the Federal, State and local levels to develop and provide resources to break the cycle of opioid and heroin abuse that is devastating communities throughout the United States.

9. Collective Bargaining – Concord opposes any effort to change existing laws impacting public employee collective bargaining in North Carolina.

10. Provide for annexation of “donut holes” - In the 2012 annexation reform bill, some legislative leaders intended to allow cities to retain the authority to annex areas completely surrounded by municipal jurisdiction without utilizing the referendum process otherwise required for city-initiated annexations. However, this authority was not preserved in the final version of the bill. Annexation of these areas allows for a continuity of municipal services and eliminates the dangerous confusion between municipalities and the county over responsibility for providing essential services.

11. 2021 NCLM and Metro Mayors Legislative Agendas – In addition, the Concord City Council supports those items listed on the agendas of the North Carolina League of Municipalities and the Metro Mayors not covered in the items above.



2021 Federal Agenda

Mayor
William C. Dusch

Council Member, District 4
JC McKenzie

Council Member, District 1
Andy Langford

Council Member, District 5
Terry Crawford

Council Member, District 2
W. Brian King

Council Member, District 6
Jennifer Parsley

Council Member, District 3
Ella Mae Small

Council Member, District 7
John Sweat, Jr.

Prepared in coordination with The Ferguson Group, LLC

35 CABARRUS AVE. W
CONCORD, NC 28025
(704) 920-5215

2021 Federal Priorities

Transportation	Action Item:
Concord-Padgett Regional Airport	<p>Ensure projects that are included on FAA's Work Plan, like runway widening, maintain priority and funding.</p> <p>Secure discretionary funding for development projects on the north and south ends of the airport.</p> <p>Support full funding for the contract tower program in FY 2022 budget and appropriations.</p> <p>Support contract tower staffing/annuity bill to address growing shortage in qualified air traffic controllers at federal contract towers.</p> <p>Ensure FAA's AIP funds can be used for remote tower operations.</p> <p>Highlight the need to prioritize non-hub airports, which do not collect passenger facility charges (PFCs) yet need to maintain commercial service.</p> <p>Work with TSA to become an approved gateway airport and participating Fixed Based Operator in the TSA's DCA Access Standard Security Program into Washington Reagan National Airport.</p>
Rider Transit	<p>Support increased funding for FTA programs in FAST Act reauthorization and annual appropriations, including formula funds and the Bus and Bus Facilities discretionary grant program.</p> <p>Support efforts to secure discretionary funding for system needs, such as new buses, and funds to implement the City's long-range transportation plan.</p> <p>Assess and support transit options around the light rail, Concord Mills, the speedway, and the airport.</p> <p>Maintain special operations cap (100 bus rule) in FAST Act reauthorization.</p> <p>Pursue change to federal policy that does not allow FTA funds to be used to purchase buses from the General Services Administration; doing so would streamline procurement.</p>

<p>Additional Transportation Priorities</p>	<p>Support continued funding for DOT’s Congestion Mitigation and Air Quality Program, which is used for the City’s intersection projects.</p> <p>Explore opportunities to address sidewalk gaps using federal Transportation Alternatives Program (TAP) and Safe Routes to School funds.</p>
<p>Energy and Environment</p>	<p>Action Item:</p>
<p>Water Infrastructure</p>	<p>Monitor federal funding opportunities for improvements at Hilgrove and Coddle Creek water treatment plants.</p>
<p>Federal Regulations and Policy</p>	<p>Monitor and report on:</p> <ul style="list-style-type: none"> • Changes to EPA/Corps’ "Waters of the US" • EPA's Lead and Copper Rule revisions • Emerging contaminants – PFAS
<p>Brownfields</p>	<p>Review potential brownfield locations and monitor EPA funding opportunities.</p>
<p>Public Safety</p>	<p>Action Item:</p>
<p>Concord Police Department</p>	<p>Monitor funding opportunities for:</p> <ul style="list-style-type: none"> • Law enforcement technology: skytower, mobile field force equipment, mobile vehicle barriers • Two K-9s and related training • Training for de-escalation, simunition, co-responders <p>Monitor and report on police reform initiatives.</p>
<p>Concord Fire Department</p>	<p>Pursue federal assistance for department needs through FEMA’s SAFER Grant Program and Fire Prevention and Safety Grant Program.</p> <p>Support firefighter cancer registry and other health and wellness legislation.</p>
<p>Police and Fire Departments</p>	<p>Monitor funding opportunities to help support the Public Safety Complex, including a driving simulator, indoor firearms range, firearms simulator, and burn tower.</p>

Housing	Action Item:
Housing Department	<p>Pursue federal assistance for department needs, including funds from the following HUD programs: FSS Services Coordinator Grant (awarded), Resident Opportunity and Self Sufficiency Program (awarded), Emergency Safety and Security Grant (pending), Lead-Based Paint Capital Fund Program (not awarded), Supportive Housing for the Elderly (not awarded), and the Family Unification Program through the Housing Choice Voucher Program, Project Safe Neighborhood, and Good Neighbor Next Door (no applications in 2020 for last three programs).</p> <p>Support HUD VASH Program and continued efforts to secure VASH vouchers working with the VA hospital in Salisbury (secured 12).</p>

Parks and Recreation	Action Item:
Future Park Sites	Pursue federal assistance to secure land for future park site.
Open Space and Connectivity Plan	Pursue federal assistance to implement parts of the City's Open Space and Connectivity Plan – greenways, trails, sidewalks, bike lanes.

Other Priorities	Action Item:
COVID-19 Legislation	<p>When/if Congress considers another COVID-19 bill that includes funding for state and local governments, the city of Concord supports direct and flexible funding to all units of local government.</p> <p>Monitor and report on employer/employee benefits in future legislation.</p>
Municipal Financing	The city of Concord supports preservation of tax-exempt municipal bonds and the reinstatement of advance refunding.
Opportunity Zones	Monitor and report on additional federal guidance or updates to the Department of Treasury's Opportunity Zones, including any changes to investment terms to coincide with banks (standard bank financing is 5-6 year terms; OZs have 10-year investment criteria).

Official Travel

Travel by a Board member on official business for the City of Concord ABC Board must be approved by two other members of the Board. Travel by the General Manager on official ABC Business must be approved by the Chairman. The General Manager may approve travel for staff who are required to travel on official business.

Transportation expenses for the use of private vehicles on official business shall be reimbursed based on the commonly traveled route consistent with the authorized purpose of the trip. The mileage rate used for reimbursement shall be determined by the Board.

Rental cars may be used by employees authorized for official travel if it will result in a lesser expense or in a substantial savings in time and the use of a rental car is approved in advance. Advance reservations should be made whenever possible and a compact or economy model requested. The traveler is responsible for obtaining the best available rate commensurate with the requirements of the trip. A receipt must be provided for the reimbursement of expenses for rental cars.

Incidental travel expenses such as parking fees, tolls, and baggage handling tips are reimbursable at actual cost.

Transportation tickets for common carriers will be fully reimbursed to travelers (including taxes and any other fees) if they are procured in advance in order to obtain any discounts offered by the carrier. Coach class or any discounted class airfare must be used in the interest of economy. If an employee wishes to upgrade common carrier accommodations for personal reasons, reimbursement will be limited to the lowest published fare for the date of travel. A receipt for common carrier fares must be provided.

Conference registration fees and conference related meal fees will be fully reimbursed. A receipt for these expenses must be provided.

A meal allowance of forty dollars (\$40.00) per day will be provided to each person traveling a minimum of fifty miles one-way on official Concord ABC Business for more than twelve consecutive hours in that day.

Hotel/motel expenses are reimbursable at actual cost (including taxes and any mandatory fees), and must be substantiated by a receipt. If an individual, by choice, stays at a hotel/motel other than the conference site, allowable room expenses shall not exceed the costs at the conference site. Any charges incurred by a spouse or other person(s) traveling with the individual on official travel are not reimbursable.

Telephone calls pertaining to official Concord ABC business are reimbursable. Other fees incurred for official business are also fully reimbursable (e.g., use of copying machine, sending a fax, etc.)

Travelers with physical disabilities who must use specially equipped or modified vehicles or facilities may claim reimbursement for the expenses incurred by them. The traveler must certify in a statement submitted with the Travel Expense Voucher that her or she incurred higher operating costs. The actual fixed and variable costs must be specified in the statement. (E.g., usual airport limo to hotel \$7.00. My use of special transportation \$12.00)

Upon the completion of official travel, expense claims should be submitted promptly by the traveler – normally within 15 days.

Travel expenses for a Board member for official travel may be reimbursed upon approval by two other Board members. Travel expenses for the General Manager for official travel may be reimbursed upon approval of the Chairman. Travel expenses for all other employees of the Concord ABC Board for official travel may be reimbursed upon approval by the General Manager.

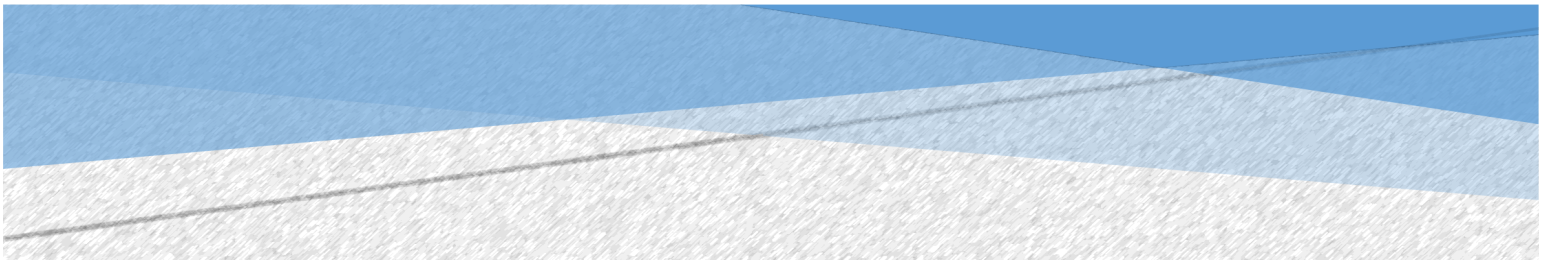
Travel in excess of established policy must receive prior approval of the appointing authority (City of Concord). If approval is granted it must be documented and attached to the actual travel receipt.

This policy has been adopted by the City of Concord ABC Board and conforms to the City of Concord travel policy.

This is the _____ day of _____, 20_____

City of Concord Representative

Chairman Concord ABC Board



UNMANNED AERIAL SYSTEMS
POLICY MANUAL

2021

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Definitions/Abbreviations

ACT – Air Traffic Control
AGL – Above Ground Level
FAA – Federal Aviation Administration.
MSL – Mean Sea Level
UAS – Unmanned Aerial System.
VFR – Visual Flight Rules

Purpose

This manual is intended to promote safe, efficient and lawful operation of the City of Concord’s unmanned aerial system (UAS). Safety, above all else, is the primary concern in each and every operation, regardless of the nature of the mission.

Mission Statement

The mission of the Concord UAS is to protect the lives and property of citizens and first responders in a constitutionally and legally sound manner. The UAS can be utilized in circumstances which would save life and property, inspection, scene management as well as being able to detect dangers that could not otherwise be seen.

UAS use is growing rapidly but had it been previously available during emergencies, it would have had a large impact on all aspects of emergency response. UAS’ can support any department in any type of situation that would benefit from an aerial perspective or in environments extremely hazardous to responders. Examples include, finding missing persons, traffic management, search and rescue operations, structural fire ground support, hazardous materials incidents, and examination of dangerous structures, hostage situations as well as any task that can best be accomplished from the air in an efficient and effective manner.

The management of the UAS operations will utilize the National Incident Management System. It shall be the responsibility of every UAS Team to make reasonable effort not to invade a person’s reasonable expectation of privacy when operating the UAS. When operating the UAS, the City of Concord will abide by all FAA Regulations for flight and receive the proper authorization for flight. During criminal investigations, the need, availability and use of the UAS will not supersede the issuance of a warrant when needed.

Organization and Assignment of Responsibilities

A UAS Operations Group will be established for the City’s UAS program and shall be comprised of the Emergency Management Coordinator and those personnel approved by the Police Chief, Fire Chief and Infrastructure Departments. Personnel include pilots and observers and others deemed necessary such as IT personnel, and have assignment as part of the UAS Unit.

The UAS Unit Leader (pilot) is responsible for the supervision and command of the UAS unit on a mission.

During a deployment the UAS will function as a TEAM within the ICS Structure.

UAS Coordinator (Emergency Management)

- Approve or deny UAS requests.
- Maintain all training, flight and maintenance records for each pilot and observer as well as the UAS airframe.
- Maintain contact with the FAA and regulations as they change.
- Evaluate airframe(s) based on mission needs.
- Maintain proficiency on all UAS operated by the unit.
- Periodic review of UAS Operations and logs.

UAS Team Leader (Pilot)

- Team Leaders must maintain a UAS Remote Pilots Certification.
- Maintain a North Carolina Department of Transportation UAS Operator's Permit.
- Team Leaders interacting with Air Traffic Control (ATC) shall have sufficient expertise to perform that task readily. Operators (leader/observer) must have an understanding of, and comply with FAA and Military Regulations applicable to the airspace where the UAS will operate.
- A Team Leader's primary duty is the safe and effective operation of the Concord UAS in accordance with the manufacturers' approved flight manual, FAA regulations and city policy and procedures. Operators must maintain certain knowledge of all FAA regulations; UAS manufacturer's flight manual and bulletins and City policy and procedures.
- Team Leaders may be temporarily removed from all flight status at any time by their representative department, for reasons including performance, proficiency, physical condition, etc... If this becomes necessary, the Unit Leader will be notified both verbally and in writing of the reason, further action to be taken and expected duration of such removal.
- The UAS Coordinator shall maintain a file for each Team Leader (Pilot), which shall include copies of FAA certifications, training records, etc. This file will be reviewed in accordance with current city policy.

Observers

- An observer's primary duty is to operate the UAS's equipment including cameras, FLIR, radio communications with patrol units as well as be an observer for anything that may affect the Leader's primary duty (see and avoid).

Safety Officer-UAS Observer

In regards to safety, the UAS Observer functions as the Unit Safety Officer and is responsible for the following:

- Ensuring all flight operations personnel understand applicable regulatory requirements, standards and organizational safety policies and procedures.
- Observe and control safety systems by monitoring all operations.
- Review standards and the practices of individual department personnel as they impact operational safety.
- Communicate all reported safety related problems and the corrective action taken to the on-scene safety officer. If there were any in-flight problems (or learned experiences), the proper procedures for handling that problem should be discussed.

- Notify Command of all pertinent safety information.
- It is emphasized again that safety is the responsibility of ALL members of the UAS unit.

Personnel Responsibilities for Deployments

Team Leader (pilot)

- The Team Leader is directly responsible for, and is the final authority over the actual operation of the UAS.
- Leaders have absolute authority to reject a flight based on personnel safety or violation of FAA regulations. No member of any department, regardless of rank, shall order a Leader to conduct a flight when, in the opinion of the Leader, it poses a risk to personnel or is in violation of FAA regulations.
- Leaders are responsible for compliance with this manual, City policy and procedure, State and Federal regulations.
- The Leader's main duty is to operate the UAS safely while accomplishing the goals of the mission.
- Leaders shall see-and-avoid any obstacle that will lessen safety during the mission.
- Leaders shall be responsive to the requests of the observer in order to accomplish the deployment.

Observer

- Observers shall see-and-avoid any obstacle that will lessen safety during the mission.
- Observers shall operate any attachments to the UAS, allowing the Leader to maintain complete focus on the operation of the UAS.
- Observers shall remain alert for suspicious persons or activities on the ground and coordinate response by ground units.
- Observers shall monitor the radio updates.
- Observers shall assist the Leader in the main objective of safe operations of the UAS.

Personal Protective Equipment

- a. All personnel shall wear eye protection while the UAS is in flight, if the environment poses a threat to eye safety or obstruction of vision (i.e. dusty or loose material that could be disturbed by UAS rotors).
- b. Although there is no specific uniform for the UAS unit or required for proper operation of the UAS, the leader/observer will take necessary measures to deploy in a professional manner and take into consideration that all deployments are subject to public document requests and media may be present.
- c. Leaders/observers will wear a high visibility vest to allow easy identification of the Team on-scene.
- d. Leaders/observers will take into consideration the current weather conditions when planning to deploy, and wear appropriate clothing to deploy comfortably.
- e. There are no documented issues with the use of the radio or cellular phones during the deployment of the UAS, but the leader/observer should at all time take into consideration safe operation of the UAS when using the radio or another device.
- f. Leaders/observers shall wear clothing that easily identifies them as employees of the City of Concord. (Exception: during law enforcement sensitive operations)

Facilities

- The UAS will be housed and maintained at Concord Police Department Headquarters.
- Personnel will not leave the designated facility without making sure the UAS equipment is secured.
- All personnel are equally responsible for maintaining the UAS in a neat, clean and orderly fashion.

Scheduling

- To facilitate the broad use of the UAS, it shall be made available to all Fire, Police and infrastructure personnel;
- At no time will the UAS be “loaned” to another agency.

Miscellaneous

- Inquiries from the news media will be forwarded to the Public Affairs and Projects Manager.
- Leaders/Observers shall follow currently established City and individual department policy regarding interactions and inquiries from the media.
- Requests for support from other government agencies within, or outside the City of Concord will be responded to by the UAS Coordinator for consideration. Should the request involve an immediate threat to life, or property, the department is authorized to accept or decline the request. Proper policy and procedure, as well as FAA regulations shall be followed when accepting mutual aid support for the UAS.
- At no time will the UAS unit be deployed without the UAS Team.
- Complaints or inquiries regarding UAS operations shall be referred to the UAS Coordinator and appropriate Department.
- Leaders/Observers who deploy or are contacted outside of their normal work hours shall be compensated per City policy.

CONCEPT OF OPERATIONS

Protection of Rights and Privacy

- During UAS Operations, the pilot and observer will have safety, the protection of citizens civil rights and reasonable expectations of privacy as a key component during any decision made to deploy the UAS. UAS pilots and observers will ensure and will be held accountable for ensuring that operations of the UAS intrude to a minimal extent upon the citizens of Concord. To accomplish this primary goal we will:
 - Maintain all video and still images in strict compliance with City policies and procedures;
 - The UAS will not conduct random surveillance activities. The use of the UAS will be tightly controlled and regulated.
- Examples of authorized UAS missions are:
 - Video/photographs for investigative support, (CPD/CFD);
 - Mapping
 - Facility or other inspections
 - Traffic management
 - HazMat Response

- Search and Rescue
 - Barricaded Persons
 - Scene documentation
 - Inspections of public infrastructure
 - Structure fire support
 - Disaster response
 - Training
 - Inspections of hazardous structures
 - SWAT Operations
- All requested uses will be approved by either of the following designated officials:
 - Emergency Management Coordinator
 - Assistant City Manager(s)
 - Fire Chief
 - Police Chief
 - The UAS Coordinator (Emergency Management) will present all proposed policy and procedure changes to the City Council, legal and City Administration, as well as applicable City Department Directors and will solicit feedback prior to making any policy changes.
 - The Concord UAS program will operate strictly within the law and regulations. Each mission will be balanced with the need to accomplish the mission while maintaining public privacy and the freedom from intrusion without jeopardizing the UAS primary mission of protecting life.

Request for UAS Support

1. Emergency Management must be notified of the deployment of the UAS
2. For scheduled UAS missions, requests will be by email to the Emergency Management Division.
3. Requests for UAS mission can made at any time during the day or night.
4. In all cases, emergency requests involving public safety will override all scheduled and non-emergency requests.
5. No unauthorized flights are permitted. Each department utilizing the UAS is responsible for adhering to the UAS Policy Manual.

Call-Out Procedures

All UAS missions will be screened and authorized by either of the following:

- a. Emergency Management Coordinator
- b. Assistant City Manager(s)
- c. Fire Chief
- d. Police Chief

Requests will be screened using the following factors:

1. Is the proposed use of the UAS within the capabilities of the UAS equipment and personnel to perform?
2. Does the proposed use of the UAS fall within the FAA and department policies and regulations for UAS usage?
3. Can the UAS be deployed safely given current weather conditions?
4. If the UAS deployment requires a warrant has one been requested and approved?
5. Are sufficient trained and qualified personnel available to safely operate the UAS?

UAS Authorization will either be accepted or declined based on the request for UAS support and current conditions. If the request is denied the denying official will provide a reason for declining the support mission.

The requesting department is responsible for transporting the UAS and all required equipment to the scene. Upon arrival at the scene the leader/observer will make contact with the Incident Commander to obtain a briefing on the mission requested. The UAS Leader will make an on scene determination of the ability to perform the mission; can the requested mission be conducted safely and within the City's and FAA's policies and procedures.

If the UAS Leader determines that the use of the UAS would violate department policy or directives then the UAS Leader will inform the Incident Commander of the potential conflict along with recommendations for modifying the requested mission to conform to the City policies and procedures. As this is a change from the original approved mission the UAS Leader will contact the UAS unit chain of command for direction on how to proceed. As soon as possible after the completion of the mission, the UAS Leader will make a full report of the circumstances and their concern through the chain of command.

UAS Leaders will have sole discretion for declaring safety or violation of FAA rules. If the UAS Leader determines that a requested mission would violate FAA rules or endanger civilians, then the UAS Leader will respectfully inform the Incident Commander of the reasons for refusing to operate the UAS and contact the UAS chain of command immediately. The UAS will not be flown in this circumstance and the authority of the UAS Leader is absolute.

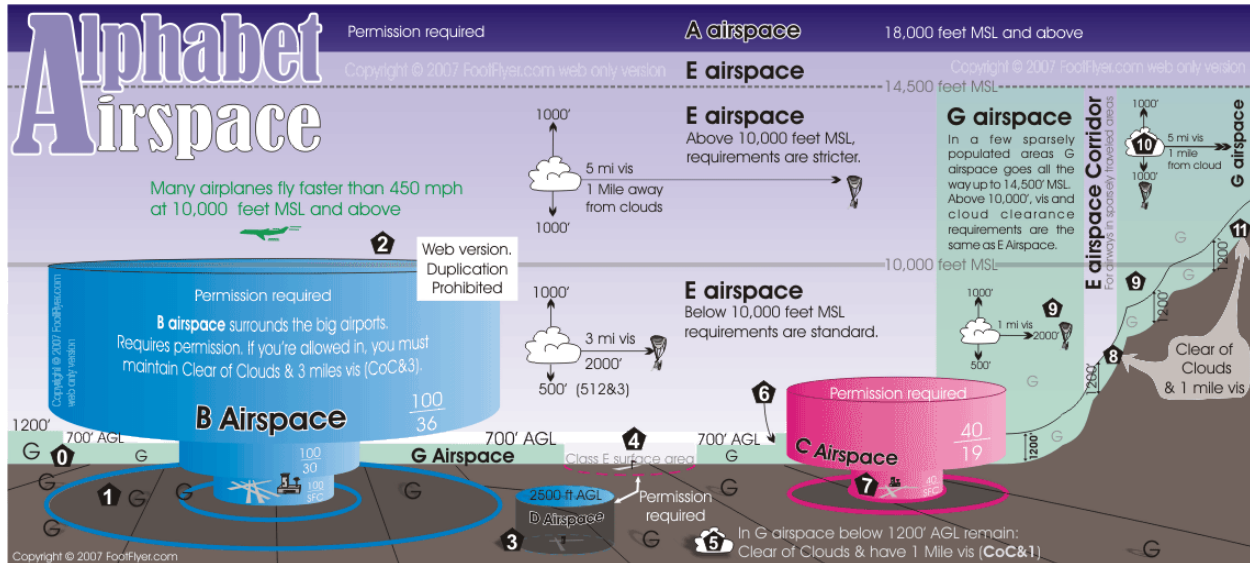
If the UAS Leader determines that the requested mission will potentially damage the UAS or its associated equipment the UAS Leader will inform the Incident Commander of their concerns. If the Incident Commander orders the UAS Leader to conduct the mission, the Leader will contact the UAS unit chain of command as this is a deviation of the originally approved mission.

Deployment Priorities

- If several separate requests for UAS support are received simultaneously, they shall be prioritized.
- In general terms, requests for UAS support are prioritized as:
 1. Life Safety
 2. Property Conservation
 3. Incident stabilization
 4. Evidence and Documentation

Basic Operational Requirements

- All mission 30 minutes after official sunset and until 30 minutes before sunrise will require operation of anti-collision lights;
- Visual observation by the pilot/observer must be maintained at all times.
- No attachments will be added that increase the unit weight including payload above 55 lbs.
- Unless a public safety function, the UAS cannot be flown over crowds;
- A pre-flight check will be conducted of the UAS before each operation.



Flight Boundaries

- Minimum visibility is three miles from your operational position;
- Maximum altitude is 400 feet above the ground (AGL) or if the UAS remains within 400 feet of a structure (such as checking a water tower);
- Although there may be requests for UAS support outside the City of Concord, the unit will not be “loaned” and will require the deployment of a UAS Team.
- At no time shall UAS support be granted outside the City of Concord without permission of the Emergency Management Coordinator or Assistant City Manager(s).

Minimum Personnel Requirements

- All leaders will possess a Remote Pilot Airman Certificate and have obtained a North Carolina UAS Operator’s Permit;
- To be considered for selection as an observer, applicants are not required to possess a Remote Pilot Airman Certificate.
- Observers must have been provided with sufficient training to communicate clearly to the Leader any turning instructions required to stay clear of conflicting traffic. Observers should receive training on rules and responsibilities described in:
 - 14 CFR 91.111, Operating Near Other Aircraft,
 - 14 CFR 91.13, Right-of-Way Rules, cloud clearance, in-flight visibility, and
 - The pilot controller glossary including standard ATC phraseology and communication.

- Due to the nature of the missions, the minimum personnel required on **ALL** mission will be a Unit Leader and Observer. Under no circumstances will a Leader attempt a deployment alone, unless an exigent circumstance presents itself (i.e. Life Safety).
- Although training is not considered a mission, an observer shall be used.

Pre-Flight/Post-Flight Actions

Inspections

- a. Leaders/Observers are both responsible for a thorough preflight inspection of the UAS.
- b. Before and after each deployment (whether an incident or training), the Leader and observer shall conduct a thorough inspection of the UAS in accordance with the instructions contained in the manufactures user's manual.
- c. Any issues found that will put in jeopardy the safe operation of the UAS shall be documented and resolved immediately prior to flight.
- d. It has been recognized that the use of a checklist is a significant method to combat UAS accidents. A pre-flight and post-flight checklist is contained with the UAS and will be utilized prior to each flight.
- e. Any physical equipment issue that cannot be resolved on-site, and which have an impact on safety or the mission, will override the deployment. These issues will be resolved before flight.

Weather

- a. Before each deployment the leader/observer will ensure that he/she gathers enough information to make themselves familiar with the weather situation existing throughout the area of deployment. The Leader shall utilize FAA approved weather resources to obtain the latest and most current weather conditions.
- b. Leaders/Observers should use the Beaufort scale when making deployment decisions in regards to wind conditions. An example of the Beaufort Scale is on the following page.
- c. The weather conditions reported for the operation shall be recorded in the flight log.
- d. The Leader shall ensure that the flight will occur within FAA VFR weather requirements.

Beaufort Wind Scale

Beaufort Number
(Force)

Wind Speed
(mph)

0

under 1

1

1-3

2

4-7

3

8-12

4

13-18

5

19-24

Effects observed on land.



Chimney smoke rises straight up



Smoke drifts gently



Leaves rustle, wind felt on face



Leaves & twigs on trees move



Dust & paper blow on the ground



Small trees start to sway

Documentation

- a. After each flight, the Leader will update flight information accordingly in the Drone Sense Flight Software.
- b. After each deployment, all photos or video obtained by a law enforcement UAS Operation will be submitted to evidence in accordance with department policy.
- c. Aerial photography (still or video) shall be stored in accordance with City Policy.
- d. The Leader of the UAS is responsible for evidence handling as well as writing any supporting documentation for the incident.

Planning

- a. The leader/observer shall familiarize themselves with all available information concerning the deployment including, but not limited to, the weather conditions, hazards, description of the incident, deployment goals, etc.
- b. The Team will ensure that the location for take-off and emergency landing is adequate for a safe deployment.
 - a. The take-off/landing location should be clearly marked and identifiable with electric flares or short cones.
 - b. At least one emergency landing area should be identified per deployment.
- c. The Team will ensure that they are aware of their surroundings in the event that an emergency landing is necessary. This includes the ability to recover the UAS.

Checklists

- a) The Team shall utilize the checklists to ensure the highest level of safety for deployment.
- b) Prior to flight, the flight log shall be initiated.

Maintenance

- a) If any software updates are required, the pilot that notices the update message is responsible for updating the UAS and/or Ipads appropriately.
- b) Although there are a few parts on the UAS that need servicing, it is necessary that the manufacturer's maintenance schedule is followed and properly documented.
- c) Any issues that arise during maintenance that cannot be resolved by routine methods shall be forwarded to the manufacturer for further technical support.

Other

- a) At the conclusion of each mission, the responsible pilot is to ensure that all batteries are completely charged and that the UAS is ready to be deployed if requested.
- b) The UAS Team will ensure that no items are attached to the UAS prior to flight that are not required for safe operation and to complete the mission goal.

Law Enforcement Operations

Law enforcement operations are governed by North Carolina Statute. Use of a UAS is allowed for the following missions:

1. To counter a high risk of a terrorist attack by a specific individual or organization if the Secretary of Homeland Security or the Secretary of the N.C. Department of Public Safety determines that credible intelligence indicates that the risk exists.
2. To conduct surveillance in an area that is within a law enforcement officer's plain view when the officer is in a location he or she has a legal right to be.
3. If the law enforcement agency first obtains a search warrant authorizing the use of a UAS.
4. If the law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life or serious damage to property, to prevent the imminent escape of a suspect or the destruction of evidence, to pursue an escapee or suspect, or to facilitate the search for a missing person.
5. To photograph gatherings to which the general public is invited on public or private land.

ADMINISTRATION

Safety

- The City of Concord is committed to having a safe and healthy workplace, including:
 - The ongoing pursuit of an accident free workplace, including no harm to people, no damage to equipment, the environment and property.
 - A culture of open reporting of all safety hazards in which management will not initiate disciplinary action against any personnel who, in good faith, disclose a hazard or safety occurrence due to unintentional conduct.
 - Support for safety training and awareness programs.
 - Conducting regular audits of safety policies, procedures and practices.
 - Monitoring the UAS community to ensure best safety practices are incorporated into the organization.
- It is the duty of every member within the UAS unit to contribute to the goal of continued safe operations. This contribution may come in many forms and includes always operating in the safest manner practicable and "*never taking unnecessary risks*". Any safety hazard, whether procedural, operational or maintenance related should be identified as soon as possible after, if not before, an incident occurs, Any suggestions in the interest of safety should be made to the UAS unit Chain of Command.
- If any member observes, or has knowledge, of an unsafe or dangerous act committed by another member, the UAS Coordinator and/or City Risk Manager is to be notified immediately so that corrective action may be taken.
- The UAS Coordinator will report any accident to the FAA within 10 days if it results in serious injury to any person or any loss of consciousness, or it causes damage to any property (other than the UAS) in excess of \$500 to repair or replace the property (whichever is lower).

- Accidents will be reported through the FAA online portal at <http://www.faa.gov/uas> or by contacting the Charlotte FAA Flight Standards District Office.

Incident Investigations and Hazard Report

Accident reporting and review provide a mechanism to report accidents and take correct actions to the UAS program.

- Any accident or incident involving UAS operations will follow current accident reporting policies of the City of Concord.
- All accidents will be reported to the FAA within 10 days of any operations that results in serious injury, loss of consciousness, or property damage (other than the UAS) of at least \$500.
- Hazards noted during a UAS operation, real or perceived, will be reported as soon as possible to the UAS Coordinator for investigation.
- A hazard is something that has potential to cause harm. The systematic identification and control of all hazards associated with UAS operations is a foundation to the programs safety.
- A written memorandum fully explaining the problem (hazard) will be given to the UAS Coordinator.
- Every hazard will be investigated, with the results and corrective action taken communicated to all members.
- The investigation of the hazard will include a representative of the department reporting the hazard, IT, or other party who has the technical skills necessary to do it. This may include an independent subject matter expert, in some cases, to assure a thorough and complete investigation.
- Hazards requiring immediate attention will be brought to the attention of the UAS Leader without delay. This may result in the termination of the current mission or further UAS missions until the hazard can be resolved.
- **ALL MEMBERS ARE AUTHORIZED TO TAKE ACTION TO CORRECT A HAZARD** if, in that member's opinion delay will result in an injury. The UAS unit chain of command will be immediately notified in such situations.

Operations Manual

- The policies and procedures contained within this manual are issued by authority of the City Manager. As such it is an official document of the City of Concord.
- The manual is not intended to be all-inclusive, but as a supplement to other department guidelines, FAA regulations, aircraft manufacturers' approved flight manual, etc....
- Manual has been written to address UAS operations as they existed when it was drafted. Equipment, personnel, environmental (internal/external) etc....change over time. The management of change involves a systematic approach to monitoring organizations change and is critical part of the risk management process. Given this, it is essential that this manual be continually updated as necessary. The entire manual will be reviewed at a minimum, annually, to assure it is up to date. Any changes to the manual will be communicated as currently dictated by City policy.
- A copy of the manual (electronic/paper) will be issued to every person having UAS responsibilities.

Training

Instructors

1. If any members are FAA certified flight instructors, they may be requested to fulfill instructor duties. If those members accept, such duties can include developing training courses, provide training and student evaluation and documentation.
2. Duties of instructing new members shall fall upon those who have the most flight time and knowledge of UAS operations. Instructors will be designated by those within the unit and approved by the UAS Coordinator.
3. Initial instruction may be provided by the vendor of the UAS.

Training Plans

1. All members will have a training plan on file that outlines training objectives for the upcoming year. This file will reside in the individual members department.
2. All deployments or exercises will be documented and count toward a member's training.
3. It is the member's responsibility to keep track of their individual training hours and verify their training file contains all pertinent information.

Scheduled Training

1. For scheduled UAS missions/demonstrations, requests will be by email to the Emergency Management Division or placed on the UAS Training Calendar.
2. Training prioritization:
 - a. All missions will supersede training.
 - b. All training request will superseded demonstrations.
 - c. Training is based on a first come basis.
 - d. At times situations may arise where circumstances dictate a need for a specific training on a specific date or to supplement a mission request. If this is in conflict with a previous training request, the requesting entity will submit a detailed request for evaluation to emergency management.

Initial Training

1. Upon acceptance to the UAS unit, member shall possess a Remote Pilot Airman Certificate and a North Carolina UAS Operator's permit.
2. Observers must have completed sufficient training to communicate to the pilot any instructions required to remain clear of conflicting traffic. This training should include knowledge of the rules and responsibilities described in:
 - 14 CFR 91.111, *Operating Near Other Aircraft*;
 - 14 CFR 91.113, *Right-of-Way Rules: Except Water Operations*; and
 - 14CFR 91.155, *Basic VFR Weather Minimums*;
 - knowledge of air traffic and radio communications, including the use of approved ATC/pilot phraseology; and
 - Knowledge of appropriate sections of the *Aeronautical Information Manual*.
3. In conjunction with fulfilling all FAA requirements for operator/observer duties, the new member will also become familiar with the City's UAS operations, the aircraft and its equipment.
4. Any new member who fails to successfully complete the initial training may be denied as a member of the UAS unit.

5. Before a member can fly as a Leader, they must complete at least 4 hours of flight training with the UAS instructors to show proficiency of the flight training exercises and the airframe.
6. Initial UAS flight training and familiarization may be provided by the vendor.
7. This must be accomplished to show their ability and knowledge of the UAS.
8. All leaders/observers shall have completed basic incident command system training.
9. The UAS Coordinator (Emergency Management) has the authority to adjust initial flight training hour requirements at their discretion.

Recurrent Training

1. All members within the unit shall maintain proficiency in their leader/observer abilities.
2. Recurrent training is not limited to actual operating/observer skills but includes knowledge of all pertinent UAS/aviation matters.
3. Failure to prove proficiency can result in removal from UAS responsibilities.
4. All training events should be documented in the Drone Sense Flight Software.

Miscellaneous

1. Depending on the nature of the training request, all efforts will be made to accommodate the hours of training so as little impact as possible is made to staffing levels.
2. All requests for training shall be approved through the member's chain of command and timekeeping during those training hours will be marked by the member's supervisor.
3. Members are encouraged to attend, and forward information on FAA sponsored safety seminars and may do so while on-duty with the approval of their chain of command.
4. Unless approval is obtaining in writing in advance, overtime will not be authorized for training.
5. Training shall only be conducted at approved locations and follow City and Departmental Guidance.

References

- North Carolina General Statutes
 - Chapter 15A – Criminal Procedures
 - 15A-300.1 Restrictions on use of UAS
 - 15A-300.2 Regulation of launch and recovery sites
 - Chapter 14 – Criminal Law
 - 14-7.45 Crimes committed by use of UAS
 - 14.280.3 Interference with manned aircraft by UAS
 - 14.401.24 Unlawful possession and use of UAS (Weapon Attached)
 - 14.401.25 Unlawful distribution of images
 - Chapter 113 - Conservation and Development
 - 113.295 Unlawful harassment of persons taking wildlife resources
 - Chapter 63 – Aeronautics
 - 63-75 Training required for Operations of UAS
 - 63-95 License required for commercial operations of UAS
- North Carolina Department of Transportation
 - Division of Aviation <https://www.ncdot.gov/aviation/uas/about/>
- Federal Aviation Administration
 - FAA Part 107 Small UAS Rule – Effective August 29, 2016
 - FAA Advisory Circular, Small Unmanned Aircraft Systems (UAS), 06/21/16
 - Part 49 – Registration and Marking Requirements for Small Unmanned Aircraft.

Checklist

Environment

	Check for people, animals, property in the flight vicinity
	Discuss flight plan with observer
	First/Aid available, stocked, readily accessible and visible to anyone in the area

UAS/Equipment

	Aircraft (AC) and Remote Controller (RC) batteries fully charged
	Tablet fully charged
	Portable Radio for communicating with on-scene operations ON, properly charged, with back up batteries
	Ensure SD card has free space and is inserted into the camera
	Check if flight location is in No-Fly Zone (Check here: airmap.io)
	Check for NOTAMs and Temporary Flight Restrictions (TFRs) (FAA.gov/notamSearch)
	Check Weather:
	Precipitation less than 5 – 10%
	Winds under 20 kts.
	Check Sunrise, Sunset, Moonrise, Moonset

Flights Operations

	Operations will be below 400 ft. AGL
	Operations will be with visual line of sight (no visual aids)
	Operations will not be over large groups of people, stadiums, and sports events.
	Operations will not take place within 5 miles of an airport w/o contacting air traffic control
	Operations will not be near other aircraft
	Operational area is free of overhead obstructions
	Confirm flight plan with observer.

Location On-Site Check

	Check flying area free of overhead obstructions Wires, low flying AC, trees, tall buildings Antennas that may interfere with compass and GPS reception
	Weather meets conditions Winds under 20 kts (23 MPH or 10 meters per second) Clouds above 500' (152M) Visibility for 1 statute mile
	Confirm flight plan with observer.

Physical Aircraft Check

	Motors clear of Foreign Object Debris (FOD)
	Check propellers for any melting, misshapen, or cracks

Remote Controller Check

	Antennas oriented properly
	Check battery level of RC for minimum 75%

Chapter 62 - WATER AND WASTEWATER UTILITIES⁽¹⁾

Footnotes:

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Editor's note— Ord. No. 04-17, § 1, adopted March 11, 2004, repealed and restated ch. 62 in its entirety. Formerly, said chapter pertained to similar subject matter. See the Code Comparative Table for a detailed analysis of inclusion.

ARTICLE I. - IN GENERAL

Sec. 62-1. - Introduction and purpose.

The purpose of this chapter is to provide rules and standards for the distribution of potable water provided by the city, the collection of wastewater by the city, and the extension of the water and sewer utilities infrastructure. A separate ordinance entitled "utility policies and procedures" contains the rules and requirements for the provision of all utilities, including water distribution and wastewater collection to consumers. For information on establishing or terminating existing utility services, billing, and the rights and responsibilities of customers, please refer to the "utility policies and procedures." The "utility policies and procedures" are incorporated herein by reference as if printed in this chapter. The specific rates and charges are stated in the budget ordinance, which is adopted annually by the city council. Other federal and state statutes and regulations incorporated in this chapter by reference are cited below at the section of this chapter to which they apply.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-2. - Definitions.

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this chapter.

Act and *the Act* mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Air gap means unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water from any source to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An approved air gap separation shall be at least two times the diameter of the supply pipe. In no case shall the air gap separation be less than one inch. An approved air gap separation is an effective method to prevent backflow and shall be considered as a backflow prevention assembly.

Alliance. The Public Health Authority of Cabarrus County d.b.a. Cabarrus Health Alliance.

Application means the most recent version of the appropriate form provided by the city, upon which utility services or other city approvals may be required.

Approval authority. The Director of the Division of Water Quality of the North Carolina Department of Environment and Natural Resources or his designee.

Area of consideration means any area adjacent to the municipal limit of the city that is being considered for annexation, as delineated in the city's latest adopted five-year annexation plan.

Atmospheric vacuum breaker means a device not subject to static line pressure used to prevent backsiphonage.

Authorized representative of the industrial user:

(1) If the industrial user is a corporation, an authorized representative means:

- a. The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the industrial user is a partnership or sole proprietorship, an authorized representative means a general partner or the proprietor, respectively.
 - (3) If the industrial user is a federal, state, or local government facility, an authorized representative means a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or their designee.
 - (4) The individuals described in subsections (1)—(3) may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to WSACC.

Back pressure means any elevation of pressure in the downstream piping system caused by pumps, elevation of piping, or steam and/or air pressure above the supply pressure at the point of consideration, which would cause a reversal of the normal direction of flow.

Backflow means any reverse flow of water, gas, or any other liquid substance or combination into the city utilities water system from any source due to an unprotected cross connection.

Backflow prevention administrator means an employee of the city designated by the director of water resources to administer and enforce the provisions of section 62-161.

Backflow prevention assembly, approved, means an assembly that has been investigated and approved by the backflow prevention administrator and has been approved to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA), or the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California.

Backsiphonage means a reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees Celsius; usually expressed as a concentration (milligrams per liter).

Boundaries of WSACC or service area. The service area includes the county and that portion of the City of Kannapolis located within Rowan County.

Building means any structure or part of a structure built for the separate shelter or enclosure of persons, animals, chattels, or property of any kind and which has enclosing walls for at least 50 percent of its perimeter. Each unit separated from other units by a four-hour firewall shall be considered as a separate building.

Building drain means that portion of the horizontal piping of a drainage system that receives waste from inside the building and conveys it to the building sewer that begins ten feet outside the building wall.

Building sewer means that part of the horizontal piping of a drainage system that receives the discharge from a single building drain and conveys it directly to a public wastewater collection system.

Bypass means the intentional diversion of water stream around a water meter or wastewater stream around a sewer meter or any portion of a treatment facility.

Categorical standard and *National categorical pretreatment standard* mean any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Sections 307(b) and (c) of the Act (33 USC 1347) which applies to a specific category of industrial users and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-through 471.

Certified tester means any individual person who has proven his competency to test, repair, and overhaul backflow prevention assemblies. This person must hold a certificate of completion from a certified training program in the testing and repair of backflow prevention assemblies and cross connection control.

Chemical oxygen demand (COD) means the quantity of equivalent oxygen utilized in the chemical oxidation of organic matter as measured by standard laboratory methods as set out in this chapter, expressed in parts per million.

Chemical toilets means the structures used to collect human wastes at mass gatherings, construction sites, and labor work camps that do not discharge to a wastewater collection system.

City means and includes the City of Concord, its departments, entities, agents, and employees.

City of Concord Director of Engineering or director of engineering means the administrator of the engineering department duly appointed by the city manager of the city pursuant to NCGS 160A-148(1). This term shall also include any designee of the director of engineering. Notice of a change in the position of director of engineering; shall be given to state DEQ. Either the director of engineering or a designee shall be licensed pursuant to G.S. Ch. 89C.

City planner shall mean the City of Concord Director of Planning and Community Development.

Collection system shall mean pipelines or conduits, pumping stations, specialized modes of conveyance, and appliances appurtenant thereto, used for conveying wastewater to a point of ultimate disposal.

Color means the true color due to substances in solution which cause any variation in the hue of the receiving stream and is expressed in parts per million.

Concord utility(ies) means the city's water resources department and the city's wastewater resources (sewer) department singularly or collectively and/or those facilities owned and maintained by the city for the purpose of providing potable water and/or sanitary sewer services.

Concord means the City of Concord, a state municipal corporation, which includes the "Concord Utilities" as defined above.

Consumer or customer mean any person using or receiving service from city utilities.

Containment means the prevention of backflow from a private water system by an approved, properly-functioning backflow prevention assembly which is installed, operated, and maintained in accordance with the provisions of section 62-161.

Contaminant means any concentration of a physical, chemical, biological, or radiological matter in water that exceeds the state's water quality standards.

Contamination means an impairment of the quality of the water to a degree, which creates an actual hazard to the public health through poisoning or through the spread of disease.

Control authority. Refers to the POTW organization if the POTW organization's pretreatment program approval has not been withdrawn.

Cooling water means the water discharged from any use such as air conditioning, cooling, or refrigeration during which the only pollutant added to the water is heat.

Cross connection means any actual or potential connection or piping arrangement between a public and/or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluids, gas, or substance which could be harmful or hazardous to the potable water system. Cross connection includes connection of tankers and other mobile storage devices to valves, including but not limited to fire hydrants.

Developed property means property developed to its highest and best permitted use according to the development (zoning) ordinance applicable to the property. For example a 12,000-square-foot lot zoned RM-2 in the city containing a single family residence is "developed" for the purposes of this chapter.

Developer means any person, firm, partnership, joint venture, association, corporation, group, or organization who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a development. The owner of land proposed to be subdivided or developed or its authorized agent who is responsible for any undertaking that requires review and/or approval.

Developer contract means a document used for the purposes of obligating a developer to adhere to the development standards and conditions of the city if the developer utilizes either water or sewer service from the city, regardless of the development's location.

Development means any portion of land that is altered so that it becomes suitable for construction or the act of making a portion of land suitable for construction.

- (1) *Commercial development* means any portion of land that is being altered for a use other than industrial or residential purposes, relating to the retail or wholesale of products or services provided with the intent for monetary gain.
- (2) *Industrial development* means any portion of land that is being altered for a use other than commercial or residential purposes, relating to any manufacturing or processing with the intent for monetary gain.
- (3) *Residential development* means any portion of land being altered so that it is suitable for a residence or a residential subdivision.

Domestic wastes means liquid wastes from the noncommercial preparation, cooking, and handling of food; or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

Double check valve assembly means an assembly composed of two single, independently-acting, approved check valves, including tightly-closing shutoff valves located at each end of the device and suitable connections for testing the water tightness of each check valve.

Drainage area or *watershed* mean an entire area contributing surface runoff to a single point as set forth in 15A N.C.A.C. 2H.1002.

Dual check valve means a device composed of two single, independently-acting, approved check valves.

Dwelling means any building which contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or which are occupied for living purposes as set forth in the North Carolina State Building Code, Vol. 1, 201.1 and Vol. VII, 202.

Easement(s) or *right(s)-of-way* mean an affirmative easement that is a portion of land granted or conveyed by deeded property owner(s) for a specified purpose and use by the general public, the city, a corporation, or specific persons. The entity that is granted an easement or to whom an easement is conveyed, even though not the deeded land owner, is entitled to a specific, irrevocable, limited use or enjoyment.

Engineer means a professional engineer licensed pursuant to G.S. Ch. 89C.

Environmental Protection Agency (EPA) means the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of such agency.

Executive director means the chief administrative officer of control authority or his/her delegate.

Extension means any publicly- or privately-owned attachment to the city utilities system that has the potential to distribute potable water to or receive wastewater from one or more service lines.

Force majeure means a superior or irresistible force outside of human control such as flood, fire, earthquake, lightning and similar natural occurrences. Also referred to as "Acts of God."

Grab sample means a sample that is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

Hazard, degree, means the evaluation of a hazard within a private water system as moderate or high.

Hazard, high, means an actual or potential threat of contamination to the city utilities water system or to a customer's potable water system that could cause serious illness or death.

Hazard, imminent, means an actual threat of contamination to the city utilities water system that could cause serious illness or death.

Hazard, moderate, means an actual or potential threat of damage to the physical components comprising the city utilities water system or a customer's potable water system, or of pollution to the city utilities water system or to a customer's potable water system.

Hearing authority. The WSACC Executive Director, WSACC Attorney, and facilities director or duly appointed deputies, agents or representatives thereof.

Holding tank waste means any waste from holding tanks including, but not limited to, such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Immediate oxygen demand (IOD) means the quantity of oxygen utilized by an industrial waste in excess of that normally attributable to sewage as measured by using standard laboratory methods, as set out in this chapter, expressed in parts per million.

Impervious surface means any artificially created surface which cannot be penetrated by water or which causes water to run off the surface including streets, driveways, sidewalks, and rooftops.

Indirect discharge or *Discharge* means the discharge or the introduction from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act, (33 USC 1317), into the POTW, including holding tank waste discharged into the system.

Industrial user mean any person who is a source of indirect discharge.

Industrial waste means the liquid and waterborne pollutants resulting from processes or operations employed in industrial establishments.

Infiltration means the water entering a sewer system including sewer service connections from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

Inflow means the water discharged into a sewer system including service connections from such sources as, but not limited to, roof leaders, cellars, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catchbasins, stormwaters, surface runoff, street washwaters, or drainage. Inflow does not include, and is distinguished from, infiltration.

Insignificant industrial user means a facility that discharges non-domestic wastewater into a publicly-owned treatment works and does not meet the criteria of a significant industrial user.

Interceptor means a main or line that receives wastewater from several different collection mains and outfall lines.

Interference means the inhibition or disruption of the POTW collection system, operations, or its sludge process, use, or disposal that causes or contributes to a violation of any requirement of the POTW's Control Authority's NPDES, collection system, or non-discharge permit or prevents sewage sludge use or disposal in compliance with specified applicable state and federal statutes, regulations, or permits. This definition includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 USC 6901 et seq.), the Clean Air Act, the Toxic Substances

Control Act, the Marine Protection Research and Sanctuary Act (MPRSA), or more stringent than state criteria, including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA, applicable to the method of disposal or use employed by the POTW.

Irrigation system means any device or combination of devices having a hose, pipe, or other conduit installed in the landscape which transmits water from the city utilities to residential or commercial lawns, landscapes or green space.

Lateral shall mean a conduit conveying water or wastewater that extends from the water distribution or wastewater collection main(s) to and including the water meter, water meter box, corporation stop, and cleanout at the end of the sewer service line, in addition to all associated appurtenances.

Local permit. A permit issued by WSACC allowing wastewater discharge into the POTW pursuant to requirements in this ordinance for users that do not meet the criteria of an SIU or propose to discharge pump and haul wastes.

Lot shall mean a single parcel of land described by metes and bounds recognized as a separate legal entity for purposes of transfer of title with boundaries that have been established by some legal instrument such as a recorded deed, deed of trust, or a recorded map.

Maximum daily discharge means the total concentration or mass of a pollutant discharged from all production periods during a 24-hour calendar day.

Medical waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

N.C. DEQ or DEQ means the North Carolina Department of Environmental Quality.

National pollutant discharge elimination system (NPDES) means the permit issued pursuant to Section 402 of the Act (33 USC 1342), or pursuant to G.S. § 143-215.1 by the state under delegation from EPA.

National prohibitive discharge standard or prohibitive discharge standard means the absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 62-191 and are developed under the authority of Section 307(b) of the Act and 40 CFR 403.5.

New source means:

- (1) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with Section 307(c), provided that the building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with Section 307(c), provided that:
 - a. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - b. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site where an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1) a. or b. but otherwise alters, replaces, or adds to existing process or production equipment.

- (3) For purposes of this definition, construction of a new source has commenced if the owner or operator has:
- a. Begun, or caused to begin, as part of a continuous on-site construction program:
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities necessary for the replacement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Nitrogen as ammonia means the initial product in the decomposition of nitrogenous organic matter as measured by using standard laboratory methods, as set out in this chapter, expressed in mg/l.

Non-contact cooling water or wastewater. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Non-discharge permit means a permit issued by the state pursuant to G.S. § 143-215.1(d) for a waste which is not discharged directly to surface waters of the state or for a wastewater treatment works which does not discharge directly to surface waters of the state.

Non-domestic wastewater sewage means the liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments, as distinct from domestic wastes.

Oversized main means a main extension that, because of estimated future demands or other reasons, is larger than required for serving the immediate demand of the adjacent property.

Owner means any person, agent, firm, or corporation having a legal equitable interest in the property.

Parcel means an area of land defined by a legal description and recorded with the register of deeds.

Pass-through means a discharge that exits the POTW into waters of the state in quantities or concentrations which, alone or within discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the control authority's NPDES, collection system, or non-discharge permit or a downstream water quality standard even if not included in the permit.

Permit means a written permission issued by a person or persons in authority, empowering the grantee to do some act not forbidden by law, but not allowable without such authority.

Person means any individual, group of individuals, firm, partnership, co-partnership, association, corporation, joint stock company, trust, estate, governmental entity, limited liability company or partnership, legal representative, or other recognized legal entity.

pH means a measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base ten) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution. A pH value of 7.0 is neutral, above 7.0 is alkaline and below 7.0 is acid.

Plan, engineering. Plans submitted as required in order to obtain a water and/or sewer extension permit. Engineering plans may also be referred to as "construction plans" in this ordinance and the unified development ordinance.

Pollutant means any waste as defined in G.S. § 143-213(13) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, metals, BOD, COD, toxicity, and odor).

Pollutant of concern (POC). Any pollutant which might reasonably be expected to be discharged to the POTW in quantities which could pass through or interfere with the POTW, contaminate the sludge, or jeopardize any POTW worker's health and/or safety.

Pollution means an impairment of the quality of the water to a degree that does not create an actual hazard to the public health, but does adversely and unreasonably affect such water for domestic use.

Potable water means water from any source that has been approved for human consumption by the appropriate agency of the state, city and/or local health agencies.

POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater.

Pretreatment or treatment mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, and biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard, and/or except as prohibited by 40 CFR Part 403.6(d).

Pretreatment program means the program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the authority in compliance with 40 CFR 403.8 and approved by the state in accordance with 40 CFR 403.11.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

Pretreatment standards means the prohibited discharge standards, categorical pretreatment standards, or local limits which applies to an industrial user.

Pressure vacuum breaker means an assembly suitable for continuous pressure, to be used to provide protection against backsiphonage.

Private water system means any water system located on the customer's premises, whether supplied by public potable water or an auxiliary water supply, which serves less than 15 service connections or regularly serves less than an average of 25 individuals daily at least 60 days out of the year and does not require permitting from the city. The system or systems may be either a potable water system or an industrial piping system.

Process wastewater means any water that during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Properly shredded garbage means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public water system means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances of such system serves at least 15 service connections or regularly serves an average of 25 individuals daily at least 60 days out of the year. Such term includes any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system.

Publicly owned treatment works (POTW) means a treatment works as defined by Section 212 of the Act, (33 USC 1292). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this chapter, the term POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the county who are, by contract or agreement with the owner of the POTW, or in any other way, users of the POTW.

Rain sensor means an electric device that measures rainfall and will override the irrigation cycle of the irrigation system, thus turning the system off when a predetermined amount of rain has fallen.

Reduced pressure zone assembly means an approved, properly-functioning assembly containing two, independently-acting check valves with a hydraulically-operating, mechanically-independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly must include properly located test cocks and tightly closing shutoff valves at each end of the assembly. This assembly is designed to protect against a high hazard.

Residential unit means each dwelling separately owned, sold, or leased, regardless if the unit is metered individually or if the residential development is master-metered. Residential units include but are not limited to every apartment unit, both units of a duplex, single-family home, and mobile homes.

Sanitary sewer means a sewer intended to receive domestic sewage and industrial waste, except that of type expressly prohibited by this chapter, without the admixture of surface water and stormwater.

Septage and *septic tank sludge* mean the liquid and/or solids from septic tanks which contain no wastewater other than domestic.

Service area means the area inside the city's municipal limits and an area outside the city's municipal limits established for planning purposes that is used for utility alignment and sizing, and the determination of utility cost comparisons with other governmental units.

Service connection means the terminal end of a lateral from the public potable water system or wastewater collection system, i.e., the point where ownership and maintenance responsibility shifts from the utility provider to the customer.

Service line shall mean a conduit conveying water or wastewater that extends from a structure served with water or sewer service to the water meter, water meter box, corporation stop or cleanout at the end of the lateral, in addition to all associated appurtenances.

Severe property damage means substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Sewage shall mean any liquid and solid human waste and liquid waste generated by domestic water-using fixtures and appliances from any residence, place of business, or place of public assembly. Sewage does not include wastewater that is totally or partially industrial in nature, or any other wastewater not considered to be domestic in nature.

Sewer collection main or *sewer collection line* shall mean any portion of the collection system with the primary purpose of receiving flow from the customers' service lines and conveying it to a sewer outfall line or interceptor main.

Sewer outfall main or *sewer outfall line* shall mean any portion of the collection system with the primary purpose of receiving flow from collection mains and conveying the contents to an interceptor main or pump station for transmission to a treatment facility.

Sewer system shall mean collection system.

Significant industrial user (SIU) means an industrial user that discharges non-domestic wastewater into a POTW and that:

- (1) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewaters); or
- (2) Contributes process wastewater which makes up five percent or more of the NPDES or non-discharge permitted flow limit or five percent or more of the maximum allowable headworks loading of the POTW treatment plant for any POTW pollutant of concern; or
- (3) Is subject to categorical pretreatment standards under 40 CFR Part 403.6 and 40 CFR chapter I, Subchapter N, Parts 405-471; or
- (4) Is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation, or for violating any pretreatment standard or requirement, or for contributing to violations of the POTW's effluent

limitations and conditions in its NPDES or non-discharge permit, or for limiting the POTW's sludge disposal options.

- (5) Subject to division approval under 15A N.C.A.C. 02H .0907(b), the control authority may determine that an industrial user meeting the criteria in subsections (1) and (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirement, the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for limiting the POTW's sludge disposal options, and thus is not a significant industrial user.
- (6) Subject to division approval under 15A NC ADC 02H.0907, the control authority may determine that an industrial user meeting the criteria in subsection (3) meets the requirements of 40 CFR Part 403.3(v)(2) and thus is a non-significant categorical industrial user.
- (7) Subject to division approval under 15A N.C.A.C. 02H .0907(b), the control authority may determine that an industrial user meeting the criteria in subsections (1), (2) or (3) meets the requirements of 40 CFR Part 403.12(e)(3) and thus is a middle tier significant industrial user. Sampling and inspection requirements may be cut in half as per 40 CFR Parts 403.8(f)(2)(v)(C).and 403.12 (e)(3).

Significant noncompliance or *SNC*, or *reportable noncompliance* mean a status of noncompliance defined as follows: The status of noncompliance of a significant industrial user when one or more of the following criteria are met. Additionally, any industrial user which meets the criteria in Subparagraph (b)(35), Parts (C), (D), or (H) shall also be SNC.

- (1) *Violations of wastewater discharge limits.*
 - a. *Chronic violations.* 66 percent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);
 - b. *Technical review criteria (TRC) violations*, defined here as those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l) multiplied by the applicable TRC; (TRC = 1.4 for BOD, TSS, fats, oil and grease, 1.2 for all other pollutants (except flow and pH);
 - c. Any other violations of an effluent limit (average or daily maximum) that the POTW owner believes has caused, alone, or in combination with other discharges, interference or pass-through; or endangered the health of the sewage treatment plant personnel or the public. Any other violation of a pretreatment standard or requirement as defined by 40 CFR Part 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority and/or POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 - d. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge. Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health, welfare or to the environment or has resulted in either the control authority's or the POTW's, if different from the control authority, exercise of its emergency authority under 40 CFR Part 403.8(f)(1)(vi)(B) and Section [8.1(e)] of this SUO to halt or prevent such a discharge;
- (2) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

- (3) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports, and periodic compliance reports within 45 days from the due date.
- (4) Failure to accurately report noncompliance.
- (5) Any other violation or group of violations that control authority and/or POTW determines will adversely affect the operation or implementation of the local pretreatment program.

Slug load means any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in sections 62-191 and/or 62-192.

Specifications means the material and construction standards for a specific project, including the standard specifications adopted and revised by the city and the water and sewer authority of the county.

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Subdivision means the division of one parcel of land into more than one parcel of land as defined in G.S. § 160A-376.

Suspended solids means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and is removable by laboratory filtering.

Unpolluted water means water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Used water means any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

Utilities means services and facilities provided by public agencies such as electrical, water (domestic and irrigation), wastewater disposal, and drainage systems.

Wastewater means the liquid and water carrying industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, contributed into or permitted to enter the POTW.

Water and Sewer Authority of Cabarrus County (WSACC) means the entity previously established by the local governments in the county to do the following:

- (1) Operate and maintain a regional interceptor sewer system,
- (2) Operate and maintain a regional wastewater treatment plant, and
- (3) Provide wholesale wastewater treatment for all publicly owned and operated wastewater collection systems within the county.

Water distribution main or water distribution line mean a main with a minimum diameter of two inches but less than 12 inches in diameter with the primary purpose of supplying potable water to consumers.

Water emergency means any condition or situation that threatens the safety or supply of either treated or potable water within the water supply, treatment and distribution systems of the city or within the systems of the municipal, commercial, and industrial customers. Determination of whether specific

situations are considered to be water emergencies shall be made by the city manager or his designee after consultation with the director of water resources. Water emergency situations shall include, but are not limited to, drought, or periods of insufficient raw water supply, and fires of a magnitude, such that system integrity is threatened.

Water purveyor means owner or operator of a public potable water system providing an approved water supply to the public.

Water supply, auxiliary, means any water supply on or available to the customer's premises other than the purveyor's approved public potable water supply. The auxiliary water may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, etc., and used or objectionable.

Water supply, unapproved, means any water supply that has not been approved for human consumption by any governmental authority having jurisdiction.

Water system or *water distribution system* mean and include the network of pipes, valves, hydrants, meters, and related appurtenances used to distribute potable water within the city's utility service area, but does not include pumps, storage tanks, treatment devices, wells or other facilities. The express intent of the city council is that this definition be interpreted to be the same as the definitions contained within G.S. § 130A-317(d) and 15A N.C.A.C. 18C.1801 or any subsequent successor legislation.

Water transmission main or *water transmission line* shall mean a main 12 inches or greater in diameter with the primary purpose of transporting water from a public water supply source to water distribution mains in an area with a potable water demand.

Waters of the state means all streams, rivers, brooks, swamps, sounds, tidal estuaries, bays, creeks, lakes, waterways, reservoirs, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion of the state.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 05-13, § 8, 3-10-2005; Ord. No. 08-93, § 1, 9-11-2008; Ord. No. 12-122, § 1, 12-13-2012)

Cross reference— Definitions generally, § 1-2.

Sec. 62-3. - Abbreviations.

The following abbreviations, when used in this ordinance shall have the designated meanings:

BOD means biochemical oxygen demand.

CFR means Code of Federal Regulations.

COD means chemical oxygen demand.

EPA means Environmental Protection Agency.

gpd means gallons per day.

mgd means million gallons per day.

mg/l means milligrams per liter.

N.C.A.C. means North Carolina Administrative Code.

NCDEQ means North Carolina Department of Environment and Natural Resources.

N.C.G.S. means North Carolina General Statutes.

NH₃ means nitrogen ammonia.

NOV means notice of violation.

NPDES means National Pollution Discharge Elimination System.

O&M means operation and maintenance.

POTW means publicly-owned treatment works.

RCRA means Resource Conservation and Recovery Act.

SIC means Standard Industrial Classification.

SIU means significant industrial user.

SWDA means Solid Waste Disposal Act, 42 U.S.C. 6701, et. seq.

TSS means total suspended solids.

USC means United States Code.

Cross reference— Definitions generally, § 1-2.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 12-122, § 2, 12-13-2012)

Cross reference— Definitions generally, § 1-2.

Sec. 62-4. - Service inside the municipal limits.

Potable water and wastewater collection services shall be provided to customers inside the City limits pursuant to a contract executed by the customer and the City. Services shall be provided according to the rules and standards established by the appropriate governing authorities, including the governments of the United States, the State of North Carolina, and the City of Concord.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-5. - Service outside the municipal limits.

Potable water and wastewater collection services shall be provided to customers outside the City limits pursuant to a contract executed by the customer and the City. Services shall be provided according to the rules and standards established by the appropriate governing authorities, including the governments of the United States, the State of North Carolina, and the City of Concord. Extensions of the water and wastewater infrastructures shall be in accordance with article III below, pursuant to an approved contract.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-6. - Service to other local units of governments.

Potable water and wastewater collection services shall be provided to other local governments pursuant to a contract executed by the local government and the City. Services shall be provided according to the rules and standards established by the appropriate governing authorities, including the governments of the United States, the State of North Carolina, and the City of Concord.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-7. - Service to other public utilities.

- (a) Water may only be sold to systems permitted by the State of North Carolina. Wastewater may only be accepted from systems permitted by the State of North Carolina. Utilities not owned by a local unit of government shall adhere to all regulations of the North Carolina Utilities Commission. Each system shall provide the City with a copy of an active, state-issued system identification number and permit, a copy of the operator's license number, the operator's level of certification, contact information, and execute a holds-harmless/indemnification agreement with the City.
- (b) A water meter shall be installed to separate the City's water system from the water system of the other public utility. The water meter is the point of demarcation between Concord Utilities and the other public water system.
- (c) The utility desiring service shall pay all applicable costs for the installation of a meter and backflow prevention device as specified by sections 62-35, 62-88, 62-98 and 62-161 of this chapter and/or as specified in the annual adopted budget ordinance and/or in the "utilities policies and procedures" (Ord. No. 97-15 or latest amendment thereto).

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-8. - Unauthorized uses of the water and wastewater utilities and associated facilities—
Procedures and penalties for violations.

- (a) *Procedures for notices of violation.* The following procedure shall apply to all violations of this chapter, unless otherwise stated in the following sections of this chapter.
 - (1) A written notice must be presented to any customer/person who has been found to be in violation of any part of this chapter.
 - (2) Such notice must explain the violation and give the time period within which the violation must be corrected. The time period set to correct a violation shall not exceed 30 days after receiving notice, unless otherwise specified in this chapter. If the violation has been determined by the City Manager or his designee to be an imminent hazard, the customer shall be required to correct the violation immediately.
 - (3) If a customer is found in violation of this chapter and fails to correct the violation in a timely manner or to pay any civil penalty or expense assessed under this section, utility service may be terminated.
- (b) *Penalties—Civil.* Each violation of this chapter is a separate violation subject to the established fine. Each day a violation continues is a separate occurrence. All violations of this chapter are subject to the civil penalty specified in the Code of Ordinances section 1-6. Civil penalties may be recovered as debts.
- (c) *Penalties—Criminal.* All violations of this chapter are subject to a criminal penalty of \$500.00 per occurrence in the nature of a misdemeanor unless a greater penalty is described in this chapter. Each violation of this chapter is a separate violation subject to the established fine. Each day a violation continues is a separate occurrence.
- (d) *Acts specifically prohibited.* No unauthorized person shall tamper with, work on, or in any way alter or damage any of Concord Utilities' water or wastewater facilities. The following acts not listed elsewhere in this chapter are specifically prohibited.
 - (1) *Unauthorized use of hydrants and valves.* No person shall unlock any hydrant, turn any water cock or valve and thereby cause the water to escape from any standpipe, hydrant, or other part of Concord Utilities, except any person(s) acting by order of the City Manager, or to any

person in charge of Concord Utilities or officer of the City or, in case of fire or practice, to any member of the fire and life safety department.

- (2) *Climbing waterworks elevated storage tank.* No person other than a bona fide employee of the City shall climb or attempt to climb up the elevated storage tank of Concord Utilities.
- (3) *Bypasses.* No person shall bypass any metering points or treatment process without the written consent from Concord Utilities.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-9. - Additional applicable regulatory agencies.

All properties in Cabarrus County shall be governed by the requirements of the U.S. Environmental Protection Agency, N.C. Department of Health and Human Services, N.C. Department of Environmental Quality, Cabarrus County, and the sewer use ordinance of the Water and Sewer Authority of Cabarrus County.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-10. - Conflicts in regulatory requirements.

In the event of a conflict between federal, state, and local regulatory requirements, the stricter standard shall control. The City's Director of Engineering shall initially determine any dispute regarding the controlling standard. Decisions of the Director of Engineering may be appealed in writing to the City Manager within 30 days.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-11. - Ownership and control of concord utilities properties.

All water and sewer facilities and appurtenances installed by or accepted by Concord Utilities shall become and remain the sole property of the City of Concord including, but not limited to, all meters, meter boxes, laterals, pipes, and appurtenances. The City reserves the right to alter and improve water and sewer facilities as needed. If the City suspects that deficiencies in a customer's service line or separately-owned system are endangering the welfare of the public, the City may take whatever action is necessary to protect the welfare of the public.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-12. - Infrastructure reimbursement agreements.

- (a) Pursuant to G.S. 160A-499 this section authorizes and sets forth the procedures and terms under which the city may approve reimbursement agreements with private developers and property owners for the design and construction of municipal infrastructure that is included on the city's capital improvement plan and serves the developer or property owner. For the purpose of this section, municipal infrastructure includes, without limitation, water mains, sanitary sewer lines, lift stations, stormwater lines, streets, curb and gutter, sidewalks, traffic control devices, and other associated facilities.
- (b) The city manager, or designee, is authorized to negotiate municipal infrastructure reimbursement agreements with private developers and property owners pursuant to this section. In negotiating such agreements, the city manager, or designee, shall determine that:

- (1) The cost to the city will not exceed the estimated cost of providing for the municipal infrastructure through either eligible force account qualified labor or through a public contract let pursuant to G.S. 143-128 et seq.; or
- (2) The coordination of separately constructed municipal infrastructure with the associated private development would be impracticable.

City approval authority for agreements under this section shall be governed by general city contracting authorizations and delegations.

- (c) Such reimbursements, if any, may be paid from any lawful source if approved by the city council.
- (d) A municipal infrastructure reimbursement agreement approved pursuant to this section shall not be subject to G.S. Ch. 143, Art. 8 unless the award of a contract for work would have required competitive bidding if the contract had been awarded by the city. If the city would have been required to follow G.S. Ch. 143, Art. 8, then the developer or property owner is required to comply with the requirements of G.S. Ch. 143, Art. 8.
- (e) A municipal infrastructure reimbursement agreement approved pursuant to this section shall require the private developer or property owner party to comply with all of the city's rules, regulations and ordinances and be current on all debts, fees or taxes owed to the city.

(Ord. No. 07-11, § 4, 2-8-2007)

Secs. 62-13—62-30. - Reserved.

ARTICLE II. - WATER AND SEWER SERVICE

Sec. 62-31. - Required connection.

- (a) Except as provided in subsection (e) on developed property, it shall be unlawful to use or maintain any residential buildings or commercial establishments in the city that are located on a lot abutting on the city water line, such residences or establishments being not more than 200 feet from the water line, unless such residences or establishments are connected with the water line.
- (b) On developed property, it shall be unlawful to use or maintain any residential buildings or commercial establishments in the city that are located on a lot abutting on the city sewer line, such residences or establishments being not more than 200 feet from the sewer line, unless such building is provided with plumbing connected with the sewer, provided that water is available from the city mains within 200 feet of the residences or establishments.
- (c) Applicants requesting sewer service shall be required to connect to both the wastewater collection system and the water distribution system if water service is available, except where connection to the city sewer line is required by subsection (b) but not required by subsection (a).
- (d) All properties in the city not included under this subsection shall be governed by the requirements of the state departments of health and human services and environment and natural resources.
- (e) Effective August 1, 2016, any property owner receiving a permit pursuant to G.S. 97-97.2(a) or (b) shall not be required to connect to the public water system for so long as the permitted private drinking water well remains compliant and in use, except that subsection (a) may apply in any of the following situations:
 - (1) The private drinking water well serving the property has failed and cannot be repaired.
 - (2) The property is located in an area where the drinking water removed by the private drinking water well is contaminated or likely to become contaminated due to nearby contamination.
 - (3) The city is being assisted by the local government commission.

- (4) The city is in the process of expanding or repairing the public water system and is actively making progress to having water lines installed directly available to provide water service to that property within the 24 months of the time the property owner applies for the private drinking water well permit.
- (f) Nothing in this section 62-31 shall be construed to prevent any owner of developed or undeveloped property from voluntarily requesting connection to a city water or sewer line.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 16-24, §§ 1, 2, 3-10-2016)

Sec. 62-32. - Application process.

Requests for water and sewer service shall be made on the appropriate contract provided by the City. Applications shall be completed in accordance with the "utility policies and procedures" Concord Ordinance No. 97-15 and the procedures established by the customer service division and shall be submitted directly to the customer service division during regular business hours.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-33. - Plumbing permits.

- (a) *Activities requiring a permit.* No person shall receive water or sewer service from the Concord Utilities System, unless such person shall have applied for and shall have received from the appropriate permitting agency a plumbing permit and shall have complied with such conditions, if any, as are prescribed by such permit. Activities prohibited without a plumbing permit include the connection of plumbing not owned by the City to the Concord Utilities System.
- (b) *Application requirements.* Applications and application procedures for plumbing permits shall be obtained from Cabarrus County.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-34. - Service connection requirements.

- (a) The following shall be provided for every lot and/or parcel served by the Concord Utilities Systems:
 - (1) A separate water lateral, water meter, and water service line for each building, and
 - (2) A separate sewer lateral and cleanout at the edge of the public right-of-way, and wastewater service line for each individually deeded lot.
- (b) No persons shall make or cause to be made connections to any plumbing fixture; drain; waste, soil, or vent pipe; or water supply system in connection therewith, without first obtaining permission from the City Manager or his/her designee. Such connection shall be made under the supervision of the engineering department, or Concord Utilities Departments as designated by the City Manager.
- (c) Upon the approval of Concord Utilities, irrigation meters shall be available for water used exclusively for irrigation. Water that passes through the irrigation meter shall not be used for any purpose other than irrigation and shall not enter the wastewater collection system.
- (d) If a lot requires multiple water meters (e.g., to serve apartments, condominiums, commercial/industrial process water, etc), the charges in the City's most recently adopted budget ordinance shall apply for each meter. The charge for lots with multiple meters shall equal the cost of one meter times the number of meters provided. No discount shall apply.
- (e) If a lot requires multiple sewer laterals (e.g., to serve apartments, condominiums, commercial/industrial process water, etc), the charges in the City's most recently adopted budget

ordinance shall apply for each lateral. The charge for lots with multiple laterals shall equal the cost of one lateral times the number of laterals provided. No discount shall apply.

- (f) Large-capacity service lines. For water service lines with diameters greater than two inches and sewer service lines with diameters greater than four inches, the customer shall:
 - (1) Provide Concord Utilities with two copies of all design data, including, but not limited to, the proposed service line diameter, the proposed alignment, and any potential utility conflicts, and
 - (2) Submit service line designs to the City and obtain service line plan approval from the Director of Water Resources, the Director of Wastewater Resources, and the Backflow Prevention Administrator, and
 - (3) Perform all work under the direct supervision of Concord Utilities.
- (g) Connections to mains designated as interceptors shall be made directly into a manhole. If a manhole is not located in the vicinity of the desired connection, the applicant shall do the following:
 - (1) Main extensions. The applicant shall follow the requirements described in article III of this chapter.
 - (2) Individual service connections. The applicant shall follow the requirements described in this article.
- (h) The customer shall be responsible for locating onsite plumbing so that it may be connected to the water and/or sewer lateral(s) supplied by Concord Utilities for the customer. The customer shall be responsible for the maintenance of all onsite plumbing.
- (i) The customer shall be responsible for installing the necessary approved device(s) to make any adjustments to the water pressure supplied by Concord Utilities and shall be responsible for the maintenance of all such devices.
- (j) The customer shall be responsible for installing the necessary approved device(s) to discharge wastewater to the elevation of the sewer lateral supplied by Concord Utilities for the customer. The customer shall be responsible for the maintenance of all such devices.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 04-51, § 1, 6-8-2004)

Sec. 62-35. - Lateral installation.

- (a) Once the City has received an application for service in accordance with section 62-32 for a property adjacent to an existing water or sewer main, Concord Utilities, or their agent, shall excavate, install the lateral, tap the existing main, install a meter or cleanout, fill the excavation, and replace the road surface, if required.
- (b) Applicants shall be responsible for paying all charges associated with lateral installations in accordance with the City's most recently adopted budget ordinance.
- (c) Property owners may request estimates for material and labor charges for proposed water service(s) greater than two inches in size and wastewater services greater than four inches in size (pipe diameter). Estimates for lateral installation shall be provided by Concord Utilities within ten working days from the receipt of the estimate request.
- (d) Property owners may share lateral location preferences with Concord Utilities; however, Concord Utilities shall ultimately determine the placement of the lateral.
- (e) If a driveway is constructed over an existing meter box, Concord Utilities shall replace the meter box with a traffic-rated box or relocate the meter box and lateral at the customer's expense.
- (f) Customers shall be responsible for providing an area on their property for the lateral that is accessible to Concord Utilities personnel and free from obstructions. If one does not exist, customers shall provide

an easement or right-of-way in which to place the lateral to the City. Easement or right-of-way dedication shall be verified prior to the installation of the lateral.

- (g) If a property owner requests sewer service and their property is not adjacent to a public sewer right-of-way, the property owner shall obtain an easement from the property owner(s) whose property their service line must cross. These easements shall be recorded on all affected property owners' deeds. The property owner desiring sewer service shall also apply for a sewer extension permit in accordance with Title 15A of the North Carolina Administrative Code, Subchapter 2H. Once the easements and necessary permits are obtained, Concord Utilities shall install a lateral from the main to the edge of the public right-of-way.
- (h) The customer's plumbing and appurtenances shall be installed at the customer's expense in accordance with all applicable building and plumbing codes. Materials and installation shall also comply with the requirements of the N.C. Department of Health and Human Services and this chapter, in addition to any other requirements deemed necessary by Concord Utilities.
- (i) Plumbing extending from structures served by the Concord Utilities System shall be configured such that the length of the service line to the lateral is as short as possible. The alignment of the service line shall be as direct as possible to the portion of the public main closest to the structure being served.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-36. - Service line maintenance.

- (a) The property owner shall be responsible for keeping the building sewer and the service line free from blockages between the structure(s) being served and the cleanout at the edge of the public road or utility right-of-way.
- (b) The customer may employ a licensed plumber or contractor to install a cleanout at the edge of the public road right-of-way or utility right-of-way but within private property for the purpose of keeping the service line clear.
- (c) The location of the building sewer, service line, and its connection to the sewer lateral shall also be the responsibility of the customer.
- (d) If a customer discovers a problem with their sewer connection and/or lateral, the customer may contact Concord Utilities and request that Concord Utilities personnel troubleshoot the cause of the problem. Concord Utilities shall respond by inspecting the downstream wastewater collection main and the sewer lateral if a cleanout is located at the edge of and within the public road right-of-way or utility right-of-way. If there is no cleanout at the edge of the public road right-of-way or utility right-of-way, Concord Utilities will take action to have a cleanout installed or employ a licensed plumber or contractor to install a cleanout for the purpose of investigating the lateral. Once the cleanout is installed Concord Utilities will investigate the sewer lateral. If a blockage is located in the wastewater collection main or sewer lateral, Concord Utilities shall take action to alleviate the blockage. Otherwise, Concord Utilities shall inform the customer that the blockage is not located within the Concord Utilities System and shall advise the customer of their responsibility to clear the blockage.
- (e) If Concord Utilities is unable to clear a blockage due to a defect in the sewer lateral, Concord Utilities shall take action to repair the defect. Concord Utilities shall evaluate the problem in the sewer lateral with a closed circuit television camera and assess the nature of the problem within the service lateral. If the problem did not occur as a result of customer neglect or an illegal discharge, Concord Utilities shall make the necessary repairs to the sewer lateral at no charge. If television monitoring and excavation indicates that the damage or blockage occurred as a result of customer neglect or an illegal discharge, Concord Utilities may repair the lateral and bill the customer for time and materials in accordance with the City's most recently adopted budget ordinance.
- (f) If a building is flooded with wastewater as a result of a rain event or a blockage in the Concord Utilities System, the property owner shall notify Concord Utilities. Concord Utilities personnel shall respond and take reasonable measures to stop the flooding or clear the blockage. When the rain event passes

or the blockage is cleared, the property owner should contact the City's risk management officer. The Director of Wastewater Resources or his/her designee shall notify the property owner or the occupant of the procedure for making a claim against the City's insurance company. The property owner or occupant may contact a qualified cleaning contractor to clean the damaged area. The property owner or occupant of the building shall make the damaged building available for the contractor so that cleaning services may be rendered. Concord Utilities shall only be responsible for flooding that occurs as a result of a documented problem with the Concord Utilities System. Private sewer systems, systems with more than one building connected to a service line, or service lines with plumbing problems shall be the responsibility of the property owner and shall not be the responsibility of Concord Utilities. It shall be the responsibility of the customer to protect their property from flooding in accordance with this section.

- (g) Pursuant to subsection 62-34(a)(2) of this chapter a separate sewer lateral and cleanout are required for each individually deeded lot. However, there are circumstances where a deeded lot may be subdivided or there may be multiple buildings or lots connected to one sewer lateral. In the event a lot is subdivided or if additional buildings are connected to one service, it shall be the subdivider or owners responsibility to provide additional sewer service connections in accordance with this ordinance. Should a circumstance arise where multiple lots are connected to one single lateral and the lateral becomes blocked, Concord Utilities will attempt to clear the blockage. If the blockage cannot be cleared and the lateral needs to be replaced, Concord Utilities shall install a new lateral for the lot intended to receive service from this lateral. Concord Utilities shall also install lateral(s) for the other lot(s) that had service line(s) connected to the single lateral at no charge to the customer(s) unless it is determined that the multiple service connections were made illegally or done in an effort to circumvent former or current City policies or ordinances. Concord Utilities shall notify those customers whose service lines were not legally connected in accordance with this chapter and advise them that a lateral has been provided for their lot(s) at the edge of the public right-of-way. In such cases, the customer shall be charged the appropriate connection fee as provided in the City's most recently adopted budget ordinance.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-37. - Right to refuse service.

- (a) The City may refuse to provide service to an applicant who is indebted to the City for a service previously furnished by the City to the applicant. Once the applicant has paid all debts to the City or once a legally-binding payment arrangement has been approved by the City, the applicant may reapply for service.
- (b) A lessee making an initial application for service to their leased dwelling shall not be refused service by the City solely because of an outstanding amount owed the City by another customer for service previously furnished to that same address.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-38. - Service activation.

Customers requesting service activation shall physically inspect and verify that all pipes are properly connected in accordance with North Carolina Plumbing Code so that the building or dwelling will not be flooded. Neither the City nor Concord Utilities shall be liable for any damages caused by flooding when faucets or openings are not closed.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-39. - Application of charges to account.

The City shall apply payments for utility charges in the following order of priority: Administrative fees and charges; next, water; next wastewater; lastly, electricity.

(Ord. No. 04-17, § 1, 3-11-2004)

Secs. 62-40—62-75. - Reserved.

ARTICLE III. - WATER DISTRIBUTION SYSTEM AND WASTEWATER COLLECTION SYSTEM EXTENSION AND MODIFICATION

Sec. 62-76. - Purpose of article.

The purpose of this article is to set forth, in a single source, the permitting application requirements and processes for water distribution system and wastewater collection system extension and modification, the construction standards, the design standards, and regulatory requirements that apply to facilities that interconnect with the City's water and sewer systems.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-77. - Activities requiring a permit.

No person shall do any of the things or carry out any of the activities listed in N.C. General Statute § 143-215.1, N.C. General Statute § 130A-317(c), or any of the activities in subsections (1)—(3) below for a system which is, or is proposed to become, interconnected to the City's water distribution system or wastewater collection system, unless such person shall have applied for and shall have received from the appropriate permitting agency a permit and shall have complied with such conditions, if any, as are prescribed by such permit. Activities prohibited without a permit generally include, but are not limited to the following subsections (1) through (3). The City follows the requirements of 15A N.C. Administrative Code 2T and 15A N.C. Administrative Code 18C in determining which activities require a permit.

- (1) Construction or operation of any water system or sanitary sewer system; or
- (2) Alteration, extension, or modification of the construction or method of operation of any existing or proposed water distribution system or wastewater collection system; or
- (3) Execution of a contract for the construction and installation of any water distribution system or wastewater collection system or for the modification, alteration or extension of such a system.

15 A NCAC 2T and 15A NCAC 18C are incorporated herein by reference as if stated fully below.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-78. - Permitting authority.

(a) The City shall act on all permits so as to prevent, so far as reasonably possible, considering relevant standards under federal, state and local laws, any significant increase in the pollution of the waters of the state from any new or enlarged sources and prevent the violation of water quality standards or drinking water standards due to the cumulative effect of permitting decisions. The City shall have the authority to do the following:

- (1) Grant water distribution system permits with such conditions as the City deems necessary in accordance with § 130A-317(d), 15A NCAC 18C.1800, and the City's approved local permitting program; and

- (2) Grant wastewater collection system permits with such conditions as the City deems necessary in accordance with § 143-215.1(f), 15A NCAC 2H.0218, and the City's approved local permitting program; and
 - (3) Require an applicant to satisfactorily prove that the applicant or any parent, subsidiary or other affiliate, is financially qualified to carry out the activity for which the permit is being requested; and
 - (4) Modify or revoke any permit upon not less than 14 days' written notice to any person affected. In the event of a developed or developing threat to public health or safety, disconnection may occur immediately without notice. Notice to affected persons shall occur as soon as practicable thereafter.
 - (5) Deny any permit. In the event of an illegal connection without an approved permit or a developed or developing threat to public health or safety, disconnection may occur immediately without notice.
- (b) Permits issued pursuant to this article are issued to a specific applicant. The applicant may not assign, transfer or sell a permit or any right or obligation in a permit to another person.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-79. - Justification for system extensions and modifications.

Concord Utilities recognizes four justifications for the extension or modification of the Concord Water Distribution and/or Wastewater Collection Systems.

- (1) *Extensions and modifications for the health, safety, and welfare of the public.* The Concord Water Distribution or Wastewater Collection System may be extended or modified for the purpose of providing public utility access to persons when their existing system has failed and is resulting in a demonstrated health risk to them and/or the general public.
- (2) *Extensions and modifications for the fulfillment of the Capital Improvement Plan.* The City shall provide and maintain certain basic components of the Concord Utilities. These components include treatment facilities, water booster pump stations, wastewater pump stations, water storage tanks, sewer outfall mains, and water transmission mains. Any extensions or modifications to these components shall be constructed and/or improved according to a Capital Improvement Plan (C.I.P.) that is reviewed and approved by the City Council.

The City may also extend or modify water distribution mains and sewer collection mains within the Concord Utilities for the purpose of serving existing residential dwellings or vacant lots, which are zoned for residential development, within the municipal limits of the City of Concord. Upon approval by the City Council, the City may also extend water transmission and/or distribution lines or sewer collection and/or outfall mains to industrial or commercial properties meeting the criteria of the City's adopted economic development incentive policy. The City's financial participation in utility extension and modification projects is subject to the availability of funds and other qualifications.

- (3) *Extensions and modifications for involuntary annexation areas.* The City shall meet all requirements related to annexations as prescribed by N.C. General Statute Chapter 160A, Article 4A, Part 3. Concord Utilities shall provide the same level of service to newly-annexed areas that is available to the remainder of the City, as provided by the City's adopted ordinances and policies. Therefore, the City may extend or modify the Concord Utilities for the purpose of providing the appropriate level of service to involuntary annexation areas.
- (4) *Extensions and modifications for subdivisions and private development.* The Concord Utilities may be extended or modified for the purpose of providing service to subdivisions and private developments subject to the provisions of this article.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-80. - Procedures and standards for system extensions inside the City limits.

- (a) *Introduction* . The city shall provide water and sewer service to areas incorporated within the municipal limits of the city according to the provisions of this chapter. In an effort to plan for future extensions of the Concord Utilities, the city maintains a Capital Improvement Plan (C.I.P.). The city shall endeavor to provide the extensions and services proposed in the C.I.P. if funded through the city's capital improvements budget. Consideration shall be given to each project's conformance with the Water and Sewer Authority of Cabarrus County (WSACC) "Master Plan," the adopted land use and other plans of the city, and the city's adopted annexation plan. If an extension is authorized, then all city design standards in sections 62-98 and 62-99 shall be met and the permit application process in this section shall be followed. If an extension is authorized, and a reimbursement agreement is authorized, it shall meet the requirements of section 62-12.
- (b) *Prior to application submittal*. Plans, site plans, engineering plans and specifications shall be approved through the appropriate review process, as required by the city ordinances, including chapter 62 and the Unified Development Ordinance prior to an application package submittal for water distribution system or wastewater collection system extension or modification.
- (c) *Application requirements*.
 - (1) All persons intending to construct, alter, modify, or expand any Concord Utilities as described in section 62-79 and this section shall make timely and proper application to the City's Director of Engineering and provide such information as may be required by the Director of Engineering. At a minimum, the applicant shall:
 - a. Provide a plan that shows the acreage of the area to be served, identifies the type of development (residential, commercial etc.), estimates the maximum potential demands that the development may impose on the existing system, and determine the adequacy of the existing system to meet those demands;
 - b. Provide a proposed schedule for the construction of the development and any proposed development phases;
 - c. Document the intended use of the water and sewer system extension;
 - d. Design and install the infrastructure in accordance with the C.I.P. and/or the city's standard specifications and design standards. If the proposed extension has not been identified in a C.I.P., the design engineer shall evaluate the infrastructure's ability to adequately serve surrounding sites in the area of consideration. This evaluation shall be reviewed and approved by the Director of Engineering or his designee;
 - e. Contract and fund the complete range of design services required for all on-site and off-site utilities. The alignment and design of the utilities shall meet the intent of a project identified in the city's standard specifications and design standards. The design shall meet the design standards of this Ordinance and shall be submitted to the city for review and approval in accordance with this chapter. Designs and alignments that do not comply with the intent of the C.I.P. and/or the city's standard specifications and design standards may be rejected regardless of project's compliance with other portions of this chapter.
 - f. Grant to the city, at no cost, all on-site utility rights-of-way and easements deemed necessary by engineering department and Concord Utilities staff.
- (d) Any application package determined incomplete by the Director of Engineering shall be returned to the applicant. Revised engineering plans and specifications shall constitute a re-submittal, shall be accompanied by a new fee, and shall require additional time for review. A complete application package that contains sufficient information to ascertain reasonable grounds to believe the application package and its contents meet all applicable standards of this chapter shall be acknowledged by a letter setting a date for a pre-construction conference. No discussion at the review conference shall preclude or otherwise bar the city from denying a permit, or issuing a permit that incorporates conditions, based upon changed circumstances or information not previously known by the Director of

Engineering or the applicant. In either event, no single submittal of an application package will be held open for review longer than 90 days without the issuance of a letter requesting additional information or an "authorization to construct" permit being issued following a pre-construction conference. Application packages delayed by lack of action by any person or entity other than the city shall be deemed denied and shall require re-submittal.

- (e) It shall be unlawful to begin the construction of a building or project infrastructure until the Director of Engineering has issued an "authorization to construct" permit, and any additional required permits have been issued by either the city, WSACC and/or the State of North Carolina, as needed and required.
- (f) *Funding of oversized utilities.* The city shall take reasonable steps to ensure that adequate funding is available to accommodate any requested oversizing or upsizing needs, as provided in section 62-82 below, however the city cannot guarantee the funding of specific proposed projects.
- (g) *Hearings.*
 - (1) *Persons entitled to a hearing.* The following persons are entitled to a hearing pursuant to this section, each of whom is hereafter referred to as "aggrieved person."
 - a. Any person whose application for a permit under this article is denied;
 - b. Any person whose permit is issued subject to conditions that the applicant finds unacceptable;
 - c. Any person whose permit is revoked, modified, or suspended; and
 - d. Any person against whom the city assesses a penalty pursuant to this article.
 - (2) *Procedures for requesting a hearing.* The aggrieved person shall exercise such right to a hearing by making a written demand for a hearing in accordance with this subsection. Any person making a demand for a hearing shall deliver the demand to the Director of Engineering within 30 days of the following:
 - a. The date of issuance of the contested permit;
 - b. The date of the notice of the denial of permit issuance;
 - c. The date of the notice of a revocation, modification, or suspension of an issued permit; or
 - d. The date that a penalty was assessed.
 - (3) *Content of hearing request.* The written demand for a hearing must identify separately and with particularity the following:
 - a. The aggrieved person or persons;
 - b. The specific permit provision or condition or other issues contested to be considered;
 - c. The reason for the objection; and
 - d. Any alternate provisions, conditions, or terms the aggrieved person proposes.
 - (4) *Hearing procedures.*
 - a. The hearing shall be conducted by the Director of Engineering and shall be subject to such rules as have been approved by the City Council or the Director of Engineering as hereinafter set forth.
 - b. If the demand for a hearing is not made in accordance with the provisions of this section, the Director of Engineering shall reject the demand and any right to a hearing shall be terminated.
 - c. If any person demanding a hearing shall fail to comply with an order of the Director of Engineering or with any rules issued by the Director of Engineering or approved by the City

Council concerning the conduct of the hearing, the Director of Engineering may reject the demand and any right to a hearing shall be terminated.

- d. Within 90 days of the receipt of the written hearing request, the Director of Engineering shall conduct a hearing and issue a final order or decision. The Director of Engineering shall transmit a copy of the final order or decision to the aggrieved person by registered or certified mail.
 - e. The Director of Engineering is authorized to take any action which is reasonably necessary or convenient in considering a demand for a hearing and in resolving the issues raised therein so long as such action is not contrary to the provisions of this article, or other applicable law.
 - f. The Director of Engineering may appoint a hearing officer to conduct any hearing authorized by this section. A hearing officer shall have the same authority to conduct a hearing and reach a decision as is provided to the Director of Engineering, provided that the decision of the hearing officer shall not be final, but shall be a recommended decision for consideration by the Director of Engineering.
 - g. The Director of Engineering may approve such decision without change, reject the decision that is supported by evidence presented at the hearing, or issue a different or revised decision that is supported by evidence presented at the hearing.
 - h. The decision of the Director of Engineering shall be final.
 - i. A final order may provide that the action that is the basis for the demand for a hearing is approved without change or may modify such action in any manner that is supported by the evidence presented at the hearing.
 - j. The Director of Engineering may, but is not required to, provide for any part of the hearing to be recorded by any reasonable means including, but not limited to, audio and/or video recording, stenographer, or court reporter. A transcript of any hearing, part thereof, which is recorded need not be prepared unless requested. The original of a requested transcript shall be filed with the engineering department. Each person shall bear the cost of the transcript which such person requests, including any copy thereof.
 - k. The decision of the Director of Engineering shall be reviewable only by seeking a writ of mandamus from the superior court within 30 days of the entry of the final order set forth herein.
- (h) *Standards for Concord Utilities extensions.* The standards are divided into three categories. The categories are the standards for extensions to new developments, extensions to existing developments, and extensions to non-contiguous or satellite annexations. In any case, the city shall not participate in the cost of the water distribution mains or sewer collection mains located within the subdivision or private development property, unless upsizing is required by the city in accordance with section 62-82.
- (1) *Standards for in-city extensions to new subdivisions and other new developments in contiguous portions of the city.*
- a. Subject to the provisions of this article, the city shall allow extensions to and within new developments upon the request of the developer or property owner. The responsibility for and cost of such extensions to the new development may be borne by the city. The responsibility for and cost of such extension within new developments shall be borne by the requesting party, unless upsizing is required by the city in accordance with section 62-82.
 - b. Subject to section 62-79, this section and this article, the city shall allow extensions to new developments within the city upon the request of the owner or owner's agent, and the responsibility for and cost of such extensions shall be borne by the requesting party.
 - 1. If the city requires lines to a subdivision or other new development that are larger than those necessary to serve the project, the city shall reimburse the owner or developer

for any additional material and installation costs incurred as a result of installing such oversized lines.

2. Where a proposed development of property located within the city necessitates a replacement, upgrade, or expansion in size or capacity of water and/or sewer mains and appurtenant facilities that are already available to serve the property (as opposed to an extension of a line to make service available), and the replacement, upgrade, or expansion for the proposed development cannot be constructed in the time requested by the owner or developer under the city's scheduled and budgeted C.I.P. or capital improvements budget, the city may enter into a contract with the owner or developer of such property pursuant to which the owner or developer shall pay some or all of the cost of the necessary improvements.
- (2) *Standards for in-city extensions to new subdivisions and other new developments in non-contiguous portions of the city.* The city shall allow extensions to and within new developments and/or subdivisions located in annexed property which is non-contiguous to the corporate limits upon request of the property owner or developer; and the entire cost of extending water and/or sewer line(s) shall be borne by the developer/property owner requesting such extension. The city shall pay the proportional share of installing oversized lines that may be required by the city to meet system-wide needs.
 - (3) *Standards for in-city extensions to previously developed property in contiguous portions of the city.*
 - a. The responsibility for extending water and sewer service to developed property within the city shall be borne by the city, unless the property was removed from the city's service plan at the property owner's request at the time that the property was annexed. The city shall endeavor to extend Concord Utilities to an area adjacent to an edge of the property that minimizes the customer's on-site plumbing needs; however, an extension to a specific edge of the property may not be economically or topographically feasible. The alignment of the extension shall be determined at the sole discretion of the city.
 - b. Extensions shall generally be made only upon request of the owner of the property or properties to be served. However, the city may make extensions on its own initiative whenever the lack of service poses a threat to public health and/or safety, if service is required by N.C. General Statute and/or N.C. DEQ, or for other good and sufficient reasons.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 05-13, § 1, 3-10-2005; Ord. No. 05-113, § 1, 12-8-2005; Ord. No. 07-11, § 5, 2-8-2007)

Sec. 62-81. - Procedures and standards for extensions of Concord Utilities outside the city limits.

- (a) *Introduction.* The purpose of this section is to provide the criteria for the method of providing utility extensions outside of the incorporated limits of the city as well as the city's area(s) of consideration. Developers, private enterprises, and other entities that wish to extend Concord Utilities shall, in all cases, follow the guidelines established in the specifications and this chapter. The city shall evaluate the overall impact of the proposed extension. The potential negative impact on treatment plant capacity, the hydraulics of the water distribution system, and the capacity of the wastewater collection system will also be considered. In addition, the effect of premature growth and development shall be considered as it relates to the city's adopted plans.
- (1) The city has no responsibility to provide water and/or sewer service to property located outside the city limits, except as otherwise provided by law. However, upon request, the city may allow extensions of its water and/or sewer lines to serve properties outside the city when it determines that it is in the city's best interest to do so. Properties located outside the city limits that receive water and/or sewer service from the city may not be entitled to receive other city services.

- (2) The city's approval of extensions to property located outside of the city's jurisdiction shall be in conformity with all applicable city, state, and federal laws, policies, and regulations.
 - (3) In addition, the city may consider providing water and sewer services to unincorporated areas within Cabarrus County that lie within the area of consideration as delineated in the latest adopted annexation plan. In addition, each project shall be evaluated for conformance with the Water and Sewer Authority of Cabarrus County (WSACC) "Master Plan," and any adopted city plans.
 - (4) The city shall not be responsible for providing water and sewer service in areas located within another entity's jurisdiction or service area defined by contract or inter-local agreement between the city and the entity.
 - (5) If water or sewer service is requested within a portion of the city's most recently adopted annexation planning area prior to that area's incorporation into the municipal limits of the city, the applicant may be required to either petition for annexation into the city and/or the area may be required to be formally incorporated by an ordinance of the city council prior to the extension of services.
- (b) *Permit application process.*
- (1) The city shall consider the approval of extensions outside the city limits under the two-step procedure outlined in this section. The first step is the submission, review, and approval of a preliminary application. If the preliminary application is granted, the then a final application may be submitted. Both preliminary and final applications are reviewed by the staff and approved by the city council.
 - (2) All persons intending to construct, alter, modify, or expand any Concord Utilities as described in sections 62-77, 62-79, and this section, shall make timely and proper application to the city on such form(s) as may be prescribed by the city's director of engineering and provide such information as may be required by the director of engineering. At a minimum, the preliminary applicant shall:
 - a. Provide a plan that shows the acreage of the area to be served, identifies the type of development (residential, commercial etc.), estimates the maximum potential demands that the development may impose on the existing system, and determine the adequacy of the existing system to meet those demands;
 - (3) Any application package determined incomplete by the director of engineering shall be returned to the applicant. Revised engineering plans and specifications shall constitute a re-submittal, shall be accompanied by a new fee, and shall require additional time for review. A complete application package that contains sufficient information to ascertain reasonable grounds to believe the application package and its contents meet all applicable standards of this chapter shall be acknowledged by a letter setting a date for review and decision by the city council.
 - (4) The staff shall review the preliminary application and forward a recommendation to the city council. The staff shall consider and evaluate the amount of remaining capacity of the Concord Utilities, the capacity of the city's existing infrastructure needed to serve the development, the cost to the city of the proposed extensions, and the rate of use of the remaining capacity of the Concord Utilities.
 - (5) The city staff shall track the capacity of the Concord Utilities and report the results to the city council at least quarterly.
 - (6) The city council shall consider the preliminary application, the quarterly reports of system capacities, and the recommendation of the staff. The city council may approve, approve with conditions, or deny the preliminary application. If the preliminary application is approved, the property owner may submit an application for final approval.
 - (7) The final application shall contain, at a minimum, the following:

- a. A complete petition for voluntary annexation for all properties located inside the city's most recently adopted annexation planning area and/or all properties proposed to be developed in non-residential uses; and
 - b. A complete application for zoning approval; and
 - c. Completed applications for water and sewer system extension approvals; and
 - d. A developer contract detailing the conditions for the provision of water and sewer service, subject to the requirements of section 62-12, approval of the city council (in lieu of subsections (7)c. and d., a letter of intent to be served by city utilities in a form approved by the city); and
 - e. Provide a proposed schedule for the construction of the development and any proposed development phases;
 - f. Document the intended use of the water and sewer system extension;
 - g. Design and install the infrastructure in accordance with the C.I.P. and/or the city's standard specifications and design standards. If the proposed extension has not been identified in a C.I.P., the design engineer shall evaluate the infrastructure's ability to adequately serve surrounding sites in the area of consideration. This evaluation shall be reviewed and approved by the city's engineering department;
 - h. Contract and fund the complete range of design services required for all on-site and off-site utilities. (Cross-reference section 62-12.) The alignment and design of the utilities shall meet the intent of a project identified in the city's C.I.P. and/or the city's standard specifications and design standards. The design shall meet the design standards of this chapter and shall be submitted to the city for review and approval in accordance with this chapter. Designs and alignments that do not comply with the intent of the C.I.P. and/or the city's standard specifications and design standards may be rejected regardless of project's compliance with other portions of this chapter; and
 - i. Grant to the City of Concord, at no cost, all on-site utility rights-of-way and easements deemed necessary by engineering department and Concord Utilities staff.
 - j. Any other information required by the city in order to evaluate the application.
- (8) The city may process each component of the final application simultaneously. The applications will be considered at the same meeting by the city council in this order: (1) annexation, (2) zoning, (3) utility extension(s) and (4) a developer contract.
- (c) *Standards for Concord Utilities extensions.* Subject to city council approval, the city may allow extensions within new developments upon the request of the developer or property owner. The responsibility for and cost of such extensions shall be borne by the requesting party, except as provided below in section 62-82.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 05-13, § 2, 3-10-2005; Ord. No. 05-113, § 2, 12-8-2005; Ord. No. 07-11, § 6, 2-8-2007)

Sec. 62-82. - Standards for oversizing Concord Utilities extensions.

- (a) Subject to city council approval as provided in sections 62-80 and 62-81, the city shall allow extensions within new developments upon the request of the developer or property owner. The responsibility for and cost of such extensions shall be borne by the requesting party, except as provided below.
 - (1) If city planning documents and engineering calculations demonstrate that a larger capacity extension or modification to the Concord Utilities will be needed to serve the surrounding area, the city may elect to require the owner or developer to design and install larger diameter pipes than those required to serve the subdivision or private development. The owner or developer shall request and receive bids from at least three contractors for the installation and materials required

to serve the subdivision or private development with water and wastewater collection and bid the pipe sizes requested by the city as an alternate. If the city elects to require the developer to up-size pipe diameters to accommodate future Concord Utilities service demands, the city may pay the developer in an amount, as negotiated between the city and owner or developer, based on the difference between the base bid and the alternate bid. Any reimbursement shall be by developer contract. Such developer contract shall be written to provide an equitable distribution of the cost of improvements to the city's system(s) consistent with the policies and fees established in this chapter, or other ordinance(s) and in consideration of the relative burden placed upon the system by the proposed development, the extent to which other city customers may benefit from the improvement, the extent to which fees maybe or have been paid by others for future improvements, the requirements of section 62-12 and other relevant factors.

- (2) The total amount to be reimbursed to the developer, owner, or subdivider by the city under this section shall not exceed the costs incurred by the developer, owner, or subdivider in constructing the extension(s).
- (3) The terms and conditions of any reimbursement or financial participation by the city pursuant to this article shall be set forth in a written contract between the city and the developer or property owner for which the extension is to be constructed. Failure to reach a reasonable cost for any oversizing size may result in the denial of the extension.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 07-11, § 7, 2-8-2007)

Sec. 62-83. - Pre-construction conference and issuance of permit.

- (a) The developer, design engineer, and contractor or a designated representative for each shall attend the pre-construction conference. If a representative for each of the aforementioned parties is not in attendance, the pre-construction conference shall be rescheduled to a later date when each party can be represented.
- (b) The developer, design engineer, and contractor or a designated representative for each, shall provide copies of all applicable federal, state, and local permits, easements, rights-of-way and encroachments and the appropriate engineering drawings to the Director of Engineering for approval prior to the pre-construction conference.
- (c) The "authorization to construct" permit shall be issued by the Director of Engineering after all applicable federal, state and local permits, recorded easements and encroachments have been received and written approval from the Director of Engineering has been issued for the submitted engineering drawings and the developer, design engineer, and contractor or a designated representative for each has met the pre-construction conference requirements.
- (d) Any utility construction activity initiated prior to the receipt of a written "authorization-to-construct" permit from the Director of Engineering shall be prohibited and subject to a civil penalty of up to ten percent per day of the posted bond or letter of credit. If no bond or letter of credit has been posted, any utility construction activity initiated prior to the receipt of a written "authorization-to-construct" permit from the Director of Engineering shall be prohibited and subject to a civil penalty of up to ten percent per day of the amount of the bond or letter of credit that should have been posted if the permitting process set forth in this chapter had been followed as by law provided.
- (e) In the event that construction does not commence and complete within 24 months of the issuance of the permit, the permit shall expire and a new permit must be applied for and obtained by the applicant. An active permit must be maintained until full final approval has been issued for the infrastructure defined in the permit. Written requests for an extension of time received prior to expiration of the permit may be granted by the director of engineering for good cause shown.
- (f) The denial of the issuance of a permit, subject to the provisions in this section shall be made in writing and shall contain the reasons for the denial and the city's estimate of the general changes in the applicant's proposed activities or plan which will be required in order that the applicant may obtain a

permit. Nothing in such estimate shall preclude or otherwise bar the city from denying a permit, which incorporates such changes, based upon changed circumstances or information not previously known by the Director of Engineering or the applicant.

- (g) Copies of all applicable federal, state, and local permits shall be submitted to the Director of Engineering prior to the City of Concord's issuance of an "authorization-to-construct" permit.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 05-113, § 3, 12-8-2005; Ord. No. 06-81, § 1, 8-10-2006)

Sec. 62-84. - Modifications and revocations of permits.

Any permit issued by the city pursuant to this article is subject to revocation, suspension or modification, in whole or in part, upon 14 days' written notice to the applicant by the Director of Engineering for good cause including, but not limited to the following:

- (1) Violation of any terms, conditions, or requirements of this article or the permit; or
- (2) Falsification or misrepresentation of information provided in the permit application and/or in the engineering plans and specifications; or
- (3) Failure to disclose relevant information; or
- (4) Refusal of or by the owner/developer or their contractor, agent, and employees to allow authorized officers, employees, or agents of the city, upon presentation of credentials, to inspect or observe any activity, system, or other work approved within the owner/developer's permit.
- (5) Failure to follow the approved contract documents and engineering plans and specifications without receiving proper authority from the city.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-85. - Construction process.

- (a) Deviations from the approved engineering plans and specifications or changes in site conditions shall be submitted in writing by the engineer to the Director of Engineering for written approval prior to any further construction or installation activity.
- (b) Modifications to the approved plans requiring federal, state, and local regulatory approval shall be the responsibility of the developer, contractor, and/or engineer. The developer shall assume full responsibility for acquiring the applicable regulatory permits and approvals, prior to further construction or installation activity.
- (c) The developer shall hold the city and/or Director of Engineering, their officers and agents harmless of any responsibility or liability, upon the failure of the developer to obtain required regulatory approvals prior to further construction activity and the developers' failure to adhere to regulatory requirements during the construction activities.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-86. - Inspection.

- (a) The developer shall obtain the services of a competent and experienced engineer. The engineer shall provide the services of project design, surveying and grade control, right-of-way and easement recordation and construction inspection. It shall be the engineers' responsibility to supervise construction, establish grades or to provide solutions to grade, construction, or design problems and

to obtain the appropriate federal, state, and local permits, encroachments, easements, and rights-of-way, as applicable.

- (b) The Director of Engineering shall have a field representative periodically observe the work while construction is in progress. This periodic construction observation by the Director of Engineering shall be subject to reasonable development construction observation fees and any other reasonable fees that may be applicable. Failure of the Director of Engineering to discover deficiencies at the time of construction shall not relieve the developer or his/her agent of the responsibility to correct such defects.
- (c) The engineer shall certify that the installation of the extensions is in accordance with all applicable federal, state, and local regulations and standards and constructed in accordance with the approved contract documents and engineering plans.
- (d) Contract documents, approved engineering plans and specifications bearing the city's stamp of approval and associated permits shall be present at the project site at all times and made available upon request.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-87. - Video assessment.

The interior of all sewer outfall mains, collection mains, and laterals shall be recorded on a CD, DVD or equivalent successor media after the installation and testing is complete and submitted to the Director of Engineering for review prior to the acceptance and final approval of the extension. All associated costs shall be borne by the developer.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-88. - As-built drawings.

- (a) The developer, and his/her engineer and/or contractor or his/her designee shall maintain current as-built drawings and survey the location and elevation of the infrastructure during the construction process. As-built drawings shall be maintained and available for inspection, upon the Director of Engineering's request.
- (b) The engineer shall submit and certify a legible copy of the "as-built" drawings for the review, approval, and recordation to the Director of Engineering upon the completion of construction.
- (c) As-built drawings shall include, but are not limited to, all of the information submitted on the engineering construction drawings as corrected, as well as the information listed below:
 - (1) *General information.*
 - a. Road names, as approved by the business and neighborhood services department, shall be identified on the plan view.
 - b. Underground utility location, if not noted, if not identified on the approved engineering plans, or if the exact location not previously identified. Additional information shall be identified on the profile view.
 - c. Relative features, including but not limited to street addresses, property line, natural features, etc. Additional information shall be identified on the plan view.
 - (2) *Sewer-related information.*
 - a. *Mains.*
 - 1. Location of mains within right-of-way limits, if changed. Corrections shall be identified on the plan view.

2. Installed distances and slopes. Information shall be identified on the profile view.
 3. Pipe type and size, if changed. Corrections shall be identified on the profile view.
 4. Bore casing sizes and distances. Information shall be identified on the plan view.
 5. Details on aerial creek crossings. Information shall be identified on the plan and profile view as needed.
 6. Station location of special devices or appurtenances (e.g., anti-seep collars), measured from the downstream manhole. Information shall be identified on the profile view.
 7. Information concerning distance to other utilities shall be identified on the profile view.
 8. Station location of laterals, measured from the downstream manhole shall be identified on the plan view.
- b. *Manholes.*
1. Manhole size and type (e.g., inside drop, outside drop). Information shall be identified on the profile view.
 2. Elevations. Information shall be identified on the profile view.
 - i. Inverts in, inverts out, and drop inverts (top and bottom).
 - ii. Rims and vents. Elevations shall be provided in vertical feet.
- (3) *Water-related information.*
- a. Location of mains within right-of-way limits, if changed. Corrections shall be identified on the plan view.
 - b. Installed distances. Information shall be identified on the plan view.
 - c. Pipe type and size, if changed. Corrections shall be identified on the plan view.
 - d. Bore casing sizes and distances. Information shall be identified on the plan view.
 - e. Station location of hydrants and associated leg lengths. Information shall be identified on the plan view.
 - f. Station location of valves and distances from the edge of pavement. Information shall be identified on the plan view.
 - g. Distance to other utilities. Information shall be identified on the plan view.
 - h. Station location of laterals and distances from the main to the meter box. Information shall be identified on the plan view.
 - i. Station location of special devices or appurtenances (e.g., backflow prevention devices, air-release valves, etc.) and associated details. Information shall be identified on the profile view.
 - j. Station location of meter box from the main and distances from the edge of pavement. Information shall be identified on the plan view.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-89. - Record drawings.

- (a) The engineer shall provide to the director of engineering "record" drawings and a digital copy of "record" drawings. Record drawings shall be signed and sealed by a professional engineer licensed to practice in North Carolina. Digital record drawings shall be supplied in format AutoCAD Release 14 or a later release, or in a format as specified by the director of engineering. All surveys shall be

referenced to North Carolina grid coordinates. In addition the vertical monuments and datum from which the project was designed shall be designated on the map.

- (b) As-built drawings shall be signed and sealed by a professional surveyor licensed to practice in North Carolina and shall reflect actual field location of infrastructure as installed. All information required on the as-built drawings shall be reflected on the record drawings.
- (c) Recorded rights-of-way and easements shall be shown on the record drawings, including the required digital record drawings. Utility rights-of-way and easements shall be surveyed and recorded in accordance with the city's current rights-of-way, easements and encroachments policy. All recorded rights-of-way, easements, and encroachments shall be submitted to the director of engineering prior to final approval of the infrastructure.
- (d) Record drawings shall be submitted prior to the certification and activation of the extension.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 05-13, § 3, 3-10-2005; Ord. No. 05-113, § 4, 12-8-2005)

Sec. 62-90. - Certification.

The engineer shall be responsible for sealing and certifying that materials and the construction of the extension and/or modification to the water distribution system and the wastewater collection system have met all the applicable rules, regulations, statutes, and ordinances of the City of Concord, State of North Carolina, the United States of America and the WSACC standards and is in substantial compliance with the approved engineering plans, specifications, supporting materials, and associated permits. A copy of the certification shall be provided to the Director of Engineering prior to final approval. Projects may be certified in phases.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-91. - Application package for final approval.

Application package for final approval of water distribution system or wastewater collection system extensions and/or modifications (or any phase thereof) shall include but shall not be limited to the following:

- (a) Three completed copies of the final certification executed and sealed by an engineer, one copy of the sealed "as-built" drawings, three sets of the sealed "record" drawings, and one digital copy of the "record" drawings, as specified in section 62-89 of this article, shall be submitted to the director of engineering for review and approval.
- (b) The applicant shall satisfactorily prove that the applicant, or any parent, subsidiary, or other affiliate, has obtained all necessary permits, encroachments, and rights-of-way required to carry out the activity for which the permit is being requested.
- (c) All executed and recorded rights-of-way, easements, and encroachments shall be submitted to the Director of Engineering in a form and content acceptable to the City Attorney prior to final approval of the infrastructure. (Section 62-194)

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 05-13, § 4, 3-10-2005; Ord. No. 05-113, § 5, 12-8-2005)

Sec. 62-92. - Final approval requirements and conditions.

- (a) Final approval shall not be issued until the construction of the extension and/or modification to the water distribution system and the wastewater collection system have meet all the applicable rules,

regulations, statutes, and ordinances of the City, the State of North Carolina, and the United States of America and the WSACC standards.

- (b) The engineer shall certify that the installation and the construction of any extension and/or modification to the Concord Utilities System shall meet all regulatory design standards and is in substantial compliance with the approved engineering plans and associated permits.
- (c) If the Director of Engineering should find that final approval should be denied, the denial shall be made in writing and shall contain each reason for the denial and the Director of Engineering's estimate of the general changes in the applicant's proposed activities or plan which will be required, in order that the applicant may obtain a final approval. Nothing in such estimate shall preclude or otherwise bar the Director of Engineering from denying final approval, which incorporates such changes, based upon changed circumstances or information not previously known by the Director of Engineering.
- (d) A properly executed certification, the "as-built" drawings, the "record" drawings, and the video assessment, as prescribed in section 62-88 of this article, shall be submitted to the Director of Engineering for review and shall be determined complete by the Director of Engineering before final approval is issued.
- (e) No construction, alteration, or expansion of the Concord Utilities System shall be placed into final service or made available for human consumption until the applicant has fully complied with all applicable federal, state, and local regulations and standards and has obtained final approval from the Director of Engineering.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-93. - Donation/acceptance of extensions to the City.

- (a) Water distribution systems and wastewater collection systems and associated rights-of-way and other appurtenances as required that interconnect with the Concord Utilities System and intended for public use shall be granted and conveyed to and become the property of the City upon the final written approval of the Director of Engineering and acceptance by the City Council.
- (b) The City Council shall not accept the ownership, operation, or maintenance responsibility of modifications or extensions that do not meet the requirements of this article or other applicable law and regulation.
- (c) Following the developer's donation and the City's acceptance of a modification or extension, the City shall have sole ownership and rights to the modification or extension and shall assume all operation and maintenance responsibilities.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 05-13, § 5, 3-10-2005)

Sec. 62-94. - Warranty.

- (a) The developer shall be responsible for the material and craftsmanship of all donated infrastructure for a period of one year from the date that the City accepts ownership of the modification or extension.. The City has the right to increase the warranty period for atypical construction materials or construction techniques..
- (b) In accordance with Article 5, Section 5.7.10 of the City of Concord Development Ordinance, this warranty shall include any damages that may arise from construction by other utility companies or homebuilders.
- (c) The City shall relieve the developer of their obligation under the warranty period by performing a one-year warranty inspection, which shall include, but is not limited to, a recording of the interior of all sewer outfall mains, collection mains, and laterals on a CD, DVD or equivalent successor media. Any and all

defects found at this time that do not conform to the City's standards or this article shall be repaired or replaced at the developer's expense.

- (d) The City shall, upon final acceptance, release the developer's bond of surety or letter of credit.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-95. - Enforcement.

- (a) Except as set forth in section 62-8, any person or entity that violates, fails to comply with or continues to violate any provision of this article III or the terms or conditions of any permit issued under this article, shall be liable to the City for a civil penalty up to \$10,000.00 per violation per day for as long as each violation continues. Each day on which a violation shall occur or continue to occur shall be deemed a separate and distinct violation. In determining the amount of the civil penalty, the Director of Engineering and City Manager shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, efforts to correct the violation, the compliance history of the person against whom the violation is assessed, associated enforcement costs to the City, whether the violation was committed willfully or intentionally, and any other factor as justice requires.
- (b) Any person or entity who shall undertake any activity requiring a permit under section 62-77 without first having obtained said required permit shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to the fine established in section 62-8 or imprisoned for up to 30 days or both in the discretion of the court.
- (c) If any person violates the provisions of this article or the terms or conditions of any permit issued hereunder, a civil action may be commenced in the general court of justice in the name of the City for such legal and equitable relief as maybe appropriate.
- (d) The City reserves the right to:
 - (1) Notify federal, state, and local agencies of any and all violations of regulations pertinent to their respective agencies and request that those agencies initiate enforcement actions; and
 - (2) Notify the North Carolina Board of Examiners for Engineers and Surveyors of any violations to the Engineering and Land Surveying Act (N.C. General Statute Chapter 89C), which includes promoting the general welfare and protecting the public by safeguarding life, health, and property. The City shall submit evidence of fraud, deceit, gross negligence, incompetence, misconduct, or violations of the board rules against any unlicensed individual performing functions that require a license, against any individual licensee, or against any corporation holding a certificate of authorization.
 - (3) The remedies provided herein are not exclusive. The City may take any one, all, or any combination of these actions against any person in violation of the provisions of this article or the terms or conditions of any permit issued hereunder. The City may also seek an injunction against any person in violation of the provisions of this article or the terms or conditions of any permit issued hereunder.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 05-13, § 6, 3-10-2005)

Sec. 62-96. - Notification of changes to the permitting process.

The City's approved permitting program, as set forth herein, shall be established pursuant to the authority contained in N.C. General Statutes §§ 130A-317 and 143-215.1(f) and rules promulgated thereunder. Amendments to N.C. General Statutes §§ 130A-317 and 143-215.1(f) and rules promulgated thereunder that affect the City's approved permitting program shall be incorporated into the City's permitting program within 60 days of the effective date of such amendments, or as otherwise required by law, provided that the City is provided timely written notification of such changes.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-97. - Design standards.

- (a) Water distribution system and wastewater collection system extensions and/or modifications shall be designed in accordance with all applicable federal, state, and local regulations and standards.
- (b) All engineering plans that are generated for water distribution system extensions/modifications and all engineering plans that are generated for wastewater collection system extensions/modifications that are, or are proposed to be, under the ownership of the City shall meet the following design standards:
 - (1) Engineering plans shall be submitted on 24-inch by 36-inch sheets with the approved City border and logo.
 - (2) The horizontal scale shall be one inch equals 40 feet and the vertical scale shall be one inch equals four feet.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-98. - Minimum design criteria.

The following design criteria shall be adhered to for all public and private extensions to or modifications to the city's water distribution system and wastewater collection system. All utilities requiring a permit pursuant to this article shall be designed following good engineering practices. All engineering plans shall include but not be limited to the following information:

- (1) *General requirements for engineering plans.*
 - a. A general location map, a north arrow, a scale, a plan view of all proposed water and sanitary sewer lines (including gravity lines and force mains), a center-of-pipe profile view of all proposed sanitary sewer lines (including gravity lines and force mains), and a center-of-pipe profile view of all waterlines with diameters 12 inches and greater. The plan and profile view of the same portion of line shall be provided on the same engineering plan sheet.
 - b. Road names and state road numbers, existing and proposed utilities, existing names and location of water-bodies, the 100-year flood elevation, existing and proposed rights-of-way and easements, elevation control markers and monuments, utility stationing, existing and proposed topography at two-foot increments, and the proximity of the proposed infrastructure to all other utilities and natural features within 200 feet.
 - c. Water distribution line and wastewater collection line stationing shall be separate from roadway stationing.
 - d. Engineering plans shall be signed, sealed, and dated by the engineer.
- (2) *Applicable standards.* Designs shall conform to the following minimum design standards:
 - a. The North Carolina Administrative Code;
 - b. The design standards in the Standard Specifications for Wastewater Collection and Water Distribution Construction for Cabarrus County;
 - c. Any additional standards as determined by this article or the director of engineering;
 - d. Cross connection control, in accordance with the Backflow Prevention and Cross Connection Control Manual and section 62-161, shall be provided.
- (3) *Rights-of-way/easements.* All utility rights-of-way/easements shall meet the following standards:
 - a. Rights-of-way and easements shall be granted, dedicated, and recorded in accordance with the city's current rights-of-way, easements, and encroachments policy.

- b. Water distribution lines and wastewater collection lines that are not located within a road right-of-way shall be located within a public utility right-of-way/easement
 - 1. The minimum utility right-of-way/easement width shall be 30 feet.
 - 2. Rights-of-way greater than 30 feet shall be provided when required by the director of engineering.
 - 3. Every portion of the water distribution system extension and wastewater collection system extension or modification shall be accessible by city maintenance crews and equipment within the utility rights-of-way/easement. An all weather travel surface and a minimum slope of eight percent or flatter and side slopes of two percent or flatter must be provided within the utility rights-of-way/easement. When access through the utility rights-of-way/easement is not possible, the director of engineering may approve a maintenance/access easement. All maintenance/access easements must be clearly indicated on the plans and legally conveyed to the city. The maintenance/access easement shall have an all weather travel surface with a minimum slope of eight percent or flatter and side slopes of two percent or flatter with a horizontal curve radius that does not exceed the turning capabilities of the city equipment.
- (4) *Locations and separations.* The location of all utilities shall meet the following standards and the required horizontal and/or vertical separation distance shall be noted at the appropriate station on the engineering plans.
- a. A minimum horizontal separation of five feet shall be maintained between any type of maintenance obstruction and the city's water distribution lines, wastewater collection lines, and associated appurtenances, unless an exception is granted as outlined in section 62-100. Greater separation distances may be required as specified by federal, state, or local regulations.
 - b. A minimum vertical separation of two feet shall be maintained between any type of maintenance obstruction, including but not limited to any other utility provider's lines or equipment, and the city water distribution lines, wastewater collection lines, and associated appurtenances, unless an exception is granted as outlined in section 62-100. If an exception is granted, a minimum vertical separation of one foot must be maintained and the city water distribution lines, wastewater collection lines, and associated appurtenances shall be constructed of ductile iron pipe or an approved ferrous material with joints that are equivalent to potable water main standards for a distance of ten feet on either side of the point of crossing. Greater separation distances may be required as specified by federal, state, or local regulations.
 - c. A minimum horizontal separation of ten feet shall be maintained between the city water distribution system and wastewater collection lines, and associated appurtenances, unless an exception is granted as outlined in section 62-100.
 - d. In areas where utilities are proposed along new roadways subject to the city's development ordinances, water distribution lines and wastewater collection lines shall be located in accordance with the city's current utility corridor plan, or as specified by the director of engineering.
 - e. Manholes and cleanouts shall not be located within any feature conveying or pooling stormwater.
 - f. Water meters and valve vaults shall not be located within any feature conveying or pooling stormwater.
- (5) *Cover and material standards.* The water and sewer system extensions shall meet or exceed the following depth standards:
- a. Three feet minimum cover shall be provided for water distribution systems and wastewater collection systems extensions and/or modifications unless an exception is granted as outlined in section 62-100. If an exception is granted, the water distribution systems and

wastewater collection systems extensions and/or modifications must maintain at least 30 inches of cover and be constructed of ductile iron pipe or an approved ferrous material.

- b. Maximum depth of cover for non-ferrous pipe shall be limited to 18 feet. Non-ferrous pipe with a proposed depth of cover exceeding 12 feet shall require the submission of bearing capacity documentation and the supporting design calculations and shall be subject to approval by the director of engineering. The documentation and design calculations shall address the bearing capacity of the proposed pipe and its ability to withstand the dead and live loads. The design shall include adequate documentation and a standard detail, which adequately addresses the bedding requirements for the pipe.
- c. Ferrous material shall be provided for all proposed water and sewer system extensions that have a depth of cover exceeding 18 feet. All ferrous pipe with a proposed depth of cover exceeding 18 feet shall require the submission of bearing capacity documentation and the supporting design calculations and shall be subject to approval by the director of engineering. The documentation and design calculations shall adequately address the bearing capacity of the proposed ferrous pipe and its ability to withstand the dead and live loads. The design shall include adequate documentation and the proposed standard detail, which adequately satisfies the bedding requirements for the pipe.

(6) *Pipe standards.*

- a. All wastewater collection system mains shall be sized to accommodate potential wastewater flow from the entire drainage basin based on current zoning and/or land use designations.
- b. Water distribution system extensions or modifications that are 12 inches or greater in diameter shall be constructed of ductile iron pipe with joints that are equivalent to potable water main standards.
- c. Fire hydrant legs shall be constructed of six inch ductile iron pipe with restrained joints that are equivalent to potable water main standards.

(7) *Slope standards.* Eight-inch diameter wastewater collection system lines shall be designed and installed at a slope equal to or exceeding six-tenths of one percent except on dead-end lines and lines where low flows are expected. Minimum slope on such lines that are 18 inch or less in diameter shall be one percent.

(8) *Manhole standards.*

- a. If the sanitary sewer lines entering and exiting a manhole are separated by 225°—270° or 90°—135°, the invert-in and invert-out elevations shall have a vertical separation of at least five-tenths of one foot.
- b. Five-foot diameter inside drop manholes shall be provided where invert separations equal two feet or greater and a 12-inch diameter pipe or smaller is proposed. If three 12-inch diameter or smaller drops are needed at a manhole, a six-foot inside drop manhole shall be provided. If the invert separation is two feet or greater and a pipe diameter larger than 12-inches is proposed, an outside drop manhole shall be provided.
- c. Wastewater collection system manhole rim elevations must be set to conform to the street and shoulder final grade elevation within public or private road rights-of-way. All other wastewater collection system manhole rim elevations shall be at least two feet above final grade. Wastewater collection system manholes located within the 100-year flood elevation shall be set such that the rim elevation is either one foot above the 100-year flood elevation but not more than three feet above final grade or two feet above final grade and watertight with sealed manhole covers and screened vent pipes set at least one foot above the 100-year flood elevation.
- d. Wastewater collection system manholes shall be vented every 1,000 feet or at every other manhole, whichever yields the greater number of vents.

- (9) *Wastewater pump station standard.* All wastewater pump stations shall be designed according to the city's standard wastewater pump station specification. In addition, the wastewater wet well/storage basins shall be designed for an emergency storage capacity of two hours of peak flow in the event of pump failure. The required storage volume shall be measured between the pump-off elevation and six inches from the elevation where wastewater could escape to daylight. Since this specification allows for wastewater storage for almost the full depth of the wet well, wastewater will be allowed to back up in the sanitary sewer system. However, wastewater storage in the sanitary sewer system may not be counted toward the wet well/storage basin two hour requirement. Approval of staged capacities based on phased development may be allowed, but provisions, requirements, facilities, and costs shall be delineated and accounted for in the initial design. If staged capacity is under consideration, the design engineer shall furnish a development construction schedule that explains the construction sequence for time when additional capacity is added. Staged capacity projects shall not adversely affect the city's ability to operate the pump station. The wastewater wet well/storage basins shall be six feet in diameter or greater. If a pump station is requested in lieu of a gravity system, the city manager or designee may allow the pump station if it is determined the discharge point for the force main will not adversely impact the current or future capacity of the downstream sewer to serve the drainage basin of the receiving sewer and a one-time fee is paid to the city at the time of city acceptance of the pump station calculated by the city based on the present worth of the cost for the city to operate and maintain, rehabilitate, and repair the pump station and force main in perpetuity under industry standards for reasonable care. The one-time fee is also applicable to expansions of existing pump stations.
- (10) *Service laterals.* Service laterals shall meet the following standards.
- a. Sewer service cleanouts shall be located at the edge of the right-of-way.
 - b. Sewer service cleanouts shall have brass caps with glued bi-threaded couplings.
 - c. Sewer service laterals that discharge directly into a manhole shall discharge into the manhole trough via direct piping that extends to the main trough or via a manufactured service trough at a one percent grade.
 - d. When water and sewer service laterals are extended from mains within the road right-of-way, sewer service laterals shall be located at the center of the lot and water service laterals shall be located five feet to the right of the sewer service lateral.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 05-13, § 7, 3-10-2005; Ord. No. 05-95, § 1, 10-13-2005; Ord. No. 05-113, § 6, 12-8-2005; Ord. No. 12-117, § 1, 11-8-2012)

Sec. 62-99. - Required design calculations.

The engineer shall provide the following evaluations, justifications, and calculations to the City's Engineering Department in addition to any other calculations deemed necessary to meet the requirements of all federal, state, and local requirements and to ensure that the design conforms to good engineering practice.

- (1) *Water.* The proposed extension shall be able to produce the required fire flows, including but not limited to any necessary pumping or storage throughout the proposed extension without negatively impacting the existing system. Documentation of this ability shall be submitted to the Director of Engineering for approval. The use of multiple connections to achieve the required fire flows, in lieu of upsizing the pipe, shall not be permitted.
- (2) *Wastewater.*
 - a. The design capacity and available capacity of each of the City's sanitary sewer lines and pump stations downstream of the proposed connection point shall be evaluated. This evaluation shall include a map of the City's wastewater collection system from the proposed project location to the point where the City's system connects to WSACC's wastewater collection system. Using good engineering judgment, the design engineer shall estimate

existing and potential (build out) flows using the acreage of the drainage area served and zoning information (type of allowable development) in conjunction with the daily design flows provided in the North Carolina Administrative Code.

- b. The diameters of downstream sanitary sewers and the capacities of downstream pump stations shall be verified. Downstream sanitary sewer lines shall have diameters equal to or greater than those upstream. If downstream sanitary sewer lines and pump stations do not have adequate capacity to accommodate the peak flow of the existing wastewater (along with the potential build out) and the estimated peak flow of the project served by the extension, then all necessary downstream sewer lines, pump stations, and appurtenances shall be upsized. The developer shall be responsible for their proportional share of the costs to increase the size of the downstream infrastructure. The costs shall be determined and or verified by the Director of Engineering or her/his designee.
- c. The hydraulics of the proposed manhole with the greatest slope differential (i.e., steep line entering the manhole and a flat line exiting the manhole) and the tie-in point of the existing system shall be evaluated to determine whether or not the wastewater will surcharge during peak flow conditions.
- d. *Wastewater pump station.*
 1. Total dynamic head calculations for all applicable pumping conditions shall be provided.
 2. The pump curve of each proposed pump shall be provided. A pump curve/system curve analysis, plotting total dynamic head versus capacity, shall be used to determine the pump selection and the operating range. System curves for the following conditions shall also be provided: system at the point of initial service (new), system at the end of service (aged), at the pump-on condition, at the pump-off condition, one pump operating, multiple pumps operating. The efficiency of the pump(s) shall be at least 40 percent throughout the operating range.
 3. The number of times that the pump is activated during average daily flow and peak flow conditions shall be evaluated. The pump run time shall also be evaluated.
 4. Buoyancy protection calculations shall be provided for wastewater pump stations. Flotation calculations shall assume that the elevation of the groundwater is equivalent to the ground elevation and shall not include the weight of the pumps, internal piping and appurtenances, or wastewater.
 5. The available storage capacity of the wet well shall be calculated for the volume measured between the pump-off elevation and six inches from the elevation where wastewater could escape to daylight. Wastewater storage in the sanitary sewer system may not be counted toward the wet well/storage basin two hour requirement.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 05-113, § 7, 12-8-2005)

Sec. 62-100. - Exceptions.

Exceptions to the City's design standards shall only be granted upon meeting the applicable regulations of other governmental authorities for water distribution systems and wastewater collection systems extensions and/or modifications by obtaining the approval and concurrence of the Director of Engineering and the Director of Water Resources and/or Director of Wastewater Resources, as applicable. Further, this approval shall only be granted in cases where the applicant can demonstrate that an alternative design standard will provide the following:

- (1) Equal or better system performance,
- (2) Equal or better system operation and maintenance, and
- (3) No increased potential for nuisance conditions.

(Ord. No. 04-17, § 1, 3-11-2004)

Secs. 62-101—62-130. - Reserved.

ARTICLE IV. - FEES, CHARGES, AND BILLS

Sec. 62-131. - Amounts.

The City shall assign fees, charges, and bills in accordance with the amounts provided in City's adopted budget ordinance applicable at the time that services are rendered. Billing rates shall be based upon land use, regardless of the zoning designation. Established residences shall be billed in accordance with the current residential rate. Water and sewer rates are provided in the City's most recently adopted budget ordinance.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-132. - Types of fees and charges.

- (a) *Water treatment and distribution system use fees.* These fees are intended to provide for the recovery of costs from customers for the use of the water treatment facilities and the distribution system. These fees offset Concord Utilities' debt on the existing water treatment facilities and distribution system, the cost of routine operation and maintenance, and related administrative costs. Rates vary by water meter type, size, and customer class. The specific authorized rates are listed below. Rates are established in the adopted annual budget ordinance and are incorporated herein by reference.
- (1) *Base charges.* Each customer shall pay a minimum charge based on the customer's water meter type, size, and location.
- a. *Inside City.* A base charge shall apply to all customers within the municipal limits of the City as identified in the approved annual budget ordinance.
 - b. *Outside City.* A base charge shall apply to all customers outside of the municipal limits of the City as identified in the approved annual budget ordinance.
 - c. *Fire service availability.* A base charge shall apply to all customers of the City with separate water services dedicated to fire protection systems.
- (2) *Volume charges.* In addition to the base charges listed in subsection 62-132(a)(1) above, each customer shall pay for the volume of water used from Concord Utilities.
- a. *Residential volume charges inside City.* These volume charges apply to the "residential inside City" customer class. The "residential inside City" customer class includes customers living within the municipal limits of the City with a water service that supplies a single-family home (detached, attached, modular, or manufactured), home occupation, or multi-family dwelling with separately-metered units.
 1. *Residential service.* Water that passes through Concord Utilities' water meter shall be billed at three different block rates based on the volume that passes through the meter during the billing cycle. Each block shall be billed at the rate designated in the approved annual budget ordinance.
 - i. *Block 1.* A Block 1 rate shall apply to customers that have zero to 6,000 gallons pass through the water meter during the billing cycle.
 - ii. *Block 2.* A Block 2 rate shall apply to customers that are 6,001 to 8,999 gallons pass through the water meter during the billing cycle.
 - iii. *Block 3.* A Block 3 rate shall apply to customers that have 9,000 or more gallons pass through the water meter during the billing cycle.

2. *Irrigation service.* Water that passes through a residential irrigation meter shall be billed at the rate designated in the approved annual budget ordinance.
- b. *Residential volume charges outside City.* These volume charges apply to the "residential outside City" customer class. The "residential outside City" customer class includes customers living outside the municipal limits of the City with a water service that supplies a single-family home (detached, attached, modular, or manufactured), home occupation, or multi-family dwelling with separately-metered units.
 1. *Residential service.* Water that passes through Concord Utilities' water meter shall be billed at three different block rates based on the volume that passes through the meter during the billing cycle. Each block shall be billed at the rate designated in the approved annual budget ordinance.
 - i. *Block 1.* A Block 1 rate shall apply to customers that have zero to 6,000 gallons pass through the water meter during the billing cycle.
 - ii. *Block 2.* A Block 2 rate shall apply to customers that are 6,001 to 8,999 gallons pass through the water meter during the billing cycle.
 - iii. *Block 3.* A Block 3 rate shall apply to customers that have 9,000 or more gallons pass through the water meter during the billing cycle.
 2. *Irrigation service.* Water that passes through a residential irrigation meter shall be billed at the rate designated in the approved annual budget ordinance.
 - c. *Commercial and institutional volume charges.* These volume charges apply to the "commercial/institutional" customer class. The "commercial/institutional" customer class includes customers with a water service that supplies an establishment that is engaged in the business of exchanging, buying, or selling goods and services; or supplies an establishment or office that promotes a governmental, educational, or organizational function. Commercial/institutional customers do not include customers that fit the definition of a "residential" or "industrial" customer.
 1. *Commercial/institutional service.* Water that passes through Concord Utilities' water meter shall be billed based on the volume that passes through the meter during the billing cycle at the rate designated in the approved annual budget ordinance.
 2. *Commercial/institutional irrigation service.* Water that passes through a commercial/institutional irrigation meter shall be billed at the rate designated in the approved annual budget ordinance.
 - d. *Industrial volume charges.* These volume charges apply to the "industrial" customer class. The "industrial" customer class includes customers with a water service that supplies an establishment that is engaged in the business of manufacturing or processing products. Industrial customers are classified by the North American Industry Classification System (NAICS), formerly the U.S. Standard Industrial Classification (SIC) system.
 1. *Industrial service.* Water that passes through Concord Utilities' water meter shall be billed based on the volume that passes through the meter during the billing cycle at the rate designated in the approved annual budget ordinance.
 2. *Industrial irrigation service.* Water that passes through a commercial/institutional irrigation meter shall be billed at the rate designated in the approved annual budget ordinance.
 - e. *Local government volume charges.* These charges apply to select local governments that have water supply agreements with the City.
 1. *Town of Harrisburg service.* Water that passes through the Concord Utilities' system to the Town of Harrisburg's water system shall be billed based on the volume that passes through the designated meter(s) during the billing cycle at the rate identified in the approved annual budget ordinance.

2. *City of Kannapolis service.* Water that passes through the Concord Utilities' system to the City of Kannapolis's water system shall be billed based on the volume that passes through the designated meter(s) during the billing cycle at the rate identified in the approved annual budget ordinance.
 3. *Town of Mount Pleasant service.* Water that passes through the Concord Utilities' system to the Town of Mount Pleasant's Water System shall be billed based on the volume that passes through the designated meter(s) during the billing cycle at the rate identified in the approved annual budget ordinance.
- f. *Fire hydrant volume charges.* These charges apply to customers that withdraw water from Concord Utilities through a connection to a fire hydrant. These customers shall hold a valid permit in accordance with section 62-163 and are only authorized to connect to fire hydrants identified by Concord Utilities.
- (b) *Water connection charges.* These fees are intended to provide for the recovery of costs from customers for the labor and equipment associated with the installation of connections to the existing water distribution system and offset the cost of major capital infrastructure. Each residential customer shall pay an amount based on the number of residential units, customer's water meter size and the installer of the connection. Each non-residential customer shall pay an amount based on the customer's water meter size and the installer of the connection. Owners/developers shall pay connection charges at the time of issuance of a zoning clearance permit. This fee applies to each residential unit, commercial and industrial lot or unit requiring water and/or sewer utility service.
- (1) *Water service meters two inches and smaller.*
 - a. *Installed by Concord Utilities.* The customer shall pay the amount identified in the approved annual budget ordinance based on the water meter size and number of residential units if applicable.
 - b. *Installed by others.* If connections are not installed by the City and are installed by others in accordance with the requirements of this chapter, a portion of the water connection charge shall be waived and the customer shall only pay the amount identified in the approved annual budget ordinance as the "capacity fee."
 - (2) *Water service meters greater than two inches.*
 - a. *Installed by Concord Utilities.* The customer shall pay the amount identified in the approved annual budget ordinance based on the water meter size.
 - b. *Installed by others.* If connections are not installed by the city and are installed by others in accordance with the requirements of this chapter, the customer shall only pay the amount identified in the approved annual budget ordinance based on the water meter size.
 - (3) *Irrigation service meters.* The customer shall pay the amount identified in the approved annual budget ordinance based on the irrigation meter size.
- (c) *Wastewater collection system use fees.* These fees are intended to provide for the recovery of costs from customers for the use of the wastewater collection system. These fees offset Concord Utilities' debt on the existing wastewater collection system, the cost of routine operation and maintenance, and related administrative costs. Additionally, this fee shall include the recovery of costs required to pay the interceptor use and wastewater treatment fees. The specific authorized rates are listed below. Rates are established in the adopted annual budget ordinance and are incorporated herein by reference.
- (1) *Base charges.* Each customer shall pay a minimum charge based on the customer's sewer service size and location.
 - a. *Inside City.* A base charge shall apply to all customers within the municipal limits of the City as identified in the approved annual budget ordinance.
 - b. *Outside City.* A base charge shall apply to all customers outside of the municipal limits of the City as identified in the approved annual budget ordinance.

- (2) *Volume charges.* In addition to the base charges listed in subsection 62-132(c)(1) above, each customer shall pay for the volume of wastewater discharged to Concord Utilities. Wastewater discharge volume charges shall be based on the volume of water that passes through the customer's water meter with the following exceptions. Industrial customers with significant discrepancies between water consumption and wastewater discharge may determine wastewater volumes in accordance with section 62-136. Residential customers that do not receive metered water service from Concord Utilities shall be billed a flat volume charge based on the average residential water consumption of Concord Utilities residential customers.
- a. *Inside City.* Customers shall be billed at the rate designated in the approved annual budget ordinance.
 - b. *Outside City.* Customers shall be billed at the rate designated in the approved annual budget ordinance.
 - c. *Flat volume charge.* Customers shall be billed at the rate designated in the approved annual budget ordinance.
- (d) *Wastewater connection charges.* These fees are intended to provide for the recovery of costs from customers for the labor and equipment associated with the installation of connections to the existing wastewater collection system and offset the cost of major capital infrastructure. Each residential customer shall pay an amount based on the number of residential units, customer's sewer service size and the installer of the connection. Each non-residential customer shall pay an amount based on the customer's water meter size and the installer of the connection. Owners/developers shall pay connection charges at the time of issuance of a zoning clearance permit. This fee applies to each residential unit, commercial and industrial lot or unit requiring water and/or sewer utility service.
- (1) *Sewer services four inches.*
 - a. *Installed by Concord Utilities.* The customer shall pay the amount identified in the approved annual budget ordinance based on the sewer service size and number of residential units for residential customers and water meter size for non-residential customers.
 - b. *Installed by others.* If connections are not installed by the city and are installed by others in accordance with the requirements of this chapter, a portion of the wastewater connection charge shall be waived and the customer shall only pay the amount identified in the approved annual budget ordinance as the "capacity fee."
 - (2) *Sewer services greater than four inches.*
 - a. *Installed by Concord Utilities.* The customer shall pay the amount identified in the approved annual budget ordinance based on the sewer service size and number of residential units for residential customers and water meter size for non-residential customers.
 - b. *Installed by others.* If connections are not installed by the city and are installed by others in accordance with the requirements of this chapter, a portion of the wastewater connection charge shall be waived and the customer shall only pay the amount identified in the approved annual budget ordinance as the capacity fee.
- (e) *Concord Utilities extension and modification permit fees.* These fees are intended to provide for the recovery of costs associated with the administration of processing permit applications and permits for the extension and modification of Concord Utilities.
- (1) *Water permit application review.* Customers shall pay the amount designated in the approved annual budget ordinance.
 - (2) *Wastewater permit application review.* Customers shall pay the amount designated in the approved annual budget ordinance.
- (f) *Labor and equipment charges.* These charges are intended to provide for the recovery of costs associated with labor performed by Concord Utilities on the behalf of a customer. Rates are listed in the approved annual budget ordinance by equipment type and time. Labor and equipment charges also include all applicable trip charges. Customers shall pay all required labor and equipment charges.

- (g) *Water meter testing fees.* These fees are intended to provide for the recovery of costs associated with labor performed by Concord Utilities on the behalf of a customer. These fees may be reimbursable to the customer if the appropriate provisions of section 62-135 are met. Customers shall pay all required water meter testing fees.
- (h) *Fees for violations of mandatory water restrictions.* These fees are intended to be a punitive consequence for the violation of section 62-165. The amount of this fee is based on customer class and the number of offenses of a specific customer. Customers shall pay all required fees for violations of mandatory water restrictions.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 04-36, 5-13-2004; Ord. No. 08-93, § 1, 9-11-2008; Ord. No. 08-93, § 2, 9-11-2008; Ord. No. 16-23, §§ 1—4, 3-10-2016; Ord. No. 16-116, §§ 1—4, 10-13-2016; Ord. No. 17-99, §§ 1—4, 9-14-2017; Ord. No. 20-129, §§ 1—4, 12-10-2020)

Sec. 62-133. - Payment procedures.

The City shall collect and the customer shall pay the appropriate fees, charges, and bills in accordance with the procedures established by Ordinance 97-15, utility policies and procedures.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-134. - Responsibility for payment.

- (a) *Metered services.* On metered services, the applicant for water or sewer service shall be responsible for the payment of the bill.
- (b) *Master-metered services.* If multiple dwelling units are served from the same meter, the property owner or landlord shall be responsible for payment of the bill.
- (c) *Flat rate services.* On flat rate services, the property owner shall be responsible for the payment of the bill.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-135. - Billed water usage versus actual water consumption.

- (a) *Verifying water meter accuracy.* If a customer believes that a water meter on their premises is not registering their water consumption accurately, they may request a meter test. Charges shall be collected for this service in accordance with the procedures established by the Customer Service division in the amount identified in the City's most recently adopted Budget Ordinance. If staff determines that the meter was not properly calibrated or that previous readings were inaccurate, not meeting the standard accuracy +/- 2.5%, the meter testing fee shall be credited to the customer's account and the faulty meter shall be repaired or replaced at no cost to the customer.
- (b) *Adjustments for inaccurate water meter readings.* If the meter seal is broken by someone other than a staff member or agent of Concord Utilities, or if the meter fails to accurately register the customer's water usage, the customer shall be charged or credited the amount computed in accordance with the procedures established by the customer service division for the period in which the meter failed to produce an accurate reading.
- (c) *Adjustments for major leaks in the customer's plumbing.* If Concord Utilities discovers or verifies a leak in the customer's plumbing that resulted in a meter reading with water usage 400 percent above the customer's average consumption, the customer's charges may be modified in accordance with the procedures established by the customer service division.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-136. - Billed wastewater discharge versus actual wastewater discharge.

If industrial customers have data verifying that process water is not discharged into the Concord Utilities System, then the wastewater discharge can be measured by one of the following methods:

- (1) If the volume of wastewater created by an industrial customer is similar to the volume of water used from the City's water distribution system, then the volume of water purchased from the City shall be considered to be equal to the volume of wastewater discharged to the Concord Wastewater Collection System.
- (2) If a substantial portion of the water used from the City's water distribution system is not used by the industrial customer's facility or is not discharged to the City's wastewater collection system, the quantity of wastewater discharged to the wastewater collection system shall be determined by one of the following means:
 - a. Flow meter(s) on the water service line(s) to a specific operation(s), or
 - b. Flow meter(s) on the wastewater service line(s) from a specific operation(s), or
 - c. If any industrial customer, now discharging or proposing to discharge wastewater into the City's wastewater collection system does not secure their property's entire water supply from the City's water distribution system, such user shall do the following:
 1. Install and maintain a flow meter(s) on the sewer line(s) from all process operations, and
 2. Install additional flow meters on the private water supply as required to permit the determination of the total quantity discharged to the City's wastewater collection system from all sources under procedures comparable to paragraphs 1. or 2. in this subsection.
- (3) If flow meter(s) are installed in full compliance with Concord Utilities' requirements as stipulated in the City's flow meter specifications for wastewater collection systems adopted concurrently with this chapter and incorporated herein by reference as if written below, then the customer shall perform calibrations and certifications pursuant to this chapter and any contract between the City and the customer.
- (4) All sources of water supplied to the industrial customer and all discharges of wastewater into the City's wastewater collection system shall be identified and metered in accordance with this section. Any wastewater that is not accounted for but discharged to the City's wastewater collection system shall be considered an illegal discharge and shall be subject to all penalties described in section 62-8.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-137. - Failure to pay.

Payment of charges, fees, and assessments shall be due as specified on the bill. If any charges remain after the specified due date, a notice will be sent and a late fee will be applied to the unpaid balance in accordance with the terms and conditions governing payments set by the appropriate governing body.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-138. - Additional fees and charges by other regulatory agencies.

The customer shall be responsible for contacting Cabarrus County and the Water and Sewer Authority of Cabarrus County and determining any additional fees, charges, and bills that may be assessed.

(Ord. No. 04-17, § 1, 3-11-2004)

Secs. 62-139—62-160. - Reserved.

ARTICLE V. - WATER DISTRIBUTION

Sec. 62-161. - Cross-connection control.

(a) *Purpose.* The purpose of this cross connection control section is:

- (1) To protect the public potable water supply of the City from the possibility of contamination or pollution, due to backsiphonage or back pressure, by isolation within the consumer's private water system such contaminants or pollutants, which could backflow into the public water system.
- (2) To define the authority of the City as the water purveyor entitled to eliminating all cross connections, new or existing, within Concord Utilities Water System.
- (3) To provide a continuing inspection program of cross connections, which may be installed in the future.

(b) *City's responsibility.*

- (1) Concord Utilities will be primarily responsible for preventing any contamination or pollution of the Concord Utilities Water System. This responsibility begins at the point of origin of the public water supply and includes all of the public water distribution system, and ends at the service connection under the Safe Drinking Water Act. The Backflow Administrator shall exercise vigilance to ensure that the consumer/customer has taken the proper steps to protect the public potable water system.
- (2) When it has been determined that a backflow protection assembly is required for the prevention of contamination of the Concord Utilities Water System, the Backflow Administrator shall notify the owner, in writing, of any such building or premises, to correct within a time set by this section, any plumbing installed or existing that is in violation of this section.
- (3) After surveying the private water system the Backflow Administrator will select an approved backflow prevention assembly required for containment control to be installed at service entrance.
- (4) Prior to the installation of any backflow prevention assembly, the owner of the private water system must be notified that the installation of a backflow prevention assembly may create a closed system, and as a result thermal expansion may occur. Under such circumstance, the customer must understand and assume all liability and responsibilities for that phenomenon.

(c) *Customer's responsibility.*

- (1) The customer has the responsibility of preventing contaminants and pollutants from entering the customer's private water system or the public water system operated by the City. The customer, at his own expense, shall install, operate and maintain all backflow prevention assemblies specified within this section.
- (2) If a tenant customer does not maintain the private water system and has no authority to bring the system into compliance with the provisions of this section the City may assert any available action against the tenant to assure the private water system is brought into compliance with this section.

(d) *Right of entry; authorization.*

- (1) Any authorized representative from the City shall have the right to enter any building, structure, or premises during normal business hours to perform any duty imposed upon him by this section and with in accordance to Appendix D104.2.1 of the State Plumbing Code. Those duties may include sampling and testing of water, or inspection and observation of all piping systems connected to the public water supply. Refusal to allow these representatives to enter for these purposes will result in the disconnection of water service.
 - (2) On request, the consumer shall furnish to the water purveyor any pertinent information regarding the water supply system on such property where cross connection and backflow are deemed possible. (State Plumbing Code Appendix D104.2.3)
- (e) *Unprotected cross connection.*
- (1) No water service connection to any private exterior or interior water system shall be installed or maintained by Concord Utilities unless the water supply is protected as required by this section and other applicable laws. Service of water to any premises shall be discontinued by the City if a backflow assembly, required by this section, is not installed, tested, and maintained or if a backflow assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will be restored after all such conditions or defects are corrected. (Section 62-154(a))
 - (2) No customer shall allow an unprotected cross connection to be made or to remain involving the customer's exterior or interior private water system.
 - (3) No connection shall be made to an unapproved auxiliary water supply unless the public water supply is protected against backflow by an approved backflow assembly, appropriate to the degree of hazard.
 - (4) No customer shall fail to maintain in good operating condition any backflow prevention assembly, which is part of the customer's private water system and is required by this section.
 - (5) No customer shall fail to submit to the City any record, which is required by this section.
- (f) *Installation and testing of backflow prevention assembly.*
- (1) The purpose of this subsection is to require that all water flowing from the Concord Utilities Water System must flow through an approved backflow prevention assembly and that each backflow prevention assembly be properly located, installed, maintained and tested so that the backflow prevention assembly is effective in protecting the Concord Utilities Water System from any possible contamination or pollution.
 - (2) The installation or replacement of a backflow prevention assembly for domestic water use shall only be performed by a licensed plumber or utility contractor. The installation of a backflow prevention assembly on a dedicated fire sprinkler service shall be performed by a licensed fire sprinkler contractor or utility contractor. Repairs to a backflow prevention assembly on a dedicated fire sprinkler system may only be performed by a fire sprinkler contractor. All backflow prevention assemblies may be tested by a certified backflow technician authorized by the City.
 - (3) All new construction plans and specifications which will directly effect Concord Utilities, and/or are required by the State Building Code, the State Division of Environmental Health (N.C. DEQ), and City or county planning and zoning offices, shall be made available to the City's Backflow Administrator for review, approval, and to determine the degree of hazard.
 - (4) All existing facilities zoned commercial or industrial and have existing water services with Concord Utilities and requesting certificate of compliance from the City or County Planning and Zoning Offices, shall be inspected for compliance of backflow and cross connection control prevention. Any facility not having backflow protection or changing the degree of hazard shall be brought into compliance before the Backflow Administrator may release certificate of compliance.
 - (5) All backflow prevention assemblies must be installed and maintained on the customer's premises as part of the customer's private water system at or near the service connection and before the service line is connected to any other pipes except as authorized by the water purveyor.

- (6) If it has been determined that a backflow prevention assembly cannot be installed at the meter service, due to zoning or DOT rights-of-way, an approved backflow assembly must be installed on every branch of plumbing installed between the service meter and the service backflow assembly.
- (7) Any branch of plumbing installed on the private water system that may be of a greater hazard than the supply line, (example: chemical induced irrigation or fire systems, pump systems, etc.) shall be protected with a reduced pressure assembly.
- (8) All backflow prevention assemblies shall be installed in accordance with the City's "Backflow Prevention and Cross Connection Control Manual", (which is incorporated herein by reference as if written below), and/or the manufacturer's instructions, whichever is most restrictive.
- (9) All double check valve assemblies, two-inches or larger, must be installed in a watertight drainable pit wherever belowground installation is necessary in accordance with detailed specifications provided in the Backflow Prevention and Cross Connection Control Manual. If drain cannot be provided, the assembly must be installed above the ground. Double check valve assemblies may be installed in a vertical position with prior approval from the Backflow Administrator, provided that the flow of water is in an upward direction.
- (10) Reduced pressure assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances. Pit installations are prohibited.
- (11) Each backflow prevention assembly that is required must function properly at time of installment. Each customer will be required to test, maintain, and repair each assembly required which is a part of the customer's private water system. A certified backflow prevention technician may only conduct such test. Testing shall be done immediately following installation of any backflow prevention assembly and on an annual or semiannual basis depending the degree of hazard.
- (12) If repair is found necessary on an assembly it must be retested following any repair. A complete duplicate copy of any testing and/or repair shall be sent to the City within 30 days of completion of test or repair. Each customer must maintain a complete copy of test or repair. Each customer must maintain a complete copy of any test or repair for no less than five years. All test and repair records must be maintained on forms approved by the Backflow Administrator of the City.
- (13) All rubber components must be replaced every five years or as often as needed.
- (14) Any customer installing a reduced pressure (RP) or double check valve assembly (DCVA) must provide the following information to the Backflow Administrator within ten days after installation:
 - a. Service address where assembly is located;
 - b. Owner;
 - c. Description of assembly's location;
 - d. Date of installation;
 - e. Type of assembly;
 - f. Manufacturer;
 - g. Model number;
 - h. Serial number; and
 - i. Test results/reports.
- (15) The Backflow Administrator must approve each backflow assembly required by this section. Unapproved backflow assembly must be replaced, within a time set by the Backflow Administrator, with an approved backflow assembly. For a list of approved backflow assemblies reference the City's "Backflow Prevention and Cross Connection Control Manual."

- (16) If it has been determined that a customer must install a backflow prevention assembly, the Backflow Administrator will provide the customer with a letter of notification. The following time periods shall be set forth for the installation of the specified assemblies:

Health hazard—60 days

Non-health hazard—90 days

- (17) If an imminent hazard or unreasonable threat of contamination or pollution to the Concord Utilities Water System is detected, the Backflow Administrator may require the installation of the required backflow assembly immediately or within a shorter time period than specified in subsection (16) of this subsection.

- (18) If a customer does not wish for water service to be interrupted when a backflow assembly is tested, repaired, or replaced, a parallel installation must be made using an approved assembly of the same degree of hazard. The parallel line may be of the same size or smaller.

(g) *Degree of hazards.*

(1) *Determining degree of hazard.*

- a. No service shall be completed until the Backflow Administrator has been provided information or has surveyed the private water system to determine the degree of hazard and make a determination of a backflow prevention assembly to be installed to protect the public water supply.
- b. Any customer making any modification to their private exterior or interior water system configuration and/or changes the usage of the exterior or interior water system, which may change the degree of hazard, the customer shall notify the Backflow Administrator before any modification is made. If the Backflow Administrator determines that such modification requires a different backflow prevention assembly, that assembly must be installed before the modification is made or the usage is changed.
- c. The following types of facilities or services have been identified by Concord Utilities as having a potential for backflow or non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly will be required on all such services according to the degree of hazard present. Other types of facilities or services not listed in this subsection may also be required to install approved backflow prevention assemblies if determined necessary by the City's Backflow Administrator. As a minimum requirement, all commercial services will be required to install a double check valve assembly unless otherwise listed as follows:

DCVA = Double check valve assembly

RP = Reduced pressure assembly

DCDA = Double check detector assembly

RPDA = Reduced pressure detector assembly

AG = Air gap

PVB = Pressure vacuum breaker

Aircraft and missile plants: RP

Automotive service stations, dealerships, etc.:

No health hazard: DCVA

Health hazard: RP

Automotive plants: RP

Auxiliary water systems:

Approved public/private water supply: DCVA

Unapproved public/private water supply: AG

Used water and industrial fluids: RP

Bakeries:

No health hazard: DCVA

Health hazard: Hazard

Beauty shops/barber shops:

No health hazard: DCVA

Health hazard: RB

Beverage bottling plants: RP

Breweries: RP

Buildings—Hotels, apartment houses, public and private buildings, or other structures having unprotected cross connections:

(Under five stories) No health hazard: DCVA

(Under five stories) Health hazard: RP

(Over five stories) All: RP

Canneries, packing houses, and rendering plants: RP

Chemical plants—Manufacturing, processing, compounding or treatment: RP

Chemically contaminated water system: RP

Commercial car-wash facilities: RP

Commercial greenhouses: RP

Concrete/asphalt plants: RP

Dairies and cold storage plants: RP

Dye works: RP

Film laboratories: RP

Fire systems:

No health hazard: DCDA

Health hazard (booster pumps, foams, antifreeze solution, etc.): RPDA

Hospitals, medical buildings, sanitarium, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP

Individual commercial sales establishments (department stores):

No health hazards: DCVA

Health hazard: RP

Industrial facilities:

No health hazard: DCVA

Health hazard: RP

Laundries:

No health hazard: DCVA

Health hazard (i.e., dry cleaners): RP

Lawn irrigation systems:

Health hazard: RP

Malls or strip malls (frequent tenant change and photo labs, etc.):

Health hazard: RP

Metal manufacturing, cleaning processing, and fabricating plants: RP

Mobile home parks:

No health hazard: DCVA

Health hazard: RP

Oil and gas production, storage or transmission properties: RP

Paper and paper products plants: RP

Pest control (exterminating and fumigating): RP

Plating plants: RP

Power plants: RP

Public swimming pools: RP

Radioactive materials or substances—Plants or facilities handling: RP

Restaurants:

No health hazard: DCVA

Health hazard: RP

Restricted, classified, or other closed facilities: RP

Rubber plants (natural or synthetic): RP

Sand and gravel plants: RP

Schools, and colleges: RP

Sewage and storm drain facilities: RP

Waterfront facilities and industries: RP

All assemblies and installations shall be subject to inspection and approval by Concord Utilities.

- d. Filling of tanks/tankers or any other container from a City-owned fire hydrant is strictly prohibited unless it has been equipped with the proper meter and backflow protection, at which point Concord Utilities will issue a permit for that tank/tanker or container. Any unauthorized connection to a fire hydrant is considered an illegal cross connection to the Concord Utilities water system and will be subject to fines.
- e. If a cross connection control inspector is unable to survey any portion of a private exterior or interior water system to determine the degree of hazard, due to confidential activities, a reduced pressure assembly will be required. (Section 62-156(a))

(2) *Low hazard.*

- a. All single-family residential homes will be considered a low hazard and shall have a minimum of a dual check valve device installed at the meter service. Dual check valves shall not be in-line tested.
- b. If no other backflow prevention assembly is specified a double check valve assembly must be installed on all private water systems.

(3) *Imminent hazard.*

- a. If it has been determined that a customer's private water system has an imminent hazard, such customer must install a backflow prevention assembly specified by the Backflow Administrator and this section. This assembly must be installed within 24 hours of notification from the Backflow Administrator. If the customer fails to install the specified assembly within the allowed time limit, water service to the customer's private water system will be terminated and may be subject to specified civil penalties. If the Backflow Administrator is unable to notify the customer in 24 hours of determining an imminent hazard exist, the Backflow Administrator may terminate water service until the specified assembly is installed. These actions may be carried out under the Safe Drinking Water Act (Title XIV, Section 1431) and the State Plumbing Code (Appendix D104.2.6).
- b. Only a backflow prevention assembly offering a greater degree of protection may be installed in place of a specified assembly required by this section.

(h) *Notice of contamination or pollution.*

- (1) If the customer's private exterior or interior water system becomes contaminated or polluted the customer shall notify Concord Utilities immediately. (Section 62-157(a))
- (2) If a customer has reason to believe that a backflow incident has occurred between the customer's private exterior or interior water system and the Concord Utilities Water System, the customer must notify Concord Utilities immediately in order that appropriate measures may be taken to isolate and remove the contamination or pollution. (Section 62-157(b)) (Code 1987, § 12-97)

(i) *Violations.*

- (1) *Notification.* Notification under this section shall be as described in section 62-8.
- (2) *Penalties.* The violation of any part of this section may be punished by a civil penalty listed as follows:

- a. Unprotected cross connection involving a mobile source or private exterior or interior water system, which has an imminent hazard: \$1,000.00 per day not to exceed \$10,000.00.
- b. Unprotected cross connection involving a mobile source or private exterior or interior water system, which is of a moderate or high hazard: The amount established in Code of Ordinances sections 1-6 and 62-8.
- c. Submitting false records or failure to submit records that are required by this section: The amount established in Code of Ordinances sections 1-6 and 62-8.
- d. Failure to test or maintain backflow prevention assemblies as required: \$100.00 per day.

(3) *Reduction of penalty.*

- a. The Backflow Administrator may reduce or dismiss any civil penalty imposed under this section if the Backflow Administrator has determined that the person charged with the violation has no past history of violation in a timely manner as set by the Backflow Administrator.
- b. No civil penalty shall be reduced if it has been determined the violation was intentional.
- c. Any person violating any part of this section must reimburse the City for any expenses in repairing damage to the Concord Utilities Water System caused by any violation and any expenses incurred for investigating a violation.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 05-13, § 9, 3-10-2005)

Sec. 62-162. - Fire protection.

Fire protection shall be provided in accordance with chapter 34 of this Code and all other applicable ordinances of the City. Developers may contract the installation of fire hydrants with Concord Utilities; however, in all cases the full cost of providing such hydrants shall be borne by the developer. Connection of fire hydrants to the Concord Utilities System shall constitute the dedication of such hydrants to Concord Utilities. All hydrants located within a City road or utility right-of-way or on Concord Utilities property shall be maintained by Concord Utilities. Water withdrawn from fire hydrants shall be used for fire protection only, unless an additional use has been approved by the Director of Water Resources. Metering may be required for fire protection systems that are periodically tested. Concord Utilities shall be notified at least 48 hours prior to every test. If proper notification is not given, Concord Utilities may require the installation of approved metering devices and appurtenances. Concord Utilities reserves the right to make any inspections that may be required to ensure compliance with this section. Fire protection facilities installed upon private property shall be for the use of the owner; Concord Utilities shall assume no responsibility for such facilities. Pumps shall not be directly connected to the Concord Utilities System without the written consent of the Director of Water Resources.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-163. - Fire hydrant use.

(a) *Purpose.* The purpose of this article is:

- (1) To define the City as the water purveyor having authority to issue a permit for hydrant use.
- (2) To assure the public potable water supply of the City is protected from possible contamination or pollution due to backsiphonage or back pressure from non-potable water sources.
- (3) To establish and enforce guidelines for use of fire hydrants for purposes other than fire protection.

(b) *Responsibilities.*

- (1) Concord Utilities will be responsible for enforcing this section to ensure each person or company drawing water from a city fire hydrant does so in a safe and responsible manner.
 - (2) Concord Utilities will inspect and permit tank/tankers on a yearly basis to observe that each tank or tankers drawing water from the water system owned by the city is equipped with the backflow protection required by this article and that said backflow protection has not been altered and to ensure correct water consumption records are being provided to the city.
 - (3) The customer has the responsibility of operating a city fire hydrant in a proper and safe manner, thus preventing damage to the hydrant and the Concord Utilities water system.
 - (4) The customer is responsible for maintaining proper backflow protection on the customer's tank/tanker to prevent contamination or pollution of the city water system.
 - (5) The customer is responsible for maintaining accurate consumption records and provide these records monthly to Concord Utilities.
- (c) *Permit required.*
- (1) Any person or entity requesting to withdraw water from a Concord Utilities fire hydrant shall contact Concord Utilities to obtain a water use permit.
 - (2) An annual permit fee is required for each tank/tanker. A permit sticker is issued and shall be placed in a visible area on the rear of the tank/tanker.
 - (3) A tank/tanker found drawing water from a Concord Utilities fire hydrant without a valid city-issued permit is in violation of this section.
- (d) *Operations.*
- (1) Each tank/tanker shall be equipped with a gallon register meter.
 - (2) Each tank/tanker shall be equipped with approved backflow protection. Backflow protection shall be an approved air gap or approved RPZ backflow assembly.
 - (3) Any tank/tanker connected to a Concord Utilities fire hydrant without backflow protection provided shall be considered as creating an illegal unprotected cross-connection between a private water system and the city's public water system. Unprotected cross-connection is a violation of section 62-161.
 - (4) A customer shall use an approved fire hydrant wrench only. Pipe wrenches and adjustable wrenches are prohibited.
 - (5) Hydrants shall be opened and closed slowly. Any connections to a fire hydrant shall not be left unattended.
 - (6) Only hydrants designated by Concord Utilities may be used.
- (e) *Notifications and billing.*
- (1) Concord Utilities shall be notified 24 hours prior to drawing water from a city-owned fire hydrant. Date, time, and location shall be reported at that time.
 - (2) Consumption reports shall be received by Concord Utilities by the first business day of each month.
 - (3) Water consumption is billed per 1,000 gallons at current commercial/institutional volume charge. The city finance department will issue billing for permit fees and consumption.
- (f) *Violations.*
- (1) A written notice shall be served in person or by certified mail to any person or entity found to be in violation of any part of this section.

- (2) Penalties for violations of this section shall be the same penalties as set forth in section 62-8, except that a violation by a business or commercial entity or agent thereof shall subject the offending entity to a civil penalty of not more than \$10,000.00 per day.
- (g) *Compensation for damages.* In addition to the applicable civil penalties, any person or entity violating any part of this section shall be liable to the city for any expenses in repairing damage to the Concord Utilities water system caused by any violation and any expenses incurred for investigating said violation.

(Ord. No. 04-17, § 1, 3-11-2004)

Sec. 62-164. - Irrigation.

- (a) *Purpose.* The purposes of this section are:
 - (1) To regulate the use of water from the Concord Utilities System for irrigation.
 - (2) To assure that conservation measures are used to prevent the waste of water.
- (b) *Duties of Concord Utilities.*
 - (1) Concord Utilities shall ensure that each person or entity using water from the Concord Utilities System for irrigation does so in a responsible manner.
 - (2) Concord Utilities shall be responsible for inspection to assure that each irrigation system has appropriate measures to conserve and prevent water waste.
 - (3) The customer shall be responsible for operating their irrigation system in a manner as to prevent waste of water.
 - (4) The customer shall be responsible for maintaining their irrigation system to assure irrigation heads, timer, rain sensor switch, and backflow prevention assemblies are operating properly to prevent water waste and protect the Concord Utilities water system from contamination.
- (c) *Required equipment.*
 - (1) Irrigation systems connected directly or indirectly to water provided by Concord Utilities shall be equipped with a reduce pressure assembly to prevent contamination of the Concord Utilities System.
 - (2) Irrigation systems connected directly or indirectly to water provided by Concord Utilities shall be equipped with a rain sensor switch.
 - (3) All irrigation services shall be metered separately. Non-residential properties and/or land uses shall provide a separate service for irrigation.
- (d) *Required maintenance.*
 - (1) Rain sensors shall be adjusted and set so that they automatically shut off the irrigation system after one-fourth inch of rainfall or more has occurred. Rain sensors shall be installed according to manufacturer's instructions in a location that will provide full exposure to rainfall such that accuracy of operation is assured and shall be maintained in good working condition. No person shall, with the intent of circumventing the purpose of this section, adjust either the rain sensor or the irrigation system so that the rain sensor is not able to override and turn off the irrigation system after one-fourth inch of rain has fallen.
 - (2) Irrigation heads shall be adjusted as to prevent water from landing on impervious surfaces to the extent that running water leaves the property and enters gutters, storm drains, ditches, and other conveyances or ponding is accumulated.
 - (3) Backflow prevention assemblies shall be tested annually by a certified backflow technician to assure proper operation.

(e) *Operating schedule.*

- (1) Irrigation systems shall be allowed to operate only on the scheduled day/days and time period set forth by Concord Utilities.
- (2) Irrigation systems shall not be allowed to operate during periods of rainfall.
- (3) During water emergencies, irrigation systems shall only be allowed to operate during times as set forth in any order of the city manager or director of water resources adopted pursuant to section 62-164 of this Code.

(f) *Penalties.*

- (1) Violations by residential customers of this section shall subject the offender to a civil penalty in the amount of \$100.00 for the first offense and the amount set in Code of Ordinances sections 1-6 and 62-8 for each additional offense.
- (2) All nonresidential users will be assessed civil penalties in the amount set in Code of Ordinances sections 1-6 and 62-8 for the first offense and \$1,500.00 for each additional offense.
- (3) In addition to the issuance of a citation and imposition of civil penalties, the city may restrict or terminate the water service associated with the violation.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 09-83, § 1, 8-13-2009; Ord. No. 11-42, § 1, 6-9-2011)

Sec. 62-165. - Water emergency management.

(a) *Level 0.* During Level 0, the following voluntary water conservation practices shall be imposed upon customers:

- (1) Household water should be reutilized to the greatest extent possible for watering.
- (2) Faucets should not be left running while shaving, brushing teeth, or washing dishes.
- (3) The use of flow restrictions and other water saving devices is encouraged.
- (4) Any practice listed in this subsection (a) may be modified or additional restrictions added at the discretion of the city manager after consultation with the director of water resources and other city staff.

(b) *Declaration of water emergency.* The city manager or his designee, after consultation with appropriate city staff, shall be authorized to declare that a water emergency exists. Depending on the severity of the emergency, voluntary (level I) or mandatory (levels II, III or IV) staged water use restrictions as described in subsection (c) of this section shall be imposed upon customers.

(c) *Staged water use restrictions.*

- (1) *Level I.* At this stage of water use restrictions, the goal is to reduce water usage by three percent to five percent (or more) from the amount that would otherwise be expected, as defined in the "Low Inflow Protocol for the Catawba River Basin" at section "Stage 1 Actions 3.b." (which is incorporated herein by reference). During a declared level I water emergency, in addition to all level 0 mandatory water restrictions the following voluntary water conservation practices shall be encouraged for the public water system served by the city:
 - a. Planting of new ornamental plants and seeding of lawns should be deferred until the water emergency situation no longer exists.
 - b. Household water should be reutilized to the greatest possible extent for watering.
 - c. Use of water for wash-down of outside areas such as driveways or parking lots should be limited.
 - d. Faucets should not be left running while shaving, brushing teeth, or washing dishes.

- e. The use of clothes washing machines and dishwashers should be limited if possible and these units should be operated with full loads when used.
 - f. Washing of cars or other vehicles should be limited to the two days per week designated by the city manager in the declaration of water emergency. Hoses should not be left running while washing vehicles.
 - g. The use of flow restrictions and other water-saving devices is encouraged.
 - h. Filling of pools shall be deferred or limited to hours between 8:00 p.m. and 8:00 a.m.
 - i. Showers should be used for bathing and the length of showers should be limited.
 - j. Any practice listed in this subsection (b)(1) may be modified or additional restrictions added at the discretion of the city manager after consultation with the director of water resources and other city staff.
- (2) *Level II.* At this stage of water use restrictions, the goal is to reduce water usage by five percent to ten percent (or more) from the amount that would otherwise be expected, as defined in the "Low Inflow Protocol for the Catawba River Basin" at section "Stage 1 Actions 3.b." (which is incorporated herein by reference). During a declared level II water emergency, outdoor irrigation shall be allowed two days per week as set forth in any order of the city manager or director of water resources. Businesses whose stock in trade is live plants, including nurseries and retail garden centers are exempt from this provision. The following mandatory water use restrictions shall also be in effect for the public water system served by the city:
- a. All voluntary practices listed in subsection (c)(1) (Level I) shall be mandatory, except for (c)(1)a., (c)(1)b., (c)(1)d. and (c)(1)i. of (c)(1), which are strongly encouraged.
 - b. Watering and irrigation of lawn, ornamental plants, and gardens shall occur only between 8:00 p.m. and 8:00 a.m. on the two days each week designated by the city manager in the declaration of water emergency. The use of hand-held watering containers is permitted on any day without restrictions. Businesses whose stock in trade is live plants, including nurseries and retail garden centers are exempt from this provision.
 - c. Use of water for wash down of outside areas, is prohibited, except for pressure washing businesses.
 - d. Residential washing of cars and other vehicles is prohibited. Commercial washing facilities, including those providing hand-held washing nozzles may continue normal operation. However, the facility owner/operator shall ensure that water is not wasted.
 - e. The use of water for wash down of public buildings, sidewalks and street washing activities should be limited except as required for safety and/or regulatory compliance.
 - f. Newly constructed or drained pools shall be filled by permit only. Fill permits shall be issued by the director of water resources, his or her designee, or the backflow administrator and issuance of the permits may be curtailed depending on the severity of the situation.
 - g. Any practice listed in this subsection (c)(2) may be modified or additional restrictions added at the discretion of the city manager after consultation with the director of water resources and other city staff.
- (3) *Level III.* At this stage of water use restrictions, the goal is to reduce water usage by ten percent to 20 percent (or more) from the amount that would otherwise be expected, as defined in the "Low Inflow Protocol for the Catawba River Basin" at section "Stage 1 Actions 3.b." (which is incorporated herein by reference). During a declared level III water emergency, in addition to all level II mandatory water restrictions, the following mandatory water use restrictions shall be in effect for the public water system served by the city:
- a. Watering and irrigation of lawns, ornamental plants, and gardens shall occur only between 8:00 p.m. and 8:00 a.m. on the one day each week designated by the city manager in the

declaration of water emergency. Businesses whose stock in trade is live plants, including nurseries and retail garden centers are exempt from this provision.

- b. Recreational use of potable water including filling of pools is prohibited.
 - c. Hydrant flushing and testing programs are prohibited, except to maintain public health, water quality or other special circumstances.
 - d. Any practice listed in this subsection (c)(3) may be modified or additional restrictions added at the discretion of the city manager after consultation with the director of water resources and other city staff.
- (4) *Level IV.* At this stage of water use restrictions, the goal is to reduce water usage by 20 percent to 30 percent (or more) from the amount that would otherwise be expected, as defined in the "Low Inflow Protocol for the Catawba River Basin" at section "Stage 1 Actions 3.b." (which is incorporated herein by reference). During a declared level IV water emergency, in addition to all level II and level III restrictions, the following mandatory water use restrictions shall be in effect for the public water system served by the city:
- a. All use of water out of doors for any purposes other than maintenance of public safety is prohibited.
 - b. Non-residential water customers and construction activities utilizing 5,000 or more gallons water per day, are required to reduce daily water usage through whatever means is available to the target percentages listed above. The director of water resources or her or his designee shall determine compliance with the daily usage reduction targets. Variances to this restriction may be granted to designated public health facilities including, but not limited to, hospitals and nursing homes.
 - c. Any practice listed in this subsection (c)(4) may be modified or additional restrictions added at the discretion of the city manager after consultation with the director of water resources and other city staff.
- (d) *Noncompliance of water emergency management section.*
- (1) *Penalties.* Any person violating the mandatory provisions of this section shall be issued a civil citation pursuant to this section and a penalty not to exceed \$100.00 for residential customers and the amount established in Code of Ordinances sections 1-6 and 62-8 for non-residential or commercial or industrial users. Each occurrence of a violation of this section shall be considered a separate violation.
 - (2) *Discontinuance of service.* Pursuant to the provisions of this section, water service may be temporarily discontinued for willful disregard of this section. All applicable penalty fees may be applied in the event of service suspensions. In the event of continued gross noncompliance with this section, removal of the meter and service will be deemed proper and service will be discontinued. Connection fees and deposits will be forfeited.
 - (3) *Utility fees.* In addition to or instead of the penalties listed in subsection (c)(1) above, mandatory utility fees shall be assessed for violations of mandatory water restrictions established under this section. These fees are adopted in the annual budget ordinance, fees and charges schedule.
 - (4) *Adoption and enforcement of section provisions.* Municipal customers, water corporations or company compliance municipalities, water corporations or companies purchasing water from the city shall adopt and enforce this entire section as a condition of continuing existing water sales agreements. Upon declaration of a water emergency, such municipalities and companies shall enforce the appropriate water use restrictions for the level of declared emergency. Water service to such municipalities and companies shall be terminated for not enforcing the provisions of this section.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 07-84, § 1, 9-13-2007; Ord. No. 07-84, § 1, 9-13-2007; Ord. No. 07-93, § 1, 11-8-2007; Ord. No. 09-74, § 1, 8-13-2009; Ord. No. 10-106, § 1, 10-14-2010; Ord. No. 16-09, §§ 1, 2, 2-11-2016; Ord. No. 16-23, §§ 5, 6, 3-10-2016)

Secs. 62-166—62-190. - Reserved.

ARTICLE VI. - WASTEWATER COLLECTION

Sec. 62-191. - Prohibited and allowable discharges.

(a) *Purpose.*

- (1) This section sets forth uniform requirements for direct and indirect contributors into the city's wastewater collection and treatment system for the Water and Sewer Authority of Cabarrus County (WSACC) and enables the appropriate owner to comply with all applicable state and federal laws including the Clean Water Act (33 USC 1251 et seq.) and the general pretreatment regulations (40 CFR 403).
- (2) The objectives of this section are:
 - a. To prevent the introduction of pollutants and wastewater discharges into the wastewater treatment system which will interfere with the operation of the system or contaminate the resulting sludge;
 - b. To prevent the introduction of pollutants and wastewater discharges into the wastewater treatment system which will pass through the system inadequately treated, into any waters of the state or otherwise be incompatible with the system;
 - c. To promote reuse and recycling of industrial wastewater and sludges from the wastewater treatment system;
 - d. To protect both the city's and WSACC's personnel who may be affected by sewage, wastewater, and sludge in the course of their employment as well as protecting the general public;
 - e. To provide for equitable distribution of the cost of operation, maintenance, and improvement of the wastewater treatment plant; and
 - f. To ensure that the owner(s) of the wastewater collection and treatment system complies with its NPDES or non-discharge permit conditions, sludge use, and disposal requirements and any other federal or state laws to which the wastewater collection and treatment system is subject.
- (3) This section provides for the regulation of direct and indirect contributors to the wastewater collection and treatment system, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established in this article.
- (4) This section shall apply to all users of the municipal wastewater system, as authorized by G.S. §§ 160A-312 and/or 153A-275. Except as otherwise provided in this article, the city manager or his designee of the city wastewater system, referred to in the Clean Water Act as a "Publicly Owned Treatment Works" or POTW, (for POTWs owned by WSACC, the executive director) shall administer, implement, and enforce the provisions of this section and shall be responsible for operating and maintaining the wastewater collection and treatment system. By discharging wastewater into the city wastewater system, industrial users located within or outside the city service area agree to comply with the terms and conditions established in this chapter.
- (5) The city reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the

objectives presented in this subsection or the general and specific prohibitions in subsections (2) and (3), as is allowed by 40 CFR 403.4.

- (b) *General prohibitions.* No user shall contribute or cause to be contributed into the collection system or POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of the collection system and POTW whether or not the user is a significant industrial user or subject to any national, state, or local pretreatment standards or requirements.
- (c) *Specific prohibitions.* No user shall contribute or cause to be contributed into the collection system or POTW the following pollutants, substances, or wastewater:
- (1) *Explosive mixtures.* Pollutants which create a fire or explosive hazard in the collection system or POTW including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21.
 - (2) *Solid or viscous substances.* Solid or viscous substances in amounts that will cause obstruction of the collection system or POTW resulting in interference but in no case solids greater than one-half inch in any dimension. Prohibited materials include, but are not limited to: grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, tar, plastic, asphalt residues, lubricating oil, ground paper products, and material from grinders, residues or solids from a pretreatment facility, and similar substances.
 - (3) *Petroleum, cutting, or mineral oils.* Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
 - (4) *Corrosive wastes.* Any wastewater having a pH less than 5.0 or more than 9.0 or wastewater having any other corrosive property capable of causing damage to the collection system, POTW, or equipment.
 - (5) *Excessive discharge rate and/or concentration.* Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, etc.) in sufficient quantity, flow, or concentration, either singly or by interaction with other pollutants, to cause interference with the collection system or POTW.
 - (6) *Temperature limit.* Any wastewater having a temperature greater than 150 degrees Fahrenheit (66 degrees Celsius), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius).
 - (7) *Toxic gases.* Any pollutants which result in the presence of toxic gases, vapors, or fumes within the collection system or POTW in a quantity that may cause acute worker health and safety problems.
 - (8) *Trucked or hauled pollutants.* Any trucked or hauled pollutants, except at discharge points designated by the owner of the collection system in accordance with subsection (h).
 - (9) *Oils and grease.* Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l unless authorized by the city.
 - (10) *Noxious materials.* Any noxious or malodorous solids, liquids, or gases, or other wastewater which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
 - (11) *Improperly shredded garbage.* Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow, conditions normally prevailing in the public sewers, with no particle greater than one-half inch in any dimension.
 - (12) *Radioactive wastes.* Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the owner(s) of the collection system and POTW in compliance with applicable state and federal regulations.

- (13) *Toxic substances.* Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances as described in 15A N.C.A.C. 2B.0200.
- (14) *Unpolluted waters.* Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the owner(s) of the collection system and POTW. Otherwise, no person shall connect or cause to be connected to the sanitary sewer system any inflow sources listed in this section into the collection system.
- (15) *Cloth or textile waste.* Any clothing rags, textile remnants or waste, cloth scraps, except fibers of scrap that will pass through a one-fourth-inch mesh screen or its equivalent in screening ability, provided that such fibers do not interfere with the normal operation of the collection system or treatment plant.
- (16) *IOD limit.* Any waters or wastes in which the IOD exceeds five mg/l.
- (17) *Fixed solids limit.* Any waters or wastes in which the total fixed solids exceed 1,500 mg/l.
- (18) *Excessive residues.* Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- (19) *Heavy metals.* Any waters or wastes containing amounts of arsenic, cadmium, chromium, copper, lead, nickel, zinc, or other heavy metals which exceed national categorical standards, local limits, interfere with treatment efficiency or sludge disposal criteria, or cause the POTW to exceed NPDES permit limitations.
- (20) *Poisons.* Any waters or wastes containing cyanide or other such poisonous substances.
- (21) *Interfering solids.* Any waters or wastes containing suspended solids of such character and quality that unusual attention or expense is required to handle such materials in the collection system or at the POTW.
- (22) *Color.* Any wastewater which imparts color which cannot be removed by the treatment process including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.
- (23) *Pretreatment sludges.* Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (24) *Medical wastes.* Any medical wastes, except as specifically authorized in a wastewater discharge permit by the owner(s) of the collection system and POTW.
- (25) *Ammonia compounds.* Any material containing ammonia, ammonia salts, or other chelating agents that will produce metallic complexes that interfere with the collection system or wastewater treatment system.
- (26) *Hazardous waste.* Any material that would be identified as hazardous waste according to 40 CFR 261 if not disposed of in a sewer except as may be specifically authorized by the owner(s) of the collection system and POTW.
- (27) *Human or animal parts.* Recognizable portions of the human or animal anatomy.
- (28) *Toxicity.* Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

- (29) *Excessive foaming.* Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the collection system or wastewater treatment system.
- (30) *Explosive limit.* At no time, shall two successive readings on an explosive hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter.
- (31) *Discharge of untreated wastewater.* Within the city utilities, it shall be unlawful for any person to discharge to any outlet, other than a sanitary sewer, any domestic or industrial waste except where suitable treatment has been provided in accordance with provisions of this division or where an appropriate NPDES permit has been obtained.
- (32) *Alkyl Phenol Ethoxylates (APEs).* Any compounds containing APEs shall be prohibited due to the inhibiting and toxic effect of APEs on the biological treatment at the POTW. Linear alcohol ethoxylates, a more readily biodegradable surfactant, may be substituted for APEs.
- (d) *Processing or storage.* Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged accidentally or illegally to the wastewater treatment system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.
- (e) *Action by owner(s) of the collection system and/or POTW.* When the owner(s) of the collection system and/or POTW determine that a user is contributing to the collection system or POTW any of the enumerated substances of subsection (c) of this section in such amounts which may cause or contribute to interference of collection system or POTW operation or pass-through, the owner(s) of the collection system or POTW shall:
- (1) Advise the user of the potential impact of the contribution on the collection system and/or POTW in accordance with subsection (i); and
 - (2) Take appropriate actions in accordance with subsection (i) for such user to protect the collection system and/or POTW from interference or pass-through.
- (f) *Industrial waste survey and local limits.*
- (1) An industrial waste survey is required prior to a user discharging wastewater containing in excess of the following maximum daily discharge limits:

BOD	300 mg/l
COD	675 mg/l
TSS	175 mg/l
NH ₃	15 mg/l
Aluminum	1.80 mg/l
Arsenic	0.003 mg/l
Cadmium	0.003 mg/l
Copper	0.090 mg/l

Chromium	0.020 mg/l
Cyanide	0.041 mg/l
Lead	0.049 mg/l
Mercury	0.0003 mg/l
Nickel	0.021 mg/l
Silver	0.005 mg/l
Zinc	0.176 mg/l

- (2) Industrial waste survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits. The owner of the POTW may impose mass limits in addition to, or in place of, concentration-based limits.
- (g) *Accidental discharge/slug control plans.* At least once every two years, the owner of the POTW shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The owner of the POTW may require any user to develop, submit for approval, and implement such a plan. Alternatively, the owner of the POTW may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:
- (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the owner of the POTW of any accidental or slug discharge, as required by this section; and
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (h) *Hauled wastewater.* Any person engaging in the transport of septage, wastes from chemical toilets or other liquid or semiliquid wastewater, for the purpose of disposal shall be referred to in this subsection as "haulers." Haulers shall be allowed to empty wastewater permitted by this subsection into the sewer system at designated structures located at the POTW, subject to the following limitations and conditions:
- (1) Before emptying septic tank sludge or wastes from chemical toilets into the sewer system at the POTW, haulers shall have obtained and have in their possession a currently valid permit to provide scavenger service issued by the state DEQ. The number of the permit shall be prominently displayed by the hauler on the cab of the truck or on the tank in which sludge or waste is transported.

- (2) The hauler must apply for and receive a septage discharge permit from the owner of the POTW, accompanied by the applicable fee prior to discharging to the POTW. By accepting the permit to introduce septic tank sludge and chemical toilet wastes derived only from domestic sources into the sewer system, the hauler agrees to dump or empty such sludge and waste only at designated structures, at such times as are established by the POTW, and to maintain these structures and the area surrounding them in a proper condition of cleanliness. Such waste shall not violate this section or any other requirements established by the owner of the POTW.
 - (3) The hauler shall not empty into the sewer system grease trap wastes.
 - (4) The hauler shall not empty into the sewer system any industrial wastes without prior written approval from the owner of the POTW. The hauler must provide any and all information, including sampling analysis, requested by the wastewater treatment staff.
 - (5) The hauler shall supply with every load a representative sample of the waste being emptied as prescribed by the POTW. The hauler may also be required to provide the name, address, and phone number of the customer from whom the sample was obtained.
 - (6) Upon failure to maintain structures in a proper condition of cleanliness, failure to have a currently valid permit from state DEQ or failure to pay charges due to the POTW as provided in article VI, the POTW may deny a hauler permission to dispose of septic tank sludge and waste from chemical toilets into the sewer system. The POTW will notify the county health alliance and state of such denial of permission to any hauler.
 - (7) Failure of the hauler to comply in accordance with the state-issued permit may result in revocation of permit and/or penalties as provided for in section 62-8 and subsection (i) of this section.
 - (8) User fees shall be established at a rate to recover the cost of treatment and administration of the contract hauler program. Fees and payment policy shall be approved by the appropriate governing body and shall be paid in accordance with the procedure established by the owner of the POTW.
- (i) *Wastewater discharge permit application and issuance.*
- (1) *Wastewater dischargers.* It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the owner of the POTW. When requested by the owner of the POTW, a customer must submit information on the nature and characteristics of its wastewater within 30 days of the request. A designee of the POTW owner is authorized to prepare a form for this purpose and may periodically require users to update this information.
 - (2) *Wastewater discharge permits.* All significant industrial users shall obtain a significant industrial user permit prior to the commencement of construction or operations that will result in a discharge to the POTW. Existing industrial users who are determined by the owner of the POTW to be significant industrial users shall obtain a significant industrial user permit within 180 days of receiving notification of the POTW's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the designee of the POTW owner be required to obtain a wastewater discharge permit for non-significant or insignificant industrial users. For purposes of this subsection, construction or operation has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous on-site construction program:
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the replacement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation or the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial obligation under this subsection in accordance with the provisions as stated in 40 CFR 403.3.

- (3) *Significant industrial user determination.* All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the owner of the POTW a significant industrial user determination. If the owner of the POTW determines or suspects that the proposed discharge fits the significant industrial user criteria, the owner will require that a significant industrial user permit application be filed.
- (4) *Significant industrial user permit application.* Users required to obtain a significant industrial user permit shall complete and file with the POTW an application in the form prescribed by the owner of the POTW, and accompanied by the applicable fee in the amount prescribed in the POTW's schedule or charges and fees. Significant industrial users shall apply for a permit within 90 days after notification of the POTW owner's determination). In support of this application, the user shall submit, in units and terms appropriate for evaluation, the following information:
- a. Name, address, location (if different from the address);
 - b. Volume of wastewater to be discharged on a daily basis and over a specified timeframe;
 - c. Standard industrial classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated;
 - d. Analytical data on wastewater constituents and characteristics including, but not limited to, those set forth in subsection (f), any of the priority pollutants (Section 307(a) of the Act) that the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended;
 - e. Time and duration of the indirect discharge;
 - f. Average daily and 30-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
 - g. Description of all pretreatment facilities, existing and proposed;
 - h. Site plans, floor plans, mechanical, and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow, and appurtenances by size, location, and elevation;
 - i. Description of activities, facilities, and plant processes on the premises including all materials which are or could be accidentally or intentionally discharged;
 - j. List of all hazardous or toxic chemicals used in plant processes including information concerning handling, storage, and potential for aqueous contact;
 - k. Number of employees and hours of operation of plant proposed or actual hours of operation of pretreatment system;
 - l. Where known, the nature and concentration of any pollutants in the discharge that are limited by any authority, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the customer to meet applicable pretreatment standards;
 - m. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the customer will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the customer to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine months.

2. No later than 14 days following each date in the schedule and the final date for compliance, the customer shall submit a progress report to the owner of the POTW including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the customer to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the owner of the POTW;
 - n. Each product produced by type, amount, process or processes and rate of production;
 - o. Type and amount of raw materials processed (average and maximum per day);
 - p. If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A N.C.A.C. 2H.0908(a), as outlined in subsection (i)(8);
 - q. Description of current and projected waste reduction activities in accordance with G.S. 143-215.1(g);
 - r. Any other information as may be deemed by the owner of the POTW to be necessary to evaluate the permit application.
- (5) *Application signatories and certification.* All wastewater discharge permit applications and customer reports must be signed by an authorized representative of the customer and on file with the WSACC and the city and contain the following certification statement:
- "I certify under penalty of law that this document and all attachments were prepared under by director or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- (6) *Application review and evaluation.* The owner of the POTW will evaluate the data furnished by the customer and may require additional information.
- a. The owner of the POTW shall refer all applications to the POTW staff for review and evaluation.
 - b. Within 30 days of receipt the owner of the POTW shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.
- (7) *Tentative determination and draft permit.*
- a. The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the wastewater discharge permit.
 - b. If the staff's tentative determination is to issue the permit, the following additional determinations shall be made in writing:
 1. Proposed discharge limitations for those pollutants proposed to be limited;
 2. A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 3. A brief description of any other proposed special conditions that will have significant impact upon the discharge described in the application.
 - c. The staff shall organize the determinations made pursuant to subsections and of this subsection and the POTW's general permit conditions into a wastewater discharge permit.
- (8) *Permit supporting documentation.* The WSACC and/or the city manager or his designee(s) shall prepare the following documents for all significant industrial user permits.

- a. An allocation table (AT) listing permit information for all significant industrial users, including but not limited to permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with division approved maximum allowable loadings of the POTW, including flow, on forms or in a format approved by the division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.
 - b. The basis, or rationale, for the pretreatment limitations, including the following:
 - 1. Documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
 - 2. Documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e)(2).
- (9) *Final action on wastewater discharge permit applications.*
- a. Concord shall take final action on all applications not later than 90 days following receipt of a complete application.
 - b. Concord is authorized to:
 - 1. Issue a wastewater discharge permit containing such conditions as are necessary to effectuate the purposes of this section and G.S. 143-215.1;
 - 2. Issue a wastewater discharge permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
 - 3. Modify any permit upon not less than 60 days' notice and pursuant to subsection (i)(10);
 - 4. Revoke any permit pursuant to subsection (i)(10);
 - 5. Suspend a permit pursuant to subsection (i)(10); and
 - 6. Deny a permit application when in the opinion of the city such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.
- (10) *Permit modification.*
- a. Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as follows:
 - 1. Changes in the ownership of the discharge when no other change in the permit is indicated;
 - 2. A single modification of any compliance schedule not in excess of four months; and
 - 3. Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
 - b. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by subsection (i), the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard.
 - c. A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by G.S. 143-215.1(b) for modifications.

(11) *Permit conditions.*

- a. The city manager or his designee shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this section and G.S. 143-215.1. Wastewater discharge permits shall contain, but are not limited to, the following:
 1. A statement of duration (in no case more than five years);
 2. A statement of non-transferability;
 3. Applicable effluent limits based on categorical standards or local limits, or both;
 4. Applicable monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law;
 5. Notification requirements for slug loads; and
 6. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.
- b. In addition, permits may contain, but are not limited to, the following:
 1. Limits on the average and/or maximum rate and time of discharge, and/or requirements for flow regulation and equalization.
 2. Limits on the instantaneous, daily, and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 3. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the wastewater treatment system.
 4. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.
 5. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the wastewater treatment system.
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 7. Specifications for monitoring programs that may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedules.
 8. Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within 30 days where self-monitoring indicates a violation.
 9. Compliance schedules for meeting pretreatment standards and requirements.
 10. Requirements for submission of periodic self-monitoring or special notification reports.
 11. Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in this section and section 62-192 and affording the city manager or his designee, access thereto.
 12. Requirements for prior notification and approval by the city manager or his designee of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.

13. Requirements for the prior notification and approval by the city manager or his designee of any change in the manufacturing and/or pretreatment process used by the permittee.
 14. Requirements for immediate notification of excessive, accidental or slug discharges, or any discharge that could cause any problems to the system.
 15. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the terms of the permit.
 16. Other conditions as deemed appropriate by the city manager or his designee to ensure compliance with this section, and state and federal laws, rules and regulations.
- (12) *Permits duration.* Permits shall be issued for a specified time period not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.
 - (13) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.
 - (14) *Permit reissuance.* A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with subsection (i) a minimum of 180 days prior to the expiration of the existing permit. These same permitting procedures may be applied for all other non-domestic discharges, such as insignificant industrial users which do not meet the criteria of a significant industrial user. Wastewater discharge permits for insignificant industrial users shall be issued by the control authority and the city manager or their designee(s).

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 12-122, § 3, 12-13-2012)

Sec. 62-192. - Pretreatment.

- (a) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this chapter, and wastewater permits issued under this article and article III and shall achieve compliance with all national categorical pretreatment standards, local limits, and the prohibitions set out in this article within the time limitations as specified by the EPA, the state, or the owner(s) of the collection system and/or POTW, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Users shall not discharge wastewater requiring treatment either directly or indirectly to the city utilities or the POTW without first notifying and obtaining approval from the owner(s) of the collection system and/or POTW. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the owner(s) of the collection system and POTW for review, and shall be approved by the owner(s) of the collection system and POTW before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the owner(s) of the collection system and POTW under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the owner(s) of the collection system and POTW prior to the user's initiation of the changes.
- (b) *Additional pretreatment measures.*
 - (1) *Peak flow restrictions.* Whenever deemed necessary, the owner(s) of the collection system and POTW may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the collection system and POTW and determine the user's compliance with the requirements of this article.

- (2) *Grease, oil, and sand interceptors.* Grease, oil, and sand interceptors shall be provided when, in the opinion of the owner(s) of the collection system or POTW, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All restaurants and slaughtering operations shall have grease interceptors or grease removal facilities. All interception units shall be of type and capacity approved by the city and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
 - (3) *Flow equalization.* The owner(s) of the collection system or POTW may require any person discharging into city utilities or the POTW to install and maintain, on the property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization. Such facility shall have a capacity of at least 80 percent of the normal volume of one 24-hour production period of wastewater and outlet to the sewer controlled by a waterworks-type controller, or other approved device, the setting of which shall be directed by the owner(s) of the collection system and POTW.
 - (4) *Control manhole.* Any person discharging non-domestic wastewater into city utilities and the POTW shall construct and maintain a suitable control manhole to facilitate observation, measurements, and sampling of all wastewater including domestic wastewater from the industry. The control manhole shall be constructed downstream from any treatment, storage, or other approved system at a suitable and satisfactory location and built in a manner approved by the owner(s) of the collection system and POTW.
 - (5) *Measuring device.* Where a storage tank is not required, the control manhole shall be equipped with a permanent type volume measuring device such as a nozzle, or other device approved by the owner(s) of the collection system and POTW. The manhole shall be installed by the person discharging the wastewater at his own expense and shall be maintained by him so as to be safe, accessible, and in proper operating condition at all times.
 - (6) *Interrupted service note.* Notice shall be given to the owner(s) of the collection system and POTW when normal industry will be interrupted for 72 hours or longer and wastewater will not be available for discharge, or when a change of process is contemplated or malfunction of the treatment facility occurs or is anticipated that will alter demands on the collection system and wastewater treatment facilities. Normal operations shall include allowance for legal holidays and other announced plant shutdowns.
 - (7) *Gas detection meters.* Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (c) *Approval of pretreatment facilities.* Plans for the construction of the equalization tank, control manhole, controlling devices, and volume measuring devices shall be approved by the owner(s) of the collection system and POTW prior to the beginning of construction.
- (d) *National categorical pretreatment standards.*
- (1) Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated in this section.
 - (2) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the POTW owner may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
 - (3) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW owner shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
 - (4) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to

its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

- (5) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
 - (6) No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant-specific limitation developed by the owner of the POTW or the state.
- (e) *Baseline monitoring reports.*
- (1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW a report which contains the information listed in subsection (e)(2). At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the owner of the POTW a report that contains the information listed in subsection (e)(2). A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
 - (2) Users described in subsection (e)(1) shall submit the information set forth as follows:
 - a. *Identifying information.* The name and address of the facility, including the name of the operator and owner.
 - b. *Environmental permits.* A list of any environmental control permits held by or for the facility.
 - c. *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operations carried out by such user. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.
 - d. *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 - e. *Measurement of pollutants.*
 1. The categorical pretreatment standards applicable to each regulated process.
 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the owner of the POTW, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection (o).
 3. Sampling must be performed in accordance with procedures set out in subsection (o).
 - f. *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - g. *Compliance schedule.* If additional pretreatment and/or O&M are required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the

- (1) The city manager or his designee may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under this subsection 62-191(i).
 - (2) The city manager or his designee may issue a wastewater discharge permit under subsection 62-191(i) or modify an existing wastewater discharge permit under subsection 62-191(i) in response to changed conditions or anticipated changed conditions.
 - (3) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of 20 percent or greater, and the discharge of any previously unreported pollutants; increases or decreases to production; increases in discharge of previously reported pollutants; discharge of pollutants not previously reported to the control authority; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers.
- (j) *Reports of potential problems.*
- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
 - (2) Within five days following such discharge, the user shall, unless waived by the owner of the POTW, submit a detailed written report describing the causes of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.
 - (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employee's whom to call in the event of a discharge described in subsection (j)(1). Employees shall ensure that all employees, who may cause such discharge to occur, are advised of the emergency notification procedure.
- (k) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the city manager or his designee as the owner may require. All users classified as non-significant categorical industrial users under section [1.2(a)(54)(F)] shall provide appropriate reports to the city manager or his designee as the city manager or his designee may require. At a minimum, this shall include the annual certification of continuing to meet the non-significant categorical industrial user criteria as required under 40 CFR 403.12(q).
- (l) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the executive director of the WSACC within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation. The user is not required to resample if the WSACC executive director monitors at the user's facility at least once a month, or if the WSACC executive director samples between the users initial sampling and when the user receives the results of this sampling. If the WSACC executive director has performed the sampling and analysis in lieu of the industrial user and the POTW sampling of the user indicates a violation, the WSACC executive director shall repeat the sampling and obtain the results of the repeat analysis within 30 days after becoming aware of the violations, unless one of the following occurs:
- (1) The WSACC executive director monitors at the user's facility at least once a month; or
 - (2) The WSACC executive director samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or

- (3) The WSACC executive director requires the user to perform sampling and submit the results to the WSACC executive director within the 30 day deadline of the POTW becoming aware of the violation.
- (m) *Notification of the discharge of hazardous waste.* The city prohibits the discharge of any hazardous wastes without notification to and approval by the city manager and the WSACC executive director or their designees.
- (1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional office of wastewater management and the state division of waste management, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharge during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days before the discharge commences. The user shall not begin the discharge until receiving written approval from WSACC. Any notification under this paragraph needs to be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under subsection (e). The notification requirement in this subsection does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections (a), (c), and (d).
- (2) Dischargers are exempt from the requirements of subsection (m)(1), during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 216.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) In the case of any new regulation under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the owner of the POTW, the EPA regional office of wastewater management, and state division of waste management of the discharge of such substance within 90 days of the effective date of such regulations.
- (4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (5) This subsection does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued under this article or any applicable federal or state law.
- (n) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the state to perform the wastewater analyses in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard, or unless otherwise performed in accordance with procedures approved by EPA or WSACC and the city. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA, WSACC, and the city. Analyses must be performed by a State certified lab for each parameter analyzed, if such certification exists for that parameter.
- (o) *Sample collection.*

- (1) Except as indicated in subsection (o)(2), the user must collect wastewater samples using flow proportional composite collection techniques. If flow proportional sampling is infeasible, the owner of the POTW may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
 - (2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.
- (p) *Timing.* Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
- (q) *Recordkeeping.* Users subject to the reporting requirements of this division shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person taking the samples; the dates of analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the POTW, or where the user has been specifically notified of a longer retention period by the owner of the POTW.
- (r) *Compliance monitoring.*
- (1) *Monitoring facilities.* The POTW requires the user to provide and operate at the user's expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the owner of the POTW may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the monitoring facilities shall be provided in accordance with the POTW's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the POTW.
 - (2) *Inspection and sampling.* The WSACC will inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the WSACC and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, and copying or in the performance of any of their duties. The WSACC, state, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the POTW, the state, and EPA will be permitted to enter, without delay, for the purposes of performing their specified responsibilities. Denial of the access to the user's premises shall be a violation of this section. Unreasonable delays may constitute denial of access. Agents of the WSACC may enter upon the property at any hour under emergency circumstances.
 - (3) *Search warrants.* If WSACC, the city, the state, or EPA has been refused access to a building, structure, or property, or any part, and is able to demonstrate probable cause to believe that there

may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the POTW designed to verify compliance with this section or any permit or order issued under this article, or to protect the overall public health, safety, and welfare of the community, then WSACC, the city, the state, or EPA may seek issuance of a search warrant from the county superior court.

(s) *Confidential information.*

- (1) Information and data on a user obtained from reports, questionnaires, permit applications, permits, and monitoring programs from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of WSACC and the city that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.
- (2) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this section, NPDES permit, state permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- (3) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.

(t) *Enforcement.*

(1) *Administrative remedies.*

- a. *Notification of violation.* Whenever WSACC and/or the city, their employees, agents or contractors finds that any industrial user has violated or is violating this article, wastewater discharge permit, or any prohibition, limitation, or requirements contained therein or any other pretreatment requirement, he may serve upon such person a written notice stating the nature of the violation. Within 30 days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the POTW by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.
- b. *Consent order.* WSACC and/or the city is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specification to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to subsection (t)(1)d.
- c. *Show cause hearing.* WSACC and/or the city may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this section or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. If WSACC and/or the city determine that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or officer of a corporation. The WSACC and/or the city shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate. A show cause hearing under this subsection is not a prerequisite to the assessment of a civil penalty under subsection (s)(2) nor is any action or inaction taken by the WSACC and/or the city under this subsection subject to an administrative appeal under subsection 62-191(i)(10).

- d. *Administrative orders.* When the WSACC and/or the city find that an industrial user has violated or continues to violate this section, permits, or orders issued under this section, or any other pretreatment requirement the WSACC may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:
1. Immediately comply with all requirements;
 2. Comply in accordance with a compliance time schedule set forth in the order;
 3. Take appropriate remedial or preventative action in the event of a continuing or threatened violation;
 4. Disconnect unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated within a specified time period.

Appeals of administrative orders issued in accordance with this subsection shall be as provided in subsection 62-191(i)(10).

- e. *Emergency suspensions.* The WSACC and/or the city may suspend the wastewater treatment service and/or wastewater discharge permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW, or causes the POTW to violate any condition of its NPDES or non-discharge permit. Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's wastewater discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the WSACC shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The WSACC and/or the city shall reinstate the wastewater discharge permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to WSACC and/or the city prior to the date of the above-described hearing.
- f. *Termination of wastewater discharge permit.* Any user who violates the following conditions of this section, or applicable state and federal regulations, is subject to having its wastewater discharge permit terminated:
1. Failure to accurately report the wastewater constituents and characteristics of his discharge;
 2. Failure to report significant changes in operations, or wastewater constituents and characteristics;
 3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
 4. Violation of conditions of the permit. Noncompliant industrial users will be notified of the proposed termination of their wastewater discharge permit and will be offered an opportunity to show cause under subsection (t)(1)c. why the proposed action should not be taken.

(2) *Civil penalties.*

- a. Any user who is found to have failed to comply with any provision of this section, or the orders, rules, regulations, and permits issued under this section, may be assessed a civil penalty of \$25,000.00 per day, per violation.
- b. In determining the amount of the civil penalty, the WSACC and/or the city manager or his designee shall consider the following:

1. The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
 2. The duration and gravity of the violation;
 3. The effect on ground or surface water quantity or quality or on air quality;
 4. The cost of rectifying the damage;
 5. The amount of money saved by noncompliance;
 6. Whether the violation was committed willfully or intentionally;
 7. The prior record of the violator in complying or failing to comply with the pretreatment program;
 8. The costs of enforcement to the WSACC and/or the city manager or his designee.
- c. Appeals of civil penalties assessed in accordance with this section shall be as provided in subsection 62-191(i)(10).
- (3) *Other available remedies.* Remedies, in addition to those previously mentioned in this subsection, are available to the WSACC and/or the city, who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:
- a. *Criminal violations.* The district attorney for the county judicial district may, at the request of the WSACC and/or the city, prosecute noncompliant users who violate the provisions of G.S. 143-215.6B.
 - b. *Injunctive relief.* Whenever a user is in violation of the provisions of this section or an order or permit issued under this section, the WSACC and/or the city, through the owner's attorney, may petition in the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.
 - c. *Water supply severance.* Whenever a user is in violation of the provisions of this section or an order or permit issued under this section, water service to the user may be severed and service will only recommence, at the user's expense, after the user has satisfactorily demonstrated ability to comply.
 - d. *Public nuisances.* Any violation of the prohibitions or effluent limitations of this section or contained in a permit or order issued under this section, is hereby declared a public nuisance and shall be corrected or abated as directed by the owner of the POTW or his designee. Any person creating a public nuisance shall be subject to the provisions of this section governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating, or remedying such nuisance.
- (4) *Remedies nonexclusive.* The remedies provided for in this section are not exclusive. The WSACC and/or the city may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the POTW's enforcement response plan. However, the WSACC and/or the city may take other action against any user when the circumstances warrant. Further, the owner of the POTW is empowered to take more than one enforcement action against any noncompliant user.
- (u) *Annual publication of significant noncompliance.* At least annually, the executive director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance in 15A N.C.A.C. 2H.0903(b)(1), with applicable pretreatment standards and requirements, during the previous 12 months.
- (v) *Affirmative defense to discharge violations.*
- (1) *Upset.*

- a. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (v)(1)b. are met.
 - b. A user wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and the user can identify the causes of the upset;
 - 2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
 - 3. The user has submitted the following information to the owner of the POTW within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
 - i. A description of the indirect discharge and cause of noncompliance;
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - iii. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
 - c. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
 - d. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
 - e. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored, or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- (2) *Prohibited discharge standards defense.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in subsection (b) or the specific prohibitions in subsections 62-191(c)(2), (3), (5)—(7) and (9)—(31) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:
- a. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or
 - b. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the POTW was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
- (3) *Bypass.*
- a. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provision of subsections (v)(3)c.2. or c.3.
 - b. If a user knows in advance of the need for a bypass, the user shall submit prior notice to the POTW at least ten days before the date of the bypass, if possible. A user shall submit oral notice to the POTW of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time the user becomes aware of the bypass. A written submission shall also be provided within five days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to

reduce, eliminate and prevent reoccurrence of the bypass. The owner of the POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- c. Bypass is prohibited, and the owner of the POTW may take an enforcement action against a user for a bypass, unless:
 - 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - 3. The user submitted notices as required under subsection (v)(3)c.2.
- (w) *Forms.* WSACC and/or the city may establish such forms as the executive director and/or city manager determine to be appropriate and require the use of such forms in the submission of any report, application, request, or other information contemplated by this ordinance. Failure to use the established form for the submission of a report, application, request, or other information may result in the rejection of the submission.
- (x) *Electronic reporting.* The WSACC executive director or city manager may develop procedures for receipt of electronic reports for any reporting requirements of this section. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under subsection (t).
- (y) *Special reporting requirements for IUs in satellite POTWs.* In the case of industrial user located in a satellite POTW organization's jurisdiction, all information required to be reported to the industrial user's pretreatment program control authority by this section may also be required to be reported to the POTW treatment plant organization.

(Ord. No. 04-17, § 1, 3-11-2004; Ord. No. 12-122, § 4, 12-13-2012)

**AN ORDINANCE AMENDING PORTIONS OF CHAPTER 62 OF
THE CITY CODE FOR CONCORD, NORTH CAROLINA**

WHEREAS, the City Council of the City of Concord is authorized from time to time to amend the Concord Code of Ordinances of the City of Concord; and

WHEREAS, the City Council of the City of Concord recognizes the need to amend the Concord Code of Ordinances of the City of Concord and hereby adopts the following changes to the Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina, after due consideration and in the best interests of its citizens and property of Concord, that:

Section 1. All references to DENR is hereby deleted and replaced with DEQ.

Section 2. All references to Environmental and Natural Resources is hereby deleted and replaced with Environmental Quality.

Section 3. Chapter 62—77 – Activities requiring a permit. Is hereby amended as follows:

No person shall do any of the things or carry out any of the activities listed in N.C. General Statute § 143-215.1, N.C. General Statute § 130A-317(c), or any of the activities in subsections (1)—(3) below for a system which is, or is proposed to become, interconnected to the City's water distribution system or wastewater collection system, unless such person shall have applied for and shall have received from the appropriate permitting agency a permit and shall have complied with such conditions, if any, as are prescribed by such permit. Activities prohibited without a permit generally include, but are not limited to the following subsections (1) through (3). The City follows the requirements of 15A N.C. Administrative Code 2T and 15A N.C. Administrative Code 18C in determining which activities require a permit.

- (1) Construction or operation of any water system or sanitary sewer system; or
- (2) Alteration, extension, or modification of the construction or method of operation of any existing or proposed water distribution system or wastewater collection system; or
- (3) Execution of a contract for the construction and installation of any water distribution system or wastewater collection system or for the modification, alteration or extension of such a system.

15 A NCAC 2T and 15A NCAC 18C are incorporated herein by reference as if stated fully below.

Section 4. Chapter 62-94 – Warranty. Is hereby amended as follows:

- (a) The developer shall be responsible for the material and craftsmanship of all donated infrastructure for a period of one year from the date that the City accepts ownership of the modification or extension. The City has the right to increase the warranty period for atypical construction materials or construction techniques..
- (b) In accordance with Article 5, Section 5.7.10 of the City of Concord Development Ordinance, this warranty shall include any damages that may arise from construction by other utility companies or homebuilders.
- (c) The City shall relieve the developer of their obligation under the warranty period by performing a one-year warranty inspection, which shall include, but is not limited to, a recording of the interior of all sewer outfall mains, collection mains, and laterals on a CD, DVD or equivalent successor media. Any and all defects found at this time that do not conform to the City's standards or this article shall be repaired or replaced at the developer's expense.
- (d) The City shall, upon final acceptance, release the developer's bond of surety or letter of credit.

Section 5. Chapter 62-98.(6) b. Pipe Standards is hereby amended as follows:

- b. Water distribution system extensions or modifications that are 12 inches or greater in diameter shall be constructed of ductile iron pipe with joints that are equivalent to potable water main standards.

Section 6. Chapter 62-98.(9) Wastewater pump station standard is hereby amended as follows:

All wastewater pump stations shall be designed according to the city's standard wastewater pump station specification. In addition, the wastewater wet well/storage basins shall be designed for an emergency storage capacity of two hours of peak flow in the event of pump failure. The required storage volume shall be measured between the pump-off elevation and six inches from the elevation where wastewater could escape to daylight. Since this specification allows for wastewater storage for almost the full depth of the wet well, wastewater will be allowed to back up in the sanitary sewer system. However, wastewater storage in the sanitary sewer system may not be counted toward the wet well/storage basin two hour requirement. Approval of staged capacities based on phased development may be allowed, but provisions, requirements, facilities, and costs shall be delineated and accounted for in the initial design. If staged capacity is under consideration, the design engineer shall furnish a development construction schedule that explains the construction sequence for time when additional capacity is added. Staged capacity projects shall not adversely affect the city's ability to operate the pump station. The wastewater wet well/storage basins shall be six feet in diameter or greater. If a pump station is requested in lieu of a gravity system, the city manager or designee may allow the pump station if it is determined the discharge point for the force

main will not adversely impact the current or future capacity of the downstream sewer to serve the drainage basin of the receiving sewer and a one-time fee is paid to the city at the time of city acceptance of the pump station calculated by the city based on the present worth of the cost for the city to operate and maintain, rehabilitate, and repair the pump station and force main in perpetuity under industry standards for reasonable care. The one-time fee is also applicable to expansions of existing pump stations.

Section 7. This Ordinance shall be effective upon adoption.

Adopted this 11th day of March 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST:

Kim Deason, City Clerk

APPROVED AS TO FORM:

VaLerie Kolczynski, City Attorney

Application for Federal Assistance SF-424	
*1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	*2. Type of Application * If Revision, select appropriate letter(s): <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation *Other (Specify) _____ <input type="checkbox"/> Revision
*3. Date Received: NA	4. Applicant Identifier: JQF (Concord-Padgett Regional) Concord, NC
*5b. Federal Entity Identifier: 37-0015	*5b. Federal Award Identifier:
State Use Only:	
6. Date Received by State:	7. State Application Identifier:
8. APPLICANT INFORMATION:	
*a. Legal Name: City of Concord	
*b. Employer/Taxpayer Identification Number (EIN/TIN): 56-6001207	*c. Organizational DUNS: 07-906-7484
d. Address:	
*Street 1: _____ Street 2: _____ *City: <u>CONCORD</u> County/Parish: _____ *State: <u>NC</u> Province: _____ *Country: <u>USA: United States</u> *Zip / Postal Code: _____	
e. Organizational Unit:	
Department Name:	Division Name:
f. Name and contact information of person to be contacted on matters involving this application:	
Prefix: <u>Mr.</u> *First Name: <u>Dirk</u> Middle Name: _____ *Last Name: <u>Vanderleest</u> Suffix: _____	
Title: <u>Aviation Director</u>	
Organizational Affiliation:	
*Telephone Number: 704-920-5912	Fax Number:
*Email: <u>vanderleestd@concordnc.gov</u>	

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

X. Airport Sponsor

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

***12. Funding Opportunity Number:**

NA

*Title:

NA

13. Competition Identification Number:

NA

Title:

NA

14. Areas Affected by Project (Cities, Counties, States, etc.):

***15. Descriptive Title of Applicant's Project:**

\$38,549 To provide relief from rent and minimum annual guarantees to on-airport parking, on-airport car rental, and in-terminal airport concessions.

Attach supporting documents as specified in agency instructions.

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
680-4357200	Federal Aid	2,777,077	2,815,626	38,549
Total				38,549

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4530-5800429	Grant Expenditures	2,989,383	3,027,932	38,549
Total				38,549

Reason: To allocate the Federal Aviation Administration Coronavirus Response Grant.

Adopted this 11th day of March, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

Application for Federal Assistance SF-424	
*1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	*2. Type of Application * If Revision, select appropriate letter(s): <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation *Other (Specify) _____ <input type="checkbox"/> Revision
*3. Date Received: NA	4. Applicant Identifier: JQF (Concord-Padgett Regional) Concord, NC
*5b. Federal Entity Identifier: 37-0015	*5b. Federal Award Identifier:
State Use Only:	
6. Date Received by State:	7. State Application Identifier:
8. APPLICANT INFORMATION:	
*a. Legal Name: City of Concord	
*b. Employer/Taxpayer Identification Number (EIN/TIN): 56-6001207	*c. Organizational DUNS: 07-906-7484
d. Address:	
*Street 1: _____ Street 2: _____ *City: <u>CONCORD</u> County/Parish: _____ *State: <u>NC</u> Province: _____ *Country: <u>USA: United States</u> *Zip / Postal Code: _____	
e. Organizational Unit:	
Department Name:	Division Name:
f. Name and contact information of person to be contacted on matters involving this application:	
Prefix: <u>Mr.</u> *First Name: <u>Dirk</u> Middle Name: _____ *Last Name: <u>Vanderleest</u> Suffix: _____	
Title: <u>Aviation Director</u>	
Organizational Affiliation:	
*Telephone Number: 704-920-5912	Fax Number:
*Email: <u>vanderleestd@concordnc.gov</u>	

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

X. Airport Sponsor

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

***12. Funding Opportunity Number:**

NA

*Title:

NA

13. Competition Identification Number:

NA

Title:

NA

14. Areas Affected by Project (Cities, Counties, States, etc.):

***15. Descriptive Title of Applicant's Project:**

\$1,777,077 for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments.

Attach supporting documents as specified in agency instructions.

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
680-4357200	Federal Aid	1,000,000	2,777,077	1,777,077
Total				1,777,077

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4530-5800429	Grant Expenditures	1,212,306	2,989,383	1,777,077
Total				1,777,077

Reason: To allocate the Federal Aviation Administration Coronavirus Response Grant.

Adopted this 11th day of March, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney



MEMORADUM

DATE: Thursday, January 14, 2021
 TO: Sue Hyde, Director of Engineering
 FROM: Gary Stansbury, Construction Manager
 SUBJECT: Infrastructure Acceptance
 PROJECT NAME: Courtyards at Poplar Tent
 PROJECT NUMBER: 2019-005
 DEVELOPER: Epcon Poplar Tent, LLC
 FINAL CERTIFICATION - LOT NUMBERS: 20, 28-29, 45-87
 INFRASTRUCTURE TYPE: Water and Sewer
 COUNCIL ACCEPTANCE DATE: Thursday, February 11, 2021
 ONE-YEAR WARRANTY DATE: Friday, February 11, 2022

Water Infrastructure	Quantity
8-inch in LF	1323.93
8-inch Valves	3
2-inch in LF	305.49
2-inch Valves	1
Hydrants	4

Sanitary Sewer Infrastructure	Quantity
8-inch in LF	1363.00
Manholes as EA	10



MEMORADUM

DATE: Monday, February 01, 2021
 TO: Sue Hyde, Director of Engineering
 FROM: Gary Stansbury, Construction Manager
 SUBJECT: Infrastructure Acceptance
 PROJECT NAME: 7-Eleven (C-Store) at Harris Rd & Ellenwood Rd
 PROJECT NUMBER: 2020-010
 DEVELOPER: C4 Cstore Holdings II, LLC
 FINAL CERTIFICATION - LOT NUMBERS: Commercial Site
 INFRASTRUCTURE TYPE: Water and Sewer
 COUNCIL ACCEPTANCE DATE: Thursday, February 11, 2021
 ONE-YEAR WARRANTY DATE: Friday, February 11, 2022

Water Infrastructure	Quantity
6-inch in LF	12.00
6-inch Valves	1
2-inch in LF	11.00
2-inch Valves	1
Hydrants	1

Sanitary Sewer Infrastructure	Quantity
8-inch in LF	404.00
Manholes as EA	2



MEMORADUM

DATE: Monday, February 08, 2021
 TO: Sue Hyde, Director of Engineering
 FROM: Gary Stansbury, Construction Manager
 SUBJECT: Infrastructure Acceptance
 PROJECT NAME: Birchwood Commons
 PROJECT NUMBER: 2015-015
 DEVELOPER: Redwood Acquisition, LLC
 FINAL CERTIFICATION - LOT NUMBERS: D, E, F, G, H, I, J, K, L, L, M, O, P, Q, R, S, T
 INFRASTRUCTURE TYPE: Water
 COUNCIL ACCEPTANCE DATE: Thursday, March 11, 2021
 ONE-YEAR WARRANTY DATE: Friday, March 10, 2022

Water Infrastructure	Quantity
8-inch in LF	40.00
4-inch in LF	54.00
4-inch Valves	2
Hydrants	3



MEMORADUM

DATE: Monday, February 08, 2021
TO: Sue Hyde, Director of Engineering
FROM: Gary Stansbury, Construction Manager
SUBJECT: Infrastructure Acceptance
PROJECT NAME: Wilkinson Court Townhomes PH 1 MP 1
PROJECT NUMBER: 2020-016
DEVELOPER: Sherwood Development Group
FINAL CERTIFICATION - LOT NUMBERS: 1-12
INFRASTRUCTURE TYPE: Water
COUNCIL ACCEPTANCE DATE: Thursday, March 11, 2021
ONE-YEAR WARRANTY DATE: Friday, March 10, 2022

Water Infrastructure	Quantity
2-inch in LF	391.00
2-inch Valves	6



MEMORADUM

DATE: Friday, February 05, 2021
 TO: Sue Hyde, Director of Engineering
 FROM: Gary Stansbury, Construction Manager
 SUBJECT: Infrastructure Acceptance
 PROJECT NAME: The Grounds at Concord Roadway
 PROJECT NUMBER: 2020-044
 DEVELOPER: Bootsmead Lease Co., LLC
 FINAL CERTIFICATION - LOT NUMBERS: Site
 INFRASTRUCTURE TYPE: Water and Sewer
 COUNCIL ACCEPTANCE DATE: Thursday, March 11, 2021
 ONE-YEAR WARRANTY DATE: Thursday, March 10, 2022

Water Infrastructure	Quantity
12-inch in LF	1686.05
12-inch Valves	5
8-inch in LF	796.66
8-inch Valves	2
4-inch in LF	23.00
4-inch Valves	1
Hydrants	4

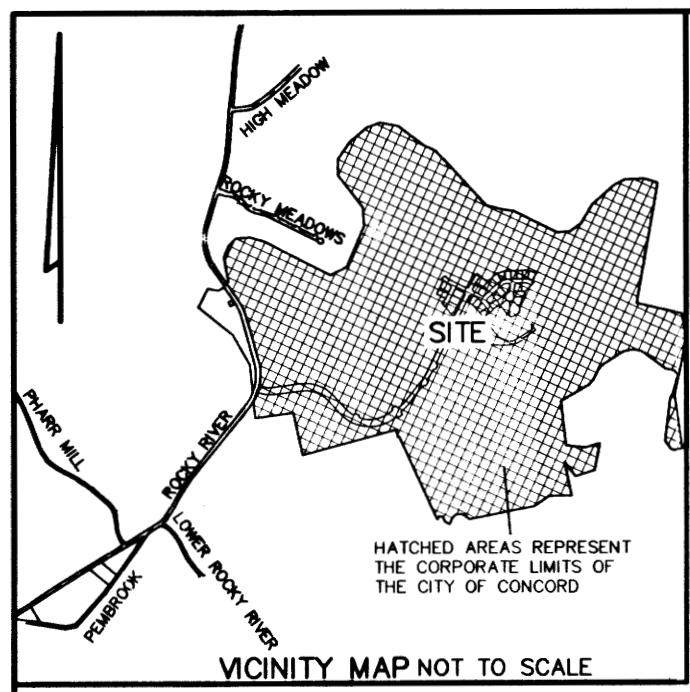
Sanitary Sewer Infrastructure	Quantity
8-inch in LF	697.89
Manholes as EA	6



MEMORADUM

DATE: Thursday, February 18, 2021
 TO: Sue Hyde, Director of Engineering
 FROM: Gary Stansbury, Construction Manager
 SUBJECT: Roadway Acceptance
 PROJECT NAME: The Mills at Rocky River
 PROJECT NUMBER: Multiple Numbers from 2005-2014
 DEVELOPER: NVR, dba Ryan Homes
 COUNCIL ACCEPTANCE DATE: Thursday, March 11, 2021
 ONE-YEAR WARRANTY DATE: Thursday, March 10, 2022

Street	Length in LF	ROW in FT	Plat
PHASE 1			
Drake Mill LN SW	2704.00	80.00	PH 1 MP 6
Grist Mill DR SW	758.00	60.00	PH 1 MP 2
Waterwheel ST SW	330.00	60.00	PH 1 MP 2
Grist Mill DR SW	897.00	60.00	PH 1 MP 8
Sewall Ave SW	361.00	60.00	PH 1 MP 8
PHASE 2			
Holden Ave SW	813.00	60.00	PH 2 MP 4
Total	5863.00		



FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT A PORTION OF THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, COMMUNITY PANEL NUMBER 371055-2700J AND 371055-3700J, DATED FEBRUARY 18, 2009.

CERTIFICATE OF FEE PAYMENT

I HEREBY CERTIFY THAT ALL FEES FOR THE MILLS SUBDIVISION, PHASE 1, MAP 6 HAVE BEEN PAID, OR THAT THE FEES ARE NOT APPLICABLE.
 [Signature] 7/11/13
 FINANCE DIRECTOR DATE

CERTIFICATE OF OWNERSHIP AND OFFER OF DEDICATION

I HEREBY CERTIFY THAT I AM OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF CONCORD, AND THAT I HEREBY SUBMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, SIDEWALKS, GREENWAYS, RIGHTS-OF-WAY, EASEMENTS, OPEN SPACE AND/OR PARKS EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL ACCEPTED BY THE CITY OF CONCORD, AND FURTHER THAT I HEREBY GUARANTEE THAT I WILL CORRECT DEFECTS OR FAILURE OF IMPROVEMENTS IN SUCH AREAS FOR A PERIOD OF ONE YEAR COMMENCING AFTER FINAL ACCEPTANCE OF REQUIRED IMPROVEMENTS.

BY: [Signature] OWNER DATE 4-19-2013

CERTIFICATE OF FINAL PLAT APPROVAL

I HEREBY CERTIFY THAT THIS PLAT IS IN COMPLIANCE WITH THE CITY OF CONCORD CODE OF ORDINANCES. THIS FINAL PLAT FOR THE MILLS SUBDIVISION, PHASE 1, MAP 6 WAS APPROVED BY THE CONCORD PLANNING & ZONING COMMISSION ADMINISTRATOR WITH THE CONCURRENCE OF THE DEVELOPMENT REVIEW COMMITTEE AT THEIR MEETING ON 7/11/13 2013.
 [Signature] DEVELOPMENT SERVICES DIRECTOR DATE 7/11/13

CERTIFICATE OF CONFORMITY WITH PLANS & SPECIFICATIONS

CITY OF CONCORD
 MILLS SUBDIVISION - PHASE 1
 NAME OF SUBDIVISION
 DRAKE MILL LANE - 2.704'
 NAME OF STREETS - LINEAR FOOTAGE
 ROCKY RIVER PROJECT, LLC
 SUBDIVIDER
 I HEREBY, TO THE BEST OF MY KNOWLEDGE, AND BELIEF, THAT ALL STREET, STORM DRAINAGE, WATER AND SEWER WORK TO BE PERFORMED ON THIS SUBDIVISION HAS BEEN CHECKED BY ME OR MY AUTHORIZED REPRESENTATIVE AND CONFORMS WITH LINES, GRADES, CROSS-SECTIONS, DIMENSIONS, AND MATERIAL REQUIREMENTS WHICH ARE SHOWN ON AND INDICATED IN THE PLANS WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CONCORD SUBDIVISION ADMINISTRATOR OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
 I ALSO ACKNOWLEDGE THAT FALSIFICATION OF THE ABOVE CERTIFICATIONS MAY SUBJECT ME TO CIVIL SUIT AND/OR CRIMINAL PROSECUTION UNDER THE GENERAL STATUTES, INCLUDING BUT NOT LIMITED TO, G.S. 14-100 AND G.S. 136-102.6 AND THE CODE OF ORDINANCES OF THE CITY OF CONCORD.
 SIGNED: [Signature] REGISTERED PROFESSIONAL ENGINEER
 026462 REGISTERED NO. 04/09/13 DATE

REVIEW OFFICER CERTIFICATION

STATE OF NORTH CAROLINA
 COUNTY OF CABARRUS
 I, Greg Belk, REVIEW OFFICER OF CABARRUS COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 [Signature] 7/11/13
 REVIEW OFFICER DATE
 By: Andrew Barrier

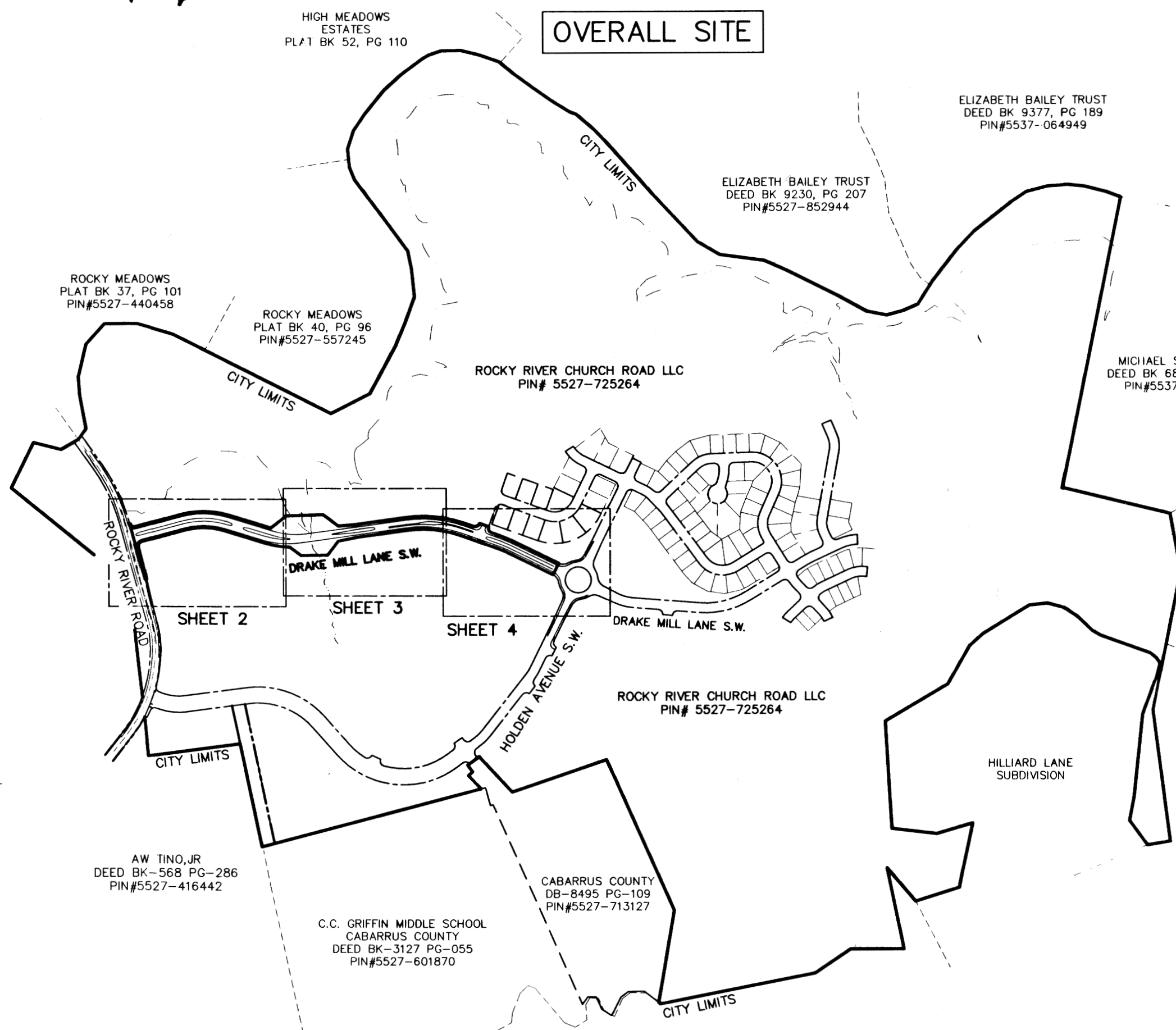
CERTIFICATE OF ACCEPTANCE OF OFFER OF DEDICATION

I HEREBY CERTIFY THAT THE CITY COUNCIL ACCEPTED THE OFFERS OF DEDICATION SHOWN ON THIS PLAT BY RESOLUTION AT A MEETING OF THE CITY COUNCIL HELD ON FEBRUARY 14, 2013.
 7/11/2013 DATE [Signature] DEPUTY CITY CLERK

CERTIFICATE OF STREETS, WATER, AND SEWER SYSTEM APPROVAL AND OTHER IMPROVEMENTS

I HEREBY CERTIFY THAT ALL STREETS, PUBLIC AND/OR PRIVATE STORM DRAINAGE SYSTEMS, WATER AND SEWER SYSTEMS AND OTHER IMPROVEMENTS HAVE BEEN DESIGNED AND INSTALLED, OR THEIR INSTALLATION GUARANTEED, IN AN ACCEPTABLE MANNER AND ACCORDING TO SPECIFICATION AND STANDARDS OF CONCORD AND THE STATE OF NORTH CAROLINA.
 7/10/13 DATE [Signature] DIRECTOR OF ENGINEERING

A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.
 WITNESS MY HAND AND OFFICIAL SEAL, THIS THE 11 DAY OF JULY 2013.
 MY COMMISSION EXPIRES: _____



NOTARY PUBLIC SEAL
 ANTHONY B. COWAN
 ENGINEER
 NORTH CAROLINA PROFESSIONAL SEAL 026462
 THE ISAACS GROUP, P.C. ENGINEERING & LAND SURVEYING NO. C-1069
 NORTH CAROLINA CABARRUS COUNTY
 I, KAREN A. KOCHER, A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT ANTHONY B. COWAN PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.
 [Signature] KAREN A. KOCHER
 WITNESS MY HAND AND OFFICIAL SEAL, THIS THE 9 DAY OF JULY 2013.
 MY COMMISSION EXPIRES: March 24 2014

- NOTES:
 1. THE DEVELOPER WILL BE RESPONSIBLE FOR INSTALLATION OF ALL PROPOSED IMPROVEMENTS AS SHOWN ON THIS PLAN.
 2. COMMON OPEN SPACE AREAS SHALL BE MAINTAINED RESPECTIVELY BY THE HOME OWNER'S ASSOCIATION (HOA) OR THE COMMERCIAL OWNER'S ASSOCIATION (COA).
 3. SUBJECT TO ANY AND ALL RIGHTS OF WAY, EASEMENTS, COVENANTS AND RESTRICTIONS, APPURTENANCES OF RECORD, HOWEVER RECORDED AND/OR IMPLIED
 4. MONUMENTATION FOUND OR SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
 5. AREAS CALCULATED BY COORDINATED GEOMETRY.
 6. SUBJECT PARCEL TAX ID# 5527725264
 7. CURRENT ZONING: PUD
 8. TOTAL ACREAGE THIS PLAT: 291,647 SF, 6.695 Acres
 AMENITY AREA(PASSIVE OPEN SPACE): 0 Acres
 AREA OF LOTS: 0 Acres
 R/W AREA TO BE DEDICATED: 6.695 Acres
 9. NO NEW LOTS ARE BEING CREATED FROM THIS PLAT.
 10. SUBJECT DEED REFERENCE: DEED BK 8495, PG 109
 11. HANDICAPPED RAMPS ON ALL SIDEWALKS AT STREET CORNERS.
 12. A 20' RADIUS IS DEDICATED AT ALL INTERSECTIONS
 13. A 25' RADIUS IS DEDICATED AT THE INTERSECTIONS OF 50' ROAD CUL-DE-SACS ROW LINE AND STREET ROW LINE.
 14. PROPERTY WITHIN 2,000 FEET OF AN NCGS CONTROL MONUMENT.
 15. CITY OF CONCORD WATER AND SEWER IS AVAILABLE TO THE PROPERTY
 16. FLOOD PLAIN DEVELOPMENT CERTIFICATE MUST BE COMPLETED WITH ANY DISTURBANCE WITHIN A SPECIAL FLOOD HAZARD AREA. FOR HABITABLE STRUCTURES WITHIN A FLOOD PLAIN, AN ELEVATION CERTIFICATE IS REQUIRED. NOTE: A FLOOD-PROOFING CERTIFICATE IS REQUIRED WITHIN THE 100-YEAR FLOOD PLAIN THAT IS BELOW BASE-FLOOD ELEVATION. TO REMOVE PROPERTY FROM FEMA FLOOD PLAIN A LETTER OF MAP REVISION IS REQUIRED.

FILED Jul 11, 2013 03:35 pm
 BOOK 00063
 PAGE 0069 THRU 0069
 INSTRUMENT # 19505
 EXCISE TAX \$0.00
 FILED CABARRUS COUNTY NC
 WAYNE NIXON
 REGISTER OF DEEDS

I, STEPHEN S. DYER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES; THAT THE RATIO OF PRECISION IS A MINIMUM OF 1:10,000; THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS:47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 11 DAY OF JULY 2013.

[Signature] STEPHEN S. DYER, PLS L-3509

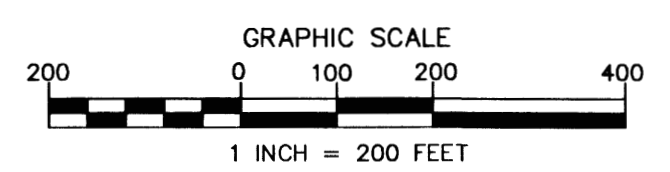
NOTARY PUBLIC SEAL
 L-3509
 THE ISAACS GROUP, P.C. ENGINEERING & LAND SURVEYING NO. C-1069
 NORTH CAROLINA PROFESSIONAL SEAL
 LAND SURVEYOR
 STEPHEN S. DYER
 CERTIFICATE OF AUTHORIZATION

PHASE 1 - PREVIOUSLY RECORDED:
 PHASE 1, MAP 1:
 27 - 80' LOTS
 PHASE 1, MAP 2:
 17 - 100' LOTS

PHASE 2:
 PHASE 2, MAP 1:
 12 - 60' LOTS
 5 - 100' LOTS
 PHASE 2, MAP 2:
 30 - 80' LOTS

NO.	BY	DATE	REVISION

- LEGEND
 R/W RIGHT OF WAY
 ○ MONUMENTATION FOUND/SET
 ▲ POINT COMPUTED
 (T) TOTAL
 RCP REINFORCED CONCRETE PIPE
 S.T.E. SIGHT TRIANGLE EASEMENT
 --- RECORDED R/W
 --- STORM DRAINAGE EASEMENT (SDE)
 --- W --- U/G WATER LINE
 --- SS --- U/G SANITARY SEWER LINE
 --- U/G STORM PIPE
 --- 100 YEAR FLOOD LINE
 --- EDGE OF WATER



R/W PLAT
THE MILLS, PHASE 1, MAP 6
 CITY OF CONCORD, TOWNSHIP #1
 CABARRUS COUNTY, NORTH CAROLINA
 PREPARED FOR: ROCKY RIVER PROJECT, LLC
 301 S. COLLEGE STREET
 CHARLOTTE, NC 28202

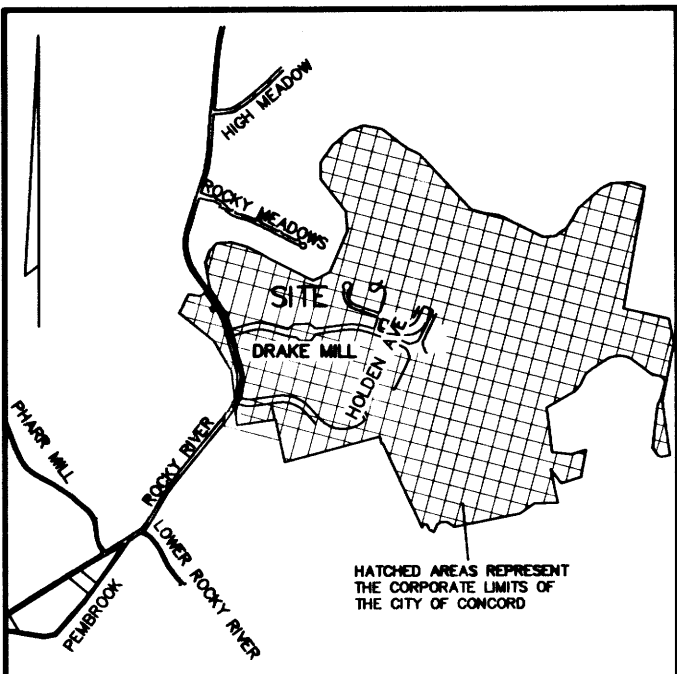
File #: 08318-RM6 Date: 04-09-2013 Project P.L.S.: SSD

Surveyed By: TIC
 Drawn By: MWJ
 Scale: 1"=200'

7720 RED OAK BLVD, SUITE 429
 CHARLOTTE, N.C. 28217
 PHONE (704) 527-3440 FAX (704) 527-8335

SHEET 1 OF 4

BR 63 Pg 70

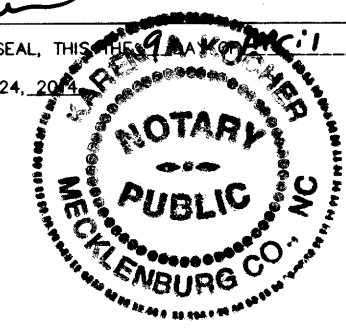


REVIEW OFFICER CERTIFICATION
STATE OF NORTH CAROLINA
COUNTY OF CABARRUS
I, Greg Bell REVIEW OFFICER OF CABARRUS COUNTY
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED
MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
Greg Bell 7/11/13
REVIEW OFFICER DATE
By: Andrew Barrier

FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT A PORTION OF THE PROPERTY SHOWN ON
THIS PLAT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN
ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY, FEDERAL INSURANCE ADMINISTRATION, COMMUNITY PANEL
NUMBER 371055-2700J AND 371055-3700J, DATED FEBRUARY 18,
2009.

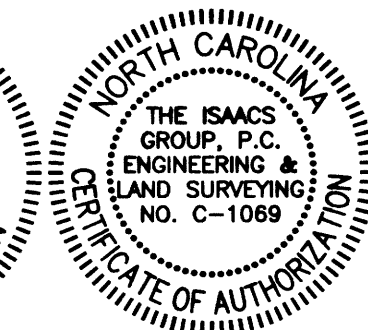
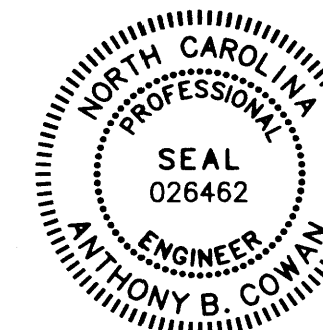
CERTIFICATE OF CONFORMITY WITH PLANS & SPECIFICATIONS:
CITY OF CONCORD
MILLS SUBDIVISION - PHASE 1
NAME OF SUBDIVISION
DRAKE MILL LANE - 2.704'
NAME OF STREETS - LINEAR FOOTAGE
ROCKY RIVER PROJECT, LLC
SUBDIVIDER
I HEREBY, TO THE BEST OF MY KNOWLEDGE, AND BELIEF, THAT ALL STREET, STORM DRAINAGE,
WATER AND SEWER WORK TO BE PERFORMED ON THIS SUBDIVISION HAS BEEN CHECKED BY ME
OR MY AUTHORIZED REPRESENTATIVE AND CONFORMS WITH LINES, GRADES, CROSS-SECTIONS,
DIMENSIONS, AND MATERIAL REQUIREMENTS WHICH ARE SHOWN ON AND INDICATED IN THE
PLANS WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CONCORD SUBDIVISION
ADMINISTRATOR OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

NORTH CAROLINA
CABARRUS COUNTY
I, KAREN A. KOCHER
A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT ANTHONY B. COWAN
PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE
FOREGOING INSTRUMENT.
Karen A. Kocher
WITNESS MY HAND AND OFFICIAL SEAL, THIS 11th DAY OF JULY, 2013.
MY COMMISSION EXPIRES: MARCH 24, 2015.



I ALSO ACKNOWLEDGE THAT FALSIFICATION OF THE ABOVE CERTIFICATIONS MAY SUBJECT ME TO
CIVIL SUIT AND/OR CRIMINAL PROSECUTION UNDER THE GENERAL STATUTES, INCLUDING BUT
NOT LIMITED TO, G.S. 14-100 AND G.S. 136-102.6 AND THE CODE OF ORDINANCES OF THE
CITY OF CONCORD.

SIGNED:
Anthony B. Cowan
REGISTERED PROFESSIONAL ENGINEER
026462 04/09/13
REGISTERED NO. DATE

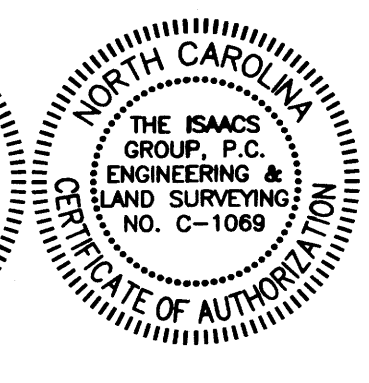
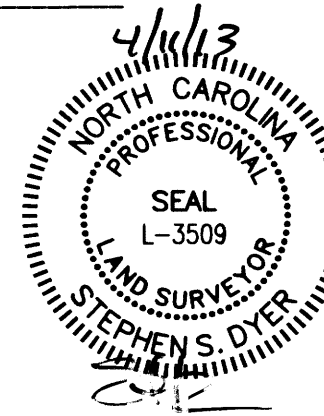


FUTURE DEVELOPMENT
ROCKY RIVER PROJECT LLC
PIN# 5527-725264

FUTURE DEVELOPMENT
ROCKY RIVER PROJECT LLC
PIN# 5527-725264

I, STEPHEN S. DYER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL
FIELD SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY
INDICATED AS DASHED LINES; THAT THE RATIO OF PRECISION IS A MINIMUM OF 1:10,000, THAT THIS
SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS
AN ORDINANCE THAT REGULATES PARCELS OF LAND; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN
AS BROKEN LINES; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS:47-30 AS AMENDED.
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 11th DAY OF APRIL 2013.

Stephen S. Dyer
STEPHEN S. DYER, PLS L-3509



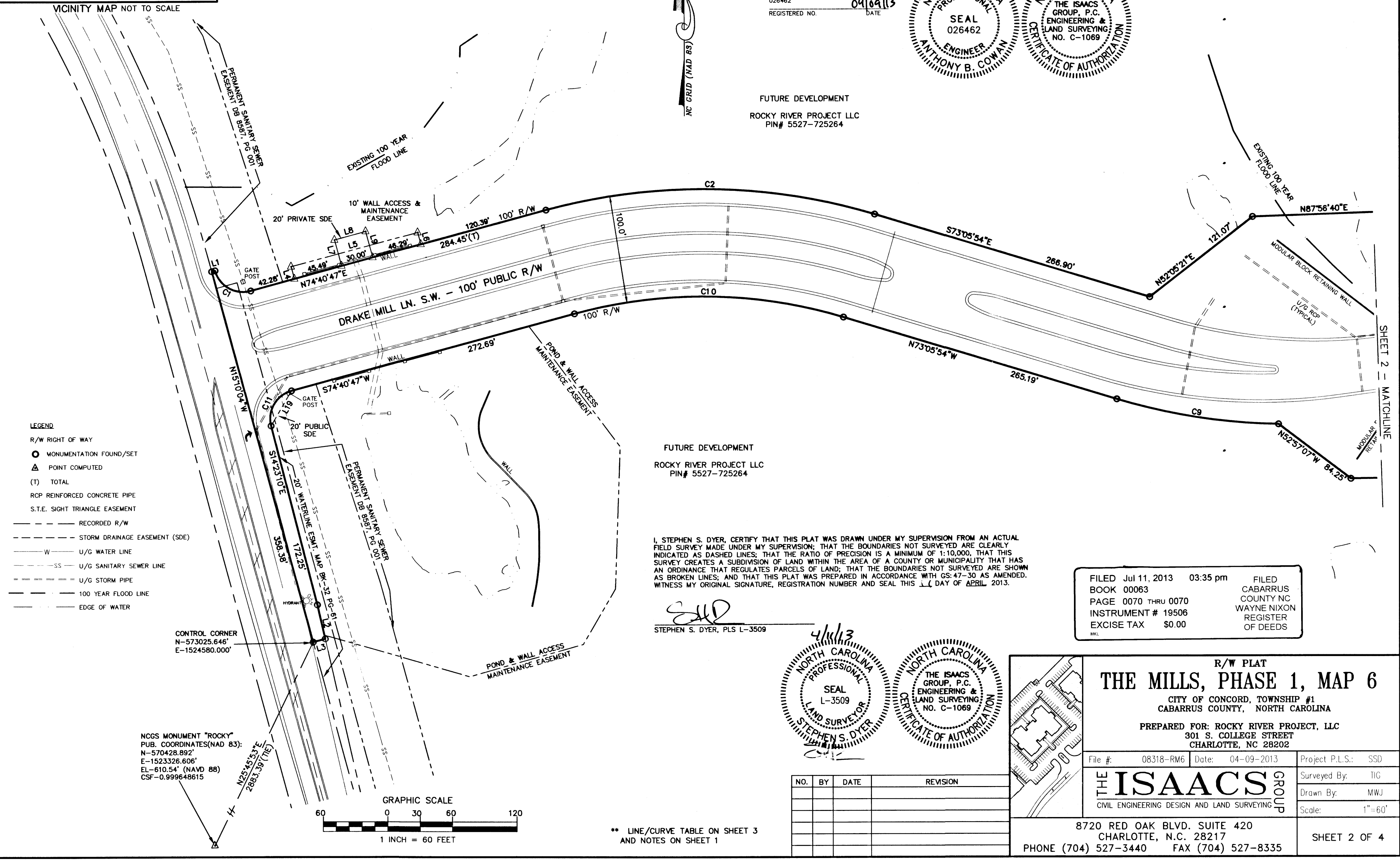
FILED Jul 11, 2013 03:35 pm FILED
BOOK 00063 CABARRUS
PAGE 0070 THRU 0070 COUNTY NC
INSTRUMENT # 19506 WAYNE NIXON
EXCISE TAX \$0.00 REGISTER
OF DEEDS

R/W PLAT
THE MILLS, PHASE 1, MAP 6
CITY OF CONCORD, TOWNSHIP #1
CABARRUS COUNTY, NORTH CAROLINA
PREPARED FOR: ROCKY RIVER PROJECT, LLC
301 S. COLLEGE STREET
CHARLOTTE, NC 28202

File #:	08318-RM6	Date:	04-09-2013	Project P.L.S.:	SSD
Surveyed By:	TIG				
Drawn By:	MWJ				
Scale:	1"=60'				

THE ISAACS GROUP
CIVIL ENGINEERING DESIGN AND LAND SURVEYING
7720 RED OAK BLVD. SUITE 420
CHARLOTTE, N.C. 28217
PHONE (704) 527-3440 FAX (704) 527-8335

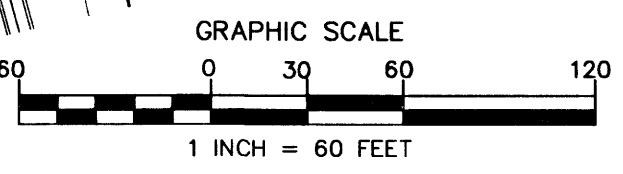
SHEET 2 OF 4



- LEGEND
- R/W RIGHT OF WAY
 - MONUMENTATION FOUND/SET
 - △ POINT COMPUTED
 - (T) TOTAL
 - RCP REINFORCED CONCRETE PIPE
 - S.T.E. SIGHT TRIANGLE EASEMENT
 - RECORDED R/W
 - STORM DRAINAGE EASEMENT (SDE)
 - W U/G WATER LINE
 - SS U/G SANITARY SEWER LINE
 - U/G STORM PIPE
 - 100 YEAR FLOOD LINE
 - EDGE OF WATER

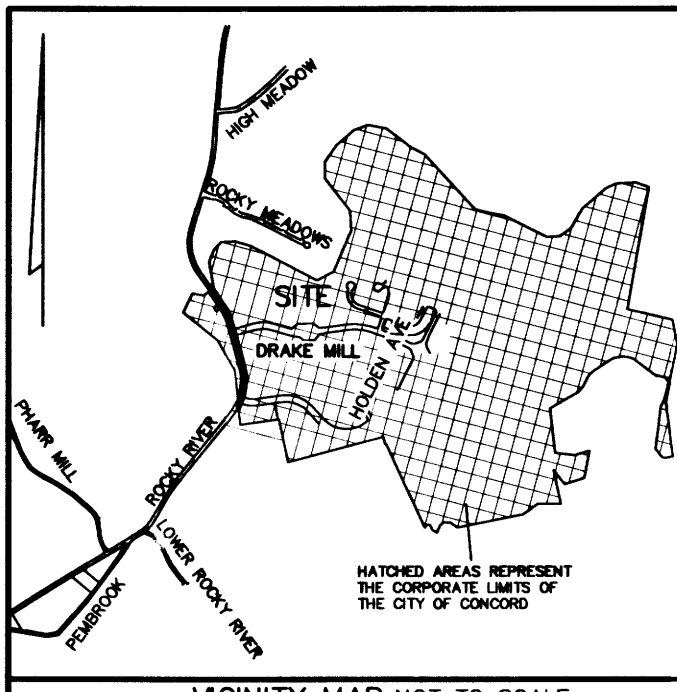
CONTROL CORNER
N-573025.646'
E-1524580.000'

NGGS MONUMENT "ROCKY"
PUB. COORDINATES(NAD 83):
N-570428.892'
E-1523326.606'
EL-610.54' (NAVD 88)
CSF-0.999648615



** LINE/CURVE TABLE ON SHEET 3
AND NOTES ON SHEET 1

BR 63 Pg 71



FLOOD CERTIFICATION
 THIS IS TO CERTIFY THAT A PORTION OF THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, COMMUNITY PANEL NUMBER 371055-2700J AND 371055-3700J, DATED FEBRUARY 18, 2009.

REVIEW OFFICER CERTIFICATION
 STATE OF NORTH CAROLINA
 COUNTY OF CABARRUS
 I, Greg Bell, REVIEW OFFICER OF CABARRUS COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
Greg Bell 7/11/13
 REVIEW OFFICER DATE
 By: Andrew Barrier

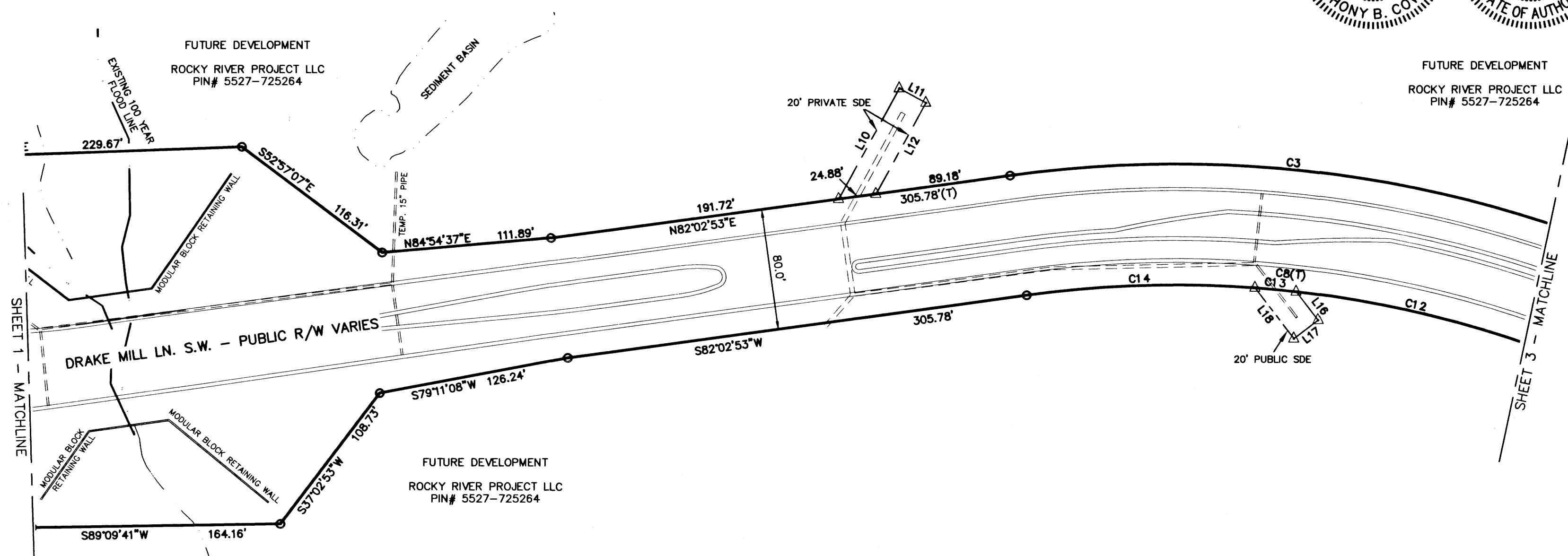
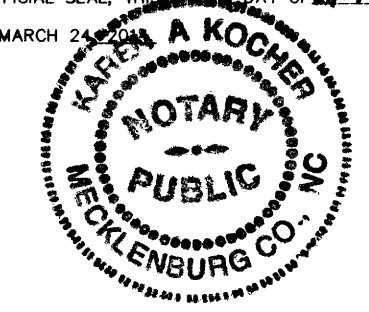
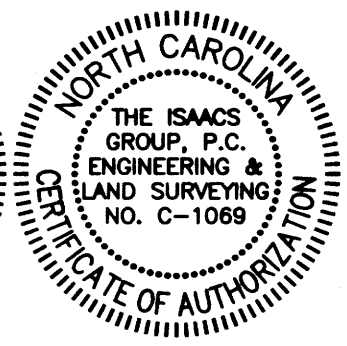
CERTIFICATE OF CONFORMITY WITH PLANS & SPECIFICATIONS:

CITY OF CONCORD
 MILLS SUBDIVISION - PHASE 1
 NAME OF SUBDIVISION
 DRAKE MILL LANE - 2704'
 NAME OF STREETS - LINEAR FOOTAGE
 ROCKY RIVER PROJECT, LLC
 SUBDIVIDER
 I HEREBY, TO THE BEST OF MY KNOWLEDGE, AND BELIEF, THAT ALL STREET, STORM DRAINAGE, WATER AND SEWER WORK TO BE PERFORMED ON THIS SUBDIVISION HAS BEEN CHECKED BY ME OR MY AUTHORIZED REPRESENTATIVE AND CONFORMS WITH LINES, GRADES, CROSS-SECTIONS, DIMENSIONS, AND MATERIAL REQUIREMENTS WHICH ARE SHOWN ON AND INDICATED IN THE PLANS WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CONCORD SUBDIVISION ADMINISTRATOR OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

NORTH CAROLINA
 CABARRUS COUNTY
 I, KAREN A. KOCHER, A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT ANTHONY B. COWAN PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.
Karen A Kocher
 WITNESS MY HAND AND OFFICIAL SEAL, THIS 9 DAY OF APRIL, 2013.
 MY COMMISSION EXPIRES: MARCH 24, 2013

I ALSO ACKNOWLEDGE THAT FALSIFICATION OF THE ABOVE CERTIFICATIONS MAY SUBJECT ME TO CIVIL SUIT AND/OR CRIMINAL PROSECUTION UNDER THE GENERAL STATUTES, INCLUDING BUT NOT LIMITED TO, G.S. 14-100 AND G.S. 136-102.6 AND THE CODE OF ORDINANCES OF THE CITY OF CONCORD.

SIGNED:
Anthony B. Cowan
 REGISTERED PROFESSIONAL ENGINEER
 026462
 REGISTERED NO. 04/09/13
 DATE



LINE TABLE

LINE	LENGTH	BEARING
L1	3.13	S74°49'56"W
L2	32.70	N12°52'10"W
L3	11.64	S74°49'56"W
L4	11.73	S15°19'13"E
L5	121.78	N74°51'41"E
L6	11.35	S15°19'13"E
L7	25.00	S15°19'13"E
L8	30.00	S74°40'47"W
L9	25.00	N15°19'13"W
L10	83.54	S28°32'21"W
L11	20.00	N61°27'39"W
L12	68.74	N28°32'21"E
L13	119.49	S86°01'47"W
L14	30.00	S03°58'13"E
L15	49.73	S86°01'47"W
L16	23.69	S37°26'21"E
L17	20.00	N52°33'39"E
L18	42.20	S37°26'21"E
L19	37.87	S30°08'49"W

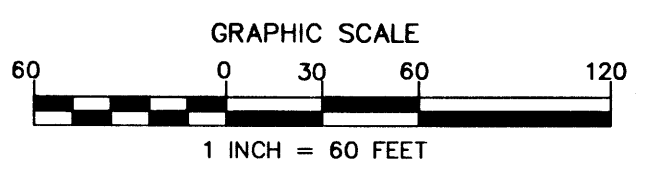
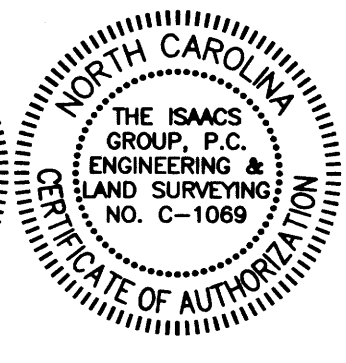
CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	27.00	42.35	38.14	S60°22'52"E
C2	550.00	309.31	305.25	N89°12'33"W
C3	790.00	375.77	372.24	N84°19'31"W
C4	30.00	47.12	42.43	N64°18'04"E
C5	30.00	47.12	42.43	S25°41'56"E
C6	540.00	63.02	62.99	N67°21'19"W
C7	460.00	53.69	53.66	N67°21'19"W
C9	550.00	152.54	152.05	S81°02'37"E
C10	450.00	253.07	249.75	N89°12'33"W
C11	27.00	41.97	37.87	S30°08'49"W
C12	710.00	159.19	158.86	N77°07'19"W
C13	710.00	27.26	27.26	N84°38'42"W
C14	710.00	151.27	150.98	S88°09'06"W

FILED Jul 11, 2013 03:35 pm FILED
 BOOK 00063 CABARRUS COUNTY NC
 PAGE 0071 THRU 0071 WAYNE NIXON
 INSTRUMENT # 19507 REGISTER
 EXCISE TAX \$0.00 OF DEEDS

I, STEPHEN S. DYER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES; THAT THE RATIO OF PRECISION IS A MINIMUM OF 1:10,000, THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS: 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 11 DAY OF APRIL, 2013.

SSD
 STEPHEN S. DYER, PLS L-3509



- LEGEND**
- R/W RIGHT OF WAY
 - MONUMENTATION FOUND/SET
 - △ POINT COMPUTED
 - (T) TOTAL
 - RCP REINFORCED CONCRETE PIPE
 - S.T.E. SIGHT TRIANGLE EASEMENT
 - RECORDED R/W
 - STORM DRAINAGE EASEMENT (SDE)
 - W --- U/G WATER LINE
 - SS --- U/G SANITARY SEWER LINE
 - U/G STORM PIPE
 - 100 YEAR FLOOD LINE
 - EDGE OF WATER

**** MAP NOTES ON SHEET 1**

NO.	BY	DATE	REVISION

R/W PLAT
THE MILLS, PHASE 1, MAP 6
 CITY OF CONCORD, TOWNSHIP #1
 CABARRUS COUNTY, NORTH CAROLINA
 PREPARED FOR: ROCKY RIVER PROJECT, LLC
 301 S. COLLEGE STREET
 CHARLOTTE, NC 28202

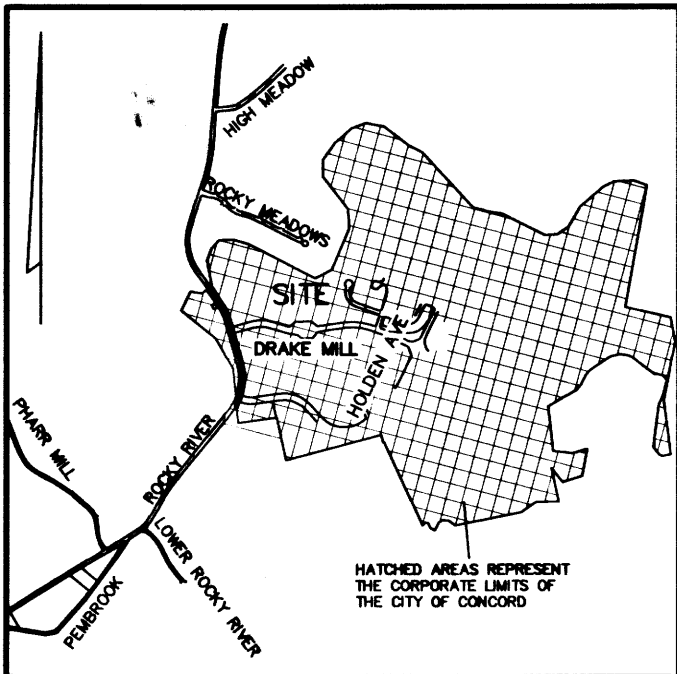
File #: 08318-RM6 Date: 04-09-2013 Project P.L.S.: SSD

THE ISAACS GROUP
 CIVIL ENGINEERING DESIGN AND LAND SURVEYING

8720 RED OAK BLVD. SUITE 420
 CHARLOTTE, N.C. 28217
 PHONE (704) 527-3440 FAX (704) 527-8335

Surveyed By: TIG
 Drawn By: MWJ
 Scale: 1"=60'
 SHEET 3 OF 4

BL 6314 72



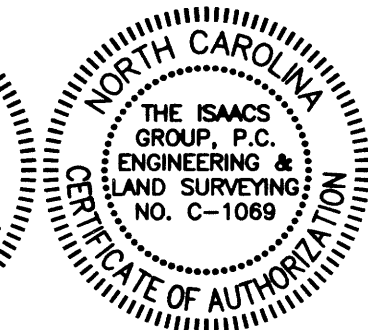
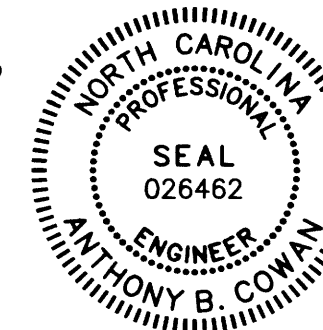
REVIEW OFFICER CERTIFICATION
 STATE OF NORTH CAROLINA
 COUNTY OF CABARRUS
 I, Cory Belk REVIEW OFFICER OF CABARRUS COUNTY
 CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED
 MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 By: Andrew Barrier DATE 7/11/13

FLOOD CERTIFICATION
 THIS IS TO CERTIFY THAT A PORTION OF THE PROPERTY SHOWN ON
 THIS PLAT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN
 ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT
 AGENCY, FEDERAL INSURANCE ADMINISTRATION, COMMUNITY PANEL
 NUMBER 371055-2700J AND 371055-3700J, DATED FEBRUARY 18,
 2009.

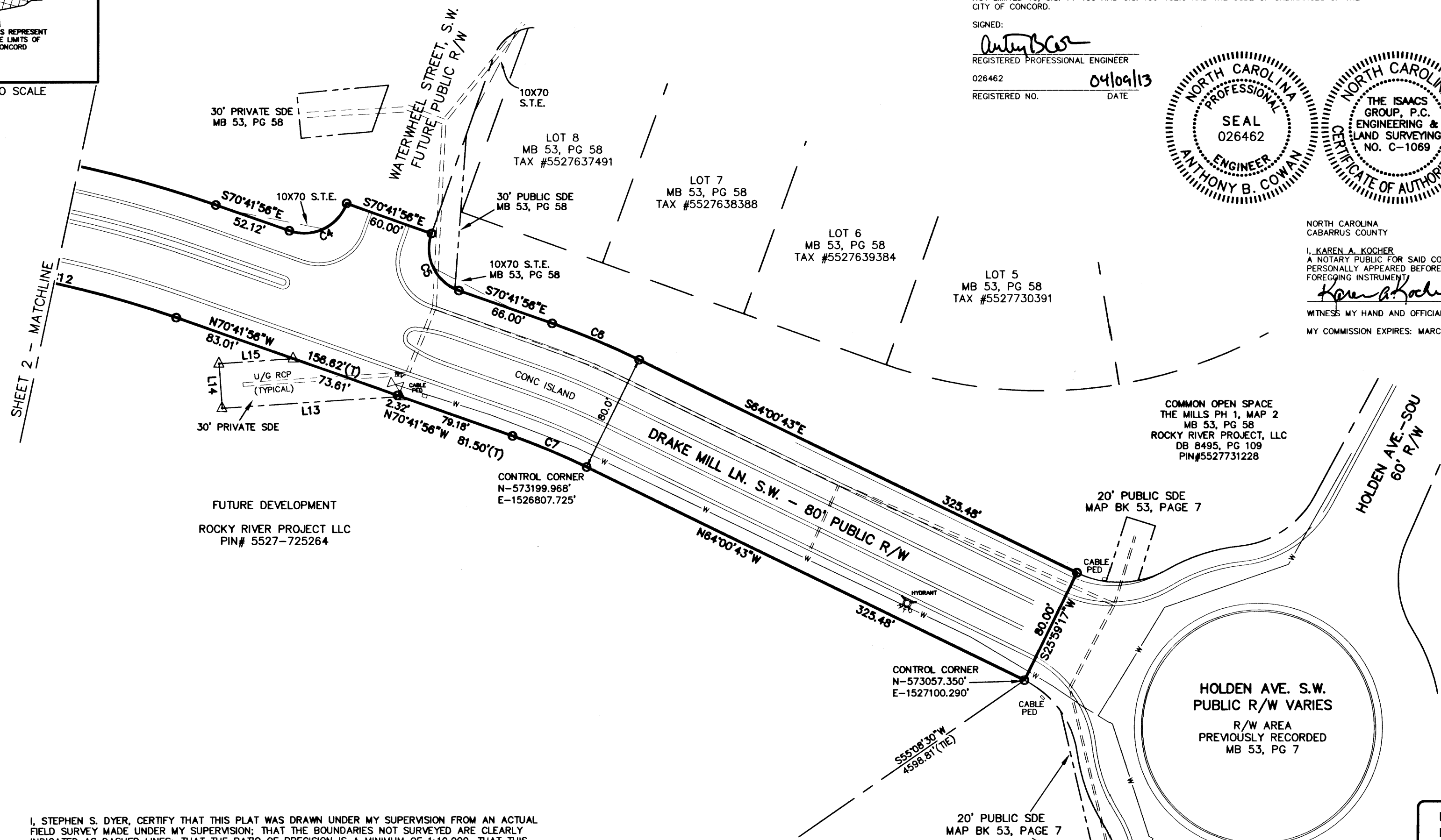
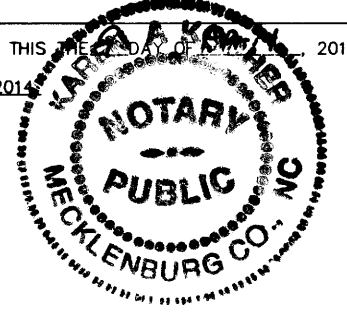
CERTIFICATE OF CONFORMITY WITH PLANS & SPECIFICATIONS:

CITY OF CONCORD
 MILLS SUBDIVISION - PHASE 1
 NAME OF SUBDIVISION
 DRAKE MILL LANE - 2.704'
 NAME OF STREETS - LINEAR FOOTAGE
 ROCKY RIVER PROJECT, LLC
 SUBDIVIDER
 I HEREBY, TO THE BEST OF MY KNOWLEDGE, AND BELIEF, THAT ALL STREET, STORM DRAINAGE,
 WATER AND SEWER WORK TO BE PERFORMED ON THIS SUBDIVISION HAS BEEN CHECKED BY ME
 OR MY AUTHORIZED REPRESENTATIVE AND CONFORMS WITH LINES, GRADES, CROSS-SECTIONS,
 DIMENSIONS, AND MATERIAL REQUIREMENTS WHICH ARE SHOWN ON AND INDICATED IN THE
 PLANS WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CONCORD SUBDIVISION
 ADMINISTRATOR OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
 I ALSO ACKNOWLEDGE THAT FALSIFICATION OF THE ABOVE CERTIFICATIONS MAY SUBJECT ME TO
 CIVIL SUIT AND/OR CRIMINAL PROSECUTION UNDER THE GENERAL STATUTES, INCLUDING BUT
 NOT LIMITED TO, G.S. 14-100 AND G.S. 136-102.6 AND THE CODE OF ORDINANCES OF THE
 CITY OF CONCORD.

SIGNED:
Anthony B. Cowan
 REGISTERED PROFESSIONAL ENGINEER
 026462 DATE 04/09/13
 REGISTERED NO. DATE

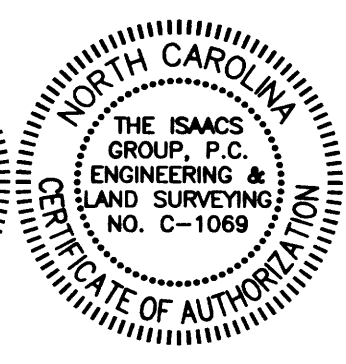
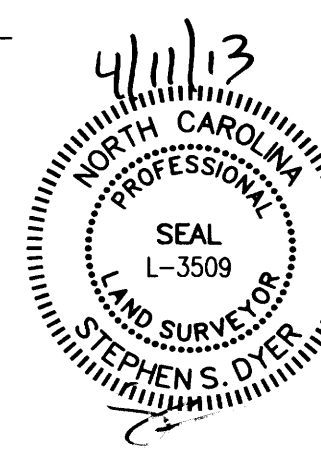


NORTH CAROLINA
 CABARRUS COUNTY
 I, KAREN A. KOCHER
 A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT ANTHONY B. COWAN
 PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE
 FOREGOING INSTRUMENT.
Karen A. Kocher
 WITNESS MY HAND AND OFFICIAL SEAL, THIS 9th DAY OF APRIL, 2013.
 MY COMMISSION EXPIRES: MARCH 24, 2015.



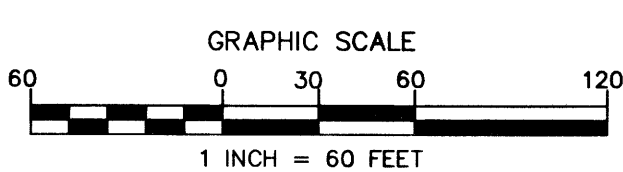
I, STEPHEN S. DYER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL
 FIELD SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY
 INDICATED AS DASHED LINES; THAT THE RATIO OF PRECISION IS A MINIMUM OF 1:10,000, THAT THIS
 SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS
 AN ORDINANCE THAT REGULATES PARCELS OF LAND; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN
 AS BROKEN LINES; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS: 47-30 AS AMENDED.
 WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 11th DAY OF APRIL, 2013.

Stephen S. Dyer
 STEPHEN S. DYER, PLS L-3509



NGS MONUMENT "ROCKY"
 PUB. COORDINATES (NAD 83):
 N-570428.892'
 E-1523326.606'
 EL-610.54' (NAVD 88)
 CSF-0.999648615

- LEGEND**
- R/W RIGHT OF WAY
 - MONUMENTATION FOUND/SET
 - △ POINT COMPUTED
 - (T) TOTAL
 - RCF REINFORCED CONCRETE PIPE
 - S.T.E. SIGHT TRIANGLE EASEMENT
 - RECORDED R/W
 - STORM DRAINAGE EASEMENT (SDE)
 - W U/G WATER LINE
 - SS U/G SANITARY SEWER LINE
 - U/G STORM PIPE
 - 100 YEAR FLOOD LINE
 - EDGE OF WATER



FILED Jul 11, 2013 03:35 pm FILED
 BOOK 00063 CABARRUS
 PAGE 0072 THRU 0072 COUNTY NC
 INSTRUMENT # 19508 WAYNE NIXON
 EXCISE TAX \$0.00 REGISTER
 OF DEEDS

** LINE/CURVE TABLE ON SHEET 3
 MAP NOTES ON SHEET 1

R/W PLAT
THE MILLS, PHASE 1, MAP 6
 CITY OF CONCORD, TOWNSHIP #1
 CABARRUS COUNTY, NORTH CAROLINA
 PREPARED FOR: ROCKY RIVER PROJECT, LLC
 301 S. COLLEGE STREET
 CHARLOTTE, NC 28202

File #	08318-RM6	Date	04-09-2013	Project P.L.S.:	SSD
Surveyed By:	TIG				
Drawn By:	MWJ				
Scale:	1"=60'				

THE ISAACS GROUP
 CIVIL ENGINEERING DESIGN AND LAND SURVEYING

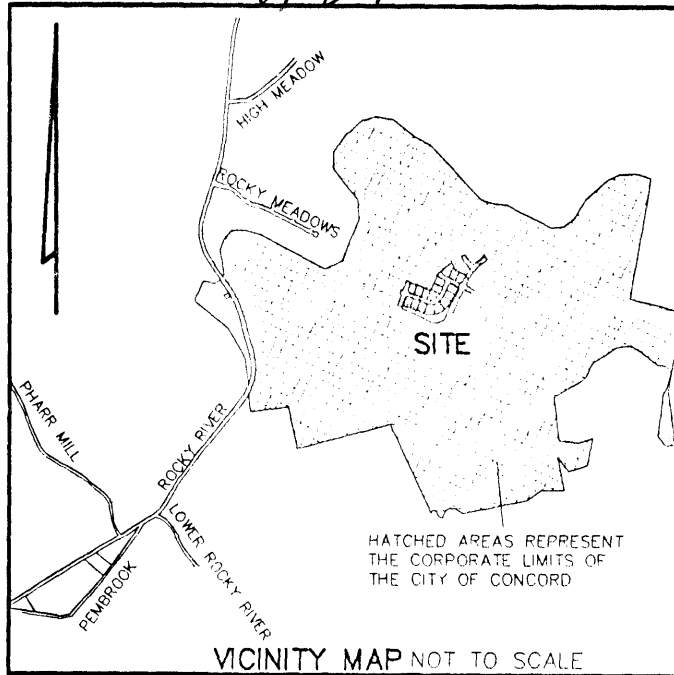
8720 RED OAK BLVD. SUITE 420
 CHARLOTTE, N.C. 28217.
 PHONE (704) 527-3440 FAX (704) 527-8335

SHEET 4 OF 4

NO.	BY	DATE	REVISION

31187

BK 53 PG 58



CERTIFICATE OF OWNERSHIP AND OFFER OF DEDICATION
 I HEREBY CERTIFY THAT I AM OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF CONCORD, AND THAT I HEREBY SUBMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAN AS STREETS, SIDEWALKS, GREENWAYS, RIGHTS-OF-WAY, EASEMENTS, OPEN SPACE AND/OR PARKS EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL ACCEPTED BY THE CITY OF CONCORD, AND FURTHER THAT I HEREBY GUARANTEE THAT I WILL CORRECT DEFECTS OR FAILURE OF IMPROVEMENTS IN SUCH AREAS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE DATE OF FINAL ACCEPTANCE OF REQUIRED IMPROVEMENTS.

BY: **Keith M. Kallen, Manager** 8/17/07
AMY L. WESS
 A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.
 WITNESS MY HAND AND OFFICIAL SEAL, THIS THE 17 DAY OF August 2007
 MY COMMISSION EXPIRES: 3/20/09
Amy L. Wess

AMY L. WESS
 NOTARY PUBLIC, STATE OF NC
 COUNTY OF WAYNE
 MY COMMISSION EXPIRES Mar 30, 2009
 ACTING IN COUNTY OF **Jackson**

CERTIFICATE OF FEE PAYMENT
 I HEREBY CERTIFY THAT ALL FEES FOR THE MILLS SUBDIVISION, PHASE 1, MAP 2 HAVE BEEN PAID, OR THAT THE FEES ARE NOT APPLICABLE.
Pam Henson 08-23-07
 FINANCIAL OFFICER

REVIEW OFFICER CERTIFICATION
 STATE OF NORTH CAROLINA
 COUNTY OF CABARRUS
David Marshall 8/23/07
 REVIEW OFFICER OF CABARRUS COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
David Marshall 8/23/07
 REVIEW OFFICER

CERTIFICATE OF ACCEPTANCE OF OFFER OF DEDICATION
 I HEREBY CERTIFY THAT THE CITY COUNCIL ACCEPTED THE OFFERS OF DEDICATION SHOWN ON THIS PLAT BY RESOLUTION AT A MEETING OF THE CITY COUNCIL HELD ON 2007.

CERTIFICATE OF FINAL PLAT APPROVAL
 I HEREBY CERTIFY THAT THIS PLAT IS IN COMPLIANCE WITH THE CITY OF CONCORD CODE OF ORDINANCES. THIS FINAL PLAT FOR THE MILLS SUBDIVISION, PHASE 1, MAP 2 WAS APPROVED BY THE CONCORD PLANNING & ZONING COMMISSION ADMINISTRATOR WITH THE CONCURRENCE OF THE DEVELOPMENT REVIEW COMMITTEE AT THEIR MEETING ON 8/23/07 2007.

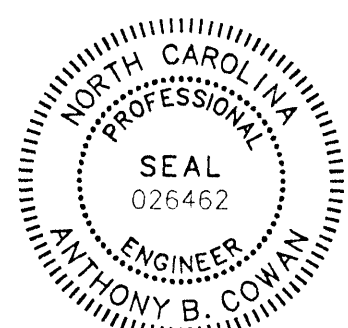
CERTIFICATE OF STREETS, WATER AND SEWER SYSTEM APPROVAL AND OTHER IMPROVEMENTS
 I HEREBY CERTIFY THAT ALL STREETS, PUBLIC AND/OR PRIVATE STORM DRAINAGE SYSTEMS, WATER AND SEWER SYSTEMS AND OTHER IMPROVEMENTS HAVE BEEN DESIGNED AND INSTALLED, OR THEIR INSTALLATION GUARANTEED, IN AN ACCEPTABLE MANNER AND ACCORDING TO SPECIFICATION AND STANDARDS OF CONCORD AND THE STATE OF NORTH CAROLINA.
 8/23/07 **Sue B. Hyde**
 DIRECTOR OF ENGINEERING

CERTIFICATE OF CONFORMITY WITH PLANS & SPECIFICATIONS
 CITY OF CONCORD
 MILLS SUBDIVISION - PHASE 1
 NAME OF SUBDIVISION
 CRIST MILL DRIVE S.W. - 758 SF +/-
 WATERWHEEL STREET S.W. - 330 SF +/-
 NAME OF STREETS - LINEAR FOOTAGE
 CROSSWINDS @ ROCKY RIVER, LLC
 SUBDIVIDER

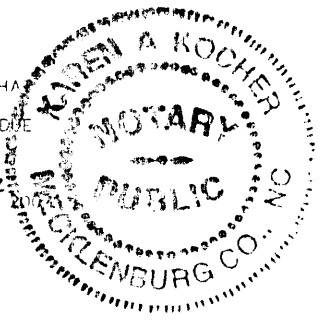
I HEREBY, TO THE BEST OF MY KNOWLEDGE, AND BELIEF, THAT ALL STREET, STORM DRAINAGE, WATER AND SEWER WORK TO BE PERFORMED ON THIS SUBDIVISION HAS BEEN CHECKED BY ME OR MY AUTHORIZED REPRESENTATIVE AND CONFORMS WITH LINES, GRADES, CROSS-SECTIONS, DIMENSIONS, AND MATERIAL REQUIREMENTS WHICH ARE SHOWN ON AND INDICATED IN THE PLANS WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CONCORD SUBDIVISION ADMINISTRATOR OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

I ALSO ACKNOWLEDGE THAT FALSIFICATION OF THE ABOVE CERTIFICATIONS MAY SUBJECT ME TO CIVIL SUIT AND/OR CRIMINAL PROSECUTION UNDER THE GENERAL STATUTES, INCLUDING BUT NOT LIMITED TO, G.S. 14-100 AND G.S. 135-102.6 AND THE CODE OF ORDINANCES OF THE CITY OF CONCORD.

SIGNED: **Anthony B. Cowan**
 REGISTERED PROFESSIONAL ENGINEER
 026462 8/6/07
 REGISTERED NO. DATE



NORTH CAROLINA CABARRUS COUNTY
 I, **KAREN A. KOCHER**
 A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.
 WITNESS MY HAND AND OFFICIAL SEAL, THIS THE 6 DAY OF August 2007
 MY COMMISSION EXPIRES: MARCH 21, 2009



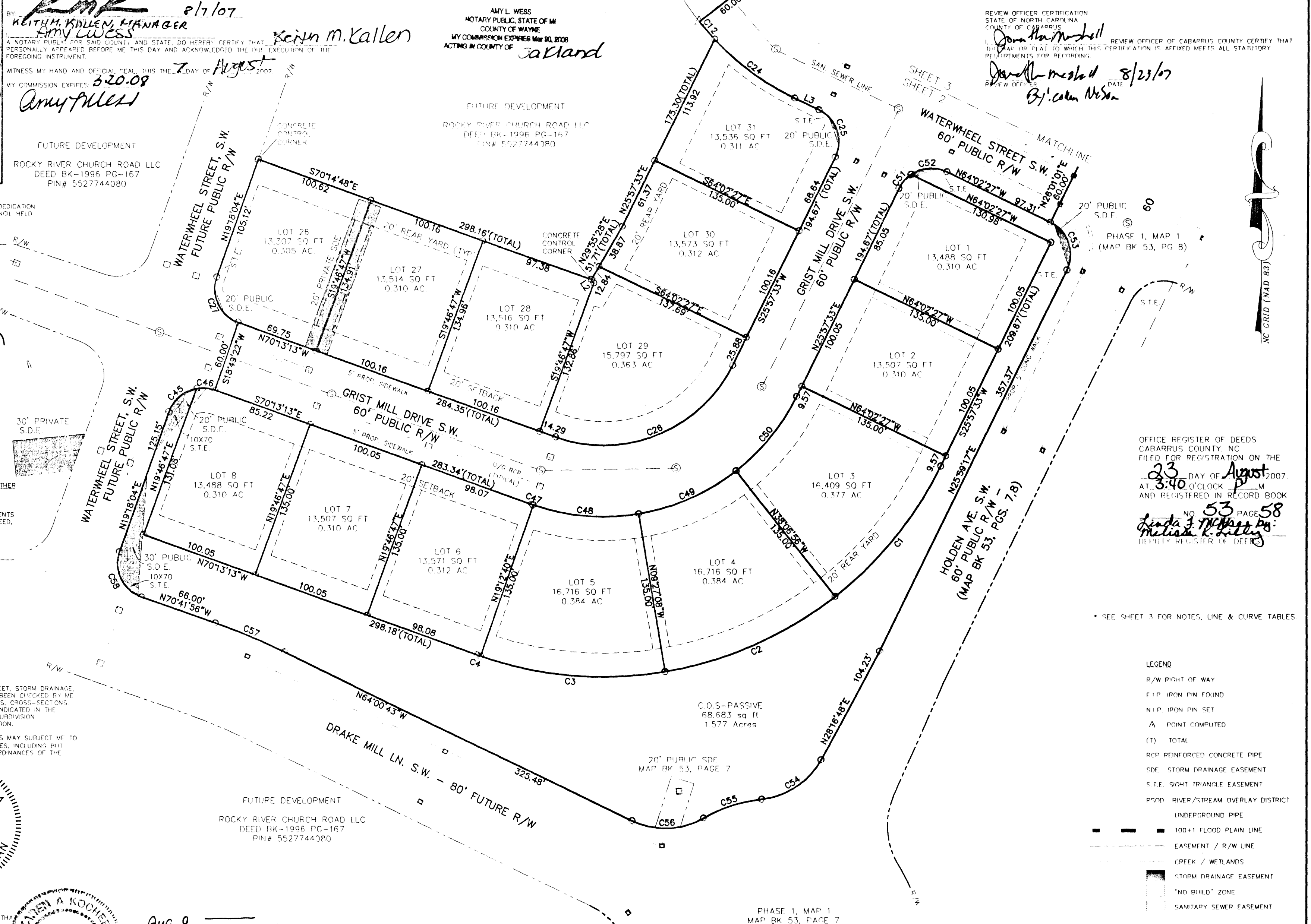
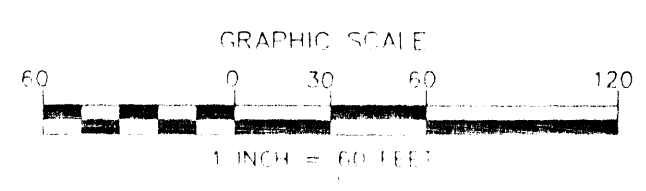
Aug-9 8/23/07 **Jin B. Chun**



I, **STEPHEN S. DYER**, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, THAT THE RATIO OF PRECISION IS A MINIMUM OF 1:10,000, THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES, AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-43 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 15TH DAY OF JUNE, 2007.

DEVELOPMENT REQUIREMENTS

SET BACKS	FRONT	SIDE	REAR
UNIT TYPE	5'	3'	5'
45' LOTS	5'	3'	5'
PATIO HOMES (50')	5'	3'	5'
60' LOTS	20'	5'	10'
80' LOTS	20'	5'	15'
100' LOTS	20'	6'	20'
100' LOTS	20'	7'	20'
TOWNHOMES (1)	15'	0'	0'
TOWNHOMES BLDG SEPARATION	15'	0'	0'



OFFICE REGISTER OF DEEDS
 CABARRUS COUNTY, NC
 FILED FOR REGISTRATION ON THE
 23 DAY OF August 2007
 AT 3:40 O'CLOCK P.M.
 AND REGISTERED IN RECORD BOOK
 NO. 53 PAGE 58
Richard K. Little
 DEPUTY REGISTER OF DEEDS

* SEE SHEET 3 FOR NOTES, LINE & CURVE TABLES

- LEGEND**
- R/W RIGHT OF WAY
 - F.I.P. IRON PIN FOUND
 - N.I.P. IRON PIN SET
 - A POINT COMPUTED
 - (T) TOTAL
 - RCP REINFORCED CONCRETE PIPE
 - SDE STORM DRAINAGE EASEMENT
 - S.T.E. SIGHT TRIANGLE EASEMENT
 - RPOD RIVER/STREAM OVERLAY DISTRICT
 - UNDERGROUND PIPE
 - 100+1 FLOOD PLAIN LINE
 - EASEMENT / R/W LINE
 - CRFEEK / WETLANDS
 - STORM DRAINAGE EASEMENT
 - "NO BUILD" ZONE
 - SANITARY SEWER EASEMENT

MAJOR PLAT
THE MILLS, PHASE 1, MAP 2
 CITY OF CONCORD, TOWNSHIP 1
 CABARRUS COUNTY, NORTH CAROLINA
 PREPARED FOR: CROSSWINDS @ ROCKY RIVER LLC
 22920 VENTURE DRIVE
 NOVI, MICHIGAN 48375

File # 05132-PM1 Date: 06-15-2007 Project P.L.S.: SSD

THE ISAACS GROUP
 CIVIL ENGINEERING DESIGN AND LAND SURVEYING

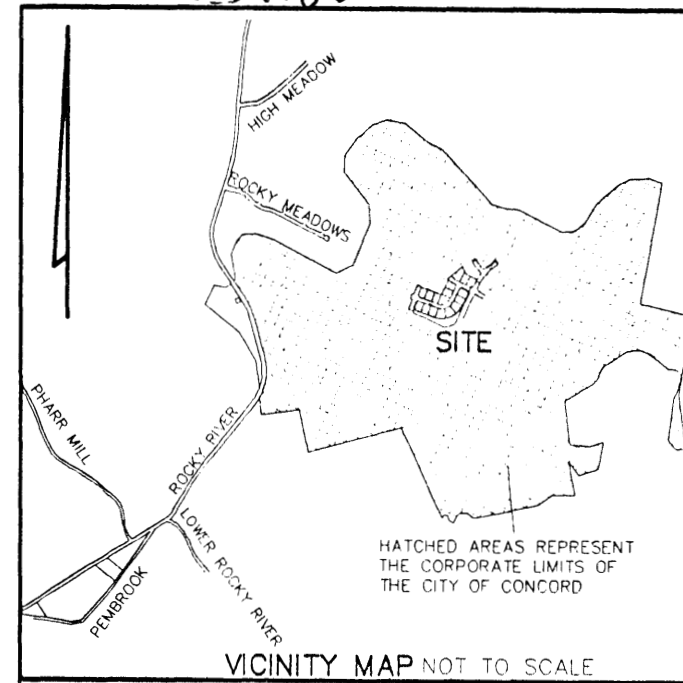
8720 RED OAK BLVD, SUITE 420
 CHARLOTTE, N.C. 28217
 PHONE (704) 527-3440 FAX (704) 527-8335

SHEET 2 OF 3

NO	BY	DATE	REVISION

31188

BK 53 PG 59



CERTIFICATE OF OWNERSHIP AND OFFER OF DEDICATION:

I HEREBY CERTIFY THAT I AM OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF CONCORD, AND THAT I HEREBY SUBMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAN AS STREETS, SIDEWALKS, GREENWAYS, RIGHTS-OF-WAY, EASEMENTS, OPEN SPACE AND/OR PARKS EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL ACCEPTED BY THE CITY OF CONCORD, AND FURTHER THAT I HEREBY GUARANTEE THAT I WILL CORRECT DEFECTS OR FAILURE OF IMPROVEMENTS IN SUCH AREAS FOR A PERIOD OF ONE YEAR COMMENCING AT THE FINAL ACCEPTANCE OF REQUIRED IMPROVEMENTS.

BY: *KAK* 8/7/07
 KATHA KALEN, HANAUGER
 AMY WESS

A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT I PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL THIS 7 DAY OF August 2007

AMY L. WESS
 NOTARY PUBLIC, STATE OF NC
 COUNTY OF WAYNE
 MY COMMISSION EXPIRES Mar 20, 2007
 ACTING IN COUNTY OF *Catland*

LINE	BEARING	DISTANCE
L1	S19°18'04"W	10.64
L2	S32°32'06"E	3.50
L3	S64°02'27"E	22.52
L4	S50°07'04"E	9.07
L5	S50°07'04"E	24.78
L7	S25°59'17"W	6.52
L9	N54°06'10"W	30.00
L10	S16°54'00"E	10.35

- LEGEND
- R/W RIGHT OF WAY
 - E.I.P. IRON PIN FOUND
 - N.I.P. IRON PIN SET
 - (A) POINT COMPUTED
 - (1) TOTAL
 - RCP REINFORCED CONCRETE PIPE
 - SDE STORM DRAINAGE EASEMENT
 - S.T.E. RIGHT TRIANGLE EASEMENT
 - R500 RIVER/STREAM OVERLAY DISTRICT
 - UNDERGROUND PIPE
 - 100+1 FLOOD PLAIN LINE
 - EASEMENT / R/W LINE
 - CREEK / WETLANDS
 - STORM DRAINAGE EASEMENT
 - "NO BUILD" ZONE
 - SANITARY SEWER EASEMENT

- NOTES:
- THE DEVELOPER WILL BE RESPONSIBLE FOR INSTALLATION OF ALL PROPOSED IMPROVEMENTS AS SHOWN ON THIS PLAN.
 - COMMON OPEN SPACE AREAS SHALL BE MAINTAINED RESPECTIVELY BY THE HOME OWNER'S ASSOCIATION (HOA) OR THE COMMERCIAL OWNER'S ASSOCIATION (COA).
 - SUBJECT TO ANY AND ALL RIGHTS OF WAY, EASEMENTS, COVENANTS AND RESTRICTIONS, APPURTENANCES OF RECORD, HOWEVER RECORDED AND/OR IMPLIED.
 - MONUMENTATION FOUND OR SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
 - AREAS CALCULATED BY COORDINATED GEOMETRY.
 - SUBJECT PARCEL TAX ID# 5527744080
 - CURRENT ZONING: PUD
 - TOTAL ACREAGE THIS PLAT: 8.7 ACRES
 - COMMON OPEN SPACE: 1.58 ACRES
 - AREA OF LOTS: 5.66 ACRES
 - R/W AREA TO BE DEDICATED: 1.47 ACRES
 - LOTS CREATED THIS PLAT: 17
 - SUBJECT DEED REFERENCE: DEED BK 1996, PG 167
 - HANDICAPPED RAMPS ON ALL SIDEWALKS AT STREET CORNERS.
 - A 20' RADIUS IS DEDICATED AT ALL INTERSECTIONS
 - A 25' RADIUS IS DEDICATED AT THE INTERSECTIONS OF 50' RADIUS CURVE-DE-SACS ROW LINE AND STREET R/W LINE
 - PROPERTY WITHIN 2,000 FEET OF AN NCDS CONTROL MONUMENT.
 - CITY OF CONCORD WATER AND SEWER IS AVAILABLE TO THE PROPERTY
 - LINEAR FOOTAGE OF DEDICATED UTILITIES:
 - 1110' WATER LINE
 - 844' SEWER LINE
 - 895' DRAINAGE PIPE
 - AVERAGE IMPERVIOUS AREA OF 3,370 SQUARE FEET PER LOT. BASED ON AN AVERAGE OF 2,916 sq ft. FOR THE HOUSE, WITH A 18'X25' DRIVE.
 - FLOOD PLAIN DEVELOPMENT CERTIFICATE MUST BE COMPLETED WITH ANY DISTURBANCE WITHIN A SPECIAL FLOOD HAZARD AREA FOR HABITABLE STRUCTURES WITHIN A FLOOD PLAIN. AN ELEVATION CERTIFICATE IS REQUIRED. NOTE: A FLOOD-PROOFING CERTIFICATE IS REQUIRED WITHIN THE 100-YEAR FLOOD PLAIN THAT IS BELOW BASE-FLOOD ELEVATION TO REMOVE PROPERTY FROM FEMA FLOOD PLAIN A LETTER OF MAP REVISION IS REQUIRED.

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA
C1	315.00	142.53	N38°55'19"E	141.32	25°55'31"
C2	315.00	157.59	N66°12'58"E	155.95	28°39'48"
C3	315.00	157.59	S85°07'14"E	155.95	28°39'48"
C4	315.00	3.13	S70°30'16"E	3.13	0°34'07"
C5	375.00	131.05	S60°12'33"E	130.38	20°01'21"
C6	375.00	133.93	S39°57'59"E	133.22	20°27'46"
C7	375.00	133.93	S19°30'13"E	133.22	20°27'46"
C8	205.00	113.65	S06°48'31"W	112.20	31°45'49"
C9	205.00	186.36	S48°44'02"W	180.01	52°05'13"
C10	205.00	186.36	N79°10'44"W	180.01	52°05'13"
C11	205.00	186.36	N27°05'31"W	180.01	52°05'13"
C12	230.00	19.36	S40°36'48"E	19.36	4°49'23"
C15	30.00	10.94	S60°33'43"E	10.88	20°53'19"
C19	30.00	47.12	N05°07'04"W	42.43	90°00'00"
C20	330.00	61.57	S34°32'14"W	61.48	10°41'24"
C21	330.00	18.45	S27°35'25"W	18.45	3°12'15"
C22	30.00	47.11	N70°58'25"E	42.42	91°16'10"
C23	170.00	76.67	S51°07'17"E	76.02	25°50'20"
C24	230.00	84.36	S53°31'58"E	83.89	21°00'57"
C25	30.00	47.12	N19°02'27"W	42.43	90°00'00"
C26	120.00	175.55	N67°52'10"E	160.31	83°49'14"
C27	30.00	46.87	S25°27'34"E	42.25	89°31'17"
C28	30.00	47.37	N64°32'26"E	42.60	90°28'43"
C29	170.00	24.06	S66°09'57"E	24.04	8°06'32"
C30	170.00	224.56	S24°16'09"E	208.59	75°41'03"
C31	170.00	5.81	S14°33'05"W	5.81	1°57'25"
C32	25.00	21.98	S40°42'59"W	21.28	50°22'25"
C33	60.00	70.12	N32°25'56"E	66.20	66°57'41"
C34	60.00	54.55	N27°05'31"W	52.69	52°05'13"
C35	60.00	54.55	N79°10'44"W	52.69	52°05'13"
C36	60.00	54.55	S48°44'02"W	52.69	52°05'13"
C37	60.00	58.79	S05°22'51"E	56.47	56°08'33"
C38	25.00	21.50	N08°48'40"W	20.85	49°16'55"
C39	230.00	23.04	S12°57'37"W	23.03	5°44'22"
C40	230.00	77.73	S00°24'33"W	77.36	19°21'46"
C41	230.00	82.14	S19°30'13"E	81.71	20°27'46"
C42	230.00	82.14	S39°57'59"E	81.71	20°27'46"
C43	230.00	80.38	S60°12'33"E	79.97	20°01'21"
C44	30.00	46.87	N25°27'34"W	42.25	89°31'17"
C45	30.00	31.86	S49°43'23"W	30.38	60°50'38"
C46	30.00	15.52	N85°02'15"W	15.34	29°38'05"
C47	180.00	1.79	S70°30'16"E	1.79	0°34'07"
C48	180.00	90.05	S85°07'14"E	89.11	28°39'48"
C49	180.00	90.05	N66°12'58"E	89.11	28°39'48"
C50	180.00	81.45	N38°55'19"E	80.75	25°55'31"
C51	30.00	15.71	S40°57'33"W	15.53	30°00'00"
C52	30.00	31.42	S85°57'33"W	30.00	60°00'00"
C53	30.00	47.14	N19°01'37"W	42.44	90°01'31"
C54	64.00	62.41	N56°12'55"E	59.96	55°52'15"
C55	122.00	51.46	S72°04'03"W	51.08	24°09'59"
C56	64.00	62.56	N87°59'11"E	60.10	56°00'13"
C57	540.00	63.02	N67°21'19"W	62.99	6°41'13"
C58	30.00	47.12	S25°41'56"E	42.43	90°00'00"
C59	430.70	116.24	S46°58'35"W	115.89	15°27'47"
C60	30.00	47.12	N84°52'56"E	42.43	90°00'00"
C61	270.00	65.48	S32°56'07"W	65.31	13°53'39"
C62	370.00	6.71	S40°24'07"W	6.71	1°02'22"
C63	370.00	127.59	S50°48'01"W	126.96	19°45'26"
C64	370.00	10.84	S61°31'06"W	10.84	1°40'44"
C65	430.70	56.48	S58°27'53"W	56.44	7°30'49"
C66	60.00	13.39	N59°31'39"W	13.36	12°47'04"
C67	60.00	16.97	N45°02'02"W	16.91	16°12'11"

FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT A PORTION OF THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, COMMUNITY NUMBER 37025C-01200 AND 37025C-01450, DATED NOVEMBER 2, 1994.

CERTIFICATE OF FINAL PLAT APPROVAL

I HEREBY CERTIFY THAT THIS PLAT IS IN COMPLIANCE WITH THE CITY OF CONCORD CODE OF ORDINANCES. THIS FINAL PLAT FOR THE MILLS SUBDIVISION, PHASE 1, MAP 2 WAS APPROVED BY THE CONCORD PLANNING & ZONING COMMISSION ADMINISTRATOR WITH THE CONCURRENCE OF THE DEVELOPMENT REVIEW COMMITTEE AT THEIR MEETING ON 8/23/07, 2007.

August Peterson 8/23/07
 DEVELOPMENT SERVICES DIRECTOR DATE

CERTIFICATE OF STREETS, WATER, AND SEWER SYSTEM APPROVAL AND OTHER IMPROVEMENTS

I HEREBY CERTIFY THAT ALL STREETS, PUBLIC AND/OR PRIVATE STORM DRAINAGE SYSTEMS, WATER AND SEWER SYSTEMS AND OTHER IMPROVEMENTS HAVE BEEN DESIGNED AND INSTALLED, OR THEIR INSTALLATION GUARANTEED, IN AN ACCEPTABLE MANNER AND ACCORDING TO SPECIFICATION AND STANDARDS OF CONCORD AND THE STATE OF NORTH CAROLINA.

8/23/07 *Sue B Hyde*
 DATE DIRECTOR OF ENGINEERING

CERTIFICATE OF FEE PAYMENT

I HEREBY CERTIFY THAT ALL FEES FOR THE MILLS SUBDIVISION, PHASE 1, MAP 2 HAVE BEEN PAID, OR THAT THE FEES ARE NOT APPLICABLE.

Don Wilson (S) 08-23-07
 FINANCE DIRECTOR DATE

CERTIFICATE OF CONFORMITY WITH PLANS & SPECIFICATIONS

CITY OF CONCORD

MILLS SUBDIVISION - PHASE 1

NAME OF SUBDIVISION

GRIST MILL DRIVE S.W. - 758 SF +/-

WATERWHEEL STREET S.W. - 330 SF +/-

NAME OF STREETS - LINEAR FOOTAGE

CROSSWINDS @ ROCKY RIVER, LLC

SUBDIVIDER

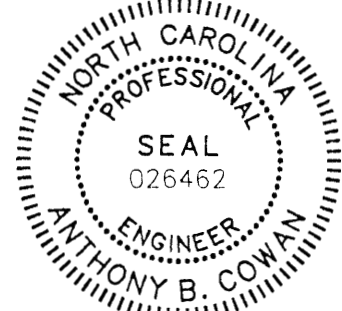
I HEREBY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL STREET, STORM DRAINAGE, WATER AND SEWER WORK TO BE PERFORMED ON THIS SUBDIVISION HAS BEEN CHECKED BY ME OR MY AUTHORIZED REPRESENTATIVE AND CONFORMS WITH LINES, GRADES, CROSS-SECTIONS, DIMENSIONS, AND MATERIAL REQUIREMENTS WHICH ARE SHOWN ON AND INDICATED IN THE PLANS WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CONCORD SUBDIVISION ADMINISTRATOR OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

I ALSO ACKNOWLEDGE THAT FALSIFICATION OF THE ABOVE CERTIFICATIONS MAY SUBJECT ME TO CIVIL SUIT AND/OR CRIMINAL PROSECUTION UNDER THE GENERAL STATUTES, INCLUDING BUT NOT LIMITED TO, G.S. 14-100 AND G.S. 136-102.6 AND THE CODE OF ORDINANCES OF THE CITY OF CONCORD.

SIGNED:

Anthony B. Cowan
 REGISTERED PROFESSIONAL ENGINEER

026462 8/16/07
 REGISTERED NO. DATE



REVIEW OFFICER CERTIFICATION
 STATE OF NORTH CAROLINA
 COUNTY OF CABARRUS

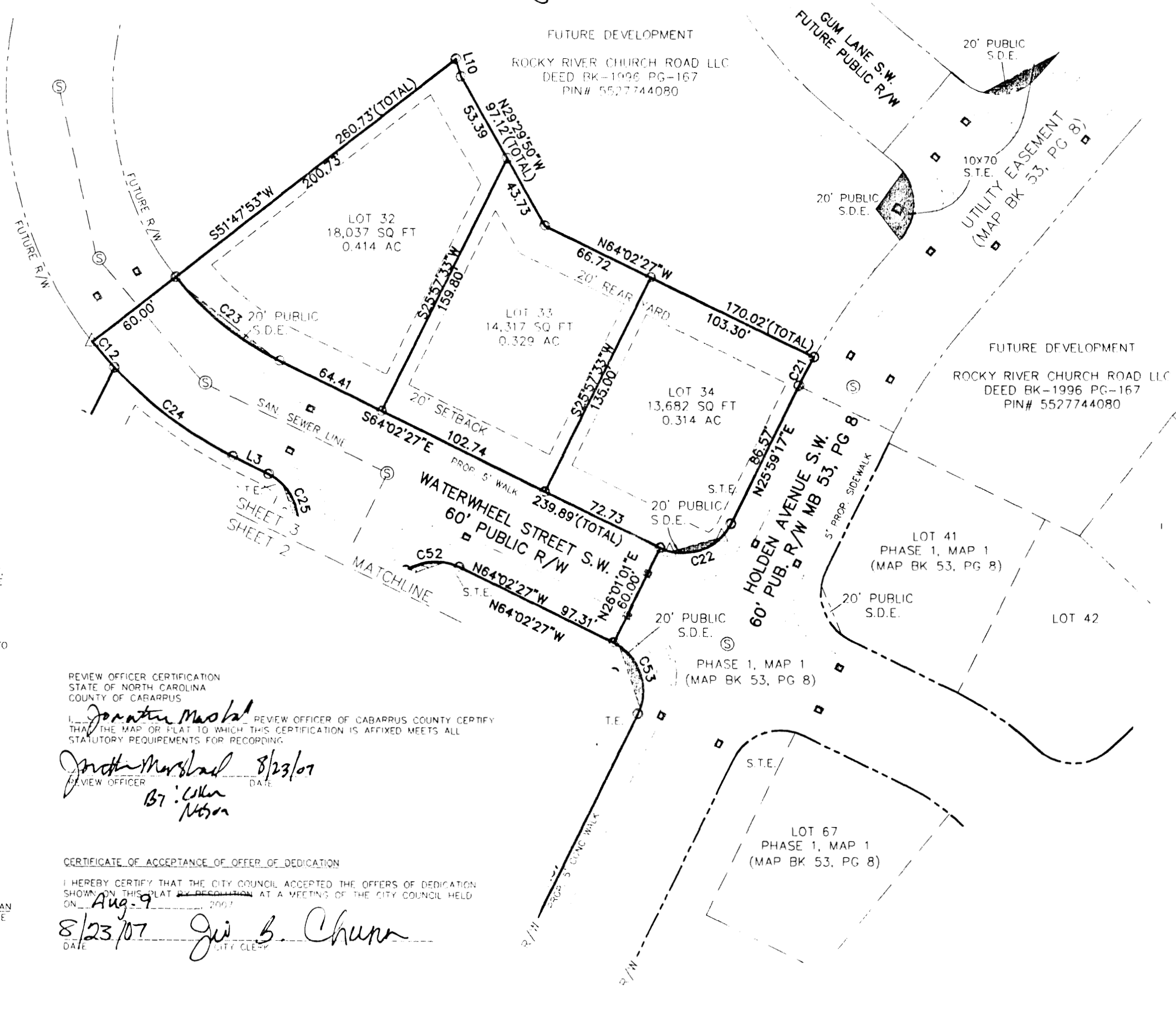
Jonathan Marshall
 REVIEW OFFICER OF CABARRUS COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Jonathan Marshall 8/23/07
 REVIEW OFFICER DATE

CERTIFICATE OF ACCEPTANCE OF OFFER OF DEDICATION

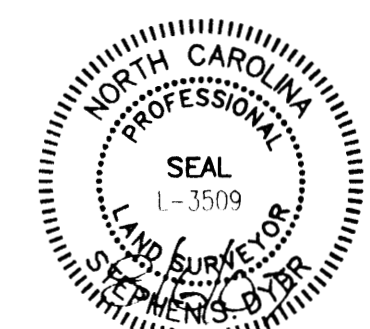
I HEREBY CERTIFY THAT THE CITY COUNCIL ACCEPTED THE OFFERS OF DEDICATION SHOWN ON THIS PLAT AT A MEETING OF THE CITY COUNCIL HELD ON 8/23/07, 2007.

8/23/07 *Jui B. Churn*
 DATE CITY CLERK



I, STEPHEN S. DYER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, THAT THE RATIO OF PRECISION IS A MINIMUM OF 1:10,000, THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES, AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 15TH DAY OF JUNE, 2007.

Stephen S. Dyer
 STEPHEN S. DYER, PLS. L-3509



MAJOR PLAT
THE MILLS, PHASE 1, MAP 2
 CITY OF CONCORD, TOWNSHIP 1
 CABARRUS COUNTY, NORTH CAROLINA
 PREPARED FOR: CROSSWINDS @ ROCKY RIVER LLC
 22920 VENTURE DRIVE
 NOVI, MICHIGAN 48375

File #	05132-RM1	Date	06-15-2007	Project P.L.S.:	SSD
Surveyed By:	TIG				
Drawn By:	MWJ				
Scale:	1"=60'				

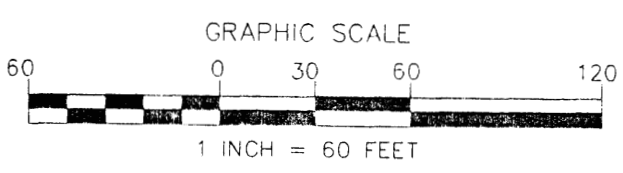
THE ISAACS GROUP
 CIVIL ENGINEERING DESIGN AND LAND SURVEYING

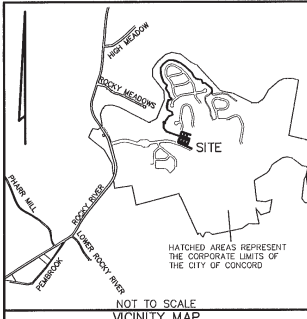
8720 RED OAK BLVD. SUITE 420
 CHARLOTTE, N.C. 28217
 PHONE (704) 527-3440 FAX (704) 527-8335

SHEET 3 OF 3

DEVELOPMENT REQUIREMENTS

SET BACKS	FRONT	SIDE	REAR
45' LOTS	5'	5'	5'
RATIO HOMES (50')	20'	5'	5'
40' LOTS	20'	5'	10'
80' LOTS	20'	6'	15'
90' LOTS	20'	6'	20'
100' LOTS	20'	7'	20'
TOWNHOMES (1)			
TOWNHOME BLDG. SEPARATION	15'		





FLOOD CERTIFICATION
 THIS IS TO CERTIFY THAT A PORTION OF THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, COMMUNITY PANEL NUMBER 371095-2700-J, DATED NOVEMBER 5, 2008.

CERTIFICATE OF ACCEPTANCE OF OFFER OF DEDICATION
 I HEREBY CERTIFY THAT THE CITY COUNCIL ACCEPTED THE OFFERS OF DEDICATION SHOWN ON THIS PLAT BY RESOLUTION AT A MEETING OF THE CITY COUNCIL HELD ON 12/22/2014, 2014.
 DATE 2/27/15 Kim G. Deane
 CITY CLERK

- LEGEND**
- R/W RIGHT OF WAY
 - △ POINT COMPUTED
 - MONUMENTATION FOUND/SET
 - (T) TOTAL
 - RCP REINFORCED CONCRETE PIPE
 - SIE SITE TRIANGLE EASEMENT
 - 5' PUBLIC UTILITY EASEMENT LINE
 - SDE STORM DRAINAGE EASEMENT
 - EASEMENT / R/W LINE
 - STORM DRAIN LINE
 - SS SANITARY SEWER LINE
 - W WATER LINE
 - T.C.E. TEMPORARY CONSTRUCTION EASEMENT
 - [] 5.0' PUBLIC UTILITY EASEMENT AREA
 - [] SANITARY SEWER ESMT

CERTIFICATE OF OWNERSHIP AND OFFER OF DEDICATION (ROCKY RIVER PROJECT, L.L.C.)

I HEREBY CERTIFY THAT I AM OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF CONCORD, AND THAT I HEREBY SUBMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, SIDEWALKS, GREENWAYS, RIGHTS-OF-WAY, EASEMENTS, OPEN SPACE AND/OR PARKS EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE.

BY: Paul Carby 1/27/2015
 OWNER DATE

Lynda W. Murrey David
 A NOTARY PUBLIC FOR SAMPSON COUNTY AND STATE, DO HEREBY CERTIFY THAT Paul Carby PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL, THIS 27th DAY OF January, 2015
 MY COMMISSION EXPIRES: 10/24/17



CERTIFICATE OF OWNERSHIP AND OFFER OF DEDICATION (NVR, INC.)

I HEREBY CERTIFY THAT I AM OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF CONCORD, AND THAT I HEREBY SUBMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, SIDEWALKS, GREENWAYS, RIGHTS-OF-WAY, EASEMENTS, OPEN SPACE AND/OR PARKS EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE.

BY: Patricia English-Mumbelli 1/26/15
 OWNER DATE

Patricia English-Mumbelli
 A NOTARY PUBLIC FOR AND COUNTY AND STATE, DO HEREBY CERTIFY THAT Kevin Connery PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL, THIS 26th DAY OF January, 2015
 MY COMMISSION EXPIRES: 01/02/19



CERTIFICATE OF CONFORMITY WITH PLANS & SPECIFICATIONS:

CITY OF CONCORD
 MECKLENBURG COUNTY
 I, Karen A. Kochev A NOTARY PUBLIC FOR SAMPSON COUNTY AND STATE, DO HEREBY CERTIFY THAT ANTHONY B. COWAN PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.
 WITNESS MY HAND AND OFFICIAL SEAL, THIS 26th DAY OF January, 2015.
 MY COMMISSION EXPIRES: MARCH 24, 2019

Karen A. Kochev
 A NOTARY PUBLIC FOR SAMPSON COUNTY AND STATE, DO HEREBY CERTIFY THAT ANTHONY B. COWAN PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.
 WITNESS MY HAND AND OFFICIAL SEAL, THIS 26th DAY OF January, 2015.
 MY COMMISSION EXPIRES: MARCH 24, 2019



NVR, INC. AND ROCKY RIVER PROJECT, L.L.C.
 NAME OF SUBDIVIDER
 I HEREBY, TO THE BEST OF MY KNOWLEDGE, AND BELIEF, THAT ALL STREET, STORM DRAINAGE, WATER AND SEWER WORK TO BE PERFORMED ON THIS SUBDIVISION HAS BEEN CHECKED BY ME OR MY AUTHORIZED REPRESENTATIVE AND CONFORMS WITH LINES, GRADES, CROSS-SECTIONS, DIMENSIONS, AND MATERIAL REQUIREMENTS WHICH ARE SHOWN ON AND INDICATED IN THE PLANS WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CONCORD SUBDIVISION ADMINISTRATOR OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

I ALSO ACKNOWLEDGE THAT FALSIFICATION OF THE ABOVE CERTIFICATIONS MAY SUBJECT ME TO CIVIL SUIT AND/OR CRIMINAL PROSECUTION UNDER THE GENERAL STATUTES, INCLUDING BUT NOT LIMITED TO, G.S. 14-100 AND G.S. 136-102.6 AND THE CODE OF ORDINANCES OF THE CITY OF CONCORD.

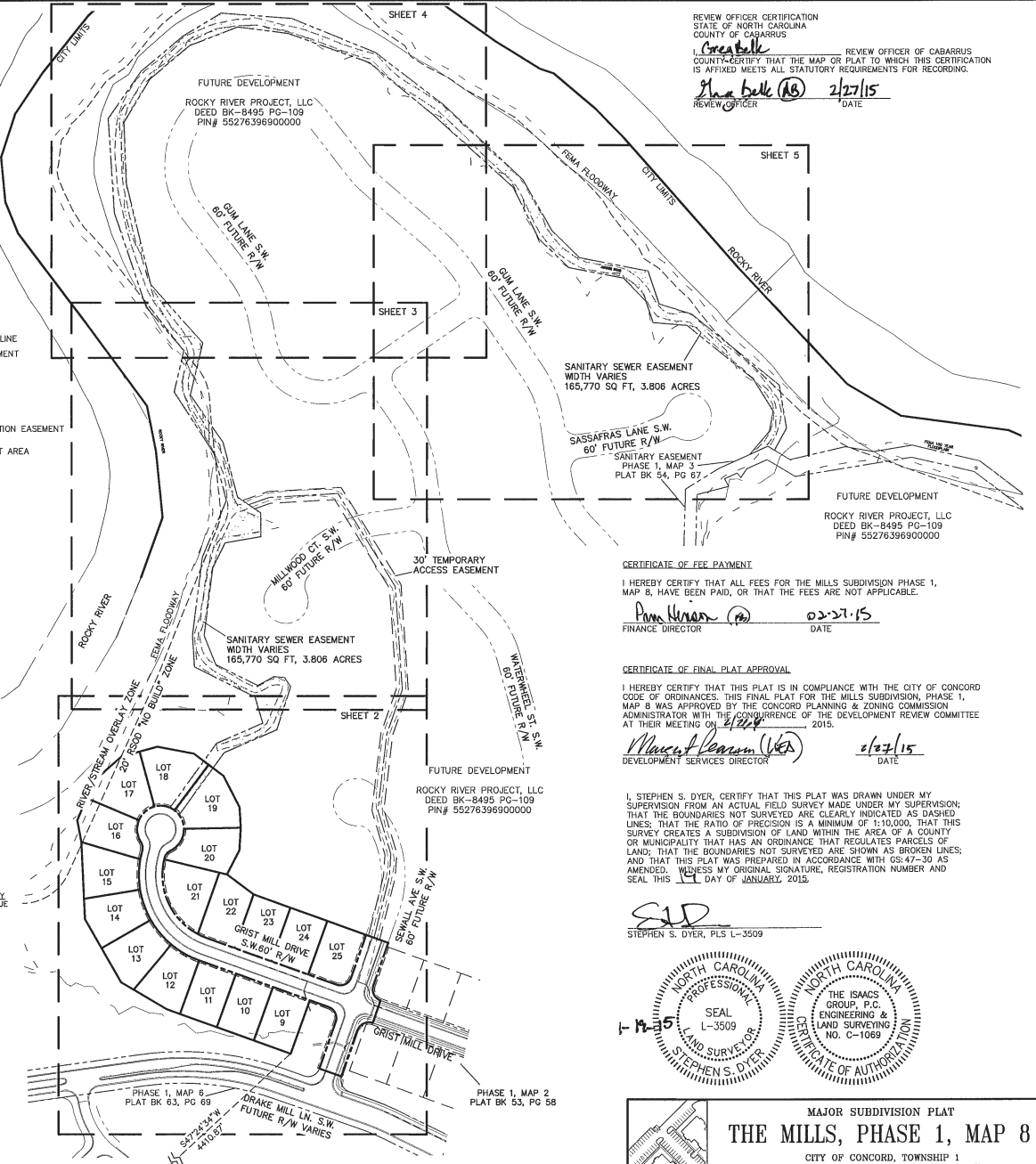
SIGNED: Anthony B. Cowan
 REGISTERED PROFESSIONAL ENGINEER
 026462
 REGISTERED NO. DATE 01/20/15



CERTIFICATE OF STREETS, WATER, AND SEWER SYSTEM APPROVAL AND OTHER IMPROVEMENTS

I HEREBY CERTIFY THAT ALL STREETS, PUBLIC AND/OR PRIVATE STORM DRAINAGE SYSTEMS, WATER AND SEWER SYSTEMS AND OTHER IMPROVEMENTS HAVE BEEN DESIGNED AND INSTALLED, OR THEIR INSTALLATION GUARANTEED, IN AN ACCEPTABLE MANNER AND ACCORDING TO SPECIFICATION AND STANDARDS OF CONCORD AND THE STATE OF NORTH CAROLINA.

DATE 2/25/15
M. One Hyde
 DIRECTOR OF ENGINEERING

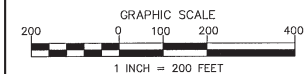
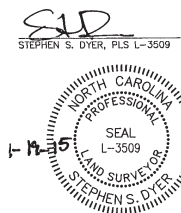


REVIEW OFFICER CERTIFICATION
 STATE OF NORTH CAROLINA
 COUNTY OF CABARRUS
 I, Creata Bell REVIEW OFFICER OF CABARRUS COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
Creata Bell (AB) 2/27/15
 REVIEW OFFICER DATE

CERTIFICATE OF FEE PAYMENT
 I HEREBY CERTIFY THAT ALL FEES FOR THE MILLS SUBDIVISION PHASE 1, MAP 8, HAVE BEEN PAID, OR THAT THE FEES ARE NOT APPLICABLE.
Pam Herman (P) 02-27-15
 FINANCE DIRECTOR DATE

CERTIFICATE OF FINAL PLAT APPROVAL
 I HEREBY CERTIFY THAT THIS PLAT IS IN COMPLIANCE WITH THE CITY OF CONCORD CODE OF ORDINANCES. THIS FINAL PLAT FOR THE MILLS SUBDIVISION, PHASE 1, MAP 8 WAS APPROVED BY THE CONCORD PLANNING & ZONING COMMISSION ADMINISTRATOR WITH THE CONCURRENTURE OF THE DEVELOPMENT REVIEW COMMITTEE AT THEIR MEETING ON 1/27/15, 2015.
Marcus Pearson (M) 2/27/15
 DEVELOPMENT SERVICES DIRECTOR DATE

I, STEPHEN S. DYER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES; THAT THE RATIO OF PRECISION IS A MINIMUM OF 1:10,000, THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS-47-30 AS AMENDED. I SIGNIFY MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 27th DAY OF JANUARY, 2015.



**** NOTE: IN ANY RECORDED COMMON OPEN SPACE, THE CITY OF CONCORD HAS FREE AND CLEAR ACCESS TO COMMON OPEN SPACE FOR MAINTENANCE OF UTILITIES.**

NO.	BY	DATE	REVISION
1	CBH	1-19-15	PER REVIEW COMMENTS

NGCS MONUMENT "ROCKY" PUBLISHED COORDINATES (NAD 83):
 N=570428.892'
 E=1923326.806'
 EL=810.64' (NAVD 88)
 CSF=0.999848615

MAJOR SUBDIVISION PLAT
THE MILLS, PHASE 1, MAP 8
 CITY OF CONCORD, TOWNSHIP 1
 CABARRUS COUNTY, NORTH CAROLINA

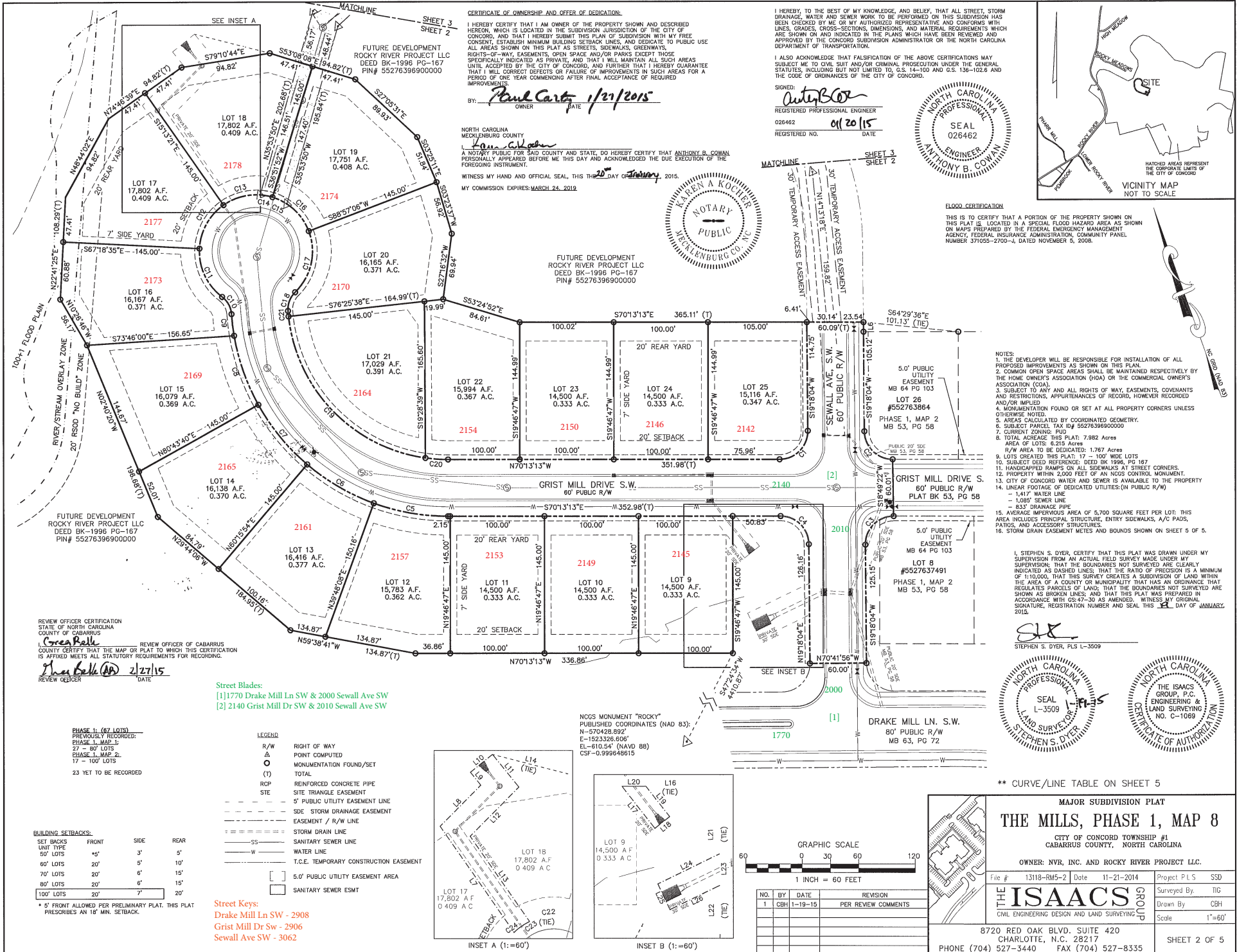
OWNER: NVR, INC. AND ROCKY RIVER PROJECT, L.L.C.

File # 05132-SS-RM Date 11-21-2014 Project PLS SSD

ISAACS GROUP, P.C.
 ENGINEERING & LAND SURVEYING
 CIVIL ENGINEERING DESIGN AND LAND SURVEYING
 Scale: 1"=200'

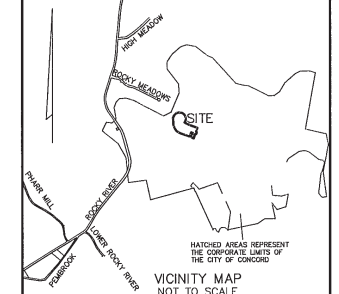
8720 RED OAK BLVD. SUITE 420
 CHARLOTTE, N.C. 28217
 PHONE (704) 527-3440 FAX (704) 527-8335

Surveyed By TIG
 Drawn By MWA/CBH
 SHEET 1 OF 5



CERTIFICATE OF OWNERSHIP AND OFFER OF DEDICATION:
 I HEREBY CERTIFY THAT I AM OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF CONCORD, AND THAT I HEREBY SUBMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAN AS STREETS, SIDEWALKS, GREENWAYS, RIGHTS-OF-WAY, EASEMENTS, OPEN SPACE AND/OR PARKS EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL ACCEPTED BY THE CITY OF CONCORD, AND FURTHER THAT I HEREBY GUARANTEE THAT I WILL CORRECT DEFECTS OR FAILURE OF IMPROVEMENTS IN SUCH AREAS FOR A PERIOD OF ONE YEAR COMMENCING AFTER FINAL ACCEPTANCE OF REQUIRED IMPROVEMENTS.
 BY: Paul Carter DATE: 1/27/2015
 OWNER

I HEREBY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL STREET, STORM DRAINAGE, WATER AND SEWER WORK TO BE PERFORMED ON THIS SUBDIVISION HAS BEEN CHECKED BY ME OR MY AUTHORIZED REPRESENTATIVE AND CONFORMS WITH LINES, GRADES, CROSS-SECTIONS, DIMENSIONS, AND MATERIAL REQUIREMENTS WHICH ARE SHOWN ON AND INDICATED IN THE PLANS WHICH HAVE BEEN REVIEWED AND APPROVED BY THE CONCORD SUPERVISOR AND APPROVED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
 I ALSO ACKNOWLEDGE THAT FALSIFICATION OF THE ABOVE CERTIFICATIONS MAY SUBJECT ME TO CIVIL AND/OR CRIMINAL PROSECUTION UNDER THE GENERAL STATUTES, INCLUDING BUT NOT LIMITED TO, G.S. 14-109 AND G.S. 15B-102.6 AND THE CODE OF ORDINANCES OF THE CITY OF CONCORD.
 SIGNED: Anthony B. Cowan
 REGISTERED PROFESSIONAL ENGINEER
 026462
 01/20/15
 REGISTERED NO. DATE



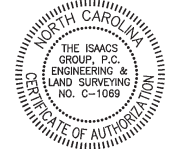
NORTH CAROLINA
 MECKLENBURG COUNTY
Anthony B. Cowan
 A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT ANTHONY B. COWAN, A NOTARY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.
 WITNESS MY HAND AND OFFICIAL SEAL, THIS 20 DAY OF January, 2015.
 MY COMMISSION EXPIRES MARCH 24, 2019.



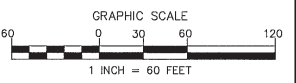
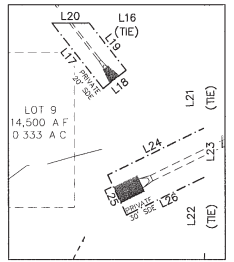
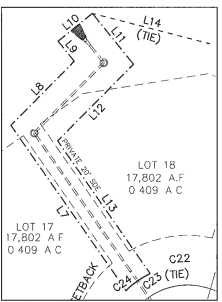
FLOOD CERTIFICATION
 THIS IS TO CERTIFY THAT A PORTION OF THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, COMMUNITY PLAN NUMBER 371055-2700-J, DATED NOVEMBER 5, 2008.

- NOTES:**
- THE DEVELOPER WILL BE RESPONSIBLE FOR INSTALLATION OF ALL PROPOSED IMPROVEMENTS AS SHOWN ON THIS PLAN.
 - COMMON OPEN SPACE AREAS SHALL BE MAINTAINED RESPECTIVELY BY THE HOME OWNER'S ASSOCIATION (HOA) OR THE COMMERCIAL OWNER'S ASSOCIATION (COA).
 - SUBJECT TO ANY AND ALL RIGHTS OF WAY, EASEMENTS, COVENANTS AND RESTRICTIONS, APPURTENANCES OF RECORD, HOWEVER RECORDED AND/OR IMPLIED.
 - MONUMENTATION FOUND OR SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
 - AREAS CALCULATED BY COORDINATED GEOMETRY.
 - SUBJECT PARCEL TAX ID# 5527639690000
 - CURRENT ZONING: PUD.
 - TOTAL ACREAGE THIS PLAT: 7.982 Acres
 - AREA OF LOTS: 0.215 Acres
 - R/W AREA TO BE DEDICATED: 1.767 Acres
 - LOTS CREATED THIS PLAT: 17 - 100' WIDE LOTS
 - SUBJECT DEED REFERENCE: DEED BK 1996, PG 167
 - HANDICAPPED RAMPS ON ALL SIDEWALKS AT STREET CORNERS.
 - PROPERTY WITHIN 2,000 FEET OF AN NOCS CONTROL MONUMENT.
 - CITY OF CONCORD WATER AND SEWER IS AVAILABLE TO THE PROPERTY
 - LINEAR FOOTAGE OF DEDICATED UTILITIES: (IN PUBLIC R/W)
 - 1,417' WATER LINE
 - 1,089' SEWER LINE
 - 833' DRAINAGE PIPE
 - AVERAGE INTERFLOOR AREA OF 5,700 SQUARE FEET PER LOT; THIS AREA INCLUDES PRINCIPAL STRUCTURE, ENTRY SIDEWALKS, A/C PADS, PATIOS, AND ACCESSORY STRUCTURES.
 - STORM DRAIN EASEMENT METES AND BOUNDS SHOWN ON SHEET 5 OF 5.

I, STEPHEN S. DYER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES; THAT THE RATIO OF PRECISION IS A MINIMUM OF 1:10,000; THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS-47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL, THIS 11 DAY OF JANUARY, 2015.
Stephen S. Dyer
 STEPHEN S. DYER, PLS L-3509



NOCS MONUMENT "ROCKY" PUBLISHED COORDINATES (NAD 83):
 N-570428.892'
 E-1523326.896'
 EL-610.54' (NAVD 88)
 CSF-0.999948615



NO.	BY	DATE	REVISION
1	CBH	1-19-15	PER REVIEW COMMENTS

** CURVE/LINE TABLE ON SHEET 5

MAJOR SUBDIVISION PLAT
THE MILLS, PHASE 1, MAP 8
 CITY OF CONCORD TOWNSHIP #1
 CABARRUS COUNTY, NORTH CAROLINA
 OWNER: NVR, INC. AND ROCKY RIVER PROJECT LLC.

File # 13118-RW5-2 Date 11-21-2014 Project PLS SSD
 Surveyed By TIG
 Drawn By CBH
 Scale 1"=60'
 8720 RED OAK BLVD, SUITE 420
 CHARLOTTE, N.C. 28217
 PHONE (704) 527-3440 FAX (704) 527-8355
 SHEET 2 OF 5

REVIEW OFFICER CERTIFICATION
 STATE OF NORTH CAROLINA
 COUNTY OF CABARRUS
 I, Corea Bell REVIEW OFFICER OF CABARRUS COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
Corea Bell (AP) 2/27/15
 REVIEW OFFICER DATE

Street Blades:
 [1] 1770 Drake Mill Ln SW & 2000 Sewall Ave SW
 [2] 2140 Grist Mill Dr SW & 2010 Sewall Ave SW

PHASE 1, (67 LOTS)
 PREVIOUSLY RECORDED:
 PHASE 1, MAP 1:
 27 - 60' LOTS
 PHASE 1, MAP 2:
 17 - 100' LOTS
 23 YET TO BE RECORDED

LEGEND

RIGHT OF WAY
 R/W
 POINT COMPUTED
 MONUMENTATION FOUND/SET
 TOTAL
 RCP
 SITE

REINFORCED CONCRETE PIPE
 SITE TRIANGLE EASEMENT
 5' PUBLIC UTILITY EASEMENT LINE
 SDE STORM DRAINAGE EASEMENT
 EASEMENT / R/W LINE
 STORM DRAIN LINE
 SANITARY SEWER LINE
 WATER LINE
 T.C.E. TEMPORARY CONSTRUCTION EASEMENT
 5.0' PUBLIC UTILITY EASEMENT AREA
 SANITARY SEWER ESMT

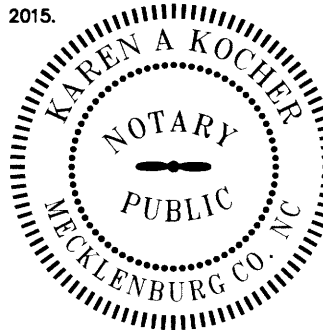
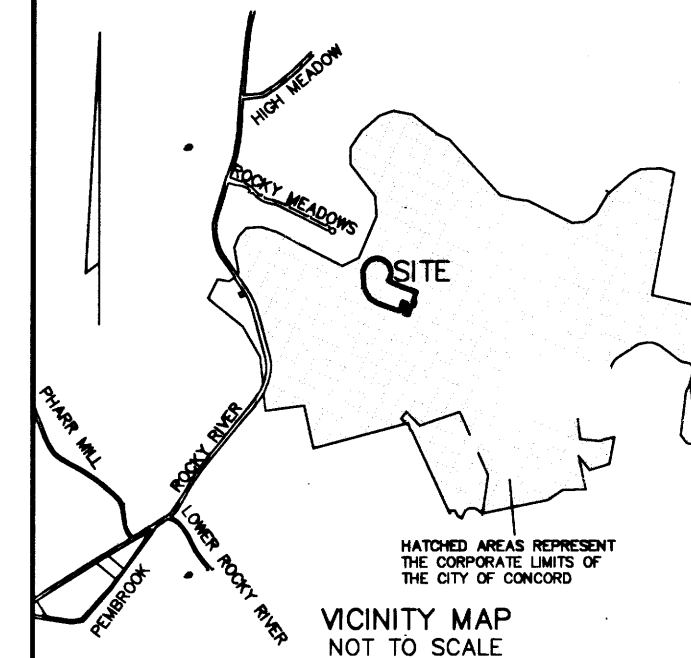
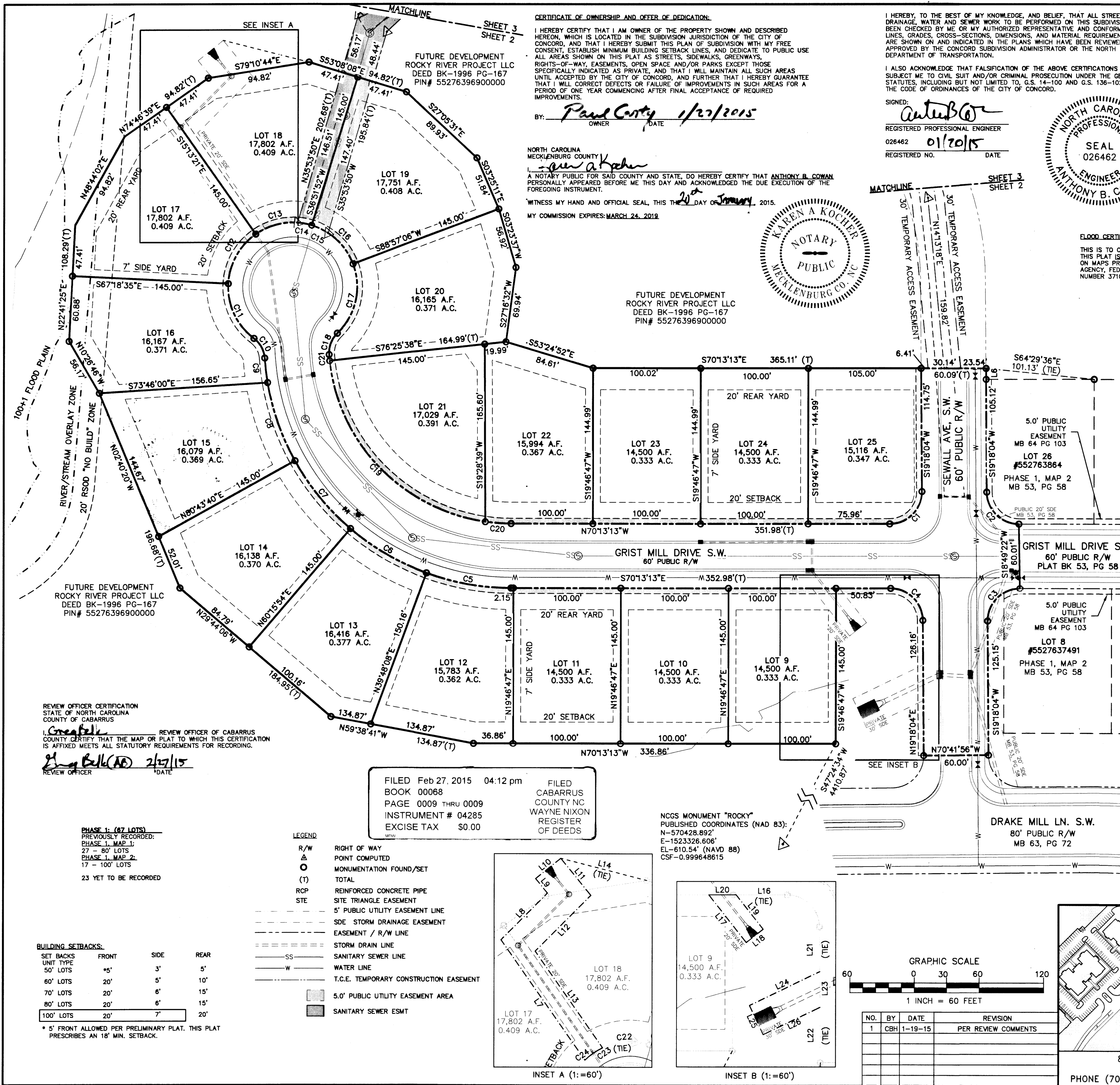
BUILDING SETBACKS:

SET BACKS	FRONT	SIDE	REAR
UNIT TYPE			
50' LOTS	45'	3'	5'
60' LOTS	20'	3'	10'
70' LOTS	20'	6'	15'
80' LOTS	20'	6'	15'
100' LOTS	20'	7'	20'

* 3' FRONT ALLOWED PER PRELIMINARY PLAT. THIS PLAT PRESCRIBES AN 18' MIN. SETBACK.

Street Keys:
 Drake Mill Ln SW - 2908
 Grist Mill Dr Sw - 2906
 Sewall Ave SW - 3062

10268 map 7

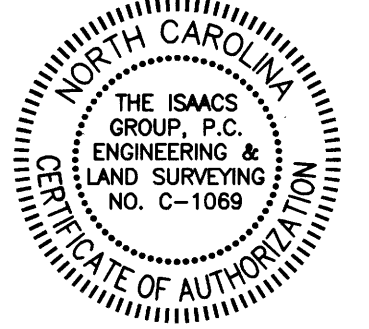
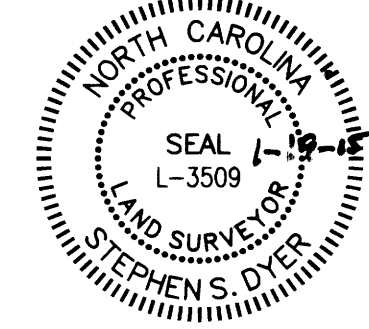


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I, STEPHEN S. DYER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES; THAT THE RATIO OF PRECISION IS A MINIMUM OF 1:10,000, THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS-47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 19th DAY OF JANUARY, 2015.

Stephen S. Dyer
 STEPHEN S. DYER, PLS-3509



** CURVE/LINE TABLE ON SHEET 5

MAJOR SUBDIVISION PLAT
THE MILLS, PHASE 1, MAP 8
 CITY OF CONCORD TOWNSHIP #1
 CABARRUS COUNTY, NORTH CAROLINA
 OWNER: NVR, INC. AND ROCKY RIVER PROJECT LLC.

File #: 13118-RM5-2 Date: 11-21-2014 Project P.L.S.: SSD

THE ISAACS GROUP
 CIVIL ENGINEERING DESIGN AND LAND SURVEYING

8720 RED OAK BLVD. SUITE 420
 CHARLOTTE, N.C. 28217
 PHONE (704) 527-3440 FAX (704) 527-8335

Scale: 1"=60'
 SHEET 2 OF 5

NO.	BY	DATE	REVISION
1	CBH	1-19-15	PER REVIEW COMMENTS

NORTH CAROLINA
CABARRUS COUNTY

**FIRST AMENDED AND RESTATED STORMWATER CONTROL MEASURE
(SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT**

THIS FIRST AMENDED AND RESTATED STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT (hereinafter referred to as the "First Amended and Restated Agreement"), made this 23 day of February 2021, by White Park, LLC, a North Carolina limited liability company whose principal address is 167 Church St. NE, Concord, NC 28025 (hereinafter referred to as "Grantor"), with, to, and for the benefit of the City of Concord, a municipal corporation of the State of North Carolina, whose address is P.O. Box 308, Concord North Carolina 28026-0308, Attention City Attorney (hereinafter referred to as "Grantee" or "City").

WITNESSETH:

WHEREAS, THE CITY COUNCIL ACCEPTED THIS FIRST AMENDED AND RESTATED STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT ON _____.

WHEREAS, Grantor subjected the Property to that certain Stormwater Control Measure (SCM), Access Easement and Maintenance Agreement recorded on February 14, 2020 in Deed Book 14004 at Page 146 in the Office of the Register of Deeds for Cabarrus County (the "Stormwater SCM Agreement"); and

WHEREAS, conditions for development and/or redevelopment of the Property include (i) the construction, operation and maintenance of a Sand Filter, as provided in the CCDO and the Concord Manual (the "Stormwater Control SCM Structure" or "SCM"), (ii) Grantor's dedication of a non-exclusive of a non-exclusive easement to the City, as described in this Agreement, for inspection and maintenance of the Stormwater Control Measure; and (iii) the assumption by Grantor of certain specified maintenance and repair responsibilities; and

WHEREAS, this Agreement and the easements created herein are established in accordance with the requirements of N.C.G.S. Sec 143-211 *et seq.*, Article 4 of the CCDO and Article I of the Concord Manual; and

WHEREAS, Grantor has full authority to execute this Agreement so as to bind the Property and all current and future owners and/or assigns; and

WHEREAS, Grantor desires to amend the Stormwater SCM Agreement in order to revise access to the SCM structures as shown on the attached **Exhibit A**.

NOW, THEREFORE, for a valuable consideration, including the benefits Grantor may derive therefrom, the receipt of which is hereby acknowledged, Grantor has dedicated, bargained, and conveyed and by these presents does hereby dedicate bargain, sell, grant and convey unto Grantee, its successors and assigns, a perpetual, and irrevocable right and non-exclusive easement in, on, over, under, through and across that portion of the Property on the attached **Exhibit "A"** titled "**Public Utility, Access & SCM Easement**" and labeled "**SCM & SCM Access Easement 21357.69 sf 0.490 AC**" and "**Public Utility, Access & SCM Easement Variable Width R/W 57178.42 sf 1.313 AC**", for the purpose of inspection and maintenance of the Stormwater Control Measure (hereinafter referred to as "SCM Easement"). Within the SCM Easement Grantor shall conduct best management practices as more fully set forth herein and in the CCDO and Concord Manual. Also within the SCM Easement, Grantor shall construct, maintain, repair and reconstruct the Stormwater Control Measure or SCM, which includes (i) the SCM and any other stormwater quantity and/or quality control device(s) and/or structure(s), described on the plan approved by the City of Concord and filed at the A.M. Brown Operations Center, 850 Warren Coleman Blvd., Concord, NC 28025; and (ii) access to the aforesaid SCM across that portion of the Property shown on the attached **Exhibit "A"** titled "**Public Utility, Access & SCM Easement**" and labeled "**SCM & SCM Access Easement 21357.69 sf 0.490 AC**" and "**Public Utility, Access & SCM Easement Variable Width R/W 57178.42 sf 1.313 AC**" for the purpose of permitting City access, inspection and, in accordance with the terms of paragraph 4 of this Agreement, maintenance and repair of the SCM, as more fully set forth herein and in the CCDO and Concord Manual. Except as set forth herein, nothing herein contained shall be deemed to be a gift or dedication of any portion of the Grantor's Property to the general public or for any public use or purpose whatsoever, and further except as herein specifically provided for the benefit of the City, no rights, privileges or immunities of Grantor shall inure to the benefit of any third-party, nor shall any third-party be deemed to be a beneficiary of any of the provisions contained herein.

The additional terms, conditions, and restrictions of this Agreement are:

1. The requirements pertaining to the SCM Easement is more fully set forth in the current adopted and published editions of the following four (4) documents: (i) Article 4 of the CCDO, (ii) Article I, Section 1 of the Concord Manual, (iii) the Sand Filter Inspection and Maintenance Plan attached as **Exhibit "B"** and (iv) as provided in the N.C. Dept. of Environment and Natural Resources (DENR) Stormwater Best Management Practices (BMP) Manual (the "NCDENR Manual"), all of which are incorporated herein by

reference as if set forth in their entireties below. Grantor agree to abide by all applicable codes including, but not limited to, those set forth above. All provisions required by Code Section 4.4.6.B.1 are incorporated herein by reference, and Grantor agree to abide by said provisions. Grantor further agrees that Grantor shall perform the following, all at its sole cost and expense:

a. All components of the SCM and related improvements within the SCM Easement are to be kept in good working order.

b. The components of the SCM and related improvements within the SCM Easement shall be maintained by Grantor as described in "Exhibit B", the Sand Filter Inspection and Maintenance Plan.

2. Upon completion of the construction of the SCM, Grantor's N.C. registered professional engineer shall certify in writing to the Concord Director of Water Services that the SCM and all components are constructed and initially functioning as designed. Annual inspection reports (hereinafter referred to as "Annual Report(s)") are required each year and shall be made by Grantor on the written schedule provided to Grantor in advance by the City. The Annual Report(s) shall describe the condition and functionality of the SCM, and shall describe any maintenance performed thereon during the preceding year. The Annual Report(s) shall be submitted with the signature and seal of Grantor's N.C. registered professional engineer conducting the inspection. If necessary, the City will provide a letter describing the maintenance necessary to keep the SCM and all components and structures related to the SCM functioning as designed and with reasonable timeframes in which to complete the maintenance. If the Annual Report(s) recommends maintenance actions, the repairs shall be made within a reasonable time as defined by the City.

Grantor and Grantee understand, acknowledge and agree that the attached Inspection and Maintenance Plan describes the specific actions needed to maintain the SCM.

3. Grantor represents and warrants that Grantor are financially responsible for construction, maintenance, repair and replacement of the SCM, its appurtenances and vegetation, including impoundment(s), if any. Grantor agrees to perform or cause to be performed the maintenance as outlined in the attached Inspection and Maintenance Plan and as provided in the NCDENR Manual. Grantor and any subsequent transferee of Grantor or succeeding owner of the Property shall give the City written notice of the transfer of a fee or possessory interest in the Property listing the transferee's name, address of the Property, transferee's mailing address and other contact information. Grantor and any subsequent transferee of Grantor or succeeding owner of the Property shall not be responsible for errors or omissions in the information about the transferee provided to the City caused by acts or omissions of the transferee. The transferee shall give the City written notice of the acceptance and any future transfer of an interest in the Property listing the transferee's name, address of the Property; transferee's mailing address and other contact information. Upon the conveyance of the Property by Grantor to any transferee acquiring the Property by means of a conveyance document containing the language set

forth in paragraph 9 below, Grantor are released from any further covenants or other obligations set forth in this Agreement.

4. If Grantor fails to comply with these requirements, or any other obligations imposed herein, in the City of Concord Code of Ordinances, CDO, the Concord Manual or approved Inspection and Maintenance Plan, the City of Concord may perform (but is not obligated to perform) such work as Grantor is responsible for and recover the costs thereof from Grantor.

5. This Agreement gives Grantee the following affirmative rights:

Grantee, its officers, employees, and agents may, but is not obligated, to enter the SCM Easement whenever reasonably necessary for the purpose of inspecting same to determine compliance herewith, to maintain same and make repairs or replacements to the SCM, its appurtenances and condition(s) as may be necessary or convenient thereto in the event Grantor defaults in its obligations and to recover from Grantor the cost thereof, and in addition to other rights and remedies available to it, to enforce by proceedings at law or in equity the rights, covenants, duties, and other obligations herein imposed in this Agreement. Notwithstanding the foregoing, except in emergencies, Grantee shall provide reasonable advanced written notice to Grantor of any work which may be performed. Further, any work which may be performed which involves Grantee's use of construction equipment, heavy machinery, or any other truck with more than two axles, Grantee shall take reasonable precautions to avoid any damage to the Property. Grantee shall limit its repair/maintenance work on the SCMs to circumstances where such work is necessary due to Grantor's failure to comply with the requirements of this Agreement and exhibits hereto or applicable code or as necessary to abate a public nuisance, provided that Grantee shall have no affirmative obligation to perform repair or maintenance work.

6. Grantor shall neither obstruct nor hinder the passage of vehicular traffic and pedestrians within the paved portion of the access easement granted herein by Grantor to Grantee.

7. Grantor shall, in all other respects, remain the fee owners of the Property and areas subject to the SCM Easement, and may make all lawful uses of the Property not inconsistent with this Agreement and the Easements granted herein.

8. Grantee neither waives nor forfeits the right to act to ensure compliance with the terms, conditions and purposes of the SCM Easement and this Agreement by a prior failure to act.

9. Grantor agrees:

a. That a reference to the deed book and page number of this document in a form substantially similar to the following statement in at least a 12 point bold face font on the first page of the document: **"Notice: The Property is subject to a Stormwater Control Measure (SCM), Access Easement and Maintenance**

Agreement enforced by the City of Concord and State of North Carolina recorded in the Cabarrus County Registry at DB 14004, PG 146 and the FIRST AMENDED AND RESTATED STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT _____ PG _____.” shall be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor may be divested of either the fee simple title to or possessory interests in the subject Property. The designation Grantor and Grantee shall include the parties, their heirs, successors and assigns; and

b. That the following statement shall be inserted in any deed or other document of conveyance:

“Title to the property hereinabove described is subject to the following exceptions:

That certain **Stormwater Control Measure (SCM), Access Easement and Maintenance Agreement enforced by the City of Concord and State of North Carolina recorded in the Cabarrus County Registry at DB 14004, PG 146 and the FIRST AMENDED AND RESTATED STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT dated _____, 2021** with and for the benefit of the City of Concord, recorded in Book _____, Page _____ in the Cabarrus County Registry, North Carolina, creating obligations of payment and performance on the part of Grantor which Grantee hereby assumes and agrees to perform and pay as part of the consideration of this conveyance and except further that this conveyance is made subject to any and all enforceable restrictions and easements of record (if applicable).”

In the event that such conveyance is other than by deed, the above terms of “grantor/grantee” may be substituted by equivalent terms such as “landlord/tenant.”

TO HAVE AND TO HOLD the aforesaid rights, privileges, and easements herein granted to Grantee, its successors and assigns forever and Grantor do covenant that Grantor is seized of said premises in fee and has the right to convey the same, that except as set forth below the same are free from encumbrances and that Grantor will warrant and defend the said title to the same against claims of all persons whosoever.

Title to the Property hereinabove described is subject to all enforceable deeds of trust, liens, easements, covenants and restrictions of record.

The covenants agreed hereto and the conditions imposed herein shall be binding upon Grantor and its agents, personal representatives, heirs and assigns and all other successors in interest to Grantor and shall continue as a servitude running in perpetuity with the above-described land.

THE CONCORD CITY COUNCIL APPROVED THIS AGREEMENT AND SCM EASEMENTS AND ACCEPTED THE SCM EASEMENTS AT THEIR MEETING OF _____, 2021 AS ATTESTED TO BELOW BY THE CITY CLERK. CONCORD CITY COUNCIL APPROVAL OF THIS **FIRST AMENDED AND RESTATED STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT** IS A CONDITION PRECEDENT TO ACCEPTANCE BY THE CITY.

IN WITNESS WHEREOF, the parties have caused this instrument to be duly executed day and year first above written.

GRANTOR:

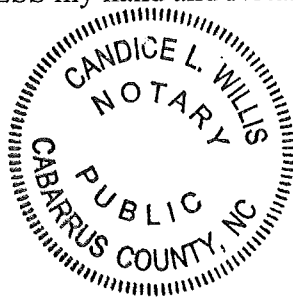
White Park, LLC,
a North Carolina limited liability company

By: *Hugh H Morrison*
Name: *Hugh H Morrison*
Title: *Member/Manager*

STATE OF *North Carolina*
COUNTY OF *Cabarrus*

I, *Candice L. Willis*, a Notary Public of the aforesaid County and State, do hereby certify that *Hugh H. Morrison* personally appeared before me this day and acknowledged that he/she is the Manager/Member of White Park, LLC, a North Carolina limited liability company, and that he being authorized to do so, executed the foregoing on behalf of the company.

WITNESS my hand and Notarial Seal this the *24* day of *February*, 2021.



Candice L. Willis
Notary Public
My commission expires: *12/14/2021*

GRANTEE:

City of Concord, a municipal corporation

By: _____
Lloyd Wm. Payne, Jr., City Manager

ATTEST:

Kim J. Deason, City Clerk
[SEAL]

APPROVED AS TO FORM

VaLerie Kolczynski, City Attorney

**STATE OF NORTH CAROLINA
COUNTY OF CABARRUS**

I, _____, a Notary Public of the aforesaid County and State, do hereby certify that Kim J. Deason personally appeared before me this day and acknowledged that she is the City Clerk of the City of Concord and that by authority duly given and as the act of the municipal corporation, the foregoing **FIRST AMENDED AND RESTATED STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT** was approved by the Concord City Council at its meeting held on _____ and was signed in its name by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

WITNESS my hand and notarial seal, this the _____ day of _____, 2021.

Notary Public _____
My commission expires: _____

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4351900	Sale of Firearms	\$0	\$13,200	\$13,200
100-4353100	Insurance Reimbursement	\$0	\$93,020	\$93,020
Total				\$106,220

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4310-5290000	Supplies-Misc	\$746,765	\$759,965	\$13,200
4310-5540000	Vehicles - Capital	\$1,289,853	\$1,321,699	\$31,846
4513-5244000	Materials	\$64,700	\$73,460	\$8,760
4550-5362000	Accident Repairs	\$0	\$46,914	\$46,914
4510-5440000	Maintenance Contracts	\$13,000	\$18,500	\$5,500
Total				\$106,220

Reason: To appropriate insurance proceeds and proceeds from the sale of firearms for the repair/replacement of vehicle/property.

Adopted this 11th day of March, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
680-4401305	Fuel Sales/Avgas	988,865	1,288,865	300,000
680-4401309	Fuel Sales/Jet A	2,790,764	3,540,764	750,000
Total				1,050,000

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4530-5271000	Purchases-Fuel/Avgas	622,205	922,205	300,000
4530-5272000	Purchases-Fuel/Jet A	1,278,188	2,028,188	750,000
Total				1,050,000

Reason: To allocate fuel sales in excess of original budget to cover fuel expense related to the higher than anticipated sales.

Adopted this 11th day of March, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney

ORD. #

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
640-4406000	Retained Earnings-Sewer	1,022,201	2,131,208	1,109,007
600-4406000	Retained Earnings-Storm	199,901	502,137	302,236
Total				<u>1,411,243</u>

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
7420-5182500	OPEB Contribution-Sewer	38,602	1,147,609	1,109,007
7100-5182500	OPEB Contribution-Storm	55,759	357,995	302,236
Total				<u>1,411,243</u>

Reason: Appropriate reserves for contribution to OPEB Trust.

Adopted this 11th day of March, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

William C. Dusch, Mayor

ATTEST: _____
Kim Deason, City Clerk

VaLerie Kolczynski, City Attorney



Quarterly Council Report

UTILITY EXTENSIONS/ADDITIONS PERMITTED

October 1st- December 31st, 2020

SUMMARY

During the past quarter, the City of Concord Engineering Department's local permitting programs have authorized the expansion of the City of Concord's water distribution system and wastewater collection system to areas that have been recently annexed, developed or to portions of the countywide service area, where infrastructure is lacking, deficient or overloaded.

In summary, the water distribution and wastewater collection expansion projects, as permitted by the City of Concord's delegated permitting program during the quarter of **October 1st- December 31st, 2020**, are as follows:

WATER:

*The **City of Concord** initiated water distribution system extensions permitted by the City of Concord's delegated permitting 606 linear feet of 6-inch water lines, and other appurtenances to replace the existing water main located at the intersection of Spring Street SW, Chestnut Drive SW, and Broad Drive SW with zero increase to the existing average domestic water demand, of treated water from the City of Concord's existing potable water distribution system.*

*The **Developer** initiated **PUBLIC** water distribution system extensions permitted by the City of Concord's delegated permitting program consisted of approximately 1,833 linear feet of 12-inch water main, 8,814 linear feet of 8-inch water main, 2,105 linear feet of 6-inch water main, 837 linear feet of 2-inch water main, with valves, hydrants and other appurtenances to serve 189 single family Townhome lots, 125 4-bedroom single family lots, a 14,628 sq. ft. of combined Medical office space, a 111,100 sq. ft. self-service storage building, a 100 sq. ft. convenience store and service station, a 188,600 sq. ft. middle school allocated for 1,200 students, a 14,530 sq. ft. auto repair/service building providing on-site service, a 435 Multi-family apartment units, an amenity center with a 100 sq. ft. fitness center, office, and pool, and a roadway improvement plan with an average commercial, domestic, and school water demand of 261,656 GPD, of treated water from the City of Concord's existing potable water distribution system.*

SEWER:

*The **City of Concord** does not report any wastewater collection system extensions for this quarter.*

*The **Developer** initiated wastewater collection system extensions permitted by the City of Concord's delegated permitting program consisted of approximately 10,625 linear feet of 8-inch sanitary sewer, and with manholes and other appurtenances to serve a 189 single family 3-bedroom townhomes, a total of 125 4-bedroom single family lots, a 100 sq. ft. convenience store and service station, a 188,600 sq. ft. middle school allocated for 1,200 students, a 435 Multi-family apartment units, an amenity center with a 100 sq. ft. fitness center, office, and pool with a total average wastewater discharge of 131,640 GPD.*

*Please reference the following pages for more information concerning the authorized expansion and the associated particulars of each project permitted by the City from **1st of October to the 31st of December, 2020**:*

Water Distribution System Extensions: October 1- December 31, 2020

Date Issued: 10/12/2020
Project Title: **Oaklawn Townhome Subdivision**
Project #: 2020-012
Developer: Streetscape Land Partners, LLC
G. Kenneth Orndorff, Vice President
10815 Sikes Place, Suite 300
Charlotte, NC 28277
P) 704-321-1000
E) greenstreetnc@gmail.com

Description: Construction of approximately 3,787 linear feet of 8-inch water lines with 16 in-line valves, 395 linear feet of 2-inch water lines with 2 in-line valves, 6 hydrants, and other appurtenances to provide potable water to 189 single family Townhome lots located off of Harris Road with an average domestic water demand of 75,600 GPD.

Date Issued: 10/13/2020
Project Title: **Concord Medical Office at Afton Village**
Project #: 2020-025
Developer: Bigfoot Ventures, LLC
Dr. Adam Shapiro, Managing Partner
15529 Jetton Road
Cornelius, NC 28031
P) 704-896-9474
Email) surgeon.foot@gmail.com

Description: Construction of approximately 6.2 linear feet of 6-inch water lines with 1 in-line valve, 1 hydrant, and other appurtenances to provide potable water to a 7,500 sq. ft. Medical office building with 3 units located on Langford Ave. NW off of Exchange St. and George W Liles Pkwy NW with an average commercial water demand of 1,500 GPD.

Date Issued: 10/13/2020
Project Title: **Cannon Offices Phase 2**
Project #: 2018-004A- Mod 1
Developer: RMP- Cannon, LLC
David Miller, Partner
10815 Sikes Place, Suite 300
Charlotte, NC 28277
P) 704-321-1000
Email) david@raleymiller.com

Description: Construction of approximately 40 linear feet of 8-inch water lines with 1 in-line valve, 1 hydrant, and other appurtenances to serve two additional buildings (Buildings 3 and 4) with 7,128 sq. ft. combined, located at the northeastern quadrant of the Harris Road and Poplar Tent Road intersection, with a zero increase in water demand.

Date Issued: 10/15/2020
Project Title: **Olde Homestead Subdivision**
Project #: 2020-064
Developer: Niblock Development Corporation
William T. Niblock, Member
759 Concord Parkway North, Suite 20
Concord, NC 28027
P) 704-788-4818
Email) kenfoster@outlook.com

Description: Construction of approximately 2,527 linear feet of 8-inch water lines with 6 in-line valves, 3 hydrants, and other appurtenances to provide potable water to serve 41 4-bedroom single family lots located off of 12th Fairway Drive and Weddington Road, with a domestic water demand of 16,400 GPD.

Date Issued: 10/28/2020
Project Title: **Spring and Chestnut Round About Waterline Relocation**
Project #: 2016-048
Developer: City of Concord- Water Resources
Attn: Thomas A. Bach, Engineering Manager
PO Box 308
Concord, NC 28026
P) 704-920-5344
Email) bacht@concordnc.gov

Description: Construction of approximately 606 linear feet of 6-inch water lines with 5 in-line valves, 1 hydrant, and other appurtenances to replace the existing water main located at the intersection of Spring Street SW, Chestnut Drive SW, and Broad Drive SW with zero increase to the existing average domestic water demand.

Date Issued: 11/5/2020
Project Title: **Stor-All Storage Derita Rd.**
Project #: 2018-002
Developer: Stor-All Derita Road, L.P.
Mr. John Anderson, Member
141 South East 1st Street
Deerfield Beach, FL 33441
P) (954) 426-1108
E) Johna@Stor-All.com

Description: Construction of approximately 25 linear feet of 8-inch water lines with 1 in-line valve, 1 hydrant, and other appurtenances to provide potable water to a 111,100 sq. ft. self-service storage building, located on Derita Rd., with an average commercial water demand of 50 GPD.

Date Issued: 11/17/2020
Project Title: **7-Eleven Coddle Market**
Project #: 2019-055
Developer: C4 CStore Holdings, LLC
Peter Pappas, Manager
11 West Trade Street, Suite 2550
Charlotte, NC 28202
P) 704-414-7472
E) ppappas@csere.com

Description: Construction of approximately 160 linear feet of 8-inch water lines with 1 in-line valve, 110 linear feet of 2-inch water lines with 1 in-line valve, 1 hydrant, and other appurtenances to provide potable water to serve a 100 sq. ft. convenience store and service station located on Coddle Market Drive with zero increase in the water demand.

Date Issued: 11/20/2020
Project Title: **Heritage at Moss Creek Subdivision**
Project #: 2020-024
Developer: Forestar (USA) Real Estate Group, Inc.
Thomas Kutz, VP
10700 Pecan Park Blvd., Ste. 150
Austin, TX 78750
P) 704-913-8746
E) tomkutz@forestar.com

Description: Construction of approximately 1,800 linear feet of 8-inch water lines with 6 in-line valves, 1,980 linear feet of 6-inch water lines with 4 in-line valves, 332 linear feet of 2-inch water lines with 2 in-line valves, 7 hydrants, and other appurtenances to provide potable water to 84 single family 4-bedroom residential lots located off of Davidson Hwy (Hwy 73) with an average domestic water demand of 33,600 GPD.

Date Issued: 12/3/2020
Project Title: **Cabarrus County Middle School**
Project #: 2020-046
Developer: Cabarrus County Schools
George (Tim) Lowder, Director of Operations
4401 Old Airport Road
Concord, NC 28025
P) 704-260-5600
E) George.Lowder@Cabarrus.k12.nc.us

Description: Construction of approximately 99 linear feet of 12-inch water lines with 1 in-line valve, 33 linear feet of 6-inch water lines with 1 in-line valve, and other appurtenances to provide potable water to serve a 188,600 sq. ft. middle school allocated for 1,200 students located off the intersection of Cochran Road and Roberta Road with an average school water demand of 18,000 GPD.

Date Issued: 12/17/2020
Project Title: **Pinnacle Cranes-Midland**
Project #: 2020-079
Developer: Pinnacle Cranes, LLC
Jim Mackinson, General Manager
6605 West W. T. Harris Blvd., Ste. C
Charlotte, NC 28269
P) 704-731-7272
Email) jmackinson@pinnaclecranes.com
Description: Construction of approximately 22 linear feet of 6-inch water lines with 1 in-line valve, and other appurtenances to provide potable water to a 14,530 sq. ft. repair/service building providing on-site service located off of Slatebrooks Drive, with an average commercial water demand of 650 GPD.

Date Issued: 12/17/2020
Project Title: **Sycamore at Christenbury Commons Apartments- Phase 1**
Project #: 2020-062
Developer: Sycamore at Christenbury, LLC
Christopher McGrath, Senior Executive VP
255 South 17th Street, 20th Floor
Philadelphia, PA 19103
P) 215-772-1100
Email) christopher@switzenbaum.com
Description: Construction of approximately 412 linear feet of 8-inch water lines with 5 in-line valves, 64 linear feet of 6-inch water lines with 2 in-line valves, 1 hydrant, and other appurtenances to provide potable water to 435 Multi-family apartment units, an amenity center with a 100 sq. ft. fitness center, office, and pool located off of Cox Mill Rd. and Christenbury Prkwy, with an average domestic and commercial water demand of 115,856 GPD.

Date Issued: 12/17/2020
Project Title: **Christenbury Commons Offsite Roadway**
Project #: 2020-062C
Developer: Sycamore at Christenbury, LLC
Christopher McGrath, Senior Executive VP
255 South 17th Street, 20th Floor
Philadelphia, PA 19103
P) 215-772-1100
Email) christopher@switzenbaum.com
Description: 1,733.7 linear feet of 12-inch water lines with 7 in-line valves, 63 linear feet of 8-inch water lines with 2 in-line valves, 3 hydrants, and other appurtenances associated with the roadway improvements, located off of Christenbury Pkwy & Cox Mill Rd., with no additional water demand.

Wastewater Distribution System Extensions: October 1- December 31, 2020

Date Issued: 10/12/2020
Project Title: **Oaklawn Townhome Subdivision**
Project #: 2020-012
Developer: Streetscape Land Partners, LLC
G. Kenneth Orndorff, Vice President
10815 Sikes Place, Suite 300
Charlotte, NC 28277
P) 704-321-1000
E) greenstreetnc@gmail.com

Description: Construction of approximately 4,294 linear feet of 8-inch sanitary sewer with 24 manholes and other appurtenances to serve 189 single family 3-bedroom townhomes located off of Harris Road, with a domestic wastewater discharge of 68,040 GPD.

Date Issued: 10/15/2020
Project Title: **Olde Homestead Subdivision**
Project #: 2020-064
Developer: Niblock Development Corporation
William T. Niblock, Member
759 Concord Parkway North, Suite 20
Concord, NC 28027
P) 704-788-4818
Email) kenfoster@outlook.com

Description: Construction of approximately 2,078 linear feet of 8-inch sanitary sewer with 17 manholes and other appurtenances to serve 41 4-bedroom single family lots located off of 12th Fairway Drive and Weddington Road, with a domestic wastewater discharge of 19,680 GPD.

Date Issued: 11/17/2020
Project Title: **7-Eleven Coddle Market**
Project #: 2019-055
Developer: C4 CStore Holdings, LLC
Peter Pappas, Manager
11 West Trade Street, Suite 2550
Charlotte, NC 28202
P) 704-414-7472
E) ppappas@csere.com

Description: Construction of approximately 640 linear feet of 8-inch sanitary sewer with 4 manholes and other appurtenances to serve a 100 sq. ft. convenience store and service station located on Coddle Market Drive, with a commercial wastewater discharge of 3,600 GPD.

Date Issued: 11/20/2020
Project Title: **Heritage at Moss Creek Subdivision**
Project #: 2020-024
Developer: Forestar (USA) Real Estate Group, Inc.
Thomas Kutz, VP
10700 Pecan Park Blvd., Ste. 150
Austin, TX 78750
P) 704-913-8746
E) tomkutz@forestar.com

Description: Construction of approximately 3,489 linear feet of 8-inch sanitary sewer with 20 manholes and other appurtenances to serve 84 single family 4-bedroom residential lots located off of Davidson Hwy (Hwy 73), with a requested domestic wastewater flow of 40,320 GPD.

Date Issued: 12/3/2020
Project Title: **Cabarrus County Middle School**
Project #: 2020-046
Developer: Cabarrus County Schools
George (Tim) Lowder, Director of Operations
4401 Old Airport Road
Concord, NC 28025
P) 704-260-5600
E) George.Lowder@Cabarrus.k12.nc.us

Description: Construction of approximately 30 linear feet of 8-inch sanitary sewer with 1 manhole and other appurtenances to serve a 188,600 sq. ft. middle school allocated for 1,200 students located off the intersection of Cochran Road and Roberta Road, with a zero increase in the school wastewater flow. *The school wastewater discharge of 18,000 GPD will be allocated in the NCDEQ private sewer permit.*

Date Issued: 12/17/2020
Project Title: **Sycamore at Christenbury Commons Apartments- Phase 1**
Project #: 2020-062
Developer: Sycamore at Christenbury, LLC
Christopher McGrath, Senior Executive VP
255 South 17th Street, 20th Floor
Philadelphia, PA 19103
P) 215-772-1100
Email) christopher@switzenbaum.com

Description: Construction of approximately 94 linear feet of 8-inch sanitary sewer with 2 manholes and other appurtenances to serve 435 Multi-family apartment units, an amenity center with a 100 sq. ft. fitness center, office, and pool located off of Cox Mill Rd. and Christenbury Prkwy, with a zero increase in the domestic and commercial wastewater flow. *The domestic and commercial wastewater discharge of 105,685 GPD will be allocated in the NCDEQ private sewer permit.*

Tax Report for Fiscal Year 2020-2021

FINAL REPORT

January

Property Tax Receipts- Munis

2020 BUDGET YEAR	7,490,871.89
2019	51,479.61
2018	10,339.63
2017	1,781.09
2016	874.95
2015	391.15
2014	66.76
2013	322.56
2012	322.56
2011	306.20
Prior Years	1172.16
Interest	36074.77
Refunds	
	<u>7,594,003.33</u>

Vehicle Tax Receipts- County

2020 BUDGET YEAR	435,310.94
2019	
2018	
2017	
2016	
2015	
2014	
Prior Years	
Penalty & Interest	4,271.62
Refunds	
	<u>439,582.56</u>

Fire District Tax - County

2019 BUDGET YEAR	26986.26
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Less: Collection Fee from County

Net Ad Valorem Collections	<u>8,060,572.15</u>
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423:Vehicle Tag Fee-Transportation Impr Fund	33,976.80
100:Vehicle Tag Fee	137,966.40
292:Vehicle Tag Fee-Transportation Fund	33,976.80
Less Collection Fee - Transit	
Net Vehicle Tag Collection	<u>205,920.00</u>

Privilege License	
Prepaid Privilege Licenses	
Privilege License interest	-
Total Privilege License	<u>-</u>

	350.00
Oakwood Cemetery current	-
Oakwood Cemetery endowment	6,225.03
Rutherford Cemetery current	3,099.97
Rutherford Cemetery endowment	2,899.98
West Concord Cemetery current	200.02
West Concord Cemetery endowment	
Total Cemetery Collections	<u>12,425.00</u>

Total Collections	<u>\$ 8,278,917.15</u>
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Current Year	
Original Scroll	
Levy	
Penalty	
Adjustments	
Public Service	
Levy	
Penalty	
Discoveries/Annex	50,166.52
Discovery Penalty	-
Total Amount Invoiced - Monthly	<u>50,166.52</u>
Total Amount Invoiced - YTD	63,204,853.83

Current Year	
Less Abatements (Releases)	
Real	1,029.96
Personal	
Discovery	
Penalty - all	
Total Abatements	<u>1,029.96</u>

Adjusted Amount Invoiced - monthly	49,136.56
Adjusted Amount Invoiced - YTD	62,837,187.57

Current Levy Collected	7,490,871.89
Levy Collected from previous years	67,056.67
Penalties & Interest Collected	36,074.77
Current Month Write Off - Debit/Credit	0.00
Total Monthly Collected	<u>7,594,003.33</u>
Total Collected - YTD	61,138,330.71

Total Collected - net current levy -YTD	60,798,273.29
Percentage of Collected -current levy	96.76%
Amount Uncollected - current year levy	2,038,914.28
Percentage of Uncollected - current levy	3.24%
	100.00%

CITY OF CONCORD

Summary of Releases, Refunds and Discoveries for the Month of January 2021

RELEASES		
CITY OF CONCORD	\$	1,029.96
CONCORD DOWNTOWN	\$	34.17

REFUNDS		
CITY OF CONCORD	\$	5.79
CONCORD DOWNTOWN	\$	-

DISCOVERIES							
CITY OF CONCORD							
TaxYear	Real	Personal	Total	Rate	Calculated	Penalties	
2015	0	0	0	0.0048	0.00	0.00	
2016	0	0	0	0.0048	0.00	0.00	
2017	0	0	0	0.0048	0.00	0.00	
2018	1,998,230	0	1,998,230	0.0048	9,591.50	0.00	
2019	4,821,410	0	4,821,410	0.0048	11,895.21*	0.00	
2020	5,974,960	0	5,974,960	0.0048	28,679.81	0.00	
Total	12,794,600	0	12,794,600		\$ 50,166.52	\$ -	

*Likely this parcel(s) of real property had a percentage being billed for discovery. (Typical value x tax rate did not yield traditional balance.)

DOWNTOWN							
TaxYear	Real	Personal	Total	Rate	Calculated	Penalties	
2017	0	0	0	0.0023	0.00	0.00	
2018	0	0	0	0.0023	0.00	0.00	
2019	0	0	0	0.0023	0.00	0.00	
2020	0	0	0	0.0023	0.00	0.00	
Total	0	0	0		\$ -	\$ -	

City of Concord
Portfolio Holdings
Monthly Investments to Council
Report Format: By CUSIP / Ticker
Group By: Security Type
Average By: Cost Value
Portfolio / Report Group: All Portfolios
As of 1/31/2021

Description	CUSIP/Ticker	Face Amount/Shares	Cost Value	Maturity Date	YTM @ Cost	% of Portfolio	Settlement Date	Cost Price	Days To Maturity
Commercial Paper									
CP BANCO SANTANDER SA 0 3/4/2021	05970RQ40	5,000,000.00	4,986,388.89	03/04/2021	0.401	1.34	N/A	99.727778	32
CP BANCO SANTANDER SA 0 5/24/2021	05970RSQ9	5,000,000.00	4,994,330.56	05/24/2021	0.260	1.34	N/A	99.886611	113
CP BARCLAYS BANK 0 2/19/2021	06742VHX2	5,000,000.00	4,976,319.44	02/19/2021	0.623	1.33	N/A	99.526389	19
CP CHESHAM 0 7/29/2021	16536HUV1	5,000,000.00	4,994,972.20	07/29/2021	0.200	1.34	N/A	99.899444	179
CP CHESHAM FIN LTD/LLC 0 4/20/2021	16536HRL7	5,000,000.00	4,995,451.40	04/20/2021	0.250	1.34	N/A	99.909028	79
CP CREDIT SUISSE 0 5/17/2021	2254EASH7	5,000,000.00	4,991,406.94	05/17/2021	0.230	1.34	N/A	99.828139	106
CP ING US FUNDING 0 6/10/2021	45685QTA7	5,000,000.00	4,994,972.22	06/10/2021	0.200	1.34	N/A	99.899444	130
CP LLOYDS BANK CORP 0 6/22/2021	53948ATN1	5,000,000.00	4,991,841.67	06/22/2021	0.220	1.34	N/A	99.836833	142
CP MALAYAN BANK 0 4/26/2021	56108JRS2	5,000,000.00	4,993,541.67	04/26/2021	0.250	1.34	N/A	99.870833	85
CP NATIXIS NY 0 3/19/2021	63873JQK9	5,000,000.00	4,990,705.55	03/19/2021	0.281	1.34	N/A	99.814111	47
CP NATIXIS NY 0 5/11/2021	63873JSB7	5,000,000.00	4,995,386.11	05/11/2021	0.220	1.34	N/A	99.907722	100
CP SALVATION ARMY 0 2/11/2021	79584RPB8	5,000,000.00	4,994,408.33	02/11/2021	0.220	1.34	N/A	99.888167	11
CP TOYOTA MOTOR CREDIT 0 8/9/2021	89233GV94	5,000,000.00	4,993,648.61	08/09/2021	0.170	1.34	N/A	99.872972	190
Sub Total / Average Commercial Paper		65,000,000.00	64,893,373.59		0.271	17.41		99.836063	95
FFCB Bond									
FFCB 0.19 9/22/2023-21	3133EMLE0	5,000,000.00	5,000,000.00	09/22/2023	0.190	1.34	N/A	100	964
FFCB 0.2 8/19/2022-21	3133EL4H4	5,000,000.00	5,000,000.00	08/19/2022	0.200	1.34	N/A	100	565
FFCB 0.22 7/21/2022-21	3133ELW67	5,000,000.00	4,997,500.00	07/21/2022	0.245	1.34	N/A	99.95	536
FFCB 0.23 1/19/2024	3133EMNG3	5,000,000.00	4,997,850.00	01/19/2024	0.244	1.34	N/A	99.957	1,083
FFCB 0.31 11/30/2023-21	3133EMHL9	5,000,000.00	5,000,000.00	11/30/2023	0.310	1.34	N/A	100	1,033
FFCB 0.32 8/10/2023-21	3133EL3E2	5,000,000.00	5,000,000.00	08/10/2023	0.320	1.34	N/A	100	921
FFCB 0.43 9/10/2024-20	3133EL6V1	5,000,000.00	5,000,000.00	09/10/2024	0.430	1.34	N/A	100	1,318
FFCB 0.53 9/29/2025-21	3133EMBH4	5,000,000.00	5,000,000.00	09/29/2025	0.530	1.34	N/A	100	1,702
FFCB 0.625 6/16/2026-21	3133EMKV3	5,000,000.00	5,000,000.00	06/16/2026	0.625	1.34	N/A	100	1,962
FFCB 0.8 4/22/2024-21	3133ELXC3	5,000,000.00	5,000,000.00	04/22/2024	0.800	1.34	N/A	100	1,177
FFCB 1.24 3/10/2023-21	3133ELRZ9	5,000,000.00	5,000,000.00	03/10/2023	1.240	1.34	N/A	100	768
FFCB 1.48 3/10/2026-21	3133ELSC9	5,000,000.00	5,000,000.00	03/10/2026	1.480	1.34	N/A	100	1,864

FFCB 1.55 3/30/2027-23	3133ELUN2	5,000,000.00	5,000,000.00	03/30/2027	1.550	1.34	N/A	100	2,249
FFCB 1.69 2/12/2024-21	3133ELMJ0	5,000,000.00	4,999,500.00	02/12/2024	1.693	1.34	N/A	99.99	1,107
FFCB 1.7 9/27/2022-21	3133EKS31	5,000,000.00	5,000,000.00	09/27/2022	1.700	1.34	N/A	100	604
FFCB 1.89 3/2/2027-21	3133ELQH0	5,000,000.00	5,000,000.00	03/02/2027	1.890	1.34	N/A	100	2,221
FFCB 1.89 9/27/2024-21	3133EKU20	5,000,000.00	5,000,000.00	09/27/2024	1.890	1.34	N/A	100	1,335
Sub Total / Average FFCB Bond		85,000,000.00	84,994,850.00		0.902	22.80		99.993943	1,259
FHLB Bond									
FHLB 0.22 10/5/2023-21	3130AKAF3	5,000,000.00	4,992,500.00	10/05/2023	0.270	1.34	N/A	99.85	977
FHLB 0.3 11/27/2023-21	3130AKGL4	5,000,000.00	5,000,000.00	11/27/2023	0.300	1.34	N/A	100	1,030
FHLB 0.3 9/29/2023-21	3130AK3S3	5,000,000.00	5,000,000.00	09/29/2023	0.300	1.34	N/A	100	971
FHLB 0.4 7/15/2025-21	3130AKM29	5,000,000.00	4,999,000.00	07/15/2025	0.405	1.34	N/A	99.98	1,626
FHLB 0.44 6/29/2023-20	3130AJPW3	3,658,318.45	3,658,318.45	06/29/2023	0.440	0.98	N/A	100	879
FHLB 0.45 8/27/2024-20	3130AJZH5	5,000,000.00	5,000,000.00	08/27/2024	0.450	1.34	N/A	100	1,304
FHLB 0.5 10/20/2025-21	3130AKNK8	5,000,000.00	4,999,000.00	10/20/2025	0.504	1.34	N/A	99.98	1,723
FHLB 0.825 8/17/2027-21	3130AJXH7	5,000,000.00	4,986,250.00	08/17/2027	0.866	1.34	N/A	99.725	2,389
FHLB 1.55 3/25/2024-21	3130AJAX7	5,000,000.00	5,000,000.00	03/25/2024	1.550	1.34	N/A	100	1,149
FHLB 1.77 7/22/2024-21	3130AHWG4	5,000,000.00	5,000,000.00	07/22/2024	1.770	1.34	N/A	100	1,268
FHLB 1.875 11/29/2021	3130AABG2	875,000.00	853,965.00	11/29/2021	2.721	0.23	N/A	97.596	302
FHLB 2.32 11/1/2029-22	3130AHEU3	5,000,000.00	5,000,000.00	11/01/2029	2.320	1.34	N/A	100	3,196
FHLB Step 1/29/2026-21	3130AKRA6	5,000,000.00	5,000,000.00	01/29/2026	1.002	1.34	N/A	100	1,824
FHLB Step 12/30/2025-21	3130AKLH7	5,000,000.00	5,000,000.00	12/30/2025	0.765	1.34	N/A	100	1,794
Sub Total / Average FHLB Bond		64,533,318.45	64,489,033.45		0.875	17.30		99.93219	1,546
FHLMC Bond									
FHLMC 0.25 6/26/2023	3137EAES4	3,220,000.00	3,219,567.60	06/26/2023	0.254	0.86	N/A	99.986726	876
FHLMC 0.25 7/28/2022-21	3134GWAP1	5,000,000.00	5,000,000.00	07/28/2022	0.250	1.34	N/A	100	543
FHLMC 0.25 9/8/2023	3137EAEW5	2,120,000.00	2,120,844.05	09/08/2023	0.237	0.57	N/A	100.039854	950
FHLMC 0.27 5/19/2022-21	3134GVWZ7	5,000,000.00	5,000,000.00	05/19/2022	0.270	1.34	N/A	100	473
FHLMC 0.3 12/14/2023-21	3134GXEW0	5,000,000.00	5,000,000.00	12/14/2023	0.300	1.34	N/A	100	1,047
FHLMC 0.3 6/30/2022-21	3134GV2M9	5,000,000.00	5,000,000.00	06/30/2022	0.300	1.34	N/A	100	515
FHLMC 0.3 8/26/2022-21	3134GVYZ5	5,000,000.00	5,000,000.00	08/26/2022	0.300	1.34	N/A	100	572
FHLMC 0.35 11/18/2022-21	3134GVVY1	5,000,000.00	5,000,000.00	11/18/2022	0.350	1.34	N/A	100	656
FHLMC 0.375 2/21/2023-21	3134GVXB9	5,000,000.00	5,000,000.00	02/21/2023	0.375	1.34	N/A	100	751
FHLMC 0.375 4/14/2023-21	3134GV4N5	5,000,000.00	5,000,000.00	04/14/2023	0.375	1.34	N/A	100	803
FHLMC 0.375 4/20/2023	3137EAEQ8	1,290,000.00	1,291,301.24	04/20/2023	0.341	0.35	N/A	100.100871	809
FHLMC 0.45 5/26/2023-21	3134GVWK0	5,000,000.00	5,006,450.00	05/26/2023	0.399	1.34	N/A	100.129	845
FHLMC 0.8 7/14/2026-21	3134GV5T1	5,000,000.00	5,000,000.00	07/14/2026	0.800	1.34	N/A	100	1,990
FHLMC 1.25 3/26/2025-21	3134GVHG6	5,000,000.00	5,000,000.00	03/26/2025	1.250	1.34	N/A	100	1,515
FHLMC 1.875 3/28/2024-21	3134GUEN6	5,000,000.00	5,000,000.00	03/28/2024	1.875	1.34	N/A	100	1,152

FHLMC 2.375 1/13/2022	3137EADB2	2,175,000.00	2,166,191.35	01/13/2022	2.520	0.58	N/A	99.595007	347
FHLMC 2.75 6/19/2023	3137EAEN5	1,225,000.00	1,317,965.25	06/19/2023	0.244	0.35	N/A	107.589	869
Sub Total / Average FHLMC Bond		70,030,000.00	70,122,319.49		0.596	18.81		100.14179	885
FNMA Bond									
FNMA 0.25 11/27/2023	3135G06H1	2,275,000.00	2,275,587.98	11/27/2023	0.241	0.61	N/A	100.025891	1,030
FNMA 0.28 12/29/2023-21	3135GABN0	5,000,000.00	5,000,000.00	12/29/2023	0.280	1.34	N/A	100	1,062
FNMA 0.3 10/27/2023-21	3136G46A6	5,000,000.00	5,000,000.00	10/27/2023	0.300	1.34	N/A	100	999
FNMA 0.31 8/17/2023-22	3136G4K51	5,000,000.00	5,000,000.00	08/17/2023	0.310	1.34	N/A	100	928
FNMA 0.4 7/20/2023-21	3136G4ZS5	5,000,000.00	5,000,000.00	07/20/2023	0.400	1.34	N/A	100	900
FNMA 0.42 7/7/2023-21	3136G4YJ6	5,000,000.00	5,000,000.00	07/07/2023	0.420	1.34	N/A	100	887
FNMA 0.43 6/30/2023-21	3136G4XS7	5,000,000.00	5,000,000.00	06/30/2023	0.430	1.34	N/A	100	880
FNMA 0.455 8/27/2024-21	3136G4Y72	5,000,000.00	5,000,000.00	08/27/2024	0.455	1.34	N/A	100	1,304
FNMA 0.55 8/19/2025-22	3136G4H63	5,000,000.00	5,000,000.00	08/19/2025	0.550	1.34	N/A	100	1,661
FNMA 0.58 8/25/2025-22	3136G4J20	5,000,000.00	5,000,000.00	08/25/2025	0.580	1.34	N/A	100	1,667
FNMA 0.6 4/20/2023-21	3136G4UZ4	5,000,000.00	5,000,000.00	04/20/2023	0.600	1.34	N/A	100	809
FNMA 0.7 7/14/2025-21	3136G4YH0	5,000,000.00	5,000,000.00	07/14/2025	0.700	1.34	N/A	100	1,625
FNMA 0.73 10/29/2026-21	3136G46F5	5,000,000.00	5,000,000.00	10/29/2026	0.730	1.34	N/A	100	2,097
FNMA 0.8 11/4/2027-22	3135GA2L4	5,000,000.00	5,000,000.00	11/04/2027	0.800	1.34	N/A	100	2,468
FNMA 1.375 9/6/2022	3135G0W33	300,000.00	298,497.00	09/06/2022	1.568	0.08	N/A	99.499	583
FNMA 1.875 4/5/2022	3135G0T45	2,005,000.00	1,989,331.01	04/05/2022	2.147	0.53	N/A	99.223064	429
FNMA 2 10/5/2022	3135G0T78	3,805,000.00	3,857,482.35	10/05/2022	1.511	1.03	N/A	101.379763	612
FNMA 2.25 4/12/2022	3135G0V59	960,000.00	969,734.40	04/12/2022	1.871	0.26	N/A	101.014	436
FNMA 2.375 1/19/2023	3135G0T94	1,820,000.00	1,884,180.01	01/19/2023	1.134	0.51	N/A	103.531596	718
FNMA 2.875 9/12/2023	3135G0U43	1,170,000.00	1,263,483.00	09/12/2023	0.221	0.34	N/A	107.99	954
Sub Total / Average FNMA Bond		77,335,000.00	77,538,295.75		0.621	20.80		100.276236	1,227
Local Government Investment Pool									
NCCMT LGIP	NCCMT599	63,315.12	63,315.12	N/A	0.010	0.02	N/A	100	1
NCCMT LGIP	NCCMT481	5,421,929.31	5,421,929.31	N/A	0.010	1.45	N/A	100	1
NCCMT LGIP	NCCMT271	83,410.72	83,410.72	N/A	0.010	0.02	N/A	100	1
Sub Total / Average Local Government Investment Pool		5,568,655.15	5,568,655.15		0.010	1.49		100	1
Money Market									
PINNACLE BANK MM	PINNACLE	5,187,084.87	5,187,084.87	N/A	0.200	1.39	N/A	100	1
Sub Total / Average Money Market		5,187,084.87	5,187,084.87		0.200	1.39		100	1
Total / Average		372,654,058.47	372,793,612.30		0.648	100		100.042477	993