

CONCORD CITY COUNCIL
REGULAR MEETING
APRIL 11, 2019

A regular meeting of the City Council for the City of Concord, North Carolina, was held on April 11, 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

* * * * *

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

The meeting was called to order by Mayor Dusch. Boy Scout Troop 5, Cold Springs United Methodist Church led the Pledge of Allegiance followed by a moment of silent prayer.

Approval of Minutes

A motion was made by Council Member Sweat, seconded by Council Member Small, and duly carried, to approve the minutes for the meetings of March 12 and March 14, 2019—the vote: all aye.

Presentations:

1. The winners of the 8th Annual 2019 Pre-Skills Masonry Competition were recognized.
2. Mayor Dusch presented a retirement plaque to Donna Chandler for over 15 years of service with the City of Concord Engineering Department.
3. Mayor Dusch presented a retirement plaque to David Chandler for over 33 years of service with the City of Concord Electric Systems.
4. Mayor Dusch presented a Proclamation recognizing April 14-20, 2019 as National Public Safety Telecommunicator Week.
5. Mayor Dusch presented the NCIPMA 2019 Recognition Award for Training and Career Development to HR Director, Rebecca Edwards.
6. The City Manager presented the 2019 Jo Atwater Continuous Core Values Award to the Fire Department Senior Executive Assistant, Sonya Bost. The Jo Atwater Continuous Core Values Award is the City's highest honor for coworkers.

Unfinished BusinessNew BusinessInformational ItemsDepartmental ReportsRecognition of persons requesting to be heard

Mr. Roland Jordan addressed the Council regarding several items he feels are issues in his community.

Ms. Regina Mitchell spoke in regards to Agenda Item VI.E.6. Ms. Mitchell addressed the Council on behalf of the Gibson Village Community. She asked the Council to reject the bid from Troutman Land Investments, Inc for the purchase of the property located at 208 Kerr St.

Ms. Tara Benge also addressed the Council in regards to the property at 208 Kerr St. Ms. Benge spoke about a possible public/private partnership for a bike shop on the property.

Public Hearings

- 1. Conduct a public hearing and consider adopting the Five-Year Agency Plan for the Concord Housing Department that updates the Policies that govern the Public Housing Program.**

Housing Department Staff is required to submit a Five-Year Agency Plan to the United States Department of Housing and Urban Development (HUD) every five years. This plan must be submitted seventy-five (75) days prior to the beginning of the fiscal year and must be available for public review for forty-five (45) days prior to adoption and submission. The plan was been completed and ready for review Monday, February 11, 2019. A public hearing must be held prior to adoption for any public comments relative to the proposed changes in the department's Five-Year Plan.

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

There were no speakers for this item. Therefore, a motion was made by Council Member Crawford, seconded by Council Member McKenzie, and duly carried, to close the public hearing—the vote: all aye.

A motion was made by Council Member King, seconded by Mayor Pro-Tem Leder, and duly carried, to adopt the Five-Year Agency Plan for the Concord Housing Department—the vote: all aye.

- 2. Conduct a public hearing and consider approving an agreement with Ford Commercial LLC regarding acquisition and construction of a sewer line near the intersection of Old Holland Road and Weddington Road, Ext.**

In exchange for the City's assistance in acquisition of an easement across property owned by GWR Carolinas Property Owner LLC, Ford Commercial LLC will agree to construct the required wastewater infrastructure and will also agree to the following conditions related to the construction of their proposed development project: A) A fifteen (15) foot building set-back (current CDO requirement is ten (10) feet) on the portion of the Property that is directly across Old Holland Road from the existing structures on the Great Wolf property. The portion of the Property subject to the fifteen (15) foot building set-back is generally described as the area between the western edge of the existing structures on the Great Wolf property and the eastern edge of those structures,

as shown on the attached Exhibit B. The remaining portions of the Property shall be subject to the building set-back requirements in the CDO; B) An average twenty (20) foot buffer, some areas greater and some areas less than twenty (20) feet, along Old Holland Road (the "Old Holland Buffer") in the area between the western edge of the existing structures on the Great Wolf property and the eastern edge of those structures as shown on the attached Exhibit B. The Old Holland Road Buffer may be disturbed or undisturbed, although the City acknowledges Ford's intent to disturb most of the Old Holland Road Buffer. In any portion of the Old Holland Road Buffer that is disturbed, Ford shall plant a reasonable number of new plantings, as agreed to by City staff and Ford. In any portion of the Old Holland Buffer that is undisturbed, Ford shall have the right to remove danger trees, trim trees, and otherwise clean up and beautify the underbrush and maintain the Old Holland Road Buffer in an aesthetically pleasing manner. The remaining portions of the Property shall be subject to the landscape buffer requirements in the CDO; C) In connection with its construction activities on the Property, Ford agrees to comply with the applicable noise ordinances of the City, codified in section 30-204(10) of the City of Concord Code of Ordinances, but modified so as to apply only between the hours of 8:00 a.m. and 7:00 p.m.; and D) Ford will advise the City and Great Wolf of its anticipated construction schedule on the Property in as timely a manner as reasonably possible. Ford reserves the right to alter the construction schedule due to weather and other construction issues that may arise and shall advise the City and Great Wolf of any changes in its construction schedule in as timely a manner as reasonably possible.

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

There were no speakers for this item. Therefore, a motion was made by Mayor Pro-Tem Leder, seconded by Council Member Parsley, and duly carried, to close the public hearing—the vote: all aye.

A motion was made by Council Member Crawford, seconded by Council Member Parsley, and duly carried, to approve an agreement with Ford Commercial LLC regarding acquisition and construction of a sewer line near the intersection of Old Holland Road and Weddington Road, Ext—the vote: all aye.

3. Conduct a public hearing and consider adopting a resolution closing the right-of-way of Means Avenue between Union and Church Streets with an effective date of March 1, 2020 in order to facilitate Cabarrus County's redevelopment of the courthouse complex.

The closure date of March 1, 2020 will allow the County time to finalize the Courthouse design and to determine the utilities that have to be relocated or protected with easements. It also allows time to design the accompanying plaza and to finalize private/public ownership as well as easements in the plaza area. It is expected that the street will intermittently need to be closed or lanes shifted in order to conduct testing or to start relocating utilities prior to the full closure in 2020.

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

Cabarrus County Manager, Mike Downs, spoke in favor of the request. He restated the permanent road closure would not occur until 2020.

Justin Mueller, 51 Union St, S, spoke in favor of the request. He stated that he supports the request.

With there being no further speakers, a motion was made by Council Member King, seconded by Mayor Pro-Tem Leder, and duly carried, to close the public hearing—the vote: all aye.

A motion was made by Council Member Crawford, seconded by Council Member Small, and duly carried, to adopt the following resolution closing the right-of-way of Means Avenue between Union and Church Streets with an effective date of March 1, 2020—the vote: all aye.

A RESOLUTION ORDERING THE CLOSING OF MEANS AVENUE SE BETWEEN
CHURCH STREET AND UNION STREET, NORTH

WHEREAS, on the 14th day of March, 2019, the City Council for the City of Concord directed the City Clerk to publish the Resolution of Intent of the City Council to consider the closing a portion of an Means Avenue between Church Street North and Union Street North in the newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the City Hall at 35 Cabarrus Avenue, West, Concord, N.C., on April 11, 2019.

WHEREAS, the City Council on the 14th day of March, 2019 ordered the City Clerk to notify all persons owning property abutting on that portion of the right-of-way, as shown on the county tax records, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the City Clerk has advised the City Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing that portion of the alley would be acted upon; and

WHEREAS, the City Clerk has advised the City Council that adequate notices were posted on the applicable street(s) as required by G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on the 11th day of April 2019; and

WHEREAS, it now appears to be to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property, either abutting the street or in the vicinity of the alley or in the subdivision in which the alley is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his property;

NOW, THEREFORE, the area described below is hereby ordered closed to be effective the 1st day of March 2020, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owner in accordance with the provisions of N.C.G.S. §160A-299;

LYING AND BEING IN WARD NUMBER 3, CITY OF CONCORD, CABARRUS COUNTY, NORTH CAROLINA, BEING A SECTION OF MEANS AVENUE SE LOCATED SOUTH OF CHURCH STREET S AND NORTH OF UNION STREET S AND BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

TO ARRIVE TO THE TRUE POINT OF BEGINNING, COMMENCE AT CONTROL POINT #103 (TRAVERSE NAIL), HAVING N.C. GRID ~ NAD 83(2011) COORDINATES OF N: 608,086.38', E: 1,529,352.78', C.G.F.: 0.99984734, THEN RUN S54°05'54"E 190.37' (GROUND; 190.34' GRID) TO AN EXISTING MAG NAIL HAVING N.C. GRID ~ NAD 83(2011) COORDINATES OF N: 607,974.76', E: 1,529,506.96' BEING THE NORTHEASTERN PROPERTY CORNER OF WHAT-A-BURGER DRIVE IN NO. 2, INC. (DB. 602, PG. 283; CABARRUS COUNTY REGISTRY) AND BEING THE TRUE POINT OF BEGINNING;

THENCE FROM THE TRUE POINT OF BEGINNING AND WITH A NEW LINE S42°08'00"E 61.71' TO AN EXISTING MAG NAIL BEING THE NORTHWESTERN

PROPERTY CORNER OF CABARRUS COUNTY (DB. 389, PG. 33 et al.; CABARRUS COUNTY REGISTRY);

THENCE WITH THE NORTHWESTERN PROPERTY LINE OF SAID CABARRUS COUNTY, S46°19'21"W 377.80' TO AN EXISTING #5 REBAR, SAID POINT LOCATED N42°01'19"W 86.27' OF AN EXISTING #4 REBAR;

THEN WITH A NEW LINE N42°22'17"W 62.07' TO A BUILDING CORNER BEING THE SOUTHEASTERN PROPERTY CORNER OF RESIDENCE AT 57 SOUTH, LLC (DB. 13070, PG. 85; CABARRUS COUNTY REGISTRY);

THENCE WITH THE SOUTHEASTERN PROPERTY LINES OF SAID RESIDENCE AT 57 SOUTH, LLC, TWO (2) COURSES AND DISTANCES AS FOLLOWS:

1. N46°18'53"E 128.30' TO A BUILDING CORNER; AND

2. N46°21'31"E 143.22' TO AN EXISTING 3/4" IRON PIPE, SAID POINT BEING LOCATED S43°11'11"W 139.58' OF AN EXISTING HOLE IN CONCRETE AND BEING THE SOUTHEASTERN PROPERTY CORNER OF WHAT-A-BURGER DRIVE IN NO. 2, INC.;

THENCE WITH THE SOUTHEASTERN PROPERTY LINE OF SAID WHAT-A-BURGER DRIVE IN NO. 2, INC., N46°28'54"E 106.53' TO A POINT, THE TRUE POINT OF BEGINNING, CONTAINING 0.538 ACRE, MORE OR LESS, AS SHOWN ON A SURVEY TITLED "STREET CLOSURE BOUNDARY SURVEY OF MEANS AVENUE SE", BY CESI, DATED MARCH 14, 2019, CESI JOB NO. 190104.000.

The Mayor and the City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street (with provision for reservation of easements to the City of Concord for utility purposes, pedestrian egress) in accordance with the provision of G.S. 160A-299(c).

The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Cabarrus County a certified copy of this resolution and order.

This the 11th day of April, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

4. Conduct a public hearing and consider adopting an ordinance for annexation of a portion of one parcel located to the southeast of the Christenbury Parkway and Cox Mill Rd intersection (9101 Edenbury Drive).

The subject property consists of approximately 46.055 acres of a larger parcel and is contiguous to the City of Concord's primary corporate limits. If approved, the applicant intends to pursue a rezoning to PUD (Planned Unit Development) for the purpose of establishing a mixed-use development that would include commercial/office and residential. A site plan has been submitted showing the proposed layout that includes the commercial/office abutting the Christenbury Parkway and Cox Mill Road intersection, multifamily units toward the interior and along Cox Mill Road, and single-family attached (townhomes) at the intersection of Cox Mill Road/Barrowcliffe Drive NW/Edenbury Drive. The 2030 Land Use Plan (LUP) designates the subject property as Mixed-Use Activity Center and PUD is a corresponding zoning district to the Land Use Category.

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

The Planning and Neighborhood Development Manager explained the request and the location of the subject property.

Mayor Pro-Tem clarified that there was no opposition from adjacent property owners. The Planning and Neighborhood Development Manager stated there was no opposition.

Mr. Joe Untz, 4200 Maid Marion Lane, Kannapolis, NC, spoke in favor of the request. Mr. Untz stated that a neighborhood meeting had been held and 40-50 people attended. He introduced the development partner, Sam Switzenbaum.

Mr. Switzenbaum, Philadelphia, PA, spoke in favor of the request. He stated he was in attendance to answer any questions from the Council.

Others in attendance in favor of the request were Chris McGrath, Janette Hendershott, and Cassidy Michaux.

With there being no further speakers, a motion was made by Mayor Pro-Tem Leder, seconded by Council Member Parsley, and duly carried, to close the public hearing—the vote: all aye.

A motion was made by Council Member King, seconded by Council Member Crawford, and duly carried, to adopt the following annexation ordinance and set the effective date for April 11, 2019—the vote: all aye.

ORD.# 19-22

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE PROPERTY LOCATED AT 9101 EDENBURY DR. CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Joe Untz and Sam Switzenbaum on April 11, 2019 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 April 11, 2019 after due notice by The Independent Tribune on March 31, 2019; and

WHEREAS, the City Council finds that the petitions meet requirements of G.S. 160A-58.1;

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-58.1, the following described territory is hereby annexed and made part of the City of Concord, as of the 11th day of April 2019:

Lying and being in No. 2 Township, Cabarrus County, North Carolina, on the east side of Christenbury Parkway and extending along the south side of Cox Mill Rd., the south and west sides of Edenbury Road, and the north side of Derita Road and adjoining the lands of Christenbury Farms, Inc., Christenbury Investors, LLC, Christenbury Master Assoc., Inc. Piedmont Natural Gas Company, Inc., Bonds Real Estate Limited Partnership, RLLP; Quiktrip Corporation; Concord Retail Associates, LLC; and LIDL US Operations, LLC and more particularly described as follows:

BEGINNING at a #5 rebar, a corner of LIDL US Operations, LLC, said point being N: 596,779.90' E: 1,483,446.93', N.C. Grid NAD 83(86) (said rebar being N. 00-21-45 E., 1,932.63 feet (GROUND) from County Mon. 3003 N: 594,847.612' E: 1,483,434.699, N.C. Grid NAD83(86); and said monument being N. 54.40.45 W., 7481.83 feet (GRID) from NCGS 'Holland' N:590,521.962' E: 1,489,539.334', N.C. Grid NAD83(86)); then a curve to the left with a length of 313.64 feet, a radius of 860.00 feet on a chord bearing N. 43-13-38 W., 311.90 feet; then N. 53-37-12 W., 581.96 feet; then N. 08-37-12 W., 42.43 feet; then N. 36-22-48 E., 133.48 feet; then a curve to the right with a length of 466.16 feet, a radius of 970.00 feet on a chord bearing N. 50-08-51 E., 461.69 feet; then N. 26-04-23 W., 60.00 feet; then N. 63-55-37 E., 786.49 feet; then a curve to the right with a length of 210.72 feet, a radius of 678.66 feet on a chord bearing N. 72-49-18 E., 209.87 feet; then N. 81-42-52 E., 176.09 feet; then a curve to the right with a length of 149.00 feet, a radius of 5099.49 feet on a chord bearing N. 82-48-13 E., 149.00 feet to a set iron; then a curve to the right with a length of 149.04 feet, a radius of 5099.49 feet on a chord bearing N. 84-13-48 E., 149.04 feet; then a curve to the right with a length of 55.46 feet, a radius of 5099.49 feet on a chord bearing N. 85-31-18 E., 55.46 feet; then N. 85-41-23 E., 99.37 feet; then a curve to the right with a length of 259.95, a radius of 226.32 feet on a chord bearing S. 61-23-44 E., 245.90 feet to a set iron; then S. 47-22-06 W., 26.33 feet; then S. 26-18-08 E., 199.87 feet; then S. 35-33-12 E., 606.68 feet to a point in the center line of Derita Rd; then S. 55-25-49 W., 319.13 feet to a point in the centerline of Derita Rd; then with the creek bed, the following twenty-one (21) lines:

- i. 1) N. 31-07-17 W., 33.60 feet;
- ii. 2) N. 40-28-30 W., 59.74 feet;
- iii. 3) N. 26-59-24 W., 262.27 feet;
- iv. 4) N. 74-57-55 W., 38.69 feet;
- v. 5) N. 31-52-58 W., 46.13 feet;
- vi. 6) N. 58-01-53 W., 36.25 feet;
- vii. 7) N. 89-36-19 W., 101.58 feet;
- viii. 8) N. 85-58-09 W., 66.81 feet;
- ix. 9) S. 39-31-02 W., 127.33 feet;
- x. 10) S. 22-30-15 W., 95.64 feet;
- xi. 11) S. 39-01-28 W., 179.54 feet;
- xii. 12) S. 22-37-43 W., 193.73 feet;
- xiii. 13) S. 26-45-04 W., 214.16 feet;
- xiv. 14) N. 68-11-59 W., 305.04 feet;
- xv. 15) S. 87-40-39 W., 42.38 feet;
- xvi. 16) S. 51-45-15 W., 88.31 feet;
- xvii. 17) N. 58-27-55 W., 73.06 feet;
- xviii. 18) N. 84-36-13 W., 66.68 feet;
- xix. 19) S. 42-00-29 W., 285.64 feet;
- xx. 20) S. 25-37-01 W., 146.29 feet;
- xxi. 21) S. 70-37-03 W., 10.60 feet to the point of BEGINNING.

Said tract containing 46.055 acres, more or less, was surveyed by Marion L. Sandlin, Prof. Land Surveyor on November 7, 2007 and revised as of July 15, 2008,

Reference is hereby made to Deed recorded in Deed Book 5027, Page 53 in the Cabarrus County Register of Deeds Office, Concord, North Carolina.

SECTION 2. Upon and after the 11th day of April 2019 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Concord and shall be entitled to the same privileges and benefits as other parts of the City of Concord. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the City of Concord shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in

Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

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 11th day of April 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

5. Conduct a public hearing and consider adopting an ordinance for annexation of one parcel located on at 50 Denise Ct. SW, owned by Joshua and Tiffany Yates.

The subject property consists of approximately 1.037 acres on Denise Ct. SW, west of Zion Church Rd and north of Central Heights Drive. The property would be a satellite annexation but is only one parcel and approximately 113 feet from the City's primary corporate limits. The purpose of annexation is for the property owners to construct one (1) single-family detached home on the existing parcel. In order to receive access to City of Concord water and sewer, annexation has been required. The 2030 Land Use Plan designates the subject property as Suburban Neighborhood.

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

The Planning and Neighborhood Development Manager explained the request and the site location.

There were no speakers for this item. Therefore, a motion was made by Council Member Small, seconded by Council Member King, and duly carried, to close the public hearing—the vote: all aye.

A motion was made by Mayor Pro-Tem Leder, seconded by Council Member Parsley, and duly carried, to adopt the following annexation ordinance and set the effective date for April 11, 2019—the vote: all aye.

ORD.# 19-23

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE PROPERTY LOCATED AT 50 DENISE CT S.W. CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Josh and Tiffany Yates on April 11, 2019 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 April 11, 2019 after due notice by The Independent Tribune on March 31, 2019; and

WHEREAS, the City Council finds that the petitions meet requirements of G.S. 160A-58.1;

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-58.1, the following described territory is hereby annexed and made part of the City of Concord, as of the 11th day of April 2019:

Lying and Being in Number Eleven (11} Township of Cabarrus County, North Carolina and Being all of Tract "B", containing 1.037 acres, more or less, as shown on the plat of the MINOR SUBDIVISION OF THE BILLY C. SIMPSON PROPERTY, as surveyed and platted, a copy of which plat is filed in the Office of the Register of Deeds for Cabarrus County in Map Book 67, Page 75, to which map book and page reference is hereby made for a complete description thereof by metes and bounds.

Together With a non-exclusive right of way for purposes of ingress, egress, and regress and for installation and maintenance of all utilities leading from the above described property to Zion Church Road, over and upon the tract designated as the "45 foot private R/W" as shown on the said recorded plat.

SECTION 2. Upon and after the 11th day of April 2019 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Concord and shall be entitled to the same privileges and benefits as other parts of the City of Concord. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the City of Concord shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

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 11th day of April 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

- 6. **Conduct a public hearing and consider adopting an ordinance amending Article 12 of the Concord Development Ordinance (CDO) to prohibit internally illuminated signs in the Center City (CC) zoning district.**

In 2016, the Planning and Neighborhood Development Department retained a consultant to rewrite Article 12 of the CDO to bring the City's sign regulations into compliance with a recent Supreme Court decision relative to sign content. In the previous versions of the sign regulations, internally illuminated wall and ground mounted signs were not permissible in the CC district. While a provision exists for the use of internal illumination for historic signs, new signs with internal illumination are not considered to be in keeping with downtown. Staff recently discovered that in the rewrite of Article 12 this prohibition was not carried forward and decided that it is in the best interest of the City to initiate the corrective amendment. The amendment clarifies that internal illumination for both wall and ground mounted signs is prohibited in both the CC district and in districts where single family residences are a use permitted by right.

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

The Planning and Neighborhood Development Deputy Director, Kevin Ashley, explained the request.

There were no speakers for this item. Therefore, a motion was made by Council Member King, seconded by Mayor Pro-Tem, and duly carried, to close the public hearing—the vote: all aye.

A motion was made by Council Member Parsley, seconded by Council Member Sweat, and duly carried, to adopt the following ordinance amending Article 12 of the CDO to prohibit internal illumination of signs in the Center City (CC) district—the vote: all aye.

ORD.# 19-24

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 12 "Sign Standards," Section 12.4.2 "Wall Signs", Section 12.4.2.G "Illumination" be amended to the following:

G. Illumination

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

SECTION 2: That the following section of Concord Development Ordinance (CDO) Article 12 "Sign Standards," Section 12.4.4 "Freestanding Ground Signs", Section 12.4.4.G "Illumination" be amended to the following:

G. Illumination

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

SECTION 3: That this Ordinance be effective immediately upon adoption.

Adopted in this April 11th, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

Presentations of Petitions and Requests

1. Consider authorizing the Concord ABC Board to retain extra Distribution of Funds.

The Concord ABC Board is requesting authorization to retain extra distribution of funds to purchase the ABC store located at Poplar Tent Road and George Liles Blvd.

A motion was made by Mayor Pro-Tem Leder, seconded by Council Member Crawford, and duly carried, to authorize the Concord ABC Board to retain extra distribution of funds for a new store location—the vote: all aye.

2. Consider adopting the City of Concord Strategic Plan 2020-2023.

The City Manager drafted the proposed Plan and presented the Plan to the Mayor and City Council at the Annual City Council Planning Session on January 31, 2019. If adopted, the Plan will outline the City of Concord City Council's goals and objectives for FY2020-2023.

A motion was made by Council Member King, seconded by Council Member Sweat, and duly carried, to adopt the City of Concord Strategic Plan 2020-2023—the vote: all aye.

3. Consider appointing a voting delegate and alternate voting delegate for the NC League of Municipalities' Business Meeting to be held during the 2019 CityVision Annual Conference in Hickory, May 14-16, 2019.

Each municipality represented at the 2019 CityVision Conference is asked to appoint a voting delegate and alternate voting delegate for the business meeting that is scheduled for Thursday, May 16, 2019.

Action was taken on this item at the April 9, 2019 Work Session.

4. Consider establishing a 501(c)(3) nonprofit tax exempt entity as a supporting organization of the City.

Creating a nonprofit tax exempt entity will enable staff to apply for grants and/or funds that would not otherwise be available to the Housing Department. This entity would be a supporting organization of the City, meaning that the funds received and/or raised can be utilized to directly benefit the City's affordable housing initiatives. The funds could be used for a variety of purposes, including land and property acquisition, the development of new affordable housing and the maintenance and enhancement of currently owned properties. Funds may also be used to help with some operational expenses of the Housing Department as needed. This non-profit would not be in competition for funds with any existing non-profits in the City. City legal staff is confident that establishment of the non-profit and subsequent filing for tax exempt status can be done without the assistance of outside counsel. If unforeseen circumstances do arise that require outside counsel, the estimated cost to the City to accomplish both tasks is estimated at \$7,000. If the Council chooses to create the nonprofit, staff is requesting that Angela Graham be appointed as the Director of the non-profit and the following be appointed as Board Members: Steve Osborne, Rev. Donald Anthony, Josh Smith, John Sears, Developer and two (2) Council Members or one (1) Council Member and the Mayor.

A motion was made by Council Member Parsley, seconded by Council Member Sweat, and duly carried, to establish a 501(c)(3) nonprofit tax exempt organization as a supporting organization of the City under the name "Concord Family Enrichment Association" and to appoint Angela Graham as the Director of the non-profit and the following as Board Members: Steve Osborne, Rev. Donald Anthony, Josh Smith, Developer, John Sears, and Council Members Crawford and McKenzie—the vote: all aye.

5. Consider amending City of Concord Income limits for the CDBG & HOME programs to align with HUD income brackets and change repayment amount to reflect affordability goal.

For residents seeking homeowner rehabilitation assistance, the current repayment scale for Concord is divided into percentage brackets which are different from what HUD issues each year. Within Concord's terms of assistance, rehabilitation is divided into the following categories (with repayment requirements given); 30-40% is grant, 41-60% is 50% repayment and 61-80% is 100% repayment of assistance. HUD separates the income categories by; Extremely Low – 30%, Very Low – 50%, and Low – 80%. When a client looks at the HUD site for information, the difference of numbers leads to confusion. Moreover, staff must spend extra time recalculating each percentage category and by household number, each year when HUD issues new numbers. In addition, the goal of CDBG and HOME is to ensure decent affordable housing without an undue burden. The repayment requirement for clients has been difficult. To alleviate this barrier, modification of repayment requirements would safeguard affordability; with clients below 30% - 50% income being given a forgivable loan and clients 51% - 80% being required to repay only 50% of the project amount.

A motion was made by Council Member Small, seconded by Council Member Parsley, and duly carried, to approve changing the income limits currently used by Concord to reflect percentage breakdown supplied by HUD and change repayment amount to reflect affordability goal—the vote: all aye.

6. Consider accepting an offer to purchase 208 Kerr Street, SW from Troutman Land Investments, Inc. for \$35,000.

On August 15, 2018, The City of Concord received a letter of interest for the former convenient store, located at 208 Kerr Street SW, by Julian Booth of Rowan Rock. He subsequently submitted a detailed plan which showed the intent to remodel the existing structure into a neighborhood market to service the area. After five rounds of upset bids, the current highest bidder was Troutman

Land Investments, Inc., with a bid of \$35,000. Staff worked with Troutman Land Investments on a proposed Site Plan, which included a mix of commercial and residential with the proposal consisting of a single family residence, a duplex and the existing commercial building renovated.

The Planning and Neighborhood Development Director presented the proposed site plan and explained the duplex would be marketed to ClearWater Artist and neighborhood residents. The business would offer wine/beer, tapas, flatbreads, sandwiches and small kitchen items. There would be a small bar, some tables and an outdoor patio. Interior walls of the business would have art displays and track lighting to display the art work of Clearwater artists, with name and price underneath each piece of art.

Council Member King stated, in his opinion, the City should retain ownership of the property and review development possibilities. He thanked Troutman Enterprises for their interest in purchasing the property.

Council Member Sweat stated that he agreed with Council Member King.

After some discussion, a motion was made by Council Member King, seconded by Council Member Crawford, and duly carried, to reject the offer to purchase 208 Kerr Street, SW from Troutman Land Investments, Inc—the vote: all aye.

7. **Consider awarding a bid to Kearey Builder's, Inc. in the amount of \$335,460 to complete Phase IV (Lower Level Up-fit) construction at ClearWater Artist Studios located at 223 Crowell Drive NW using CDBG funds.**

The proposed up-fit would complete the lower level except for one large room approximately 2,000 square foot (this area was removed from this phase due to projected construction costs). The cost estimate for the project was \$342,000. Kearey Builder's, Inc. was the lowest responsible bidder. Upon request for references, Kearey submitted several commercial and local government projects they have completed. Ken Griffin, Architect for Phase IV, checked with other architects named on those projects and received all favorable reports.

A motion was made by Council Member Crawford, seconded by Mayor Pro-Tem Leder, and duly carried, to award a bid to Kearey Builder's, Inc. in the amount of \$335,460 to complete Phase IV (Lower Level Up-fit) construction at ClearWater Artist Studios located at 223 Crowell Drive NW using CDBG funds—the vote: all aye.

8. **Consider adopting an ordinance amending City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks and Other Public Places.**

The proposed amendment will create a new Chapter 50, Article IX to be entitled "Regulation of Trees on Public Property". A tree ordinance concerning trees on public property would allow the establishment of practices governing the protection, maintenance and planting of trees and vegetation on public property and easements. It would provide an opportunity for the City to acknowledge that trees provide environmental, aesthetic, social and economic benefits and to define the City's intent to prudently protect and manage the urban forest to secure these benefits.

A motion was made by Council Member McKenzie, seconded by Council Member Crawford, and duly carried, to adopt the following ordinance amending the City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks and Other Public Places to create a new Chapter 50, Article IX to be entitled "Regulation of Trees on Public Property"—the vote: all aye.

AN ORDINANCE AMENDING THE CITY OF CONCORD CODE OF ORDINANCES, CHAPTER 50, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES AND CREATING NEW CHAPTER 50, ARTICLE IX TO BE ENTITLED "REGULATION OF TREES ON PUBLIC PROPERTY"

WHEREAS, the City Council of the City of Concord, North Carolina, has adopted the City of Concord Code of Ordinances (the "CCO");

WHEREAS, the City Council now wishes to amend Chapter 50 of the CCO by creating a new Article IX; and

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 the following be adopted:

Section 1. That Chapter 50 of the CCO be amended to add a new Article as follows:

ARTICLE IX. REGULATION OF TREES ON PUBLIC PROPERTY

Sec. 50-300

Purpose.

- (a) To establish practices governing the protection, maintenance, and planting of trees and vegetation on public property and easements.
- (b) The City acknowledges that trees provide environmental, aesthetic, social and economic benefits. It is the City's intent to prudently protect and manage the urban forest to secure these benefits.

Sec. 50-301. Definitions.

The following definitions shall apply to the provisions of this article:

Boundary tree- A tree which has any portion of its trunk located on a property line.

Certified arborist- A person who has successfully completed the requirements for certification set by the Arborist Certification Board of the International Society of Arboriculture and maintains good standing in this organization.

City arborist- The person designated by the city manager to be qualified through formal education or practical experience in the fields of urban forestry, arboricultural or horticulture and who is capable of administering a complete urban forestry management program.

Critical Root Zone or CRZ- A protected circular area to remain undisturbed around a tree with a radius equal to 1.25 feet per inch of tree DBH measured at 4.5 feet above grade with the tree trunk at the center of the circle. The main structural and functional portion of the root system.

Damage- Any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; Herbicide application; or any trauma caused by accident or collision.

Diameter at breast height or DBH- The diameter of the tree trunk measured at 4.5 feet above the soil.

Drip line- an imaginary vertical line extending from the outermost branch tips to the ground.

Planting Strip- The area of soil, grass and Street Trees that lies between the sidewalk and street edge within a Street Right of Way.

Public Nuisance Tree or Vegetation- Any tree, vegetation, or portion thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety and welfare.

Public property- All real estate owned by the city, including but not limited to grounds, parks, greenways and facilities

Public Utility Easement- any easement or right of way owned by the city and intended or used for the construction and maintenance of public utilities or other public purposes including but not limited to water, sewer, stormwater, electric, communication or greenways.

Risk Assessment- The industry standardized method of assessing the probability of a tree or its parts failing and the consequences of that failure.

Street Right of Way- any real property owned by the city and intended or used for the construction and maintenance of public streets, sidewalks, planting strips, and street trees.

Street Tree- Trees growing or planted within the Planting Strip of a Street Right of Way.

Top or Topping - The non-standard practice of the cutting back of limbs that removes more than one third of the foliage or branches and disfigures the normal shape of the tree.

Tree- A woody plant at least 15 feet in height at maturity, with a trunk at least 2-inch DBH.

Vegetation- Smaller sized woody plants and shrubs less than 15 feet in height at maturity and a trunk diameter less than 2-inch DBH

Sec. 50-302 - Duties and Authority of City Arborist

(a) The City Arborist and/or their designee shall have the responsibility to preserve, plant, prune, maintain and remove trees and woody vegetation growing in or upon all public property. The City Arborist and/or their designee shall have the responsibility to ensure the landscaping requirements of the Concord Development Ordinance are met on development and/or re-development of all property within the Concord City limits.

(b) All city departments will coordinate as necessary with the City Arborist and will provide services as required to ensure compliance with this Ordinance as it relates to operations of Public Utility Easements and Street Right of Ways not under direct jurisdiction of the City Arborist.

(c) No person shall hinder, prevent, delay, or interfere with the City Arborist or his agents while engaged in carrying out the execution or enforcement of this Ordinance.

Sec. 50 -303 Standards of Care

All planting and maintenance of trees on public property shall conform to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and shall follow all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture. These standards shall also apply to the maintenance of private utility company easements that lie within public property.

Sec. 50 -304. Protection of Trees on Public Property

(a) It shall be unlawful for any person, firm or corporation to damage, remove, or cause the damage or removal of a tree on public property

(b) It shall be unlawful for any person, firm or corporation to attach any cable, wire or signs or any other object to any tree on public property

(c) It shall be unlawful for any person, firm or corporation to "top" any tree on public property trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the City Arborist.

(d) Any person, firm, corporation or contractor performing any construction, digging, trenching or land disturbance within the "dripline" or "Critical Root Zone" of any public property tree shall contact the City Arborist and/or their designee before commencing work.

Sec. 50-305. Restrictions of Trees in Public Utility Easements

(a) Trees near Above-ground Utility Lines. Only trees listed as Ornamental trees on the city tree species list (Concord Development Ordinance Article 11) may be planted under or within fifteen lateral feet (measured at the trunk) of any overhead utility line. Tall growing trees shall not be planted within fifteen lateral feet (measured at the trunk) of any overhead utility wire. Shrubs, plants, and small vegetation shall not be allowed to grow un-maintained if growing under overhead utility lines.

(b) Trees Within Under-ground Utility Easements. No trees or large vegetation shall be planted or allowed to grow un-maintained within a public utility easement intended or used for underground utilities including but not limited to water, sewer, electric, or communication lines. Shrubs, plants, and small vegetation shall not be allowed to grow un-maintained within a public utility easement.

Sec. 306. Trees within Street Right of Ways

(a) No trees or large vegetation shall obstruct the view of traffic signs, signals, hinder the safe and free passage of pedestrians and vehicles, or be allowed to grow unmaintained within a public street or public street right of way.

Adopted this 11th day of April, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

9. Consider awarding the total bid for the Miramar Dr., NE Sidewalk Extension Phase II to Piedmont Asphalt Paving Company, Inc.

This contract consists of the selected contractor performing all necessary work to construct the proposed sidewalk extension on Miramar St., NE, including installation of new sidewalk, removal of existing asphalt and concrete pavement along driveways, and curb and gutter and performing other associated work as noted in the Miramar St. Phase II Sidewalk construction plans. Transportation Project Funds are being used to fund this project. Only one formal bid for this work was received on February 19, 2019, which was rejected for lack of the required number of bids. The work was re-advertised and formal bids were received on March 7, 2019 with Piedmont Asphalt Paving Company, Inc submitting the lowest bid in the amount of \$205,392. Contract final completion date is 90 days from the Notice to Proceed.

A motion was made by Mayor Pro-Tem Leder, seconded by Council Member Crawford, and duly carried, to award the total bid and authorize the City manager to negotiate and execute a contract with Piedmont Asphalt Paving Company, Inc in the amount of \$205,392 for the Miramar Dr., NE Sidewalk Extension Phase II project—the vote: all aye.

10. Consider amending the request for the Unions St. S. Sidewalk extension to include additional CMAQ funding match.

The Union St., S Sidewalk Extension will complete the continuous sidewalk from Downtown Concord, which ends at Tulip Ave., SW with the newly constructed sidewalk on NC 3 (Union St., S) which was installed from US 601 to Cumberland Ct., SW. The project includes associated curb & gutter and storm drainage structures as necessary. This project was originally estimated at \$400,000 and approved as a state funded TAP project with a 20% local match of \$80,000 as approved by the City of Concord. Due to project scope items including extensive storm water infrastructure not considered in the original estimate coupled with a market increase for construction work since the original estimate, has increased the estimate to \$866,009.51. This request is to support the submittal of a CMAQ application to fund the difference between the original estimate and the revised estimate which totals \$466,010. The City of Concord's estimated matching funds are \$93,202 (20%).

A motion was made by Council Member Parsley, seconded by Council Member Crawford, and duly carried, to support the Congestion Mitigation and Air Quality (CMAQ) application for funds to be submitted to the North Carolina Department of Transportation (NCDOT) to fund the difference between the original and the

revised estimate for the Union St. S. Sidewalk Extension project—the vote: all aye.

- 11. Consider approving a License to Attach Banners to City of Concord Property to Conder Flag Company for the placement of temporary race banners on Bruton Smith Blvd and Hwy 29.**

Conder Flag Company has requested to place banners on City light poles on Bruton Smith Boulevard (between I-85 and Hwy 29) and Hwy 29 (Exit 49 area between Mecklenburg County and the Rocky River) in conjunction with the Nascar Sprint All-Star Race and the Coca-Cola 600. The City will receive \$15 for each attachment. As required, the North Carolina Department of Transportation has reviewed and approved the banner design. The applicant may install the banners no earlier than May 6, 2019 and must remove the banners no later than June 4, 2019.

A motion was made by Mayor Pro-Tem Leder, seconded by Council Member Small, and duly carried, to approve a License to Attach Banners to City of Concord Property to Conder Flag Company for the placement of temporary race banners on Bruton Smith Blvd and Hwy 29—the vote: all aye.

- 12. Consider authorizing the City Manager to negotiate and execute a contract with IPR Southeast, LLC for the lining of sewer lines and rehabilitation of manholes.**

The Water Resource department performs inspections of the City's sewer lines and identifies those that are in need of repair or replacement. Lines that would cause excessive disturbance to the public if they were replaced by conventional methods, are earmarked for the cure-in-place pipe rehabilitation method (CIPP). The CIPP method allows the sewer lines to be rehabilitated without the disturbances to the public caused by the conventional method of excavation and replacement. This project was publicly bid and seven (7) bids were received. The lowest responsible bidder was IPR Southeast, LLC in the amount of \$837,790.80.

A motion was made by Council Member Sweat, seconded by Council Member Parsley, and duly carried, to authorize the City Manager to negotiate and execute a contract with IPR Southeast, LLC in the amount of \$837,790.80 for the rehabilitation of 27,408 linear feet of sewer lines and 87 manholes—the vote: all aye.

- 13. Consider authorizing the City Manager to negotiate and execute a contract with J.S. Haren Company for the Coddle Creek Water Treatment Plan Settling Basin Upgrades.**

This contract consists of removing the failing tube settlers installed with the construction of the plant and replacing them with plate settlers which is a more advanced treatment system and will result in better settling performance at the treatment plant. The project was bid under the formal bidding process, bids were opened on March 28, 2019. Three bids were received and the lowest responsible bidder was J.S. Haren Company in the amount of \$1,305,700. This is within the current approve CIP budget.

A motion was made by Mayor Pro-Tem Leder, seconded by Council Member Sweat, and duly carried, to authorize the City Manager to negotiate and execute a contract with J.S. Haren Company in the amount of \$1,305,700 for the Coddle Creek Water Treatment Plan Settling Basin Upgrades—the vote: all aye.

- 14. Consider authorizing the City Manager to negotiate and execute a contract with Black & Veatch to provide construction management services for the Coddle Creek Settling Basin Upgrades.**

The construction management services scope includes contract administration, shop drawing review, contractor claims review, review of pay requests, final construction drawing, and onsite construction observation. These services were included in the request for qualifications for design of the settling basins. This contract is in the amount of \$145,000 and is under the current approve CIP budget for this project.

A motion was made by Council Member Sweat, seconded by Council Member King, and duly carried, to authorize the City Manager to negotiate and execute a contract with Black & Veatch in the amount of \$145,000 to provide construction management services for the Coddle Creek Settling Basin Upgrades—the vote: all aye.

- 15. **Consider authorizing the City Manager to negotiate and execute a contract with Carolina Siteworks, Inc. for the BOC Upper Laydown Yard Renovations and approve the attached project amendments for the general capital project fund and the general capital reserve fund.**

The BOC Upper Laydown Yard Renovations project consists of installing a geotextile fabric and adding a layer of ABC stone to the existing yard, clearing and grading approximately 0.78 acres, moving and replacing existing fence, paving and installation of associated erosion control measures. This project was publicly bid and three (3) bids were received, the lowest responsible bidder was Carolina Siteworks, Inc. in the amount of \$608,249.40. The amount of the bid was higher than what was budgeted, so staff valued engineer the project to reduce the cost to \$536,478.60.

A motion was made by Council Member Crawford, seconded by Council Member Parsley, and duly carried, to authorize the City Manager to negotiate and execute a contract with Carolina Siteworks, Inc. in the amount of \$536,478.60 for the BOC Upper Laydown Yard Renovations and approve the following project amendments for the general capital project fund and the general capital reserve fund—the vote: all aye.

ORD.# 19-26

**CAPITAL PROJECT ORDINANCE
General Capital 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 ordained:

SECTION 1. The projects authorized are General Capital Projects for Laydown Yard.

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 project:

		<u>Revenues</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
430-4501285	From General Capital Reserve Fund	82,998	282,998	200,000
430-4501285	From General Capital Reserve Fund			
Total				200,000

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

Account	Title	<u>Expenses/Expenditures</u> Current Budget	Amended Budget	(Decrease) Increase
8800-5811261	BOC Laydown Yard	500,000	700,000	200,000
8800-5811261				
Total				200,000

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 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 11th day of April, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 19-27

CAPITAL RESERVE FUND ORDINANCE

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 18-22 Chapter 159 of the General Statutes of North Carolina, the following Capital Reserve Fund ordinance is hereby adopted/amended:

SECTION 1. The purpose authorized is to accumulate funds for future projects and capital outlay. Funds will be accumulated until such time the City Council designates the funds for projects. The General Fund will serve as the funding source for the Capital Reserve Fund upon City Council approval and withdrawals must be approved by City Council through an ordinance.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the fund.

SECTION 3. The following revenues are anticipated to be available/expenditures anticipated to be expended to the City of Concord for this fund & the following amounts are appropriated for the project:

Fund 285 General Capital Reserve Fund

		<u>Budget</u>	<u>Amended Budget</u>	<u>Inc (Dec)</u>
8150-5987000	To Project			
8150-5987000	Fund	\$6,847,445	\$7,047,445	\$200,000
8150-5811082	Future			
8150-5811082	Projects	\$30,438,409	\$30,238,409	(\$200,000)

1) 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 capital reserve fund 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 capital reserve fund amendments/adoption shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out the purpose of this fund.

SECTION 6. The Finance Director is directed to report on the financial status of this fund 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 11th day of April, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

16. Consider authorizing the City Manager to negotiate and execute a contract with Ike's Construction, Inc. for a Stormwater Control Measure at the Alfred Brown Operation Center.

Bids were received for the stormwater control measure at the Brown Center. Ike's Construction, Inc. was the low bidder with a total bid of \$151,735.10. Work is to include grading, drainage, and planting of a wet pond. The pond is necessary due to added impervious area thru various projects.

A motion was made by Council Member Crawford, seconded by Council Member Sweat, and duly carried, to authorize the City Manager to negotiate and execute a contract with Ike's Construction, Inc. in the amount of \$151,735.10 for a Stormwater Control Measure at the Alfred Brown Operation Center—the vote: all aye.

* * * * *

Consent Agenda

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

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

CONSENT AGENDA ITEM A

This item was removed from consideration.

CONSENT AGENDA ITEM B

The 2019 Municipal Election fees for the City of Concord were set as \$99 for City Council seats.

CONSENT AGENDA ITEM C

A following resolution was adopted to adopt the March 2019 updates to the NC Local Government Records Retention Schedules.

CITY OF CONCORD
RESOLUTION APPROVING THE ADOPTION OF THE 2019 UPDATES TO THE
NORTH CAROLINA LOCAL GOVERNMENT RECORDS RETENTION SCHEDULES

WHEREAS, the Local Records Unit of the Government Records Branch of the North Carolina Department of Cultural Resources has updated and published the General Local Records Retention Schedule in accordance with Chapters 121 and 132 of the North Carolina General Statutes; and

WHEREAS, the governing body is directed to adopt this schedule in an open meeting; and

WHEREAS, this schedule will supersede the following standards on all local schedules published prior to March 1, 2019: Administration and Management Records; Budget, Fiscal and Payroll Records; Geographic Information System (GIS) Records; Information Technology Records; Legal Records; Personnel Records; Public Relations Records; Risk Management Records; and Workforce Development Records.

NOW THEREFORE, BE IT RESOLVED that the City Council of Concord adopts the updated and published General Local Records Retention Schedule as supplied through the North Carolina Department of Natural and Cultural Resources.

Adopted this the 11th day of April 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

CONSENT AGENDA ITEM D

The maintenance agreements were approved and the offers of dedication were accepted on the following properties: Carpenter Family Investments, LLC and DCR Properties, LLC.

CONSENT AGENDA ITEM E

The offers of dedication for utility easements were accepted on the following plat and easements: Hunton Forest Phase 2 Maps 3 and 4, and the Mills Phase 2C Map 1.

CONSENT AGENDA ITEM F

An offer of infrastructure in the following subdivision and site was accepted: Magnolia Crossing.

CONSENT AGENDA ITEM G

The City Manager was authorized to execute the 2019 Carolina Thread Trail Implementation Grant agreement and the following Project amendment was adopted.

ORD.# 19-28

**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-Riverwalk.

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:

Account	Title	<u>Revenues</u>		
		Current Budget	Amended Budget	(Decrease) Increase
420-4603000	Grants	350,000	470,000	120,000
				<u>120,000</u>

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

Account	Title	<u>Expenses/Expenditures</u>		
		Current Budget	Amended Budget	(Decrease) Increase
8311-5811010	Hector Henry-Riverwalk Greenway	2,376,585	2,496,585	120,000
	Total			<u>120,000</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 11th day of April, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM H

The following ordinance was adopted ordering the demolition of the structure located at 244 Shannon Dr, SW.

ORD.# 19-29

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

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

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

WHEREAS, the owner of said dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Housing Code in accordance with G.S. 160A-443 (5) pursuant to an order issued by the Housing Code Enforcement Officer on June 15, 2018 and the owner having failed to comply with the order;

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

Section 1: The Housing Code Enforcement Officer is hereby authorized and directed to place a sign containing the legend, "THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL." on the buildings owned by Estate of Mamie Elizabeth Wallace, Estate of Kenneth B. Balknight c/o Charles P. Williford and located at the following address: 244 Shannon Dr. SW, Concord, NC.

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

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

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

Section 5: This ordinance shall become effective April 11, 2019.

Adopted this 11th day of April 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 ordinance was adopted to amend the Electric operating budget for an OPEB (other post-employment benefits) contribution.

ORD.# 19-30

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	
610-4406000	Retained Earnings	801,624	3,701,624	2,900,000
Total				2,900,000

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
7200-5294000	Miscellaneous Pay	96,539	2,996,539	2,900,000
Total				2,900,000

Reason: Appropriate reserves for contribution to OPEB Trust.

Adopted this 11th day of April, 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 J

The following ordinance was adopted to amend the Transportation Capital Project Fund.

ORD.# 19-31

**CAPITAL PROJECT ORDINANCE
NE Subset**

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 is the NE Subset Sidewalk Extension.

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 project:

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
----------------	--------------	-----------------------	-----------------------	----------------------------

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8600 - 5811072	Hwy 601/CMAQ	1,561,405	1,531,405	(30,000)
8600 - 5811229	NE Subset	875,916	905,916	30,000
				<u>0</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 11th day of

April, 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 K

Article 3.10, After Hours Emergency Call Back Pay, of the Personnel Policies and Procedures Manual was amended to clarify the policy

CONSENT AGENDA ITEM L

Section 3.12, Race Pay, of the Personnel Policy was amended to establish procedures for the payment of both non-exempt and exempt employees for working events at the Speedway and ZMax Dragway.

CONSENT AGENDA ITEM M

The monthly report on the status of investments as of February 28, 2019 was received.

CONSTENT AGENDA ITEM N

The Tax Office collection reports for the month of February 2019 were accepted.

CONSENT AGENDA ITEM O

The Tax releases/refunds for the month of February 2019 were approved.

* * * * *

A motion was made by Council Member Sweat, seconded by Council Member Parsley, and duly carried, to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(3) to consult with the Attorney to protect the attorney-client privilege and to consider and give instructions concerning a judicial action titled Wallace vs. Midland; Statute 143-318.11(a)(4) to discuss the location or expansion of industries or other businesses in the area served by the public body; and Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, and conditions of appointment of an employee—the vote: all aye.

* * * * *

A motion was made by Council Member Crawford, seconded by Council Member Small, and duly carried, to return to regular session—the vote: all aye.

* * * * *

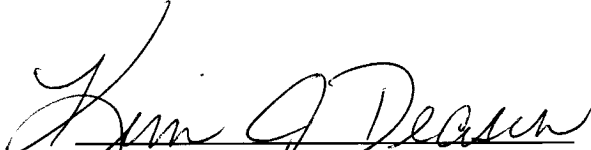
A motion was made by Council Member Parsley, seconded by Mayor Pro-Tem Leder, and duly carried, to conduct a public at the regularly scheduled May 9, 2019 City Council meeting to consider approving and Economic Development Incentive Grant to Project Delta—the vote: all aye.

* * * * *


There being no further business to be discussed, a motion was made by Council Member Sweat, seconded by Council Member Crawford, and duly carried, to return to closed session for reasons as previously stated—the vote: all aye.

* * * * *

A motion was made by Mayor Pro-Tem Leder, seconded by Council Member Crawford, and duly carried, to adjourn the meeting—the vote: all aye.



Kim J. Deason, City Clerk



William C. Dusch, Mayor