

CONCORD CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 14, 2024

A regular meeting of the City Council for the City of Concord, North Carolina, was held in the 3<sup>rd</sup> floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on November 14, 2024, at 6:00 p.m. with Mayor William C. Dusch presiding.

Council Members were present as follows:

**Members Present:**

Council Member Andy Langford  
Council Member Lori A. Clay  
Council Member Betty M. Stocks  
Council Member JC McKenzie  
Council Member Terry L. Crawford  
Council Member John A. Sweat, Jr.

**Members Absent:**

Mayor Pro-Tem Jennifer Parsley-Hubbard

**Others Present:**

City Manager, Lloyd Wm. Payne, Jr.  
City Attorney, Valerie Kolczynski  
City Clerk, Kim Deason  
Assistant City Managers  
Department Directors

\* \* \* \* \*

The meeting was called to order by Mayor Dusch followed by the Pledge of Allegiance and a moment of silent prayer.

\* \* \* \* \*

**Approval of Minutes:**

A motion was made by Council Member Crawford and seconded by Council Member McKenzie to approve the minutes for the meetings of September 24, October 8, October 10, October 15, and October 22, 2024—the vote: all aye.

**Presentations:**

1. Mayor Dusch presented a Proclamation recognizing Saturday, November 30th, as Small Business Saturday in the City of Concord.
2. Mayor Dusch presented a Proclamation in remembrance of Marvin H. Caldwell and in recognition of the 50th anniversary of Echo Park being renamed to Marvin Caldwell Park.

3. Mayor Dusch presented a Resolution in Remembrance of Bradley Eugene Cohen.

### **Informational Items:**

#### **1. Concord United Committee Annual Presentation.**

The Concord United Committee (CUC) Co-Chairs presented their annual report and suggested recommendations to the Mayor and Council.

Council Member Stocks thanked the Co-Chairs for their detailed report.

Council Member Langford echoed Council Member Stocks' comments.

Council Member McKenzie stated the Committee has worked to address a dire need in the Logan community. He also stated he would like the Council to discuss the report further at the November 26<sup>th</sup> 2<sup>nd</sup> Work Session.

### **Departmental Reports:**

#### **1. Parks and Recreation Bond update**

The Parks and Recreation Director provided the monthly update on the Parks and Recreation Bond projects.

#### **2. Downtown Streetscape update**

The Planning and Neighborhood Services Department and Concord Downtown Development Corporation staff provided the monthly update on the downtown streetscape project.

### **Recognition of Persons to be Heard:**

Mallie Colavita, The Intrepid Companies, addressed the Council in regards to sewer allocation for the proposed development Weddington Road Villas

Robert Neal addressed the Council and extended an invitation for them to attend the wreath laying ceremony at Rutherford Cemetery on Saturday, December 14, 2024.

William Niblock addressed the Council in regards to agenda item #7, Red Hill Neighborhood. He explained he will be donating 25 acres of property to the City's Parks and Recreation Department.

### **Public Hearings:**

#### **1. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a one year / 85% tax based Center City Economic Development Incentive Grant to Hood Ventures, LLC to locate at 112, 116, 130, and 142 Cabarrus Ave. E, Concord, NC.**

Hood Ventures, LLC is proposing a mixed-use development between Bonnie St. SE and Woodsdale Pl. SE along Cabarrus Ave. E within the geographic boundary of the Center City Economic Development Grant Program. The proposed project includes approximately 210 residential units (62 one bedroom and 148 two bedroom) in addition to approximately 10,379 SF of commercial space. Hood Ventures, LLC proposed investment represents a total of

approximately \$48,300,000 in real and personal property within Concord's Center City which is an area that encompasses several older established residential neighborhoods and five major transportation corridors.

The 2021 Downtown Master Plan states, "The entire Cabarrus Avenue East corridor from Church St. to Reed St. NE has multiple opportunities for high density residential development and creating a streetscape that strengthens this area's connection to downtown. These improvements along with the plans for the Church St. corridor will help expand the footprint and influence of downtown, growing the local economic base." The intersection of Cabarrus Ave. E and Reed St. NE is specifically identified in the plan as one of the 9 "opportunities" in the development framework "where key public interventions can leverage private investments."

The 2030 Land Use Plan recommends completing the array of housing, infrastructure, service and recreation needed to solidify the identity competitive position of downtown as a daytime and nighttime activity center. The LUP recommends creating incentives to encourage compatible-character development in underutilized areas, Cabarrus Ave. being identified as one of three areas listed along with Church Street and Corban Avenue.

The total value of the city's one year grant is estimated to equal \$172,431 based on an estimated investment of \$48,300,000. The actual payment will be based on the actual investment made by the company. The City of Concord would still collect a 1-year net revenue of \$30,429 after the incentive payment.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to open the public hearing—the vote: all aye.

Mr. Russell Hood spoke in support of the request.

There were no further speakers signed in to speak in favor or in opposition to the request. Therefore, a motion was made by Council Member Crawford and seconded by Council Member Sweat to close the public hearing—the vote: all aye.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to offer a contract for one year at 85% tax-based Center City Economic Development Incentive Grant to Hood Ventures, LLC to locate at 112, 116, 130, and 142 Cabarrus Ave E—the vote: all aye.

**2. Conduct a public hearing and consider adopting an ordinance annexing +/- 1.905 acres at 618 Springbrook Ave. NE (PIN 5631-16-8364) owned by Amelia Black.**

The request is a voluntary annexation petition of +/- 1.905 acres of property located at 618 Springbrook Ave. NE. The property is currently zoned RM-1 (in ETJ). The City Council reviewed the preliminary application for water and sewer at the September 12, 2024 regular council meeting and voted to have the applicant proceed to the final application phase, including the voluntary annexation process as outlined in Section 62-81 of the City Code prior to residential water and sewer service application.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to open the public hearing—the vote: all aye.

There were no speakers signed in to speak in favor or in opposition to the request. Therefore, a motion was made by Council Member Crawford and seconded by Council Member Sweat to close the public hearing—the vote: all aye.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to adopt the following annexation ordinance and set the effective date for November 14, 2024—the vote: all aye.

ORD.# 24-117

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD,  
NORTH CAROLINA TO INCLUDE +/- 1.905 ACRES OF PROPERTY LOCATED AT 618  
SPRINGBROOK AVE. NE., CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-31 by the City of Concord, on November 14<sup>th</sup>, 2024 to annex the area described below; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petitions; and

WHEREAS, the City Clerk has certified the sufficiency of the petitions and a public hearing on the question of this annexation was held at Concord City Hall, 35 Cabarrus Avenue West, on November 14, 2024 after due notice by The Independent Tribune on November 2<sup>nd</sup>, 2024; and

WHEREAS, the City Council finds that the petitions meet requirements of G.S. 160A-31;

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

SECTION 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Concord, as of the 14<sup>th</sup> day of November 2024:

*Lying and being in Number Five (5) Township of Cabarrus County, North Carolina and Being all of Lot Number 2, containing 1.905 acre, more or less as shown on the map for "Filippa B. Bost #624 Springbrook Avenue", as surveyed and platted, a copy of which plat is filed in the Office of the Register Deeds for Cabarrus County in Map Book 44. Page 100 to which map book and page reference is hereby made for a complete description thereof by metes and bounds.*

*Beginning at a ½" rebar on the south side of Springbrook Avenue NE the common corner of Lot 1 & 2 as shown on Map Book 44 page 100 thence, with the southern right of way of Springbrook Avenue NE a curve to the left having a radius of 683.16' and an arc length of 88.28' subtended by a chord bearing S 67-24-13 E and chord distance 88.22' to a ½" rebar thence, N 19-06-30 E 50.00' to a bent ¾" pipe in the eastern margin of Knollcrest Drive NE thence, S 70-54-44 E 242.25' to a bent 5/8" rebar thence, S 18-34-11 E, passing a 5/8" rebar at 63.16', a total distance of 246.81' to a 5/8" rebar thence, N 73-58-46 W 501.58' to a ½" rebar the common corner of Lot 1 & 2 thence, N 25-25-59 E 178.73' to the Point of Beginning and being 1.905 acres, lot 2 of Map Book 44 page 100 by David R. Garrott dated February 23<sup>rd</sup>, 2024.*

SECTION 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Concord.

Adopted this 14<sup>th</sup> day of November 2024

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim J. Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**3. Conduct a Public Hearing for case Z(CD)-27-23 and consider adopting an ordinance amending the official zoning map for +/- 13.44 acres of property located at 805 Branchview Dr. from RM-1 (Residential Medium Density) to RV-CD (Residential Village – Conditional District).**

Action was taken to table this item at the November 12, 2024 City Council Work Session.

**4. Conduct a public hearing to consider adopting an ordinance amending Articles 5 “Subdivision Plats, Site Plans, Construction Plans”, Article 7 “Base Zoning Districts”, Article 8 “Use Regulations,” Article 9 “Special Purpose and Overlay Districts,” Article 10 “Development and Design Standards,” Article 12 “Sign Standards”, and Article 14 “Definitions” of the Concord Development Ordinance (CDO) to correct errors, provide clarity and comply with the North Carolina General Statutes.**

The proposed amendment involves minor changes and is essentially corrective in nature but does include minimal changes that the staff finds reasonable.

The changes involve, but are not limited to plat certificate requirements, bonding of stormwater facilities, addition of consistent setback requirements for large multifamily developments, corrective changes to the use table and the associated requirements of Article 8, minor modification of day care and home occupation requirements, slight reorganization of Article 9 and location requirement clarification for ground mounted signs. The Planning Commission staff report, including a complete strike-through document, are included. The staff report details all of the changes. At their October 15, 2024 meeting, the Planning and Zoning Commission unanimously recommended the amendment to Council.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to open the public hearing—the vote: all aye.

There were no speakers signed in to speak in favor or in opposition to the request. Therefore, a motion was made by Council Member Crawford and seconded by Council Member Sweat to close the public hearing—the vote: all aye.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to adopt the following Statement of Consistency—the vote: all aye.

ORD.# 24-118

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE CITY OF CONCORD, NORTH CAROLINA

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by the North Carolina General Statute §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 160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951 does hereby recognize a need to amend the text of certain articles of the City of Concord Development Ordinance.

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

**SECTION 1:** That Article 5, Subdivision Plats, Site Plans, Constuction Plans, Section 5.3 Final Plats, Section 5.3.2.F Certificates Required on All Final Plats be amended to the following:

**F. Certificates Required on All Final Plats.** The following certificates shall be provided and signed as indicated by the signature title.

**1. 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, and/or open space and/or parks, except any of those uses specifically indicated as private, and I further dedicate all sanitary sewer, stormwater drainage and water lines that are located in any public utility easement or right of way and certify 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. Any streets indicated as private shall be open to public use but shall be privately maintained. Said dedication shall be irrevocable provided dedications of easements for storm drainage, whether indicated as private or public, are not made to the City of Concord but are irrevocably made to the subsequent owners of any and all properties shown hereon for their use and benefit unless specifically designated a drainage easement to the City of Concord.

BY: \_\_\_\_\_  
Owner Date

**SECTION 2:** That Article 5, Subdivision Plats, Site Plans, Constuction Plans, Section 5.6 Construction Plans, Section 5.6.3, Size and Scale be amended to the following:

**5.6.3. Size and Scale.**

Construction plans shall be prepared on 24-inch by 36-inch white paper at a horizontal scale of one (1) inch equals a distance of twenty (20), thirty (30), forty (40), fifty (50), or

sixty (60) feet and a vertical scale of one (1) inch equals a distance of four (4) feet.

**SECTION 3:** That Article 5, Subdivision Plats, Site Plans, Constuction Plans, Section 5.7, Construction, Section 5.7.4.E, Contracts for Future Installation of Improvements be amended to the follwing:

**5.7.4. Construction Responsibilities.**

**E. Contracts for Future Installation of Improvements**

If developments cannot be completed, under certain conditions the City MAY accept a contract and bond for a delay in the installation of certain required improvements in accordance with NCGS § 160D-804(g) and as detailed below.

1. The Administrator may delay the requirement for the completion of required improvements (excluding improvements required to provide for emergencies) prior to issuing a Certificate of Compliance or recordation of the final plat if the applicant enters into an Agreement in which the applicant covenants and agrees to complete all required on-site and off-site public improvements in a time agreed upon by the Administrator.
  - a. For on-site and off-site public improvements, no later than two (2) years following the date upon which the final plat is recorded. Such period may be extended for up to an additional one (1) year period upon its expiration at the discretion of the Administrator.
  - b. For regulatory stormwater devices, no later than six (6) months following the date upon which the Certificate of Compliance is issued. Such period may be extended for up to one additional six (6) month period upon its expiration at the discretion of the Administrator.

**SECTION 4:** That Article 7, Base Zoning Districts, Section 7.7, Residential Design Standards, Section 7.7.4.E, Site Elements, Special Standards for a Townhouse, be amended to the following:

**E. Special Standards for a Townhouse**

Purpose: The City of Concord recognizes that the physical characteristics of townhouse developments pose a distinct set of service challenges as compared to traditional detached single-family developments. The following standards are intended to provide for 1) the safe movement of vehicles and pedestrians; 2) an adequate amount of resident and visitor parking; 3) the safe provision of public utilities and services; 4) the provision of green space; and 5) the creation of a functional, healthy and sustainable permanent shade tree canopy.

Dimensional standards for Townhouse lots are listed in the notes of Table 7.6.2.A Dimensional Standards.

Townhouses may have vehicular access on a principal street (front-load) or on an alley (rear-load).

**SECTION 5:** That Article 7, Base Zoning Districts, Section 7.8, Standards for Multifamily Development, Section 7.8.17 Multi-Family Dimensional Standards, Table 7.8.17, be amended to the following:

<b>Density</b>	See Table 7.6.2 A. * No density limits apply in the Center City (CC) district Multi-family units on the upper floors of commercial structures in B-1, C-1 and C-2 shall not be subject to density limits
<b>Lot Width and Depth</b>	See Table 7.6.2 A. *
<b>Front Setback or</b>	20 feet
<b>Street Side Setback</b>	20 Feet
<b>Interior Side Setback</b>	20 feet
<b>Rear Setback</b>	20 feet
<b>Separation Between Buildings</b>	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet for multi-story buildings. 10 feet for single-story buildings containing one (1) or two (2) units.
<b>Common Open Space</b>	See Table (10.5) (Note: multi-family developments allowed in non-residential districts shall comply with the open space standards for residential districts in Table (10.5.13))
<b>Maximum Building Length</b>	180 feet

**SECTION 6:** That Article 8, Use Regulations, Section 8.1 Use Regulations, Section 8.1.8 Use Table , be amended to the following:

**8.1.8. Use Table**

		AG	RESIDENTIAL						COMMERCIAL					IND		Standards
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
OPEN USES																
Agriculture	Animal Production and Support Facilities	P	PS	PS												8.3.2.A
	Crop Production	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Crop Production Support Activities	P												P	P	
	Farm Product Sales, Raw Materials	P													P	
	Farm Supply Store without outdoor storage	P											P	P	P	



[illegible]

[illegible]

		AG	RESIDENTIAL						COMMERCIAL					IND		Standards
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
Indoor Recreation (see 8.3.5.O)	All Indoor Recreation except as listed below										P	P	P			
	Amusement Arcade, indoors only (less than 4 pool tables)										P	P	P			
	Auditorium or Assembly Hall, up to 350 seats								P	P	P	P	P			
	Auditorium or Assembly Hall, more than 350 seats								P	P	S	P	P			
	Bowling Center										P	P	P			
	Firing & Archery Range, Indoors												P	P		
	Go-Kart Track												P	PS		8.3.5.P
	Health Club, Fitness Center, Dance Studio, Martial Arts Studio								P	P	P	P	P	PS		8.3.5.P
	Motion Picture Theater, Indoor										P	P	P			
	Performing Arts Company								P	P	P	P	P			
	Pool Hall, Billiard Parlor (4-16 Pool Tables)										PS		PS			8.3.5.A & City Code Chapter 6, Article II
	Sexually Oriented Business												PS	PS	PS	8.3.5.B
	Skating Rink, Indoor										P		P	S		
Office	All Offices, except as listed below								P	P	P	P	P	P		
	Advertising & Related Services								P	P	P	P	P	P	P	
	Bail Bonding Office											P	P			
	Collections Agency								P	P	P	P	P			
	Credit Bureau									P	P	P	P			
	Data Processing, News Service									P	P	P	P			
	Detective Agency								P	P	P	P	P			
	Electric, Heating, Air Conditioning, Ventilating, Plumbing Sales, Service and Contractor's Office Without Outdoor Storage								P	P	P	P	P	P		
	Engineering, Architect, or Surveyor's Office								P	P	P	P	P	P		
	Financial Institution								P	P	P	P	P			
	Industrial Design Service								P	P	P	P	P	P		
	Insurance Agency								P	P	P	P	P			
	Legal Service								P	P	P	P	P			

		AG	RESIDENTIAL						COMMERCIAL					IND		Standards
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
	Motion Picture and Sound Recording Studio, Photography, Television, Radio and Film Studio								P	P	P	P	P	P		
	Scientific Research & Development Service								P	P	P	S	P	P		
	Stock or Security Brokerage Firm								P	P	P	P	P			
	Telemarketing, Call Centers								P	P	P	P	P	P		
	Bank Teller Machine outdoor (Principal or Accessory Use)							P	P	P	P	P	P	P	P	
Outdoor Recreation	Amusement Park	P											P	P	P	
	Baseball Hitting Range, Golf Driving Range											P	P			
	Country Club	P	P	P	P	P	P	P				P	P			
	Equestrian Boarding Riding Arena, Commercial	P	P													
	Miniature Golf Course										P	P	P			
	Motion Picture Theater, drive-in	S											S	P		
	Racetrack and Spectator Sports, including racing test track													P	P	
	Recreational Instruction and Camps, Indoor or Outdoor	P							P	P	P	P	P	P	P	
Hotel, Motel, Inn	All overnight accommodations except as listed below								P	P	P	P	P			
	Bed and Breakfast Inn	PS	PS	SS	SS	SS	SS	SS	PS	PS	PS	PS	PS			8.3.5.C
	Campground	PS														8.3.5.D
Parking, Commercial	Parking lot or deck, principal use						PS	PS	PS	PS	P	P	P	P		8.3.5.E
Restaurants (see 8.2.6.F)	All restaurants except as listed below								P	P	P	P	P			
	Banquet Home	SS	SS	SS	SS	SS										8.3.5.N
	Private Club										SS		SS			8.3.5.F
	Food Truck						PS	PS	PS	PS	PS	PS	PS	PS	PS	8.3.5.Q
	Bar, Tavern										PS		PS			8.3.5.T
	Restaurant, carryout, delivery, no seating									P	P	P	P			
	Restaurant, drive-thru or drive-in											P	P			
Alcoholic Beverage Production (see 8.2.6.J)	Brewpubs/Brewery-Micro										PS	PS	PS	PS	PS	8.3.5.O
	Brewery- Large													P	P	
	Winery/Cidery													P	P	8.3.5.O

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
	Winery/Cidery-Micro										PS	PS	PS	PS	PS	8.3.5.O
	Distillery													P	P	
Retail Sales and Services	All retail sales and service except as listed below									P	P	P	P			
	ABC Store											P	P			
	Animal Clinic/Hospital/Kennel	PS									PS	PS	PS	PS	PS	8.3.4.B
	Animal Grooming Establishment - no overnight boarding									P	P	P	P	P		
	Animal Obedience School	SS											PS	PS	PS	8.3.4.B
	Animal and/or Feed Supply Store	P										PS	PS			8.3.5.J
	Appliance Sales, Rental and Repair										P	P	P	P		
	Auction Sales Establishment												P			
	Blueprinting and Drafting Service								P	P	P	P	P			
	Building Material Supply no outdoor storage											P	P	P		
	Building Material Supply with outdoor storage												PS	P	P	8.3.5.G
	Cemetery Monument Dealer												P	P		
	Check Cashing Establishment												P			
	Cleaning and Maintenance Service									P	P	P	P	P		
	Convenience Store									PS	SS	PS	PS			8.3.5.H
	Delivery/Courier Service, local (no commercial vehicles)									P	P	P	P	P		
	Dry Cleaning Drop Off/Pick Up									P	P	P	P	P		
	Electronics Sales and Repair										P	P	P	P		
	Event Center										PS	PS	PS			8.3.5.R
	Farmer's Market/Produce Stand	P								PS	PS	PS	PS			8.3.5.I
	Flea Market	P											PS	PS	PS	8.3.5.I
	Floor Covering Store										P	P	P			
	Grocery/Food Store									P	P	P	P			
	Fortuneteller, Divination, Palmistry												S			
	Funeral Home								P	P		P	P	P		
	Internet/Electronic Gaming									PS		PS	PS			8.3.5.L
	Laundromat (self service)									P	S	P	P			
	Lawn and Garden Supply, Nursery with Outdoor Storage	P											PS	PS		8.3.5.J

[illegible]

		AG	RESIDENTIAL						COMMERCIAL					IND		Standards
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
Light Industrial Service	Truck/Construction Equipment Rental													P	P	
	Flex/Office Space												P	P	S	
	All light industrial service, except as listed below													P		
	Cabinet and Woodwork Shop											P	P	P	P	
	Equipment Supply House, commercial												P	P	P	
	Food Catering Facility									P	P	P	P	P		
	LP Gas & Heating Oil Dealer												P	P	P	
	Machine Shop												P	P	P	
	Musical Instrument Manufacturing												P	P	P	
	Pest Control Service											P	P	P		
	Portable Toilet Service														P	
	Small Engine Repair												P	P	P	
	Tire Recap and Repair Facility														P	
	Upholstery Shop												P	P	P	
Warehouse and Freight Movement	Moving and Storage Facility													P	P	
	Rail Transportation and Support Facilities													P		
	Product Distribution Center, Warehousing and Storage, (Non-farm related products) less than 75,000 square feet in floor area													PS		8.3.7.F
	Product Distribution Center, Warehousing and Storage, (Non-farm related products) greater than 75,000 square feet in floor area													SS		8.3.7.F
	Truck Terminal and Support Facilities														SS	8.3.7.G
	Hazardous Waste Facility														PS	8.3.7.B
	Recycling Processing Facility														P	
Waste Related Service	Sanitary Landfill														PS	8.3.6.B
	Land Clearing, Inert Debris Landfill	PS												PS	PS	8.3.7.C
	Septic Tank Cleaning Service and Vehicle Storage Facility													P	P	
	Solid Waste Management Facility												P	P	P	

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
	Junkyard/Salvage Yard														SS	8.3.7.C
Heavy Industrial	All heavy industrial, except as listed below														P	
	Abrasive Products Manufacturing														P	
	Cement, Concrete, Clary, Brick and Stone Product Manufacturing														P	
	Chemical Manufacturing														P	
	Coal, Ore Supply with outdoor storage														S	
	Dry Cleaning/Laundry Plant												P	P	P	
	Food Manufacturing with Animal Slaughtering and Processing														S	
	Tobacco Manufacturing														P	
	Metal Plating														P	
	All other manufacturing, except as listed														P	

**SECTION 7:** That Article 8, Use Regulations, Section 8.2 Use Categories, Section 8.2.5.B Public and Civic Use Categories, Section B, Day Care, be amended to the following:

### B. Day Care

<b>Characteristics:</b> Uses providing care, protection, and supervision for more than six children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.		
Principal Uses	Accessory Uses	Uses Not Included
Adult day-care program Child care center, nursery school, preschool Intermediate childcare Latch-key program	Associated office Food preparation and dining facility Health, arts and crafts, and therapy area Indoor or outdoor recreation facility Off-street parking	Counseling in an office setting (see Office) In-home day care for fewer than six persons (see Household Living: Accessory Use) On-site day care facility operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (see appropriate category under Accessory Use)

**SECTION 8:** That Article 8, Use Regulations, Section 8.2 Use Categories, Section 8.2.7.B Industrial Use Categories, Section D, Heavy Industrial, be amended to the following:



<b>Characteristics:</b> Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited		
Principal Uses	Accessory Uses	Uses Not Included
Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause Animal processing, packing, treating, and storage, livestock or poultry slaughtering, citrus concentrate plant, processing of food and related products, production of chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, sawmill Borrow pit Bulk storage of flammable liquids Commercial feed lot Concrete batching and asphalt processing and manufacture Earth moving and heavy construction equipment Landfill, hazardous solid waste Mining (see Resource Extraction) Primary Metal Processing & Manufacturing Tobacco Manufacturing Truck, Heavy Duty; RV & Self-propelled Heavy Construction Equipment, sales, service and rental Woodworking, including cabinet and furniture manufacturing All other manufacturing except as listed	Ancillary office Associated office Cafeteria Off-street parking Product repair Repackaging of goods Warehouse, storage Residential unit for security purposes (single unit) Day Care facility if part of a service offered by an employer	Animal waste processing (see Waste-Related Service) Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service) Store selling, leasing, or renting consumer, home, and business goods (see Retail Sales and Service)

**SECTION 9:** That Article 8, Use Regulations, Section 8.3, Supplemental Regulations for Certain Uses, 8.3.3.C.10, be amended to the following:

### **10. ELIGIBILITY**

Accessory dwelling units shall only be allowed on parcels that contain a single-family detached dwelling unit that is allowed as a principal permitted use.

**SECTION 10:** That Article 8, Use Regulations, Section 8.3, Supplemental Regulations for Certain Uses, 8.3.4.A be amended to the following:

### **A. Day Care Center**

#### **1. APPLICABILITY**

The provisions of this Section apply to any:

- A.** Child Care Center.
- B.** Adult Day Care Center
- C.** Family Day Care Homes. Day care homes are also Home Occupations (see 8.5)

## **2. PERMIT APPLICATION**

The following shall be submitted with the application for a Zoning Clearance Permit or Certificate of Compliance:

- A.** Evidence that the N.C. Department of Transportation has issued driveway permits for the facility (may submit copies).
- B.** Such centers shall be enclosed with a fence, with a minimum height of four (4) feet (excluding adult day care centers).
- C.** The following shall be submitted upon receipt from the N.C. State Licensing Board:
- D.** A copy of the N.C. State letter of approval for religious childcare facilities, or
- E.** A copy of the N.C. State temporary license (issued for the first six months of operation) and permanent license issued to all childcare facilities, excluding religious childcare facilities.
- F.** A copy of the N.C. Department of Health and Human Services Adult Day Care Certification

A letter from the applicant indicating the number of residents that will be cared for and how many staff will be employed.

## **3. ACCESS AND LOADING/UNLOADING**

- A.** This provision of this § 8.3.4.A.3 shall not apply to Family Day Care Homes.
- B.** Adequate access to and from the site, as well as adequate off-street space must be provided for the pickup and discharge of children. Standards for access and off-street parking/loading are set forth in Section 10.3.
- C.** The use shall front a street classified as a collector or a thoroughfare if the facility will have 10 or more persons under their care in a day.

**SECTION 11:** That Article 8, Use Regulations, Section 8.3, Supplemental Regulations for Certain Uses, Section 8.3.6 Outdoor Storage and Storage Facilities, Section 8.3.6.C.2 Materials be amended to the following:

## **2. MATERIALS**

Enclosures shall be constructed of durable, weather-proof, permanent materials such as concrete or stone block, metal, or similar material. The applicant shall ensure that the choice of materials and color are consistent and compatible with those of the principal building(s) on the site.

**SECTION 12:** That Article 8, Use Regulations, Section 8.3, Supplemental Regulations for Certain Uses, 8.3.7 Industrial Uses, Section 8.3.7.A, Catering, be deleted in its entirety and the subsequent sections be renumbered.

**SECTION 13:** That Article 8, Use Regulations, Section 8.5, Home Occupations, Section 8.5.2.R be amended to the following:

- R. Catering (see 8.5.8 for catering as a home occupation standards) (includes home-cooking and preservation of foods for the purpose of selling the products for off-premise consumption)

**SECTION 14:** That Article 8, Use Regulations, Section 8.5, Home Occupations, Section 8.5.1, List of Home Occupations be amended to the following:

#### **8.5.1 LIST OF HOME OCCUPATIONS**

The following list specifies those occupations that may be conducted at home. The home occupations permitted herein are allowed in a residential setting because they do not compromise the residential character of an area, do not generate conspicuous traffic, do not visually call unusual attention to the home, and do not generate noise of a nonresidential level.

- A. Accounting, bookkeeping
- B. Appraisal
- C. Legal services
- D. Real estate sales
- E. Insurance sales
- F. Childcare / Family Daycare Home (see)
- G. Drafting services
- H. Tailoring (dressmaking, alterations, etc.) services
- I. Engineering, architecture and landscape architecture
- J. Financial planning & investment services
- K. Fine arts studio (creation of individual works only, no mass production)
- L. Interior decoration (no studio permitted)
- M. Lawn Care Services
- N. Mail order business (order taking only, no stock in trade)
- O. Musical instruction, voice or instrument
- P. Tutoring
- Q. Office work
- R. Catering (see 8.5.8 for catering as a home occupation standards) (includes home-cooking and preservation of foods for the purpose of selling the products for off-premise consumption)
- S. Hair or Nail Salon
- T. Similar, low impact endeavor as determined by the Administrator

**SECTION 15:** That Article 8, Use Regulations, Section 8.5, Home Occupations, Section 8.5.4, Home Occupations Not Permitted be amended to the following:

#### **8.5.4 HOME OCCUPATIONS NOT PERMITTED**

The following Uses shall not be permitted as home occupations in Residential Zoning Districts: medical/dental office, motor vehicle repair or similar uses, temporary or permanent motor vehicle display for purposes of sale or lease, restoration or conversion, engine repair, furniture refinishing, gymnastic facilities, studios or outdoor recreation activities, medical/cosmetic facilities for animals including animal care or boarding facilities, machine shop/metal working, firearm or firearm part production or assembly, retail sales, commercial food preparation (excluding catering pursuant to 8.5.8), contractors shops, mortuaries, medical procedures, body piercing and/or painting, tattoos,

or any type of physical or psychotherapy, or any other use not allowed in accordance with § 8.1.8.

**SECTION 16:** That Article 8, Use Regulations, Section 8.5 Home Occupations, be amended to add Section 8.5.8 Catering as a Home Occupation, to read as follows:

### **8.5.8 CATERING AS A HOME OCCUPATION**

#### **1. APPLICABILITY**

- A. The provisions of this Section shall only apply to any catering operation as a Home Occupation (See 8.5).

#### **2. MAXIMUM AREA.**

- A. Area set aside for catering as a home occupation shall occupy no more than twenty-five percent (25%) of the gross floor area of the dwelling unit.

#### **3. OUTDOOR STORAGE**

- A. No outdoor storage or display of items associated with catering as a home occupation is permitted.

#### **4. OPERATION.**

- A. Catering as a home occupation shall be conducted entirely within a dwelling unit exclusive of a garage or carport. It shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes and shall not change the outward appearance of the residence. Catering as a home occupation is not permitted in a detached garage or in any other accessory structure.

- B. All food items created as part of a catering home occupation shall be served and consumed at locations other than the home.

- C. In accordance with § 8.5, no more than one (1) non-resident shall be employed on site. All other persons who are not occupants of the dwelling may be employed in connection with the home occupation provided they:

- do not work at or on the site of the dwelling;
- do not report to work at or near the dwelling;
- do not go by the dwelling to pick up orders, supplies or other items related to the catering home occupation;
- do not report to the dwelling for pay;
- do not associate with the dwelling in a manner which could be interpreted as part of a normal employer/employee relationship.

- D. Catering home occupation activities shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the district in which it is located

- E. Only one vehicle owned by the operator of the home occupation and used in coordination with the business may be stored on site. This does not preclude occasional deliveries by parcel post or similarly sized vehicles consistent with normal use of the property for residential purposes that do not impede the safe flow of traffic.

#### **5. COMPLIANCE WITH OTHER REGULATIONS.**

- A. All catering home occupations shall comply with all applicable Federal, State and local regulations.
- B. Documentation of approval from Cabarrus Health Alliance or the applicable health agency shall be provided prior to issuance of a home occupation permit for catering.

**SECTION 17:** That Article 8, Use Regulations, Table 8.6-1 Home Occupation Performance Standards by Zoning District Home Occupations, be amended as follows:

PERFORMANCE STANDARDS	AG	All other districts
The use shall be clearly incidental and secondary to residential occupancy.	x	x
The use shall be conducted entirely within the interior of the residence.		x
The use shall not change the residential character of the dwelling.	x	x
The use shall conform with applicable state and local statutes, ordinances and regulations and is reviewed by Administrator.	x	x
A full-time resident operator shall be employed.	x	x
Obtain permits before operating home occupation, except those exempted under § 5.12.7.	x	x
No more than one (1) non-resident employee shall be permitted.		x
Not more than 6 clients/day (limit 1 visit per day per each client) are permitted to visit home occupation. Hours for visits shall be between the 8:00 AM and 8:00 PM. Maximum of 2 client vehicles permitted at the same time (excluding music, art, craft, or similar lessons and childcare).	x	x
Not more than 25% of the gross floor area of the principal dwelling structure shall be utilized for the home occupation	x	x
Music, <sup>1</sup> art, craft or similar lessons: (12 or fewer clients per day )	x	x
Childcare (maximum number of children shall be in accordance with N.C.G.S 110-86(3)b and 110-91(7)b. ) Also see 8.3.4.A.2.	x	x
Hair or nail salon (maximum 1 chair and salon license from the North Carolina Board of Cosmetic Art Examiners required prior to issuance of home occupation permit).	x	x
Demonstrate that public facilities and utilities are adequate to safely accommodate equipment used for home occupation	x	x

<sup>1</sup> provided all electronically amplified sound is not audible from adjacent properties or public streets.

PERFORMANCE STANDARDS	AG	All other districts
Storage of goods and materials shall be inside and shall not include flammable, combustible or explosive materials	x	x
Parking shall be provided only in driveway and shall not create hazards or street congestion	x	x

Outside storage of heavy equipment or material shall be prohibited.		x
No more than three (3) commercial vehicles are to be stored on site, provided, the vehicles are owned/operated by the residents. No commercial vehicles may be stored on site on a regular basis which are not owned by persons residing on the premises.		x
Mechanized equipment shall be used only in a completely enclosed building		x
No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be that is perceptible beyond the property line.	x	x
Deliveries and pickups shall be those normally associated with residential services and shall <ul style="list-style-type: none"> <li>a. not block traffic circulation</li> <li>b. occur only between 8:00 a.m. and 8:00 p.m. Monday-Saturday</li> </ul>	x	x
Accessory Buildings shall not be used for home occupation purposes.		x
Signage shall comply with the following: <ul style="list-style-type: none"> <li>a. Limited to one sign of four (4) square feet in area.</li> <li>b. Must be mounted flush against the wall of principal dwelling unit</li> <li>c. Shall not be illuminated.</li> </ul>	x	x

**SECTION 18:** That Article 9, Special Purpose and Overlay Districts, Section 9.14 Neighborhood Infill Residential District be deleted in its entirety, and rewritten in Section 9.5 as follows:

## **9.5 NEIGHBORHOOD INFILL RESIDENTIAL (NRD) DISTRICT.**

### **9.5.1 Intent.**

This district is intended to allow for the efficient development and redevelopment of housing in underutilized areas. Neighborhood infill standards provide the opportunity for property owners to achieve more efficient urban-type development that can be achieved through conventional suburban development. These standards provide for a range of different infill housing types that may be deemed appropriate in particular geographic areas on a case-by-case basis.

### **9.5.2 Purposes.**

This ordinance is adopted for the following purposes:

- A. To guide the future growth and development consistently with the comprehensive plan;

- B. To guide site analysis to plan appropriate areas for development of higher density residential development;
- C. To provide for compatible development of housing on underutilized properties by allowing for additional review of individual projects on a case-by-case basis;
- D. To ensure availability of adequate infrastructure for development on smaller parcels;
- E. To ensure that adequate on-street and/or off-street parking and safe vehicular movement is provided;
- F. To provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups;
- G. To provide buffering adjacent to lower density residential uses; and
- H. To meet demand for varied housing types in an urban setting.

### **9.5.3 Applicability and Compliance.**

The NRD district may be applied only to land designated as Urban Neighborhood by the 2030 Land Use Plan. The NRD district is a site plan-controlled district that requires Planning and Zoning Commission review and approval.

### **9.5.4 Definitions**

- A. Cottage Home:** A site-built single-family detached dwelling not exceeding 1,500 square feet of heated floor area, meets applicable requirements of the North Carolina State Building and Housing Codes, and is placed on a permanent foundation.
- B. Cottage Home Development:** A neighborhood consisting of cottage homes, either on individually platted lots or on one parcel, sharing driveways, common areas, site improvements and amenities.
- C. Tiny Home:** A site-built single-family detached dwelling not exceeding 600 square feet of heated floor area, meets applicable requirements of the North Carolina State Building and Housing Codes, and is placed on a permanent foundation. A tiny home that is located on the same lot as a principal dwelling unit is an accessory dwelling unit.
- D. Tiny Home Development:** A neighborhood consisting of tiny homes, either on individually platted lots or on one parcel, sharing driveways, common areas, site improvements and amenities.

### **9.5.5 Application Procedure and Approval Process**

NRD developments shall be processed as a conditional district zoning amendment (with a site plan required) and shall follow the procedures established in Section 3.2.

#### **9.5.5.1 Development Types**

Following are specific development standards applicable to different types of development that are deemed appropriate as infill projects.

##### **A. Tiny Homes**

1. Tiny home developments are permissible subject to the following dimensional requirements. A tiny home that is located on the same lot as a principal dwelling is an accessory dwelling unit (See Section 8.3.3.C). A tiny home

on wheels is considered a recreational vehicle and is permissible only as a temporary dwelling in accordance with other applicable sections of this ordinance.

Feature	Minimum Requirement
Maximum Density	18 units per acre
Minimum Street Frontage (overall parcel)	50 feet on a public street
Minimum Lot Size (overall parcel)	10,000 sf
Maximum Lot Size (overall parcel)	2 acres
Minimum number of dwellings	4
Maximum number of dwellings	18
Maximum lot size (if subdivided)	4,000 sf
Minimum lot size (if subdivided)	None
Maximum floor area	600 sf
Minimum lot width (if subdivided)	None
Minimum setback from public street	10 feet
Minimum front setback	5 feet <sup>1</sup>
Minimum side setback	5 feet <sup>2</sup>
Maximum building height	2 stories
Minimum open space	30 percent of overall tract
Perimeter buffer	8' type A (see Section 11.4.2. Must be within common space and cannot lie within an individual platted lot

1. Minimum distance from front lot line, or from common area/vehicular access if individual units are not subdivided.

2. Ten (10) feet is required between units if the individual units are not subdivided.

2. Tiny homes may be developed either on individually platted lots or within one overall parcel.

3. Each development shall provide common elements and site improvements for the benefit of each dwelling unit. These elements shall include a central green or common area and a pedestrian network that connects to public sidewalk.

4. Parking shall be provided at a rate of 2 spaces per unit and may be provided within an individual driveway and/or within a common parking area. To the greatest extent possible, parking shall be located either on the side or rear of the homes, or under the home, if elevated.

5. Low Impact Development (LID) measures for stormwater treatment are encouraged.

6. Sixty percent (60%) of all individual lots or dwellings shall front the common open space. Common open space shall be provided at a rate of 350 square feet of area for each dwelling.

7. Common areas may include an amenity structure.

8. Each development shall be served by a privately maintained shared drive at least 20 feet in width. including proper access easements for the benefit of all dwellings.



9. Developments shall be designed in order to adequately accommodate solid waste collection at the public street.
10. Tiny home developments proposing individually platted lots shall follow the subdivision process detailed in Article 5.

### **B. Cottage Homes**

1. Cottage home developments are permissible only subject to the following dimensional requirements.

Feature	Minimum Requirement
Maximum Density	18 units per acre
Minimum Street Frontage (overall parcel)	50 feet on a public street
Minimum Lot Size (overall parcel)	15,000 sf
Maximum Lot Size (overall parcel)	2 acres
Minimum number of dwellings	4
Maximum number of dwellings	18
Maximum lot size (if subdivided)	5,000 sf
Minimum lot size (if subdivided)	None
Maximum floor area	1,500 sf
Minimum lot width (if subdivided)	20 feet
Minimum setback from public street	10 feet
Minimum front setback	5 feet <sup>1</sup>
Minimum side setback	5 feet <sup>2</sup>
Maximum building height	2 stories
Minimum open space	30 percent of overall tract
Perimeter buffer	8' type A (see Section 11.4.2. Must be within common space and cannot lie within an individual platted lot

1. Minimum distance from front lot line, or from common area/vehicular access if individual units are not subdivided.
  2. Ten (10) feet is required between units if the individual units are not subdivided.
2. Cottage homes may be developed either on individually platted lots or within one overall parcel.
3. Each development shall provide common elements and site improvements for the benefit of each dwelling unit. These elements shall include a central green or common area and a pedestrian network that connects to public sidewalk.
4. Parking shall be provided at a rate of 2 spaces per unit and may be provided within an individual driveway and/or within a common parking area. To the greatest extent possible, parking shall be located either on the side or rear of the homes, or under the home if elevated.
5. Low Impact Development (LID) measures for stormwater treatment are encouraged.
6. Sixty percent (60%) of all individual lots or dwellings shall front the common open space. Common open space shall be provided at a rate of 350 square feet of area for each dwelling.

7. Common areas may include an amenity structure.
8. Each development shall be served by a privately maintained shared drive at least 20 feet in width, including proper access easements for the benefit of all dwellings.
9. Developments shall be designed in order to adequately accommodate solid waste collection at the public street.
10. Cottage home developments proposing individually platted lots shall follow the subdivision process detailed in Article 5.

**SECTION 19:** That Article 10, Development and Design Standards, Section 10.3.2, Required Amount of Off-Street Parking, be amended to add 10.3.2.G to add a section titled Accessible Parking Spaces to read as follows:

**G. Accessible Parking Spaces**

The minimum number of accessible parking spaces required for a development shall count toward meeting the minimum vehicular parking requirement.

**SECTION 20:** That Article 10, Development and Design Standards, Section 10.5.7, Location, be amended to add a section titled Open Space in Residential Development to read as follows:

**E. Open Space in Residential Development**

Common open space shall not be divided into private lots.

**SECTION 21:** That Article 12, Sign Standards, Section 12.2.1 Applicability, Section 12.2.1.K, Location, be amended as follows:

**12.2.1. APPLICABILITY.**

The following signs are expressly prohibited within the City of Concord and its extraterritorial jurisdiction:

- K.** Signs placed within or extending into the right-of-way of city and state maintained streets and roads, except those signs erected by a duly constituted government body or which are expressly permitted to be placed within a right-of-way by this Ordinance, the North Carolina General Statutes, or an encroachment agreement issued by the maintaining authority.

**SECTION 22:** That Article 12, Sign Standards, Section 12.1.15 Sign Permitting and Registration, Section 12.1.5.B, Signage Plan Required, be amended as follows:

**B. Signage Plan Required**

For any lot on which the owner proposes to erect one or more signs requiring a permit or for a combined development or other multi-tenant development, a signage plan shall be required, which includes the following information:

1. An accurate Plot Plan of the lot or parcel, at such scale as the Administrator may reasonably require;
2. Location of buildings, parking lots, driveways, and landscaped areas on such lot or parcel;
3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of signs of each type allowed on the lot(s) or parcel(s) included in the plan under this Ordinance; and

4. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not.

**SECTION 23:** That Article 12, Sign Standards, Section 12.4, Permanent Signs, Section 12.4.4 Freestanding Ground Signs, Section 12.4.4.G., Illumination be amended as follows:

#### **12.4.4. FREESTANDING GROUND SIGNS**

**G. Illumination**

Freestanding signs may be illuminated either internally or externally with the exception of freestanding signs within zoning districts where single family residences are a use that is permitted by right, in which case only external illumination of freestanding signs is permitted.

**SECTION 24:** That Article 14, Definitions, be amended to include definitions for School, Business and School, Trade to read as follows:

**SCHOOL, BUSINESS** - A school, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty. Includes technical and cosmetology schools. (See NAICS 611).

**SCHOOL, TRADE**- An establishment in which is offered, for compensation, instruction in a trade or craft, including but not limited to, carpentry, masonry, metal working, plumbing, machinery repair and operation, welding, fabrication and the like

**SECTION 25:** That this Ordinance be effective immediately upon adoption.

Adopted on this 14<sup>th</sup> of November 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

#### **Presentations of Petitions and Requests:**

##### **1. Consider naming a street in the Brown Operations Center to Public Works Way SW.**

An existing unnamed drive connecting Warren C. Coleman Blvd S to Alfred Brown Jr Ct SW is now serving the Traffic Management Center and the Fleet Services Facility that is currently under construction.

In accordance with the Addressing Ordinance, the naming of the drive and subsequent posting of street name signs will necessitate new addresses being assigned to the Traffic Management

Center (currently 880 Warren C. Coleman Blvd S) and Fleet Services Facility (currently 605 Alfred Brown Jr Ct SW). These will change to Public Works Way SW addresses.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to approve the naming of this street to Public Works Way SW—the vote: all aye.

**2. Consider adopting a resolution authorizing an eminent domain action for a parcel located at 3625 Rock Hill Church Road.**

This property is currently owned by all heirs, known and unknown, of Helen C. Allison (DOD March 25, 1993). Acquisition of this property is necessary for the reconstruction of a 100kv electric transmission line. The permanent utility easement is appraised at a value of \$9,875.

A motion was made by Council Member Sweat and seconded by Council Member Crawford to adopt the following resolution authorizing an eminent domain action for a permanent utility easement located at 3625 Rock Hill Church Road—the vote: all aye.

**RESOLUTION AUTHORIZING NEGOTIATED PURCHASE  
OR EMINENT DOMAIN TO ACQUIRE PROPERTY**

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire the following property interests owned by all heirs known and unknown of Helen C. Allison as identified and defined below.

Permanent Utility Easement Description

Beginning at an iron found whose NC Grid Coordinates are Northing 607922.24 and Easting 1511731.83 in the Right of Way Rock Hill Church Rd, now or formerly Helen C. Allison, as described in Deed Book 514 Page 77 in the Cabarrus County Register of Deeds, thence S. 23° 56' 15" W for a distance of 30.00 feet to a computed point. Thence N. 66° 48' 20" W for a distance of 99.99 feet to a computed point. Thence N. 22° 52 '59" E. for a distance of 30.00 feet to a computed point. Thence from said iron S. 66° 48' 20" E for a distance of 100.02 feet to a computed point, the point of beginning containing 0.068 Acres, more or less as shown on map titled, "Right of Way Survey for the Benefit of the City of Concord, Property of Helen C. Allison," by Lawrence Associates dated November 22, 2023, Revised September 10, 2024, and is shown on Exhibit A for further description.

WHEREAS, the permanent utility easement is a portion of PIN 5610-17-6858 and is owned by all heirs known and unknown of Helen C. Allison and is being acquired for the purpose of the construction of a 100 kV electrical utility line proceeding along Rock Hill Church Road.

WHEREAS, representatives of the City of Concord are in negotiation with the above-stated owners to acquire the above-described properties by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONCORD, THAT:

The City of Concord will acquire by condemnation or negotiated conveyances for the purposes stated above the property and interests therein described above to the Resolution.

The City Attorney is authorized and directed to acquire by negotiated offer or, in the alternative, institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes, to acquire the properties described above.

Adopted this 14th day of November 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

**3. Consider approving the 2025 funding request from WeBuild Concord.**

WeBuild Concord's FY 25 request is for \$1.8 million of construction funds. The funds will be directly spent on the 114 Kerr Street Church, Corban Ave 55+, and 266 Malvern Ave projects. The funding will also help offset costs for the Wilson Street, Ramseur Home, and potential 240 Pitts Road Church projects. These funds will be used to supplement or offset projects totaling well over \$9 million in their current stages and will exceed this amount if WeBuild moves forward with the larger project at 240 Pitts Road.

A motion was made by Council Member McKenzie and seconded by Council Member Stocks to approve the 2025 funding request from WeBuild Concord in the amount of \$1.8 million—the vote: all aye.

**4. Consider authorizing the City Manager to negotiate and execute Amendment 3-Work Authorization 2204 with Talbert, Bright and Ellington, Inc. (TBE) for North Apron Access Road.**

TBE will provide engineering, design services for a sanitary sewer lift station to be included in the North Apron Access Road project at Concord-Padgett Regional Airport. The sanitary sewer lift station is required by the City after utility design review. The cost for the Amendment 3 is \$43,958. To date, the cost of services for engineering is \$448,559 including original contract and Amendment 1 and 2. The project is being funded through a special appropriation with the General Assembly with a \$5 million grant.

A motion was made by Council Member Langford and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute Amendment 3 with TBE for the designing the lift station as part of the North Apron Access Road—the vote: all aye.

**5. Consider awarding material bids to Substation Enterprises, Virginia Transformer Corporation, Siemens Industry, Inc, and Avail Switchgear systems in the amount of \$4,334,604 for Substation N on Vinehaven Drive.**

Substation N is located at 1050 Vinehaven Dr. It will be a 100kV delivery point as well as a 13kV retail substation. Sub N is being built to increase capacity in the Copperfield area as growth continues.

A formal bid was held on October 22, 2024 for materials at Substation N. For schedule I, Substation Enterprises submitted a bid for the steel structure totaling \$374,324. For schedule II,

Virginia Transformer Corporation submitted a bid for two power transformers totaling \$3,026,600. For schedule V, Siemens Industry, Inc. submitted a bid for two 15kV circuit breakers totaling \$63,680. For schedule VI, Avail Switchgear Systems submitted a bid for the metal clad switchgear totaling \$870,000.

Schedule III only received one bid which didn't meet the minimum specifications. Schedule IV did not receive any bids.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to award material bids to Substation Enterprises, Virginia Transformer Corporation, Siemens Industry, Inc. and Avail Switchgear systems in the amount of \$4,334,604 for Substation N on Vinehaven Drive—the vote: all aye.

**6. Consider purchasing two 115kV Circuit Switchers for Substation N from Wesco Distribution using Sourcewell contract for competitive bid pricing.**

Substation N will require two 115kV circuit switchers to enable transformer protection at the City of Concord's delivery point from Duke Energy. These 115kV circuit switchers are available for purchase from Wesco Distribution using their Sourcewell contract for efficient and competitive procurement and are quoted at \$250,384.28. The circuit switchers bid by Wesco are manufactured by S&C Electric Company and meet the required specifications for this site. The City has numerous S&C circuit switchers on the system and is satisfied with the performance of this equipment.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to purchase two 115kV Circuit Switchers from Wesco Distribution using Sourcewell contract bid for \$250,384.28—the vote: all aye.

**7. Consider approval to move forward with the conveyance based on the preliminary plat of 25.127 acres of the Red Hill Development open space located off Troxler Circle and Lucky Drive. Authorize the City Manager to negotiate and execute the Memorandum of Understanding (MOU) between the City of Concord and Niblock Homes and move forward with the finalized plat.**

The 25.127 acre property under consideration for conveyance includes two developed trailhead parking lots with a total of 21 parking spaces, 0.75 miles of natural surface trail, and a bridge crossing an intermittent tributary. The area near the larger parking lot has a cut curb to accommodate bus unloading and loading for visits to the historic area.

The Memorandum of Understanding (MOU) establishes an agreement between Niblock Homes and the City of Concord to build a replica of the Red Hill Tavern as a Community Room, which will include two restroom facilities. This building will then be transferred to the City for Parks and Recreation to manage, providing a new amenity for the citizens of Concord. The 0.75 miles of natural surface trail is identified in our Open Space Connectivity Plan as part of the Irish Buffalo Creek Greenway Corridor. The future restrooms would serve as a convenience for trail users along this corridor. The community room would offer reservable space for citizens to use for meetings and birthday parties. The City of Concord would incur operational impacts associated with the conveyance of the building and greenway. There would be a one-time cost of \$61,575 and an additional \$9,750 in recurring annual costs.

This greenway corridor is a future connection that will link Kannapolis to Gibson Mill and Downtown Concord. It is also designated as a priority corridor for the Carolina Thread Trail.

Once the City receives the finalized plat lines and the deed is transferred, we will seek Council approval for acceptance.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to accept the preliminary conveyance of the 25.127 acres and authorize the City Manager to execute the attached MOU—the vote: all aye.

**8. Consider authorizing the City Manager to negotiate and execute a contract with GMV Syncromatics Corporation for a CAD/AVL system, automated passenger counters, and on-board WiFi for Rider Transit.**

Rider Transit released an RFP in August 2024 for a computer aided dispatch/automatic vehicle location system, automated passenger counters, and on-board WiFi. As an upgrade to our current system, GMV's product will provide more modern, enhanced, and user-friendly real-time vehicle location information to both Rider Transit staff and customers. Automated passenger counters will provide precise ridership data on a stop-level basis at 98 percent accuracy. Dedicated on-board WiFi will provide a high-capacity, and more reliable network for customers. Five proposals were received and evaluated by staff. Following evaluation and product demonstrations from finalists, GMV was selected as the most responsive, responsible, and best value to the City.

Total cost of the contract over three years will not exceed \$469,975. Federal grant funding from the Federal Transit Administration has been secured to cover 75% or \$352,494 of the total project cost. The remaining 25% or \$117,482 will be split evenly by the City of Concord and City of Kannapolis resulting in a cost to Concord of \$58,741.

The Concord Kannapolis Area Transit Commission unanimously recommended to approve this contract at its October 2024 meeting.

A motion was made by Council Member Stocks and seconded by Council Member Clay to authorize the City Manager to negotiate and execute a contract with GMV Syncromatics Corporation for a CAD/AVL system, automated passenger counters, and on-board WiFi for Rider Transit—the vote: all aye.

**9. Consider adopting a resolution in support of the NCDOT project to modify the intersection of Bruton Smith Blvd (SR 2894) and Weddington Rd.**

North Carolina Department of Transportation (NCDOT) is proposing to modify the intersection of Bruton Smith Blvd (SR 2894) and Weddington Rd to improve safety and operations. The project is to include re-configuring turning movements on the Weddington Rd approaches, establish a right turn lane in the eastbound direction on Bruton Smith Blvd, and repaving and re-striping of the intersection as well as coordinate new timing patterns to more efficiently move traffic. City of Concord Transportation staff, through agreements with NCDOT, will continue to monitor and refine operations of the mentioned intersection. NCDOT is asking for local municipal support from Concord of this project. NCDOT will fully fund the improvements noted to the intersection.

The City Manager stated following the November 12<sup>th</sup> Work Session discussion, staff's recommendation is to withdraw this item and bring back before Council at a date to be determined to allow staff time to discuss this project further with NCDOT.

**10. Consider authorizing the City Manager to negotiate and execute a construction contract with BRS Inc. for the construction of the 12" Public Sewer Extension Phase 3 and to adopt a capital project ordinance amendment.**

Bids were received on November 1, 2024 for the construction of a 12" Public Sewer Extension located along Coddle Creek Tributary to serve The Grounds at Concord. BRS Inc. was the low bidder with a total bid of \$2,075,932.10.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with BRS Inc. in the amount of \$2,075,932.10 for the construction of the 12" Public Sewer Extension Phase 3 and to adopt the following capital project ordinance amendment—the vote: all aye.

ORD.# 24-120

**CAPITAL PROJECT ORDINANCE AMENDMENT**  
**Grounds Sewer Extension Phase 2 & 3**

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby adopted/amended:

SECTION 1. The projects authorized are the projects included for the Grounds Sewer Extension Phase 2 & 3 project.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the projects within the terms of the plans and specifications for the projects.

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the completion of the projects:

		<u>Revenues</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>

SECTION 4. The following amounts are appropriated for the project:

		<u>Expenses/Expenditures</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8402-5811082	Future Projects	1,238,271	1,823,271	585,000
8402-5801180	Grounds Swr Ext Ph 2&3	3,000,000	3,415,000	415,000
8402-5801181	Grounds Upsizing Lines	1,000,000	0	(1,000,000)
<b>Total</b>				<u><b>0</b></u>

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the project agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.



SECTION 6. Within five (5) days after adoption, copies of this capital projects ordinance shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy and shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 14th day November 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

### **11. Consider adopting changes to the City of Concord's Sewer Allocation Policy.**

The proposed changes include general text cleanup and revisions to better reflect the project prioritization process. It also removes all remaining references to the policy score which is no longer used.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to adopt changes to the City of Concord's Sewer Allocation Policy—the vote: all aye.

### **12. Consider modifying the Economic Development Agreement with Bootsmead LeaseCo. LLC**

The City of Concord is requesting an intermediate reimbursement for work on the 12" Public Sewer Extension that has been completed. The current agreement does not allow for an intermittent disbursement. By modifying the terms of the existing agreement initially approved in May of 2020, the escrow company will be able to disburse funds back to the City for sewer that has been installed. An additional reimbursement will be made at the completion of the final phase of the sewer extension project.

A motion was made by Council Member Langford and seconded by Council Member McKenzie to modify the Economic Development Agreement with Bootsmead LeaseCo—the vote: all aye. LLC.

### **13. Consider a Preliminary Application from Zil McCurty.**

In accordance with City Code Chapter 62, Zil McCurty has submitted a preliminary application for water service at 9750 Dewitt Rd. Concord NC which is located outside of Concord City limits.

The property is currently undeveloped, and the owners would like to construct a single family home. The parcel is zoned LDR, and City sanitary sewer is not available to the parcel.

A motion was made by Council Member Clay and seconded by Council Member Crawford to accept the preliminary application and have the owner proceed to the final application phase excluding annexation—the vote: all aye.

#### **14. Consider a Preliminary Application from Robert Rahilly**

In accordance with City Code Chapter 62, Robert Rahilly has submitted a preliminary application for water service at 5615 Zion Church Rd, Concord, NC 28025 which is located outside of the Concord city limits. The property is currently undeveloped and the owners would like to construct a single family home. The parcel is zoned LDR and City sanitary sewer is not available to the parcel.

A motion was made by Council Member Sweat and seconded by Council Member Crawford to accept the preliminary application and have the owner proceed to the final application phase excluding annexation—the vote: all aye.

#### **15. Consider approving a change to the classification/compensation system to include the following classification: Civilian Traffic Crash Investigator.**

The addition of this new classification will increase the ability to attract and retain employees and provide enhanced expertise for the City of Concord.

A motion was made by Council Member Stocks and seconded by Council Member McKenzie to approve the addition of the Civilian Traffic Crash investigator (Grade 55) with a salary range of \$53,144.64 (minimum) - \$70,416.65 (midpoint) - \$87,688.65 (maximum)—the vote: all aye.

#### **Consent Agenda:**

A motion was made by Council Member Crawford and seconded by Council Member Sweat to approve the following consent agenda items—the vote: all aye.

#### **CONSENT AGENDA ITEM A**

The Fire Department's Division of Emergency Management was authorized to apply for reimbursement funds through the FY2025 FEMA Public Assistance Grant.

#### **CONSENT AGENDA ITEM B**

The City Manager was authorized to execute the 2023 NCEM State & Local Cybersecurity Grant Program (SLCGP) and the following budget ordinance was adopted to appropriate the funds.

ORD.# 24-121

#### **AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE**

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13<sup>th</sup> day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, 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:

<b>Account</b>	<b>Title</b>	<b><u>Revenues</u></b>		<b>(Decrease) Increase</b>
		<b>Current Budget</b>	<b>Amended Budget</b>	
100- 4603000	Grant Proceeds	\$121,171	\$195,713	\$74,542
	<b>Total</b>			<b><u>\$96,171</u></b>

<b>Account</b>	<b>Title</b>	<b><u>Expenses/Expenditures</u></b>		<b>(Decrease) Increase</b>
		<b>Current Budget</b>	<b>Amended Budget</b>	
4160- 5800429	Grant Expenditures	\$96,171	\$170,713	\$74,542
	<b>Total</b>			<b><u>\$74,524</u></b>

Reason: To appropriate the State and Local Cybersecurity Grant Program Fiscal Year 2023 awarded in the amount of \$74,542.

Adopted this 14th day of November, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

### **CONSENT AGENDA ITEM C**

The City Manager was authorized to negotiate and execute a contract with Fast Line Emergency Vehicles for the purchase of two Freightliner M2 apparatus using the North Carolina Sheriffs' Association purchasing contract.

## **CONSENT AGENDA ITEM D**

The City Manager was authorized to pursue potential cost-recovery litigation for insulin price-fixing.

## **CONSENT AGENDA ITEM E**

The following resolution was adopted to authorize the abandonment of a portion of public utility easement across property at 76 and 74 Reed Street (PIN 56219082780000 and 56219083840000).

### **RESOLUTION TO APPROVE THE ABANDONMENT OF WATER EASEMENTS**

WHEREAS, the Board of Light and Water Commissioners acquired a 12-inch water line on or around 1922 located on various parcels of property located between Wilson Street SE, Reed Street SE and Snyder Court SE for the purpose of delivering water to the former White Park Mill and Mill Village Community; and

WHEREAS, the City of Concord has replaced and realigned the waterlines, placing them in the public right of ways of Wilson Street SW, Reed Street SE, and Snyder Court SE; and

WHEREAS, the development potential of some of these properties is inhibited by the portions of the easements that are no longer utilized by the City of Concord; and

WHEREAS, it has been determined that the water easements designated for abandonment are no longer needed by the City of Concord for its use and that the release of said easements would not be contrary to the public interest; and

WHEREAS, the City has deemed these easements as described below and shown in Exhibit A are surplus to the needs of the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONCORD, THAT:

1. The City Council abandons the water easements, as described below:

#### **Description of Water Easements**

##### **Property Identification Number: 5621-90-8384**

Lying and being in Ward No. 2 of the City of Concord, Number Twelve Township of Cabarrus County, North Carolina on the East side of Snyder Court SE and adjoining Lot Numbers 47 and 48 of the White-Park Mill Co. Property, more specifically being labeled as "SOLD LOT" as shown on Map Book 9, at Page 38 & being the same lot identified as Lot Number 30 in Block D, of Mount Vernon Heights as shown on Map Book 1, at Page 42, all recorded in the Cabarrus County Registry and the water easement more specifically defined as being a 12 inch cast iron water line running approximately 64.90 feet in length and proceeding in a northeasterly direction on PIN 5621-90-8384.

##### **Property Identification Number: 5621-90-8278**

Lying and being in Ward No. 2 of the City of Concord, Number Twelve Township of Cabarrus County, North Carolina on the East side of Snyder Court SE and Reed Street

SE and being Lot Number 48 of the White Park Mill Co. Property as shown on Map Book 9, at Page 38 & also being the same lots identified as Lot Numbers 28 and 29 in Block D of Mount Vernon Heights as shown on Map Book 1, at Page 42, all recorded in the Cabarrus County Registry and the water easement more specifically defined as being a 12 inch cast iron water line running approximately 82.50 feet in length and proceeding in a northeasterly direction on PIN 5621-90-8278.

2. The Mayor/City Manager, City Clerk, and Staff are hereby authorized to execute the necessary documents in order to affect the abandonment of the stated water easements.

3. This resolution shall be effective upon passage.

Adopted this 14<sup>th</sup> day of November 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

#### **CONSENT AGENDA ITEM F**

The Housing Department was authorized to enter into an agreement with the Resident Council for the use of Tenant Participation funds.

#### **CONSENT AGENDA ITEM G**

The City manager was authorized to negotiate and execute a task order with current on-call consultant RK&K for Pavement Evaluation Services.

#### **CONSENT AGENDA ITEM H**

The City Manager was authorized to negotiate and execute an agreement with the North Carolina Department of Transportation (NCDOT) for acceptance of a supplemental award of federal Congestion Mitigation and Air Quality (CMAQ) program funds for TIP Project C-5603I, US 601 at Flowes Store Rd/Miami Church Rd.

#### **CONSENT AGENDA ITEM I**

Maintenance agreements were approved and offers of dedication to the following properties were accepted: Buffalo Terrace, LP property located at 307 Concord Parkway N. (PIN) 5610-95-7618.

#### **CONSENT AGENDA ITEM J**

Maintenance agreements were approved and offers of dedication were accepted for the following properties: 4325 Papa Joe Hendrick Blvd. (PINs): 4598-19-8312, 4598-39-0082, 4598-28-6566, 4598-28-0939.

## **CONSENT AGENDA ITEM K**

Offers of dedication on the following plat and easements were accepted: 95625 and 95618 Axial Bonds Tracks 1 and 2, Buffalo Terrace Apartments, Sycamore at Christenbury, Copperfield Blvd, Cannon Run Revision Plat, Corrie's Meadow Ph 1, Tribek-Morris Tract Industrial, 94521 Lilly Concord Subdivision, and 96189 Concord Commerce Park Ph1 Map1.

## **CONSENT AGENDA ITEM L**

The following ordinance was adopted amending the Fees, Rates and Charges Schedule Overflow Lot Parking fee and Corporate Hangar Stacking/Towing fee update for the Aviation Department.

ORD.# 24-122

### **AN ORDINANCE AMENDING FY 2024-25 APPROVED FEES, RATES AND CHARGES SCHEDULE AS ADOPTED IN THE FY 2024-2025 BUDGET ORDINANCE**

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2024, adopt a City budget for the fiscal year beginning July 1st, 2024 and ending on June 30th, 2025, as amended; and

WHEREAS, the City desires to amend the ordinance as it relates to the Schedule of Fees, Rates and Charges;

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 fees, rates and charges are hereby amended as follows:

#### **Aviation - MISCELLANEOUS FEES**

Long-Term Lot Parking \$10.00 per day - Overflow Lot Parking fee \$12.00 per day

#### **Aviation – MONTHLY RATES**

Corporate Hangar Stacking/Towing fee of \$1,000/month

This Ordinance amendment shall be effective upon adoption. Adopted this 14th day of November 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim J. Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

## **CONSENT AGENDA ITEM M**

The following budget ordinance amendment was adopted to appropriate a \$685 donation from Mayor Golf Tournament reserves to Cabarrus Victim's Assistance Network (CVAN).

ORD.# 24-123

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13<sup>th</sup> day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, 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>		Amended Budget	(Decrease) Increase
			Current Budget		
100-4370000	Fund Appropriated	Balance	6,072,945	6,073,630	685
		<b>Total</b>			<b>685</b>

Account	Title	<u>Expenses/Expenditures</u>		Amended Budget	(Decrease) Increase
			Current Budget		
4190-5470043	Golf Tournaments		5,000	5,685	685
		<b>Total</b>			<b>685</b>

Reason: To appropriate Mayor Golf Tournament reserves for a donation to CVAN from collection at the 2024 Golf Tournament.

Adopted this 14th day of November 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

**CONSENT AGENDA ITEM N**

The following ordinances were adopted to amend the FY2024/2025 Budget Ordinance to appropriate insurance reimbursements received.

ORD.# 24-124

**AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE**

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13<sup>th</sup> day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, 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:

<b>Account</b>	<b>Title</b>	<b><u>Revenues</u></b>		<b>(Decrease) Increase</b>
		<b>Current Budget</b>	<b>Amended Budget</b>	
100- 4603200	Insurance Reimbursement	0	184,407	184,407
<b>Total</b>				<b>184,407</b>
<b><u>Expenses/Expenditures</u></b>				
<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
4550- 5362000	Accident Repairs	0	41,292	41,292
4510- 5440000	Maintenance Contracts	136,875	140,400	3,525
4340- 5540000	Vehicles-Capital	6,489,162	6,588,834	99,672
4310- 5540000	Vehicles-Capital	1,176,000	1,215,918	39,918
<b>Total</b>				<b>184,407</b>

Reason: To appropriate insurance reimbursements for the first quarter of FY25.

Adopted this 14th day of November, 2024.

CITY COUNCIL



CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 24-125

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13<sup>th</sup> day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, 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	
610- 4603200	Insurance Reimbursement	0	3,590	3,590
Total				<u>3,590</u>

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
7240- 5244000	Materials	7,634,138	7,637,728	3,590
Total				<u>3,590</u>

Reason: To appropriate insurance reimbursements for the first quarter of FY25.

Adopted this 14th day of November, 2024.

CITY COUNCIL  
CITY OF CONCORD

NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM O**

The following ordinances were adopted to amend the FY 2024/2025 Budget Ordinance for the Electric Fund and the Utility Capital Reserve Fund project budget.

ORD.# 24-126

**AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE**

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13<sup>th</sup> day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, 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>		
		Current Budget	Amended Budget	(Decrease) Increase
610-4406000	Retained Earnings Appr	6,962,815	18,062,815	11,100,000
Total				<u>11,100,000</u>

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
7240-5244000	Materials	7,637,728	9,237,728	1,600,000
7200-5981500	Transfer to Cap Reserve	0	5,000,000	5,000,000
7200-5990002	Approp to Reserve-Stabil	0	4,500,000	4,500,000
Total				<u>11,100,000</u>

Reason: To appropriate FY24 earnings (retained earnings) to cover the replacement of a load tap changer at Sub H, transfer funds to the utility capital reserve fund for future CIP projects and increase the reserve for rate stabilization from \$10,500,000 to \$15,000,000.

Adopted this 14th day of November, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 24-127

**CAPITAL PROJECT ORDINANCE**  
**Utility Project Reserves**

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby ordained:

SECTION 1. The project authorized and amended is utility project reserves.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the project/projects within the terms of the plans and specifications for the projects. The purpose authorized is to accumulate funds for future projects and capital outlay that are listed in the Capital Improvement Plan listing or the City's Operating Budget. Funds will be accumulated until such time the City Council designates the funds for projects. The Electric/Water/Wastewater Funds will serve as the funding source for the Utility Capital Reserve Fund upon City Council approval and withdrawals must be approved by City Council through an ordinance.

SECTION 3. The following revenues/expenditures are anticipated to be available to the City of Concord for the project:

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
282-4501610	Transfer from Electric	\$8,340,897	\$13,340,897	\$5,000,000
8120-5811081	Future Elec Projects	\$9,229,316	\$14,229,316	\$5,000,000

SECTION 4. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 5. Within five (5) days after adopted, copies of this grant project amendment shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 6. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 14th day of November, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM P**

The following ordinance was adopted to amend the Rider Transit ARPA Operating Assistance grant project budget.

ORD.# 24-128

**GRANT PROJECT ORDINANCE**

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby ordained:

SECTION 1. The project authorized is the ARPA Operating Assistance Grant.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation of the project within terms of a grant agreement with the Federal Transit Administration (FTA).

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the project:

Revenues Account	Title	Current Budget	Amended Budget	(Decrease) Increase
630-4357300		25,437,34		
630-4357300	Federal Aid	3	25,771,685	334,342
				<b>334,342</b>

SECTION 4. The following amounts are appropriated to the project:

<b>Exp. Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
7690-5194000		14,120,20		
7690-5194000	Contract Services	6	14,454,548	334,342
				<b>334,342</b>

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 6. Within five (5) days after adopted, copies of this grant project amendment shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 14th day of November 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

### **CONSENT AGENDA ITEM Q**

The following ordinance was adopted to amend the Rider Transit 5339 Bus and Bus Facilities Grant Project Budget.

ORD.# 24-129

### **GRANT PROJECT ORDINANCE**

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby ordained:

SECTION 1. The project authorized is the 5339 Bus and Bus Facilities grant.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation of the project within terms of a grant agreement with the Federal Transit Administration (FTA).

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the project:

Revenues Account	Title	Current Budget	Amended Budget	(Decrease) Increase
630-4357300				
630-4357300	Federal Aid	25,771,685	25,844,040	72,355
630-4337000				
630-4337000	Local Shared Revenue	9,215,058	9,224,102	9,044
630-4501100		8,289,585		
630-4501100	Transfer from General Fund		8,298,630	9,045
				<u>90,444</u>

SECTION 4. The following amounts are appropriated for the project:

Exp. Account	Title	Current Budget	Amended Budget	(Decrease) Increase
7690-5194000				
7690-5194000	Contract Services	14,454,548	14,544,992	90,444
				<u>90,444</u>

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 6. Within five (5) days after adopted, copies of this grant project amendment shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 14th day of November 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM R**

The third quarter water and wastewater extension report for 2024 was received.

**CONSENT AGENDA ITEM S**

The annual report on the City's Identity Theft Program was accepted.

**CONSENT AGENDA ITEM T**

The Tax Office collection reports for the month of September 2024 were accepted.

**CONSENT AGENDA ITEM U**

The Tax releases/refunds for the month of September 2024 were approved.

**CONSENT AGENDA ITEM V**

The monthly report on investments as of September 30, 2024 was received.

\* \* \* \* \*

There being no further business to be discussed, a motion was made by Council Member Crawford and seconded by Council Member Sweat to adjourn—the vote: all aye.

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William C. Dusch, Mayor

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Kim J. Deason, City Clerk