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CONCORD CITY COUNCIL
REGULAR MEETING
JANUARY 10, 2019

A regular meeting of the City Council for the City of Concord, North Carolina, was held on January 10, 2019, at 6:00 p.m., in the Council Room of City Hall, with Mayor William C. Dusch presiding. Council members were present as follows:

Members Present:

Mayor Pro-Tem Samuel M. Leder
Council Member W. Brian King
Council Member Ella Mae P. Small
Council Member JC McKenzie
Council Member Terry L. Crawford
Council Member Jennifer H. Parsley
Council Member John A. Sweat, Jr.

Others Present:

City Manager, Lloyd Wm. Payne, Jr.
City Attorney, Valerie Kolczynski
City Clerk, Kim J. Deason
Public Affairs and Projects Manager, Peter Franzese
Department Directors

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Call to Order, Pledge of Allegiance, and Moment of Silent Prayer

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, seconded by Council Member Small, and duly carried, to approve the minutes for the meetings of December 11, and December 13, 2018—the vote: all aye.

Presentations:

1. Mayor Dusch presented a Proclamation recognizing January 21, 2019 as Martin Luther King, Jr. Day.
2. Mayor Dusch presented a retirement plaque to Mike Mundale for 25 years of loyal and dedicated service with the City of Concord Fire Department.
3. Mayor Dusch presented a retirement plaque to Kerry Ritchie for 29 years of loyal and dedicated service with the City of Concord Fire Department.
4. Mayor Dusch presented a retirement plaque to Deputy Police Chief, Betty Stocks, for over 28 years of service with the City of Concord Police Department.
5. Mayor Dusch presented a Letter of Appreciation to Ms. Tabby McMillan upon her retirement as Director of McGill Child Development Center.

Unfinished Business

New Business

Informational Items

Departmental ReportsRecognition of persons requesting to be heard

Mr. Roland Jordan addressed the Council with various concerns.

Public Hearings

1. **Conduct a public hearing to consider adopting a zoning map amendment for recently annexed property located on the north corner of the Poplar Tent Road and Harris Road intersection from Cabarrus County LDR (Low Density Residential) to City of Concord RUP (Planned Unit Development) – Case Z(CD)-20-18 (Oaklawn).**

A motion was made by Mayor Pro-Tem Leder, seconded by Council Member King, and duly carried, to open the public hearing—the vote: all aye.

The subject property, currently two separate parcels, was annexed by City Council on September 13, 2018 and is located on the north side of the Poplar Tent Rd and Harris Rd intersection. The applicant submitted a site plan, technical data sheet, and multi-family renderings as conditions of the rezoning request.

The Planning Manager, Starla Rogers, explained the request. She stated the total proposed development on the site is 296 multifamily units, 142 attached residential units and a minimum of 8,120 sf of commercial/office. Total density for the project at 438 units is +/- 13.26 du/a. As shown on the site plan, 142 single-family attached (townhome) units are proposed on either side of the apartment structures. A 24ft wide buffer is proposed between both sections of single-family attached and the adjacent neighborhood. The buffer will also provide an 8ft tall berm with evergreen trees to provide visual separation at the ground level. The applicant has provided +/- 10.10 acres or 30.5% open space for the site as opposed to the 20% minimum required under a PUD. Open space includes an amenity area for the apartments, including a pool, a dog park, pocket parks, and various areas of greenspace. A portion of the northwestern most corner of the property will be dedicated to the City of Concord for a greenway connection. The applicant has proposed to install a 10ft wide multi-use path rather than a sidewalk along Harris Road. The multi-use path would provide 10 feet of pavement with 5 ft of landscaping on either side. The applicant's intent is for the multi-use path to eventually connect the Hector H. Henry II Greenway to the Clark Creek greenway. Neither of which currently connect with the site. A commercial component is also proposed for this project. Approximately 6,120 sf of office/retail is shown on the first floor of the multi-family building closest to Harris Rd. This building will be the only 12-unit structure to be 3 stories. An additional +/- 2,000 sf of office/retail is proposed within the "Oaklawn," formally residential, structure. The applicant has proposed to relocate the historic Oaklawn structure and to the greatest extent possible, apply preservation measures during redevelopment.

She stated the project is located within two land use categories; "Village Center" and "Suburban Neighborhood." Total density allowed in the Village Center Land Use Category is 20 dwelling units per acre (du/a) and 6 du/a for the Suburban neighborhood. Calculating density using two methods; overall site or by the development on the land within each category leaves the project below the maximum density permitted in both cases.

The Planning and Zoning Commission heard the above referenced petition at their November 20th, 2018 public hearing and acted to deny the request. At the Planning and Zoning Commission hearing, multiple residents spoke in opposition or were present to display opposition. In accordance with Concord Development Ordinance section 3.2.4 "The Commission may grant final approval of a zoning map amendment by a vote of at least three-fourths (3/4) of the members of the

Commission present and not excused from voting. If the approval is by a vote of less than three-fourths, or if the Commission renders a recommendation of denial, the request shall be forwarded to the City Council for hearing at their next available meeting and the City Council shall have the authority to make a final decision on the zoning map amendment."

She stated the approved Statement of Consistency adopted by the Planning and Zoning Commission was as follows: 1) The subject property is approximately 33.02 Acres +/-; 2) The 2030 Land Use Plan designates the subject properties as Village Center and Suburban Neighborhood, with PUD (Planned Unit Development) being a corresponding zoning classification to both land use categories; 3) The subject property consists of 1 full parcel and a portion of a 2nd parcel. These parcels were voluntarily annexed on September 13th, 2018; 4) The proposed zoning amendment is consistent with the 2030 Land Use Plan (LUP) because the proposed mix of uses furthers the purpose of the "Village Center" designation by providing a range of housing types, nonresidential, and connected transportation (automobile and pedestrian) network; and 5) The zoning amendment is NOT reasonable and not in the public interest because the scale of the proposal would place too much burden on infrastructure (such as transportation and schools). Furthermore, the uncertainty of the timing of particular transportation improvements indicates that the proposed development is not appropriate at this time. For these reasons, the Planning & Zoning Commission does not believe that this proposal is in the public interest at this time.

The Planning Manager explained because the property was annexed into the City limits, a zoning classification must be applied. There are five (5) zoning districts that are consistent with both Land Use Categories on the subject properties: PRD (Planned Residential Development), C-1 (Light Commercial), PUD (Planned Unit Development), RV (Residential Village), and TND (Traditional Neighborhood Development). The only districts that are consistent with both categories and do not require site plans or developer applications are RV and C-1. She explained the Council had the option of zoning each parcel differently within their Land Use Category or adopting zoning classifications that do not match the Land Use Category, which by doing so, an amendment to the Land Use Plan would be needed.

Proponents for the request were allowed 20 minutes:

Mr. Nicholas Parker, President of Amicus Partners, was in attendance representing the developer of the project. Mr. Parker stated that his company and the developer have been working with City staff and NCDOT staff on this project since May 2017. He explained the project and each component within the project.

Mr. Joe Wilson, Kimley Horn, presented the renderings of street improvements proposed for each phase of the project.

A motion was made Council Member Crawford, seconded by Council Member King, and duly carried, to allow five additional minutes—the vote: all aye.

Mr. Wilson continued. He stated the developer has agreed to more road improvements than is required. Mr. Wilson stated he is confident that all the improvements will mitigate the traffic issues for the project.

Council Member King asked if all approved developments in the subject area were included in the traffic improvement calculations. Mr. Wilson stated figures from existing developments, proposed developments and approved developments were included in the calculations for the analysis.

Council Member McKenzie asked if the proposed improvements would mitigate traffic outside the development. Mr. Wilson stated the NCDOT only requires mitigation within a mile radius.

Opponents to the request were allowed 20 minutes:

Mr. Chuck Stanec, Skybrook Subdivision resident, Mr. Stanec spoke in regards to the current traffic situation in the area, the overcrowding of Cabarrus County schools.

Ms. Devon Reid, 10440 Hillsborough St, Huntersville, NC, stated the community has asked that the request be denied. She spoke in regards to the current traffic conditions and infrastructure she feels is needed in the area. She stated the project is proposed to be completed three years prior to the road improvements are proposed to be completed.

A motion was made Council Member Crawford, seconded by Council Member King, and duly carried, to allow three additional minutes—the vote: all aye.

Ms. Reid continued. She stated another concern would be cut-through traffic through the Skybrook Subdivision.

Council Member King asked the Transportation Director, Phillip Graham, if the widening of Poplar Tent Road is on the NCDOT project list. The Transportation Director stated the Poplar Tent Road widening is on the NCDOT TIP project list for 2020-2029.

Council Member Crawford stated that the Land Use Plan (LUP) is to be used as a directional guide. Infrastructure is needed to support developments. He stated, in his opinion, the infrastructure in this area does not support the proposed development.

The City Attorney explained the Council has the option of adopting the findings of the Planning and Zoning Commission, which denies the request, and administer zoning classifications on the properties; or approve the request.

Council Member McKenzie stated he is hopeful that NCDOT improvements to Poplar Tent Road would begin earlier than 2029.

With there being no further comments or questions, a motion was made by Mayor Pro-Tem Leder, seconded by Council Member Crawford, and duly carried to close the public hearing.

A motion was made by Council Member McKenzie, seconded by Council Member Sweat, and duly carried, to adopt the following Statement of Zoning Consistency—the vote: all aye.

- The subject property is approximately 33.02 acres +/-.
- The 2030 Land Use Plan (designates the subject properties as “Village Center” and “Suburban Neighborhood”, with PUD (Planned Unit Development) being a corresponding zoning classification to both land use categories.
- The subject property consists of 1 full parcel and a portion of a 2nd parcel. These parcels were voluntarily annexed on September 13, 2018.
- The proposed zoning amendment is consistent with the 2030 LUP because the proposed mix of uses furthers the purpose of the “Village Center” designation by providing a range of housing types, nonresidential, and connected transportation (automobile and pedestrian) network.

- The zoning amendment is NOT reasonable and not in the public interest because the scale of the proposal would place too much burden on infrastructure (such as transportation and schools). Furthermore, the uncertainty of the timing of particular transportation improvements indicates that the proposed development is not appropriate at this time. For these reasons, the Planning & Zoning Commission does not believe that this proposal is in the public interest at this time.

A motion was made by Council Member McKenzie, seconded by Council Member Sweat, and duly carried, to deny the zoning map amendment from Cabarrus County LDR (Low Density Residential) to City of Concord RUP (Planned Unit Development)—the vote: all aye.

After some discussion, a motion was made by Council Member Crawford, seconded by Mayor Pro-Tem Leder, and duly carried to rezone the Motley property to RV (Residential Village) and the Hensley property to RE (Rural Estate)—the vote: all aye.

2. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a five-year / 85% tax based Economic Development Incentive Grant to Project Safety to locate at 225 Wilshire Ave, SW in Concord.

SafeWaze (FSP USA, LLC) manufactures fall protection equipment serving the construction, industrial, solar, wind, tower, energy, and general safety industries. SafeWaze is currently located at three locations in Concord: 730 Commerce Drive, 322 Industrial Court, & 2660 Zion Church Road. The company proposes a \$1,500,000 investment in personal property at a new consolidated location at 225 Wilshire Ave SW. SafeWaze will create 36 new full-time jobs with average wages of \$41,000.

A motion was made by Mayor Pro-Tem Leder, seconded by Council Member Parsley, and duly carried, to open the public hearing—the vote: all aye.

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

A motion was made by Council Member Crawford, seconded by Council Member McKenzie, and duly carried, to offer a contract for a five-year / 85% Economic Development Incentive Grant to Project Safety to locate at 225 Wilshire Ave, SW in Concord pursuant to NC General Statutes Sec. 158-7.1—the vote: all aye.

3. Conduct a public hearing and consider adopting an ordinance amending Section 9.8.3. of the Concord Development Ordinance (CDO) regarding local landmark designations (TA-13-18).

The Historic Preservation Commission recommended modifications to the Local Landmark section of the CDO (9.8.3). These modifications are designed (1) to reflect that the City's existing inventories and surveys are adequate to consider local landmark requests, (2) to acknowledge that property owners may submit applications, and (3) to clarify that the Historic Commission will hear the case prior to forwarding to City Council for review. This is in keeping with a flow chart the Historic Commission has recently endorsed for process. The Planning and Zoning Commission unanimously recommended the amendment at their December 18, 2018 meeting.

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

There were no speakers in favor or opposition to the request. Therefore, a motion was made by Mayor Pro-Tem Leder, seconded by Council Member Small, and duly carried, to close the public hearing—the vote: all aye.

A motion was made by Council Member Parsley, seconded by Council Member McKenzie, and duly carried, to adopt the following ordinance amending the CDO to incorporate changes to Section 9.8.3.—the vote: all aye.

ORD. #19-01

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 §§160A-364 through §§160A-366 and 160A-381 through 160A-392 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 160A-381 through 160A-394 does hereby recognize a need to amend the text of certain articles of the City of Concord zoning Ordinance.

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

SECTION 1: That the following section of Concord Development Ordinance (CDO) Article 9 “Special Purpose and Overlay Districts,” Section 9.8.3 “Historic Landmark Establishment” be amended to the following:

9.8.3 Historic Landmark Establishment

- A. Upon complying with the required landmark designation procedures set forth herein, the City Council may adopt and from time-to-time amend or repeal an ordinance designating one or more historic landmarks. No property shall be recommended for designation as a landmark unless it is deemed and found by the Commission to be of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling, and/or association.
- B. The ordinance shall describe each property designated in the ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural or prehistorical value, including the land area of the property so designated, and any other information the governing board deems necessary. For each building, structure, site, area or object so designated as a landmark, the ordinance shall require that the waiting period set forth in this ordinance be observed prior to its demolition. A suitable sign for each property designated as a landmark may be placed on the property at the owner’s consent; otherwise the sign may be placed on a nearby public right-of-way.
- C. As a guide for the identification and evaluation of landmarks, the Commission shall use: 1.) the inventory of properties of historical, prehistorical and cultural significance established by the City of Concord in conjunction with the creation of the city’s historic preservation districts and 2.) nomination materials developed for successful local landmark designations. The local inventory of historic properties shall be updated at regular intervals as resources permit.
- D. No property shall be designated as a landmark until the following steps have been taken:

1. An applicant shall submit, or the Commission shall make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition. After review by the Historic Preservation Commission, such report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources.
2. The Department of Cultural Resources, acting through the State Historic Preservation Officer, or his/her designee, shall either upon request of the Department or at the initiative of the Commission be given an opportunity to review and comment upon the substance and effect of the designation of any landmark. All comments will be provided in writing. If the Department does not submit its comments to the Commission within 30 days following receipt by the Department of the report, the Historic Preservation Commission, Planning and Zoning Commission, and the City Council shall be relieved of any responsibility to consider such comments.
3. The Planning and Zoning Commission shall review and comment on the proposal in 60 days from the date the Planning and Zoning Commission first receives the proposal. If the Planning and Zoning Commission makes no recommendation in 60 days, the matter shall be returned to the Historic Preservation Commission for its review.
4. The Historic Preservation Commission shall hold a public hearing on the proposed ordinance. Reasonable notice of the time and place thereof shall be given. Following the public hearing the Commission will forward a recommendation to the City Council regarding the proposed ordinance.
5. Following receipt of the Commission's recommendation, the City Council shall hold a public hearing on the proposed ordinance. Reasonable notice of the time and place thereof shall be given. As a result of this hearing the City Council may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.
6. Upon adoption of the ordinance, the owners and occupants of each landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and amendments thereto shall be filed by the Commission in the office of the Register of Deeds of Cabarrus County. Each landmark shall be indexed according to the name of the owner of the property in the grantor and grantee indexes in the Register of Deeds office and the Commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and all amendments thereto shall be kept on file in the office of the Concord City Clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be given to the building inspector. The fact that a building, structure, site, area, or object has been designated a landmark shall be clearly indicated on all tax maps maintained by Cabarrus County for such period as the designation remains in effect.
7. Upon the adoption of the landmark ordinance or any amendments thereto, it is the duty of the Commission to give notice thereof to the tax supervisor of Cabarrus County. The tax supervisor in appraising it for tax purposes shall consider the designation and any recorded restrictions upon the property limiting its use for preservation purposes.

SECTION 2: That this Ordinance be effective immediately upon adoption.

Adopted this January 10th, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

4. Conduct a public hearing and consider adopting an ordinance amending the Concord Development Ordinance (CDO) to clarify submission requirements for complete site plan and supporting materials for conditional district zoning amendments (TA-14-18).

In order to more expeditiously finish staff reports prior to hearings, staff proposed an amendment to the text to require that rezoning site plans must be in final approval form fifteen (15) days prior to hearing. The amendment specifically states that the purpose of the amendment is to allow the staff time to prepare a staff report and to have it posted to the website prior to the hearing. The amendment will minimize review errors by ensuring that staff has adequate time to review the plan prior to finalizing the staff report.

A motion was made by Mayor Pro-Tem Leder, seconded by Council Member Small, and duly carried, to open the public hearing—the vote: all aye.

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

A motion was made by Council Member McKenzie, seconded by Mayor Pro-Tem Leder, and duly carried, to adopt the following ordinance amending the CDO to clarify submission requirements for complete site plan and supporting materials for conditional district zoning amendments—the vote: all aye.

ORD.# 19-02

**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 §§160A-364 through §§160A-366 and 160A-381 through 160A-392 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 160A-381 through 160A-394 does hereby recognize a need to amend the text of certain articles of the City of Concord zoning Ordinance.

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

SECTION 1. That Article 3, Section 3.2.2 of the CDO be repealed and replaced with the following:

3.2.2 FILING OF PETITION

A zoning amendment petition shall be on a form prescribed by the Planning Department and shall be accompanied by the fee established in the most recent budget ordinance adopted by the City Council. The Administrator shall establish schedules to file any application for development approval that requires action by the Planning and Zoning Commission, the Board of Adjustment or the City Council. Such applications shall be filed according to the established schedules in advance of

any public hearing or public meeting required pursuant to this Ordinance or the N.C. General Statutes.

Applications for conditional district rezoning (Section 3.2.8) shall be initiated only by petition signed by the property owner.

For conditional district rezoning's, after receipt of the petition, the staff shall forward the petition including the site plan to the Development Review Committee (DRC) for review and comments prior to the hearing. The site plan and supporting materials shall be in final approval form at least fifteen (15) days prior to the date of hearing in order to allow the staff adequate time to prepare a report for the Commission. At this time, the DRC shall concur that the site plan sufficiently meets minimum requirements prior to the item proceeding to the Planning Commission for public hearing.

A staff report, summarizing the petition, shall be prepared and posted to the City's website when complete.

Adopted this 10th day of January 2019

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 authorizing staff to apply for \$100,000 in funding from the North Carolina Housing Finance Agency under the Urgent Repair Program.

The North Carolina Housing Finance Agency has announced \$4.5 million available for the 2019 Urgent Repair Program (URP19). Program funding enables recipient organizations to provide deferred, forgiven loans of up to \$10,000 for emergency home repairs and necessary modifications to very low-income owner-occupied homes. Eligible households are those with one or more fulltime household members with special needs (e.g., elderly, disabled, and/or Veteran fulltime household members, households over five (5) persons or a child 6 or under with an elevated blood-lead level). Household incomes cannot exceed 50% of area median income. Pursuing the Urgent Repair grant meets the Council goal of maintaining affordable housing.

A motion was made by Mayor Pro-Tem Leder, seconded by Council Member Small, and duly carried, to authorize staff to apply for a \$100,000 grant from the North Carolina Housing Agency under the Urgent Repair Program—the vote: all aye.

2. Consider adopting a resolution endorsing new projects at Concord-Padgett Regional Airport, for the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO) Regional Priority List for FY2022-2031.

Aviation staff requested the following projects be submitted as part of the CRMPO FY 2022-2031: 1) Fire Station/Security Center; 2) South Apron Expansion; and 3) Commercial Terminal Expansion.

A motion was made by Council Member Parsley, seconded by Council Member Sweat, and duly carried, to adopt the following resolution and authorize the City Manager and other appropriate City Staff to submit the new projects to be included in the Cabarrus-Rowan Metropolitan Planning Organization Regional (CRMPO) Priority List for FY2022-FY 2031—the vote: all aye.

A RESOLUTION ENDORSING NEW PROJECTS FOR THE CABARRUS- ROWAN METROPOLITAN PLANNING ORGANIZATION REGIONAL PRIORITY LIST

WHEREAS, the North Carolina Board of Transportation (BOT), every two years, prepares a Statewide Transportation Improvement Program (STIP) that identifies transportation projects to be implemented over the next seven years with State and Federal funding; and

WHEREAS, the North Carolina BOT solicits input for identifying transportation projects of local and regional importance to be included in the next STIP; and

WHEREAS, the Cabarrus-Rowan Transportation Advisory Committee is charged with the development of a Metropolitan Transportation Improvement Program (MTIP); and

WHEREAS, City of Concord is a member jurisdiction of the CRMPO; and

WHEREAS, the Cabarrus-Rowan MPO encourages the North Carolina Department of Transportation (NCDOT) to design all highway projects, where appropriate, to accommodate bicycle and pedestrian traffic that support alternative means of transportation; and

WHEREAS, City of Concord has outlined its transportation and highway project priorities within the CRMPO planning area in the attached application to the MPO;

NOW, THEREFORE, BE IT RESOLVED by City of Concord that the Board endorses the following new aviation projects to be evaluated on the list of projects that will ultimately be considered for the FY 2022-2031 CRMPO MTIP.

1. Fire Station/Security Center: The current Fire Station is located in the middle of a building that has hangars on each side. The access for an Aircraft Rescue Fire Fighting vehicle is an immediate right turn out of the fire station onto a taxi- lane. This route also serves as a taxilane and could potentially have an aircraft on the taxilane during an emergency response. In order to provide an unimpeded and timely response, a new Fire Station is necessary. Since 2013, the airport has seen significant growth in airline service. The Department of Homeland Security, Transportation Security Administration required the Aviation Department to design and installed new access control systems. The systems are currently located through multiple buildings and should be located in one facility. The proposed building would accommodate both Fire Department functions as well as Security.
2. South Apron Expansion: The proposed project consists of preparing an environmental assessment for the construction of an apron to the north of the commercial terminal building. The dimension of the apron will be 450' X 280'. This project is to accommodate future growth for additional airlines service to the airport.
3. Commercial Terminal Expansion: The proposed project consists of doubling the size of the existing commercial service building. The proposed dimensions of the terminal expansions will be approximately 130'X175' and will be expanded to the north along the south apron. This will allow both existing and future airlines to increase their service to the airport.

Adopted this 10th day of January 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

3. Consider adopting an ordinance to amend the City Code of Ordinances Chapter 18, Section 257, Taxicab Rates.

On November 13, 2018, Code Enforcement received a request from Yellow Cab of Concord to raise the maximum taxicab rates. Staff conducted research and learned that the rates were last changed by Council on December 12, 2005. Staff contacted TJ's Taxi and Carolina Taxi and learned that they also support a raise of the maximum rates. After a review of maximum rates in the region and in similarly sized cities in the State, it was determined that the proposed rates are reasonable and in line with other cities. The following proposed amendment to is as follows: "(a) Regular rates. The following rates, which shall be maximum rates and are not to be exceeded, shall be charged for taxicab service within the corporate limits of the city and up to two miles beyond as determined by taxicab meters. Established rates may be reviewed and adjustments approved by City Council. (1) Initial meter charge: \$2.50. (2) Each additional 1/8 miles thereafter: \$0.30." If approved, the rate increase will be effective March 1, 2019.

A motion was made by Council Member Crawford, seconded by Mayor Pro-Tem Leder, and duly carried, to the following ordinance amending Chapter 18, Section 257 of the City of Concord Code of Ordinances—the vote: all aye.

ORD.# 19-03

AN ORDINANCE AMENDING CHAPTER 18, BUSINESSES SECTION 257 OF THE CONCORD CITY CODE, ENTITLED "TAXICAB RATES"

WHEREAS, the City Council of the City of Concord, North Carolina, has adopted a Code of Ordinances and is authorized to amend that Code from time to time; and

WHEREAS, the City recognizes the need to amend the Concord Code of Ordinances section governing the Taxicab Rates Schedule;

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

Section 1. Section 18-257 be hereby amended and restated as follows:

(a) *Regular rates.* The following rates, which shall be **maximum** rates and are not to be exceeded, shall be charged for taxicab service within the corporate limits of the city and up to two miles beyond as determined by taxicab meters. Established rates may be reviewed and adjustments approved by City Council.

(1) Initial meter charge: \$2.50

(2) Each additional 1/8 mile thereafter: \$0.30

A) Section 2. This Ordinance shall be effective March 1, 2019.

B) Adopted this 10th day of January 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

4. Consider approving a modification to the existing solid waste routes in order to allow increased efficiency and effectiveness.

The City entered into a contract in July 2011 with Waste Pro to collect the City's residential and designated non-residential solid waste items. At the time of contract implementation, the City's collection points totaled approximately 27,676. At present time the City's collection points total 32,251. This is an increase of 4,575 collection points in 7 years (16.5% growth). This averages out to be 654 collection points added per year (2.36% / year). Due to the continued growth throughout the contract and the most recent rapid growth, the current routes are unbalanced. The current collection points for each daily route are: Monday - 5,129, Tuesday - 5,254, Wednesday - 8,224, Thursday - 7,384, and Friday - 6,833. This imbalance is causing the City's solid waste collection to be inefficient and creating premature wear and tear on the equipment.

The Solid Waste Department, Planning, GIS, and Waste Pro have worked diligently to assemble a proposed reroute map that will account for future growth based upon a 5-year projection (up to 40,000 collection points) and a best efficiency for collection. The recommended changes included the rapidly growing areas of the Wednesday, Thursday, and Friday routes. The methods of Public Education and Outreach will entail Printed Media, Internet & Social Media, Face to Face, and Digital / Phone to the affected addresses. The City will start the education piece with a "soft" launch approximately 45-60 days before the start date of the reroute, which is anticipated to be March 1, 2019. The last two weeks before the launch date will necessitate a heavy education campaign to promote the upcoming route/day change with the affected addresses.

A motion was made by Mayor Pro-Tem Leder, seconded by Council Member McKenzie, and duly carried, to approve the new routing plan for the collection of the City's residential and designated non-residential solid waste—the vote: all aye.

5. Consider authorizing the City Manager to enter into a construction contract with James E. Harris Construction Co, Inc to rehabilitate the Corban Avenue Pump Station and to adopt a budget ordinance for the project.

The Water System Master Plan identified several projects to provide increased pressure and fire flow to the higher elevation service area located in the vicinity of Hwy 29 and Cabarrus Avenue. These projects are necessary to support the redevelopment and industrial customers in this area. One of the projects is the rehabilitation of the Corban Pump Station. Bids were received and the low bidder, and engineer's recommendation, was James E. Harris Construction Company, Inc. in the amount of \$259,921.20. This project is fully funded from the Water Utility Fund.

A motion was made by Council Member Sweat, seconded by Council Member Parsley, and duly carried, to authorize the City Manager to enter into a construction contract with James E. Harris Construction Co, Inc to rehabilitate the Corban Avenue Pump Station in the amount of \$259,921.20 and to adopt the following budget ordinance—the vote: all aye.

ORD.# 19-04

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 projects authorized and amended are Water Projects-Corban Avenue Pump Station.

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/expenditures are anticipated to be available to the City of Concord for the project:

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8700-5811325				
8700-5811325	Corban Ave Pump St.	\$270,000	\$452,119	\$182,119
8700-5811082				
8700-5811082	Future Water Projects	\$1,970,883	\$1,788,764	\$182,119

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 10th day of January 2019.

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

The consent agenda items were presented for the Council's consideration.

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

CONSENT AGENDA ITEM A

The offer of dedication on the following plat and easement was accepted: The Mills Phase 4B Map 2.

CONSENT AGENDA ITEM B

The Offer of infrastructure in the following subdivisions and sites was accepted: Roberta Ridge Phase 1 Maps 1 & 2 and Hallstead Phase 2.

CONSENT AGENDA ITEM C

The following project ordinance amendment was adopted to close the City Hall project and to move the remaining funds to the Market Lot Redevelopment project, formerly known as the Plaza project.

ORD.# 19-05

**CAPITAL PROJECT ORDINANCE
FIRST CONCORD**

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 authorized/amended:

SECTION 1. The project authorized/amended is First Concord – 2014 LOBS – City Hall & Market Street Lot Redevelopment, amended from the previous name of Plaza.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation/amendment of the projects.

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

		<u>Revenues</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
552-4361000				
552-4361000	Investment Earnings	16,196	25,861	9,665
552-4602000				
552-4602000	Financing Proceeds	37,552,575	124,007	(37,428,568)
Total				<u>(37,418,903)</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>
6990-5989500	Transfer to 1 st Concord			
6990-5989500		16,095,000	0	(16,095,000)
6990-5811062	Cost of Issuance			
6990-5811062		817,786	0	(817,786)
6990-5811233	Municipal Building			
6990-5811233		20,600,000	0	(20,600,000)
6990-5811249	Market St. Lot			
6990-5811249	Redevelopment	2,057,658	2,151,541	93,883

Total

(37,418,903)

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 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 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 10th day of January 2019.

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 D

The following budget ordinance was adopted to appropriate a contribution of \$5,841 from Wells Fargo to the Parks and Recreation Department.

ORD.# 19-06

**CAPITAL PROJECT ORDINANCE AMENDMENT
Parks & Recreation Projects**

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 Hector Henry Greenway – Mills at Rocky River Phase.

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:

Revenues

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
420-354100				
420-354100	Contributions	86,710	92,551	5,841

5,841

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8300-811096				
8300-811096	HHH-Mills at Rocky River	250,784	256,625	<u>5,841</u>
	Total			<u>5,841</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 10th day of January 2019.

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 E

The Parks and Recreation staff were authorized to apply for the 2019 Regional Trail Implementation Grant from Carolina Thread Trail in the amount of \$150,000 for the Hector Henry Greenway, Riverwalk Phase.

CONSENT AGENDA ITEM F

The Fire Department staff were authorized to submit an application for the Fire Prevention and Safety Grant.

CONSENT AGENDA ITEM G

The City Manager was authorized to accept a \$24,000 grant from the NC Governor's Crime Commission for the purchase of patrol rifles and the following budget ordinance was adopted to appropriate the funds.

ORD.# 19-07

AN ORDINANCE TO AMEND FY 2018-2019 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 14th day of June 2018, adopt a City budget for the fiscal year beginning July 1, 2018 and

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ending on June 30, 2019, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4603000	Grant Proceeds	248,448	272,448	24,000
Total				24,000

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4310-5290000	Supplies-Miscellaneous	912,450	936,450	24,000
Total				24,000

Reason: Appropriate funds for the award of the NC Governors Crime Commission Patrol Rifle Grant number 2017-DJ-BX-0129.

Adopted this 10th day of January 2019.

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 H

The following budget ordinance was adopted for the purchase of a Sewer Camera Van for the Wastewater Department.

ORD.# 19-08

AN ORDINANCE TO AMEND FY 2018-2019 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 14th day of June 2018, adopt a City budget for the fiscal year beginning July 1, 2018 and ending on June 30, 2019, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following

accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
640-4353100	Insurance Proceeds	32,002	245,418	213,416
640-4361000	Investment Earnings	200,000	270,055	70,055
Total				283,471

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
7420-5540000	Vehicle-Wastewater	427,002	710,473	283,471
Total				283,471

Reason: To re-appropriate insurance proceeds for the replacement of a vehicle.

Adopted this 10th day of January 2019.

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 I

The following resolution was adopted to update the current approved depositories for the City of Concord.

RESOLUTION

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

Section 1. Fifth Third, Suntrust, Bank of New York, Regions Bank, BB&T, RBC Bank, Bank of North Carolina, First Citizens, and all other pooling financial institutions (list attached), the *Financial Institutions*, are designated as a depository for the funds of the City, *the Corporation*, and to provide other financial accommodations indicated in this resolution.

Section 2. This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Corporation and certified to the Financial Institution as governing the operation of this Corporation's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.

Section 3. The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation. Any Agent, so long as they act in a representative capacity as an Agent of the Corporation, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.

Section 4. All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of the resolution are hereby ratified, approved and confirmed.

Section 5. The Corporation agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Corporation. The Corporation authorizes the Financial Institution, at any time, to charge the Corporation for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.

Section 6. The Corporation acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Corporation to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.

Section 7. The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Corporation with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Corporation authorizes each Agent to have custody of the Corporation's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

Section 8. Corporation Agents.

<u>NAME</u>	<u>TITLE</u>
Pam Hinson	Finance Director
Jessica Jones	Deputy Finance Director
Kristin Roe	Accounting Manager

Section 9. This resolution shall be effective as of adopted date.

Adopted this 10th day of January 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

The semi-annual debt status report was accepted.

CONSENT AGENDA ITEM K

The monthly report on the status of investments as of November 30, 2018 was received.

CONSENT AGENDA ITEM L

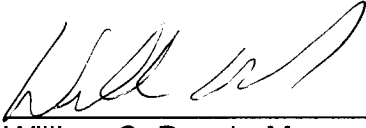
The Tax Office collection reports for the month of November 2018 were accepted.

CONSENT AGENDA ITEM M

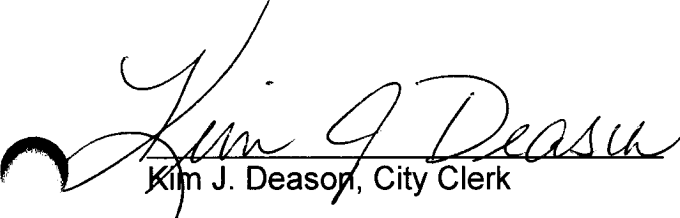
The Tax releases/refunds for the month of November 2018 were approved.

* * * * *

There being no further business to be discussed, a motion was made by Mayor Pro-Tem Leder, seconded by Council Member Crawford, and duly carried, to adjourn—the vote: all aye.



William C. Dusch, Mayor



Kim J. Deason, City Clerk