

CONCORD CITY COUNCIL
REGULAR MEETING
SEPTEMBER 12, 2019

A regular meeting of the City Council for the City of Concord, North Carolina, was held on September 12, 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 W. Brian King
Council Member David W. Phillips
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
Department Directors

* * * * *

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 McKenzie, seconded by Council Member Sweat, and duly carried, to approve the minutes for the meetings of August 6 and August 8, 2019—the vote: all aye.

* * * * *

Presentations:

1. Mayor Dusch presented the Certificate of Achievement for Excellence in Financial Reporting for period ending June 30, 2018 to Deputy Finance Director, Jessica Jones. This is the 30th consecutive year the City of Concord has received this award.
2. Mayor Dusch presented a Proclamation recognizing the week of October 6-12, 2019 as Public Power Week to Electric Systems Director, Bob Pate.
3. Mayor Dusch recognized the City of Concord Human Resources Department for being receiving the Best HR Department award by the Charlotte Business Journal.
4. Mayor Dusch explained how citizens could help Concord's Sister City Freeport, Bahamas following the devastation from Hurricane Dorian.
5. The FY19-20 Budget Video was presented.

Unfinished Business:

1. **Continue a public hearing and consider renaming a portion (approximately half) of the public street named Melrose Dr, SW to Balknight Dr, SW.**

The Planning and Neighborhood Development Director, Steve Osborne, stated the applicant has been working with property owners to acquire the 80% signature total required for street renaming requests, but as of date, the applicant has not been able to secure the number of signatures to achieve this requirement.

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

A motion was made by Mayor Pro-Tem King, seconded by Council Member McKenzie, and duly carried, to reject the petition to rename Melrose Dr, SW due to 80% signature threshold as required by City policy not being met—the vote: all aye.

New Business:

1. **Presentation by Youth Council President, Kelsey Mosshart.**

Ms. Mosshart presented the calendar of events scheduled for the upcoming year.

2. **Receive a report from the Concord Downtown Development Corporation (CDDC) on the accounting for all City moneys paid to the CDDC, downtown Municipal Service District (MSD) needs, completed projects, and pending projects.**

The City pays the CDDC the sum of monies collected from the City's MSD tax levy at \$0.23 per \$100 property valuation (FY19 actual \$88,845.86). The City also annually provides the CDDC with \$17,000 for downtown grants, \$33,000 for operating support, and allocates sales taxes collected in the MSD (FY 19 actual \$25,898.29) to the CDDC.

Pursuant to NCGS 160A-536(d), the City requires.

CDDC Executive Director, Johnson Bray, presented the required annual report to City Council, pursuant to NCGS 160A-536(d) on the appropriate accounting for all City moneys paid to the CDDC, in addition to a report on MSD needs, completed projects, and pending projects. He also presented a detailed profit loss report, survey results from downtown MSD businesses, property owners, and residents regarding needs, and recorded performance measures.

3. **Presentation of Recycle Right NC Campaign efforts and events.**

The Solidwaste Director, Robin Barham, presented information regarding the Recycle Right NC campaign, created by the Division of Environmental Assistance and Customer Service (DEAC) under the NC Department of Environmental Quality.

She stated it is a local campaign, promoted jointly by the City of Concord, Cabarrus County and the City of Kannapolis, that will begin September 8th and culminate with America Recycles Day on November 15th. The purpose of the campaign is to reinvigorate recycling education efforts, eliminate wishful recycling, and ultimately reduce the amount of waste going to landfills.

Person Requesting to be Heard:

Don Seitz, 3220 Roberta Farms Ct., addressed the Council to show his support in the efforts to provide assistance to the Concord Sister City, Freeport, Bahamas.

Public Hearings:

1. **Conduct a public hearing and consider adopting a resolution concerning the**

approval of the execution and delivery of the installment financing contract and a deed of trust, the financing of the airport hangar and the granting of a security interest and allowing the Finance Director to execute the installment financing contract.

It was recommended the City Council of the City of Concord, North Carolina consider entering into an installment financing contract, in a principal amount of approximately \$935,000, under which the City will make certain installment payments, in order to (a) pay the costs of acquiring a community hangar and associated facilities at the City's airport located at 9000 Aviation Blvd., Concord, North Carolina 28027 and (b) pay the costs associated with entering into the Contract.

In connection with the Contract, the City will grant a security interest in the site of the hangar and improvements thereon to be financed with the proceeds of the Contract for the benefit of the entity providing the funds to the City under the Contract. On payment by the City of all installment payments due under the Contract, the lien created in the Project will terminate and the City's title will be unencumbered.

The project was sent out for bank bid and the bid results were submitted to the Council for their review. Staff recommended entering into an installment financing agreement with BB&T, under the following terms: 2.63% rate with legal costs of \$5,900 and they will waive title insurance requirement.

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

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

A motion was made by Mayor Pro-Tem King, seconded by Council Member Parsley, and duly carried, to adopt the following resolution concerning the approval of the execution and delivery of the installment financing contract and a deed of trust, the financing of the airport hangar and the granting of a security interest and allowing the Finance Director to execute the installment financing contract—the vote: all aye.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CONCORD, NORTH
CAROLINA, APPROVING A CONTRACT AND A DEED OF TRUST AND THE DELIVERY
THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS**

WHEREAS, the City of Concord, North Carolina (the "City") is a validly existing municipal corporation existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "State");

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the City Council of the City (the "City Council") has determined that it is in the best interest of the City to (1) enter into an installment financing agreement (the "Contract") with BB&T (the "Bank") in order to pay the costs of acquiring a community hangar and associated facilities at the City's airport (the "Project") and to pay the costs of entering into the Contract, and (2) in order to provide security for the City's obligations under the Contract, grant to the Bank a lien under a deed of trust, security agreement and fixture filing (the "Deed of Trust") on the site of Project and the improvements thereon;

WHEREAS, the City hereby determines that the Project is essential to the City's proper, efficient and economic operation and to the general health and welfare of its inhabitants;

that the Project will provide an essential use and will permit the City to carry out public functions that it is authorized by law to perform; and that entering into the Contract is necessary and expedient for the City by virtue of the findings presented herein;

WHEREAS, the City hereby determines that the Contract allows the City to purchase the Project and take title thereto at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the City;

WHEREAS, the City hereby determines that the estimated cost of financing the Project is an amount not to exceed \$935,000 and that such cost of the Project exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of financing the Project pursuant to the Contract is expected to exceed the cost of financing the Project pursuant to a bond financing for the same undertaking, the City hereby determines that the cost of financing the Project pursuant to the Contract and the obligations of the City thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of acquiring the Project; and (3) insufficient revenues are produced by the Project so as to permit a revenue bond financing;

WHEREAS, the City does not anticipate a future property tax increase to pay installment payments falling due under the Contract;

WHEREAS, Parker Poe Adams & Bernstein LLP, as special counsel ("Special Counsel"), will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law;

WHEREAS, no deficiency judgment may be rendered against the City in any action for its breach of the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, the City is not in default under any of its debt service obligations;

WHEREAS, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the City has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget ordinance;

WHEREAS, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

WHEREAS, the City Council conducted a public hearing with respect to the Project on September 12, 2019 to receive public comments on the Project, the Contract and the Deed of Trust;

WHEREAS, the City has filed an application with the LGC for approval of the LGC with respect to the City entering into the Contract in an aggregate principal amount of not to exceed \$935,000;

WHEREAS, there has been made available to the City Council the forms of the Contract and the Deed of Trust (collectively, the "Instruments"), which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Instruments; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONCORD, NORTH CAROLINA, AS FOLLOWS:

Section 1. **Ratification of Prior Actions.** All actions of the City, the City Manager, the Finance Director of the City and the City Clerk and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments, including the filing with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and stating in such application such facts and to attach thereto such exhibits regarding the City and its financial condition as may be required by the LGC.

Section 2. **Financing Team.** The retention of Parker Poe Adams & Bernstein LLP, as special counsel, and First Tryon Advisors, as financial advisor, for the transactions contemplated in this Resolution are approved and ratified. The City Manager and the Finance Director are hereby authorized to retain the assistance of other professionals as they deem necessary and desirable to carry out the intention of this Resolution.

Section 3. **Authorization to Negotiate, Execute and Deliver the Instruments.** The City hereby approves the financing of the Project in accordance with the terms of the Instruments, which will be a valid, legal and binding obligation of the City in accordance with its terms. The City hereby approves the amount advanced by the Bank to the City pursuant to the Contract in an aggregate principal amount not to exceed \$935,000, such amount to be repaid by the City to the Bank as provided in the Contract, at an interest rate of not to exceed 2.63% per annum. The Instruments are in all respects authorized and approved, and the Mayor, the City Manager, the Finance Director of the City and the City Clerk or their respective designees, individually and collectively, are authorized, empowered and directed to execute and deliver the Instruments for and on behalf of the City, including necessary counterparts, in substantially the form as set forth above. The execution of each Instrument by the Mayor, the City Clerk, the City Manager, the Finance Director or their respective designees shall constitute conclusive evidence of the City's approval of any and all such deviations in such Instrument from the form and content of the Instruments made available to the City Council and that from and after the execution and delivery of the Instruments, the Mayor, the City Manager, the Finance Director of the City and the City Clerk or their respective designees are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Instruments as executed.

Section 4. **City Representative.** That the Mayor, the City Manager and the Finance Director of the City are hereby designated as the City's Representative to act on behalf of the City in connection with the transactions contemplated by the Instruments, and the Mayor, the City Manager and the Finance Director are each authorized to proceed with the acquisition of the Project in accordance with the Instruments and to seek opinions as a matter of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law.

The Mayor, the City Clerk, the City Manager and the Finance Director of the City or their respective designees are each hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Instruments or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution and to take all other actions that they deem necessary to administer the Instruments and the Project consistent with the intent of this Resolution and the Instruments. Any provision in this Resolution that authorizes more than one officer of the City to take certain actions shall be read to permit such officers to take the authorized actions either individually or collectively.

Section 5. **Repealer.** All motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 6. **Effective Date.** This Resolution is effective on the date of its adoption.

Adopted this the 12th day of September 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

2. Conduct a public hearing and consider adopting an ordinance annexing one parcel of land owned by City of Concord, located at the Southwest corner of Old Airport Rd and Heglar Rd (PIN 5640-40-6090).

The subject property consists of approximately 15.09 Acres and is located on the south side of Old Airport Road, west of Heglar Road. The City of Concord's Electric Department requested annexation of the subject property in order to construct an electric substation. The property has already been acquired by the City of Concord.

The applicant has provided a draft site plan indicating the anticipated layout of the substation. Access will likely be taken off Heglar Rd with substantial distance between the substation equipment and adjacent properties. The subject property is contiguous to the City of Concord's primary corporate limits.

If approved, City staff intends to administratively propose a rezoning to RE (Rural Estate). The current County zoning is LDR (Low Density Residential). The 2030 Land Use Plan (LUP) designates the subject property as Rural and RE is a corresponding zoning district to the Land Use Category.

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

The Planning and Neighborhood Development Director, Steve Osborne, presented the draft site plan as submitted by the Electric Systems Department.

Opponents to the request:

Beth Bobrek, 2300 Fairport Dr, SE, Concord, stated she is concerned with the proximity of the proposed substation to the existing neighborhood and the property values declining. She asked that extra trees be planted so as to camouflage the substation.

Council Member McKenzie stated the substation is needed in the subject area and the site is an ideal site. He stated that he agreed that buffering is needed around the substation and noted that vegetation is included on the submitted site plan.

The Electric Systems Director, Bob Pate, stated the noise from the substation will be very minimal.

Nancy Duncan, 2342 Fairport Dr, SE, Concord, stated she would also like the City to install a large buffer around the substation.

Joseph Whittington, 983 Fox Run Cir., SE, Concord, stated his property adjoins the subject property. He stated his main concern is the elevation of the site in relation to his property. He also asked why the substation is being proposed on the site. He also stated he is concerned with the noise that would be generated by the substation.

Joshua Burrrell, 987 Fox Run Circle, SE, Concord, stated he is concerned the site will not have enough buffering.

Thomas McCalan, 2284 Fairport Dr, SE, Concord, stated his property is located across from the subject property. He is concerned with the appearance of the site and asked who would be responsible for keeping the site clean.

With there being no further speakers in opposition, the Electric Systems Director addressed the concerns mentioned. He explained the City purchased the entire 15 acre parcel from the previous landowner, but the most useful portion of the property is where the substation is being proposed. There would be fencing around the substation and will be secure. The location is ideal to be able to backup existing facilities and provide service to new development. He stated as much vegetation as possible will remain on site to assist with buffering the site.

Council Member Small asked if staff had met with surrounding property owners. The Electric Systems Director stated letters were sent to adjacent property owners.

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

A motion was made by Mayor Pro-Tem King, seconded by Council Member Crawford, and duly carried, to adopt the following annexation ordinance and set the effective date for September 12, 2019—the vote: all aye.

ORD.# 19-90

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF OLD AIRPORT RD AND HEGLAR RD, CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by the City of Concord's Electric Department on September 12, 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 September 12, 2019 after due notice by The Independent Tribune on September 1, 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 12th day of September 2019:

FIRST TRACT

THE PROPERTY OF THE CITY OF CONCORD

14.40 Acres Tract (Map Book 80, Page 16)

(Deed Book 13391, Page 179) (PIN: 5640-40-6090; Real ID: 11-024-0051.00)

Lying and being in the No. 11 Township, Cabarrus County, North Carolina, and being a 14.40 Acres Tract of land as shown and recorded in Map Book 80, Page 16 (PIN: 5640-40-6090; Real ID: 11-024-0051.00) among the Cabarrus County Register of Deeds; and being more particularly described as follows:

Beginning at an existing IRON ROD located on the north side Public Right of Way of Old Farm Road at the southwest corner of the property of the City of Concord (Map Book 80 Page 16) (PIN: 5640-40-6090; Real ID: 11-024-0051.00), a common corner with said property and Lot 18 of OLD FARM SECTION No.1 (Map Book 14 Page 58) (PIN: 5549-49-

2785; Real ID: 11-026A-0009.00); said IRON FOUND being further described as having NC (NAD 83/2011) Grid Coordinates of N: 599,756.58',

E: 1,544,385.38' and being the POINT OF BEGINNING (POB) of the area being described herein; thence leaving the Point of Beginning and running

1. North 06°51'21" West 177.88 feet to an existing IRON FOUND; thence
2. North 06°56'56" West 121.63 feet to an existing IRON FOUND; thence
3. North 06°54'42" West 153.31 feet to an existing IRON FOUND; thence
4. North 06°56'08" West 169.11 feet to an existing IRON FOUND; thence
5. North 06°52'10" West 282.57 feet to an existing IRON FOUND; thence
6. North 20°06'20" West 47.81 feet to an existing IRON FOUND; thence
7. North 68°31'45" East (passing an existing BENT IRON FOUND on line at 256.11 feet), a total distance of 311.99 feet to a COMPUTED POINT in the centerline of Old Airport Road; thence running along the centerline of Old Airport Road
8. South 88°36'08" East 284.37 feet to a COMPUTED POINT in the centerline intersection of Old Airport Road and Heglar Road; thence running along the centerline of Heglar Road
9. South 21°56'27" East 223.22 feet to a COMPUTED POINT; thence
10. South 16°27'22" East 73.31 feet to a COMPUTED POINT; thence
11. South 08°58'24" East 71.79 feet to a COMPUTED POINT; thence
12. South 03°52'25" East 56.50 feet to a COMPUTED POINT; thence
13. South 00°46'36" East 115.78 feet to a COMPUTED POINT; thence
14. South 01°34'11" West 121.77 feet to a COMPUTED POINT; thence
15. South 05°17'06" West 102.69 feet to a COMPUTED POINT; thence
16. South 08°07'47" West 80.95 feet to a COMPUTED POINT; thence
17. South 10°01'52" West 254.47 feet to a COMPUTED POINT; thence leaving the centerline of Heglar Road and running along the southern boundary of the aforesaid City of Concord property (PIN: 5640-40-6090) (Map Book 80, Page 16)
18. North 87°08'52" West 502.39 feet to the Point of Beginning and containing 627,284 square feet or 14.40 acres of land, more or less.

SECOND TRACT

A PORTION OF THE PUBLIC RIGHT OF WAY OF OLD FARM ROAD

Lying and being in the No. 11 Township of Cabarrus County, North Carolina, and being a portion of the Public Right of Way of Old Farm Road and being more particularly described as follows:

Beginning at an existing IRON ROD located on the north side Public Right of Way of Old Farm Road at the southwest corner of the property of the City of Concord (Map Book 80 Page 16) (PIN: 5640-40-6090; Real ID: 11-024-0051.00), a common corner with said property and Lot 18 of OLD FARM SECTION No.1 (Map Book 14 Page 58) (PIN: 5549-49-2785; Real ID: 11-026A-0009.00); said IRON FOUND being further described as having NC (NAD 83/2011) Grid Coordinates of N: 599,756.58',

E: 1,544,385.38' and being the POINT OF BEGINNING (POB) of the area being described herein; thence leaving the Point of Beginning and running along the common line of the north side Public Right of Way of Old Farm Road and the southern line of aforesaid City of Concord property (PIN: 5640-40-6090; Real ID: 11-024-0051.00)

1. South 87°08'52" East 502.39 feet to a COMPUTED POINT situated in the centerline of Heglar Road at the southeastern corner of the property of the City of Concord; thence running along the centerline of Heglar Road
2. South 09°11'57" West 59.20 feet to a COMPUTED POINT; thence leaving said centerline and the running along the common line of the south side Public Right of Way of Old Farm Road, extended and the northern line of Bedford Farms, Phase 1, Map 2 (Map Book 55 Page 97) thence running along said common line
3. North 86°39'22" West 560.29 feet to an existing PIPE FOUND at the common corner of Lot 26 (Map Book 55, Page 97) and Lot 29 (Map Book 14 Page 58); thence leaving said common corner and running across Old Farm Road
4. North 52°52'08" East 84.08 feet to the Point of Beginning and containing 30,069 square feet or 0.69 acres of land, more or less.

SECTION 2. Upon and after the 12th day of September, 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 12th day of September 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

3. Conduct a public hearing and consider adopting an ordinance amending the official zoning map for the Baptist Retirement Homes' property (Taylor Glen) located at 3700 Taylor Glen Ln. from O-I-CU (Office Institutional Conditional Use) and RM-2 (Residential Medium Density) to O-I-CD (Office Institutional Conditional District).

The subject property consists of three (3) parcels, totaling approximately 124.12 acres on the north side of Pitts School Rd NW, east and west of Plantation Rd NW, and south of Woodridge Ct. NW., about ¾ mile northwest from the intersection of Concord Parkway South and Pitts School Rd (3700 Taylor Glen Lane). It is the site of the Taylor Glen Retirement Community.

On June 11, 1998, approximately 89.9 acres were rezoned by the Planning and Zoning Commission, with conditions, from R-2 to O-I-CU for the purpose of constructing a multi-level retirement home. As a conditional zoning, any changes or additions to the approved site plan require a zoning amendment and public hearing.

The owner and registered agent for Baptist Retirement Homes of North Carolina, Inc., William Stillerman, submitted an application to add approximately 8,735 linear feet of green vinyl coated chain link fencing to the perimeter of the property. The applicant provided a site plan, photographs of the property's existing conditions, and landscape plan to demonstrate the improvements associated with the request. These items, along with any other conditions approved as part of the rezoning would become binding to the zoning if approved.

The 2030 LUP designates the subject property as Suburban Neighborhood. O-I (Office Institutional) is not a corresponding zoning classification. However, the use has been operating on the subject property for approximately 20 years. If the zoning map amendment is approved, an amendment to the 2030 Land Use Plan will be required. Staff recommended the Land Use category of Civic/Institutional as it is corresponding to the proposed zoning classification and existing retirement home use.

The Planning and Zoning Commission heard the rezoning request at their August

20, 2019 public hearing and unanimously recommended the request to City Council for rezoning approval with conditions, and that the Land Use Plan be modified from Suburban Neighborhood to Civic/Institutional.

A motion was made by Council Member Crawford, seconded by Council Member Phillips, and duly carried, to open the public hearing.

Senior Planner, Kristen Boyd-Sullivan, explained the request and provided a draft rezoning ordinance for Council's reference.

Proponent(s):

Kimberly Barb, 601 N. Trade St, Ste 200, Winston Salem, NC, explained the fence height is requested to be increased to add additional security to the property and the residents of the facility. She stated the coloring of the fence will blend in with the existing landscaping and vegetation.

Opponent(s):

Jessica Andrews, 7683 Maple Bluff Ln, Concord (family residence at 2416 Plantation Rd, Concord) was in attendance to speak for her father. The home at Plantation Rd is adjacent to the subject property. Her father and family are concerned with the height of the fence.

Anthony Marciano, 2027 Stoney Creek Dr, NW, Concord, spoke in reference to the increased height of the fence. He asked the Council to limit the fence to 5 feet if approved.

Others that expressed concerns with the proposed fence height included:

Sergio Ivazque, 2416 Plantation Rd (Ms. Andrews' father);

Tom Schmitt, 5731 Monticello Dr, Concord;

John Mastro, 5709 Woodridge Ct, NW, Concord; and

Cheryl Dullin, 5736 Woodridge Ct, NW, Concord.

Council Member Crawford asked Ms. Barb to address the concerns from the surrounding property owners. Ms. Barb stated the fence height is needed to secure the property for the resident's safety.

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

A motion was made by Mayor Pro-Tem King, seconded by Council Member Parsley, and duly carried, to adopt the following Statement of Zoning Consistency—the vote: all aye.

- The subject property is approximately 124.12 acres and is currently zoned Office Institutional Conditional Use (O-I-CU), and Residential Medium Density (RM-2).
- The subject property was annexed on December 31, 1995 and is improved with a multi-level care retirement home. The remainder of the property is vacant.
- The proposed zoning amendment is not consistent with the 2030 Land Use Plan (LUP) as O-I (Office Institutional) is not a corresponding zoning district to the land use category; however, the Baptist Retirement Home was established on the property approximately twenty (20) years ago and the particular land use is a permitted use in the Office-Institutional zoning district.

Furthermore, Office-Institutional (conditional use) zoning has been present on the main campus since 1998. Therefore, an amendment to the 2030 Land Use Plan designating this parcel as Civic/Institutional will, if approved, ensure that the zoning petition is consistent with the Land Use Plan.

- The zoning amendment is reasonable and in the public interest as it does not change the use and will not modify the general character of the area, as the use is an established historical use and other civic/institutional uses are present in the general vicinity. The zoning amendment proposes no new uses on the property and only serves to approve installation of perimeter fencing.

A motion was made by Council Member Crawford, seconded by Council Member Parsley, and duly carried, to approve the rezoning request from O-I-CU (Office Institutional Conditional Use) and RM-2 (Residential Medium Density) to O-I-CD (Office Institutional Conditional District) with the following five (5) conditions—the vote: all aye.

1. Substantial compliance with the “Baptist Retirement Homes, Taylor Glen” Conditional Site Plan dated 06/26/19, revised 09/03/19.
2. All conditions from the original Conditional Rezoning (Z-29-97, Ordinance #98-47, CUP-02-98) remain in effect.
3. Future modifications/additions to the approved site plan may require further approval from the Planning and Zoning Commission.
4. Remove the existing barbed wire fence along lots 128, 138-149 of Woodridge Ct. NW and Stoney Creek Dr, NW, and install 6 foot high evergreen screening between the proposed fence and the rear lot lines of lots 140-149. Existing landscape material behind the remaining lots (150-153) of Stoney Creek Dr NW will provide screening of the proposed fence as indicated on the site plan. The proposed fence along lots 139-153 shall be 7’ in height, black vinyl coated.
5. The top of the fence shall be a tension wire rather than a solid pipe.

A motion was made by Council Member Crawford, seconded by Council Member Phillips, and duly carried, to approve the Land Use Plan amendment from Suburban Neighborhood to Civic Institutional and to adopt the following ordinance—the vote: all aye.

ORD. #19-103

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CONCORD, NORTH CAROLINA FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF PITTS SCHOOL ROAD NW, EAST AND WEST OF PLANTATION RD NW, AND SOUTH OF WOODRIDGE CT. (3700 TAYLOR GLEN LANE).

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

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

WHEREAS, Section 3.2.4.B.5 of the Concord Development Ordinance specifies that any person aggrieved by the decision of the Planning and Zoning Commission shall have

the right to appeal the decision to the City Council within fifteen days of the decision of the Planning and Zoning Commission decision by giving written notice to the Administrator; and

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

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

SECTION 1. That the P&Z Commission held a duly advertised public hearing on August 20, 2019. At the close of the public hearing, the P&Z Commission adopted the following "Statement of Zoning Consistency" as required by NC Gen Stat 160A-383.

- The subject property is approximately 124.12 acres and is currently zoned Office Institutional Conditional Use (O-I-CU), and Residential Medium Density (RM-2).
- The subject property was annexed on December 31, 1995 and is improved with a multi-level care retirement home. The remainder of the property is vacant.
- The proposed zoning amendment is not consistent with the 2030 Land Use Plan (LUP) as O-I (Office Institutional) is not a corresponding zoning district to the land use category; however, the Baptist Retirement Home was established on the property approximately twenty (20) years ago and the particular land use is a permitted use in the Office-Institutional zoning district. Furthermore, Office-Institutional (conditional use) zoning has been present on the main campus since 1998. Therefore, an amendment to the 2030 Land Use Plan designating this parcel as Civic/Institutional will, if approved, ensure that the zoning petition is consistent with the Land Use Plan.
- The zoning amendment is reasonable and in the public interest as it does not change the use and will not modify the general character of the area, as the use is an established historical use and other civic/institutional uses are present in the general vicinity. The zoning amendment proposes no new uses on the property and only serves to approve installation of perimeter fencing.

The P&Z Commission then voted to forward the zoning map amendment to City Council with a recommendation of approval from Office Institutional Conditional Use (O-I-CU), and Residential Medium Density (RM-2) to Office Institutional Conditional District (O-I-CD) with the following conditions:

1. Substantial compliance with the "Baptist Retirement Homes, Taylor Glen" Conditional Site Plan dated 06/26/19.
2. All conditions from the original Conditional Rezoning (Z-29-97, Ordinance #98-47, CUP-02-98) remain in effect.
3. Future modifications/additions to the approved site plan may require further approval from the Planning and Zoning Commission.
4. Remove the existing barbed wire fence in the rear of lots 138-154 of Woodridge Ct. NW.
5. Provide additional plant material between the fence and the rear lot lines of lots 128-154, specifically lots 140-143.
6. Submit a landscape plan delineating said plant material.

The P&Z Commission also voted to forward the request to City Council recommending approval of a Land Use Amendment from Suburban Neighborhood to Civic Institutional.

SECTION 2. That the City Council held a duly advertised public hearing on September 12, 2019. At the close of the public hearing, the City Council adopted the following "Statement of Zoning Consistency" as required by NC Gen. Stat 160A-382(b).

- The subject property is approximately 124.12 acres and is currently zoned Office Institutional Conditional Use (O-I-CU), and Residential Medium Density (RM-2).

- The subject property was annexed on December 31, 1995 and is improved with a multi-level care retirement home. The remainder of the property is vacant.
- The proposed zoning amendment is not consistent with the 2030 Land Use Plan (LUP) as O-I (Office Institutional) is not a corresponding zoning district to the land use category; however, the Baptist Retirement Home was established on the property approximately twenty (20) years ago and the particular land use is a permitted use in the Office-Institutional zoning district. Furthermore, Office-Institutional (conditional use) zoning has been present on the main campus since 1998. Therefore, an amendment to the 2030 Land Use Plan designating this parcel as Civic/Institutional will, if approved, ensure that the zoning petition is consistent with the Land Use Plan.
- The zoning amendment is reasonable and in the public interest as it does not change the use and will not modify the general character of the area, as the use is an established historical use and other civic/institutional uses are present in the general vicinity. The zoning amendment proposes no new uses on the property and only serves to approve installation of perimeter fencing.

The City Council then voted to **APPROVE** the map amendment subject to the following conditions, which have been offered by the petitioner and/or mutually agreed upon during the course of the hearing:

1. Substantial compliance with the "Baptist Retirement Homes, Taylor Glen" Conditional Site Plan dated 06/26/19, revised 09/03/19.
2. All conditions from the original Conditional Rezoning (Z-29-97, Ordinance #98-47, CUP-02-98) remain in effect.
3. Future modifications/additions to the approved site plan may require further approval from the Planning and Zoning Commission.
4. Remove the existing barbed wire fence along lots 128,138-149 of Woodridge Ct. NW and Stoney Creek Dr, NW, and install 6 foot high evergreen screening between the proposed fence and the rear lot lines of lots 140-149. Existing landscape material behind the remaining lots (150-153) of Stoney Creek Dr NW will provide screening of the proposed fence as indicated on the site plan. The proposed fence along lots 139-153 shall be 7' in height, black vinyl coated.
5. The top of the fence shall be a tension wire rather than a solid pipe.

The City Council then voted to **APPROVE** the Land Use Plan Amendment from Suburban Neighborhood to Civic Institutional.

SECTION 3: That the Official Zoning Map is hereby amended by rezoning from Office Institutional Conditional Use and Residential Medium Density (O-I-CU and RM-2) to Office Institutional – Conditional District (O-I-CD) the area described as follows:

Parcels 5509-18-0045 & 5509-06-0817:

BEGINNING at a new iron pin located in the northeast intersection of Pitts School Road and Plantation Road; thence two (2) lines with the eastern edge of the right-of-way of Plantation Road as follows: (1) N. 13-16-43 E., 165.38 feet to a new iron pin; (2) N. 9-14-38 E., 165.12 feet to an existing iron pin; thence S. 77-8-8 E., 237.58 feet to an existing iron pin; thence 24-0-0 E., 544 feet to an existing iron pin, a corner of Knight; thence two (2) lines with Knight as follows: (1) N. 16-6-45 E., 182.58 feet to an existing iron pin; (2) N. 83-18-10 W., 41.94 feet to an existing iron pin, corner of McAdams; thence two (2) lines with McAdams as follows: (1) N. 23-56-23 E., 208.83 feet to an existing iron pin; (2) N. 76-46-22 W., 177.77 feet to a new iron pipe in the eastern edge of the right-of-way of Plantation Road; thence with the eastern edge of the right-of-way of Plantation Road, N. 24-1-10 E., 1,007.15 feet to a new iron pipe (said new iron pipe being S. 76-49-45 E., 61.09 feet from a new iron pipe in the western edge of the right-of-way at its termination); thence N. 71-15-50 E., 507.99 feet to an existing iron pipe in the rear line, now or formerly, of Southern Land Equities (corner of Lot 140 of the Woodlands); thence with Southern Land Equities, S. 86-39-46 E., 1,631.15 feet to a new iron pipe on the western edge of Coddle Creek; thence six (6) lines with the western edge of Coddle Creek as follows: (1) S. 40-36-41 E., 346.51 feet to an existing iron pipe; (2) S. 28-37-39 W., 700.32 feet (passing an

existing iron pipe on the line at 62.56 feet) to an existing iron pipe; (3) S. 28-32-59 W., 154.00 feet to a new iron pipe; (4) N. 61-30-52 W., 146.80 feet to an existing iron pipe; (5) S. 72-8-45 W., 374.79 feet to an existing iron pipe; (6) S. 25-22-43 W., 362.42 feet to an existing iron pipe; thence S. 25-22-14 W., 500.20 feet to an existing iron pipe; thence N. 82-36-19 W., 630.05 feet to an existing iron pipe in the rear line of Family of Faith Lutheran Church; thence two (2) line with the Family of Faith Lutheran Church as follows: (1) S. 25-28-4 W., 389.60 feet to an existing iron pipe; (2) S. 32-17-18 W. 709.55 feet to an existing iron pipe in the northern edge of the right-of-way of Pitts School Road, N. 54-4-59 W., 921.98 feet to the BEGINNING, containing 101.767 acres, more or less, as surveyed and platted by James H. Mauney, Jr., RLS, of R.B. Pharr & Associates, P.A., on the 28th day of January, 1998.

LESS AND EXCEPTING and excluding therefrom, however, the portion of that 30-foot-wide sanitary sewer easement (the "Easement") included in the above description which is hereby expressly retained by the Grantor. The Easement is more particularly described in Exhibit A-1 attached hereto and incorporated herein by reference and the centerline of said easement being further described as follows:

BEGINNING at an existing manhole, STA. 0+00; thence N. 69-58-50 W., 400.00 feet to a proposed Manhole 1 STA. 4+00; thence N. 70-22-59 W., 224.60 feet to proposed Manhole STA. 6+24.60, said point being the southeastern corner of the property of Carrol E. Taylor, now or formerly, (Deed Book 975, Page 120); thence with the line of Taylor, N. 26-23-50 E., 224.93 feet to proposed Manhole 3 STA. 8+49.53 (passing an existing iron at 181.44 feet); thence continuing with the line of Taylor, N. 26-18-07 E. 224.15 feet to a proposed Manhole, 4 STA. 10+73.68 (passing an existing iron at 138.05 feet) as surveyed by James E. Craddock, PLS, December 27, 1999.

Parcel 5509-09-5299:

BEGINNING at an existing iron pipe on the easterly margin of the right-of-way of Cedarwood Drive (60 foot Public R/W), said point also being the northwesterly corner of the property of Baptist Retirement Homes Foundation (now or formerly) as described in Deed Book 11452, Page 302 in the Cabarrus County Registry (the "Registry"), said point also being the southeast corner of the property of Steven and Bertilda Russell (now or formerly) as described in Deed Book 10274, Page 113 in said Registry; thence with and along the easterly boundary of said property of Steven and Bertilda Russell N. 10 26'25" W a distance of 384.34 feet to an existing iron pipe, said point being the common corner of Lots 38 and 39, Quail Hollow Park, as recorded in Plat Book 14, Page 63 in said Registry; thence with and along the easterly boundary of Lots 39 through 46, said Quail Hollow Park for the following three (3) courses and distances: 1) N 46 degrees 52'30"E (passing an existing iron rod at 51.56 feet, 191.39 feet and 340.45 feet) a total distance of 564.72 feet to an existing iron rod; 2) N 39 degrees 30'21" E a distance of 349.56 feet to an existing iron pin; and 3) N 39 degrees 45'57"E a distance of 142.99 feet to a new iron rod; thence continuing with the southeasterly line of said Lot 46, Quail Hollow Park, and with the southeasterly boundary of Freedom Acres as recorded in Plat Book 18, Page 29 in said Registry N 59 degrees 11'32" E (passing an existing iron rod at 82.55 feet being the southeast corner of said Lot 46, an existing iron rod at 306.88 feet, and 606.63 feet) a total distance of 924.65 feet to a new iron rod on the westerly boundary of Lot 128, Woodlands Phase III, Map 2 as recorded in Plat Book 27, Page 59 in said Registry; thence with and along the westerly boundary of said Woodlands Phase III, Map 2, and Woodlands Phase V, Map 1 as recorded in Plat Book 30, Page 21 in said Registry @ 08 degrees 14'09" E (passing an existing iron rod at 141.13 feet, 339.06 feet and 538.76 feet) a total distance of 653.11 feet to an existing concrete monument on the northerly boundary of the property of Baptist Retirement Homes of NC, Inc., (now or formerly) as described in Deed Book 2752, Page 116 in said Registry; thence with and along said northerly boundary of the property of Baptist Retirement Homes of NC, Inc., S69 degrees 34'56" W a distance of 508.11 feet to an existing iron rod; thence N 78 degrees 30'00" W a distance of 61.09 feet to an existing iron rod, said point being the easterly most corner of the property of George and Nina Tucker (now or formerly) as described in Deed Book 10584, Page 101 in said Registry; thence with and along the boundary of said property of George and Nina Tucker for the following three (3) courses and distances: 1) N66 degrees 22'55" W a distance of 173.70 feet to an existing iron rod; 2) S 23 degrees 40'33" W a distance of 266.31 feet to an existing iron

rod; 3) 16 degrees 34'36" W a distance of 20.46 feet to an existing iron rod, said point being the northwest corner of the property of Donald and Betty Love (now or formerly) as described in Deed Book 10584, page 104 in said Registry; thence with the westerly boundary of the property of Donald and Betty Love, and continuing with the westerly boundary of the property of Sergio Vazquez (now or formerly) as described in Deed Book 10584, Page 107 S 16 degrees 34'36" W a distance of 386.04 feet to an existing iron rod; thence with and along the northerly boundary of said property of Sergio Vazquez N78 degrees 31'26" W a distance of 128.58 feet to an existing iron rod; thence with the westerly boundary of said property of Sergio Vazquez, N78 degrees 31'26" W a distance of 128.58 feet to an existing iron rod; thence with the westerly property boundary of said property of Sergio Vazquez, and continuing with the westerly boundary of the property of John Michael Munn (now or formerly) as described in Deed Book 8143, Page 231 in said Registry S22degrees 20'50" W a distance of 368.20 feet to an existing iron rod, said point being the easterly most corner of Lot 2, Plat of the Division of 1.01 Acre Tract for Carrol E. Taylor as recorded in Plat Book 52, Page 107; thence with and along the northerly boundary of Lot 1 and 2, aforesaid Plat N 78 degrees 47'05" W (passing an existing iron rod at 127.12 feet) a total distance 217.24 feet to an existing iron pipe, said point being the easterly most corner of the property of Baptist Retirement Homes Foundation (now or formerly) as described in Deed Book 11452, Page 302 in said Registry; thence with and along the northerly boundary of said property of Baptist Retirement Homes Foundation N 78 degrees 07'39" W a distance of 150.09 feet to the point of BEGINNING; having an area of 973,723 square feet or 22.3536 acres as shown on a survey prepared by R.B. Pharr & Associates, P.A., dated August 7, 2015.

SECTION 4. That the establishment of this district and subsequent issuance of Zoning Clearance Permits are hereby authorized.

SECTION 5. That the above described property shall be perpetually bound to the uses authorized in the Concord Development Ordinance, as such may be amended from time to time and as provided for under Article 3 of the Concord Development Ordinance.

SECTION 6. That the effective date hereof is the 12th day of September, 2019

Adopted this 12th day of September, 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 amending "ClearWater Artist Studios" name to "ClearWater" with the tag line under it "Arts Center & Studios" to better reflect the growth and increasing activity occurring at the facility.

Changes that have been made to Clearwater Artist Studios over the years have led to concerns that the name is exclusive to studios and steers citizens away from a key goal of being an art center. By having Arts Center within the tag line, it is expressive of more activities than just renting studio space. The center is known as Clearwater and that would simply be the primary name with the tag line expanding on what activities occur on site.

A motion was made by Council Member Small, seconded by Council Member Parsley, and duly carried, to amend "ClearWater Artist Studios" name to "ClearWater" with the tag line of "Arts Center & Studios" to better reflect the growth

and increasing activity occurring at the facility —the vote: all aye.

2. Consider amending the HOME Investment Partnership (HOME) funds awarded November 8, 2018 to Habitat Cabarrus in the amount of \$15,000 for additional foundation cost at 350 Broad Drive SW.

During the November 8, 2018 Council meeting, Habitat Cabarrus was approved to receive \$60,000 to construct two (2) new homes located at 330 Broad Drive SW and 350 Broad Drive SW. During the site preparation, both lots were found to have large amounts of ground water and unstable soil by Concord Engineering & Surveying, Inc.

CESI proposed a deep foundation support system using timber piers or helical piers for 350 Broad Drive. However, 330 Broad Drive was deemed not buildable due to the major water issues present. In light of this, Habitat will not be able to use the \$30,000 allocation for 330 Broad Drive SW. The proposed piers foundation plan, which would allow construction to move forward on 350 Broad Drive, will increase foundation cost by \$15,428.10 based on quotes received.

Habitat Cabarrus is requesting that half of the allocation for 330 Broad Drive be moved to 350 Broad Drive to help alleviate the cost. That would equate to the original allocation of \$30,000 plus an additional \$15,000 (\$45,000 total) of HOME funds for the new construction at 350 Broad Drive SW. Habitat continues to be committed to meeting the City's standards in construction.

Per the discussion at the Work Session, Community Development Manager, Mary Carr reached out to Habitat's Interim Executive Director, Kimberly Jones. Ms. Jones and Habitat's Construction Manager agreed with the City Council that it would not be advantageous to continue with construction at 350 Broad Dr, SW. Ms. Jones stated Habitat would like to secure another lot in that area.

No action was needed.

3. Consider authorizing the Police Department to enter into a Memorandum of Understanding with the U.S. Marine Corps Forces, Special Operations Command (MARSOC), allowing the MARSOC to periodically conduct required training within the City of Concord.

The MARSOC (to include all military, civilian, and contractor support personnel) wish to conduct military training, to include surveillance, advanced communications, and reconnaissance, necessary to develop special operations skills within the boundaries of Concord, North Carolina. Training and informal meetings will be restricted specifically to commercial/restaurant and public gathering areas of the City of Concord and will not involve direct contact with the local populace. Any training to be conducted on private property in the City of Concord will be coordinated with and approved by the property owners involved.

A motion was made by Council Member Sweat, seconded by Council Member Crawford, and carried, to authorize the Police Department to enter into a Memorandum of Understanding with the U.S. Marine Corps Forces, Special Operations Command (MARSOC), allowing the MARSOC to periodically conduct required training within the City of Concord—the vote: aye – Phillips, King, Small, Crawford, Parsley, and Sweat; nay - McKenzie.

4. Consider entering into a purchasing contract with RMG LLC for the purchase of the RMG hangar located at the Concord - Padgett Regional Airport.

The City entered into a contract with Aviation Management Consulting Group, Inc. (AMCG) and Decker Associates, Inc. (AMCG team) to perform an appraisal for certain land and improvements associated with RMG located at Concord-Padgett Regional Airport. The purpose of the report was to determine market value for the subject property situated on 23,588 square feet of non-commercial improved land leased from the City of Concord by RMG Aviation.

The report was prepared in accordance with Uniform Standards of Professional Appraisal Practice as set forth by the Appraisal Foundation and in accordance with Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute. Additionally, this report was prepared in conformance with the Federal Aviation Administration requirements. As result of the analysis conducted and based on the Consultant's team experience the value conclusion for the subject property is \$850,000.

Staff requested authorization to acquire the subject property for a purchase price not to exceed \$875,000. The Aviation Department has several prospects that would lease part of the building and would generate approximately \$50,000 in additional income per year.

A motion was made by Mayor Pro-Tem King, seconded by Council Member Sweat, and duly carried, to authorize the City Manager to negotiate and execute a Purchasing Contract with RMG LLC, not to exceed \$875,000—the vote: all aye.

5. Consider approving the expenditure of funds to Vulcan Materials Company for the removal of trees causing obstructions near the airport property and consider adopting a budget ordinance amending the airport operating budget.

FAA has approved the updated Master Plan. One of the elements of the Plan was to survey the approaches (arriving and departing) at the airport. Those surveys were completed and it was determined there a number of obstructions on and off airport property.

One particular area of concern identified is the north end of the airport, at the Vulcan Quarry. Staff met with the Plant Manager for Vulcan and discussed various options. Staff provided them a detailed map indicating the trees that need to be removed. Vulcan received two proposals for cutting, hauling and clearing of trees and, cutting and trimming all over grown berms. The lowest bid was in the amount of \$75,000.

Staff discussed this issue with FAA Memphis, ADO, due to the airport's grant assurances require the airport to assure and certify that the public interest and investment in civil aviation will be safeguarded, and obstructions and interference to the safe operations of airspace near the airport will be prevented.

Staff also requested the adoption of a budget amendment to set aside the estimated debt service payment that is associated with purchasing a hangar at the airport. In the first year of this financing agreement, the current structure indicates that the City will only pay interest of around \$20,000.

A motion was made by Council Member Parsley, seconded by Council Member Sweat, and duly carried, to approve paying \$75,000 to Vulcan Materials Company for the removal of trees causing obstructions near the airport property and to adopt the following budget ordinance amending the airport operating budget—the vote: all aye.

ORD.# 19-91

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, 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	Revenues		(Decrease) Increase
		Current Budget	Amended Budget	
680-4401330	Parking	1,350,000	1,445,000	95,000
Total				95,000

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4530-5440000				
4530-5750000	Maintenance Contracts Capital Lease	294,275 1,242,582	369,275 1,262,582	75,000 20,000
Total				95,000

Reason: To allocate parking proceeds to the cost of cutting trees on property adjacent to the airport and to allocate funds for the estimated debt service on the new installment agreement related to purchasing a hangar.

Adopted this 12th day of September, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

6. Consider accepting and executing a grant from the FAA for the apron strengthening project and adopt a budget amendment.

The total project cost for the Apron Strengthening project is \$5,732,145. The Federal 90% share of the project cost is \$5,158,930.50. The City's 10% match for the project is \$573,214.50. Funds from retained earnings will be used for the local match for this project.

A motion was made by Council Member Small, seconded by Council Member Parsley, and duly carried, to authorize City Manager to accept and execute the FAA grant and to adopt the following airport operating budget amendment and project ordinance amendment—the vote: all aye.

ORD.# 19-92

CAPITAL PROJECT ORDINANCE AMENDMENT

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 **Apron Strengthening Project**.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation of the project within terms of a grant agreement with the N.C. Department of Transportation – Division of Aviation.

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

<u>Account</u>	<u>Title</u>	<u>Revenues</u>		<u>(Decrease) Increase</u>
		<u>Current Budget</u>	<u>Amended Budget</u>	
451-4501680				
451-4501680	Transfer from Aviation	1,532,042	2,125,784	593,742
451-4357300				
451-4357300	Federal Aid	19,194,589	24,356,547	5,161,958
Total				5,755,700

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

<u>Account</u>	<u>Title</u>	<u>Expenses/Expenditures</u>		<u>(Decrease) Increase</u>
		<u>Current Budget</u>	<u>Amended Budget</u>	
6300-5800440				
6300-5800440	Apron Strengthening	356,211	6,111,911	5,755,700
Total				5,755,700

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 12th day of September, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 19-93

WHEREAS, the City Council of the City of Concord, North Carolina did on the 14th day of June, 2019, adopt a City budget for the fiscal year beginning July 1st, 2019 and ending on June 30th, 2020, 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:

<u>Revenues</u>					
Account	Title		Current Budget	Amended Budget	(Decrease) Increase
680-4406000	Appropriation Retained Earnings	from	803,957.70	1,397,699.70	593,742
Total					593,742

<u>Expenses/Expenditures</u>					
Account	Title		Current Budget	Amended Budget	(Decrease) Increase
4530- 5987000	Transfer to Projects		14,472	608,214	593,742
Total					593,742

Reason: To appropriate funds for the Apron Strengthening project.

Adopted this 12th day of September, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

7. Consider authorizing the City Manager to negotiate and execute a contract with Sealand Contractors Corporation for the Apron Strengthening project at the Concord-Padgett Regional Airport.

Bids were opened on July 24, 2019. Only one bid was received at that time, so staff re-advertised in accordance with State Law. The second bid opening was held August 2, 2019, and again only one bid was received.

Sealand Contractors Corporation submitted the low responsive base bid in the amount of \$5,411,318. Talbert, Bright and Ellington reviewed the bid and concurred all bid requirements of the specifications were met.

A motion was made by Council Member Small, seconded by Council Member Parsley, and duly carried, to authorize the City Manager to negotiate and execute a contract with Sealand Contractors Corporation in the amount of \$5,411,318 for the

Apron Strengthening project the Concord-Padgett Regional Airport—the vote: all aye.

- 8. Consider authorizing the City Manager to execute Work Authorization 1903 for Talbert, Bright and Ellington, Inc for the apron strengthening project at the Concord-Padgett Regional Airport.**

Work Authorization 1903 will allow for Talbert, Bright and Ellington, Inc to provide construction administration, quality assurance testing, as-built surveying, and Resident Project Representative Services for the apron strengthening project at the Concord-Padgett Regional Airport per the plans and specifications prepared by TBE.

The intent of this project is to place 3 inches of P-401 Bituminous Concrete over portions of the existing general aviation apron in order to strengthen the pavements to accommodate the aircraft that are currently using the facility.

The authorization shall not exceed \$234,028 without additional authorization. The FAA has reviewed and approved the agreement.

A motion was made by Council Member Sweat, seconded by Council Member Phillips, and duly carried, to authorize the City Manager to execute Work Authorization 1903 for Talbert, Bright and Ellington, Inc for the apron strengthening project at the Concord-Padgett Regional Airport—the vote: all aye.

- 9. Consider authorizing the City Manager to enter into a contract with HDR Inc to conduct Concord's Risk and Resiliency Assessment and Emergency Response Plan.**

America's Water Infrastructure Act of 2018 (AWIA) requires Concord to do a Risk and Resiliency Assessment and Emergency Response Plan. The Act requires all community water systems serving populations over 3,300 to comply with the rule.

This accesses multiple aspects of a water system risk including malevolent acts and natural hazards and assists in determining appropriate emergency response plans. Concord is required to comply with the Risk and Resiliency Assessment portion by March 31, 2020 and the Emergency response Plan by September 30, 2020. This contract amount is \$223,500 and funds are available in the Water Resources operations budget.

A motion was made by Council Member Crawford, seconded by Council Member Sweat, and duly carried, to authorize the City Manager to enter into a contract with HDR Inc to conduct Concord's Risk and Resiliency Assessment and Emergency Response Plan in the amount of \$223,500—the vote: all aye.

- 10. Consider adopting a resolution abandoning a right-of-way and easement across property on Weddington Road (PIN 4599-26-1878).**

Previously a 30' right-of-way and easement and 10' temporary construction easement was granted to the City of Concord for a sanitary sewer main (Deed Book 1906 page 147). The current location of the right-of-way and easement conflict with the development plan and the developers have requested to relocate the right-of-way. A portion of said right-of-way and easement can be abandoned and during the site plan review process, a new easement will be required.

A motion was made by Council Member Parsley, seconded by Mayor Pro-Tem King, and duly carried, to adopt the following resolution authorizing the Abandonment of Easement—the vote: all aye.

RESOLUTION RELEASING EASEMENT

WHEREAS, a 30' sanitary sewer easement and 10' temporary construction easement was granted to the City of Concord in Deed Book 1906 Page 147 in the Cabarrus County Registry and a portion of that easement is depicted on Exhibits A; and

WHEREAS, the property owners request abandonment of a portion of the easement because the location conflicts with proposed development plans and a new location will be required during the site plan review process; and

WHEREAS, the release of the portion of said easement would not be contrary to the public interest;

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

1. That the portion of the utility easement recorded in Deed Book 1906 Page 147 and more particularly shown on Exhibits "A" is hereby ordered abandoned, and all rights and interest of the City are released.
2. The City's property rights in the released portion easement shall be conveyed by the City Attorney and other necessary staff or the Mayor to the property owners of record.
3. The City Attorney and other City staff are hereby directed to take all necessary steps to enforce this resolution.

Adopted this 12th day of September 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

11. Consider a Preliminary Application from Schumacher Homes.

In accordance with City Code Chapter 62, Schumacher Homes has submitted a preliminary application to receive water service outside the City limits. The property is located at 10699 Poplar Tent Road. The parcel is zoned LDR and the applicant proposed to build a single family residence. There is only water available to this site.

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

12. Consider authorizing the City Manager to take all necessary action to acquire a portion of a vacant tract of land (being 16.596 acres, more or less) located at 860 Warren C. Coleman Boulevard to accommodate future expansion of the Alfred Brown Sr. Operations Center and adopting an amendment to the Electric Department operating budget ordinance to fund acquisition of property.

The Alfred Brown Sr. Operations Center (BOC) is the home to all of the City's Public Works, Utilities and several Internal Service Departments. The BOC campus is approximately 30 acres and is located between Warren C. Coleman Boulevard and Hwy 49.

Over the years the number of personnel and equipment have continued to increase

which has prompted components of the BOC buildout plan to be implemented at a much faster pace than in the past. It is important that these expansion plans have the space to continue to move forward so the City can continue to realize efficiencies with interdepartmental projects and the use of equipment.

Staff has been in discussions with an adjacent property owner regarding a piece of land that is currently vacant. Acquisition of this land would allow for the City to gain site control to ensure the campus has the space to expand as needed. This particular parcel is located along the east side of the entrance to the BOC. It is owned by Bill Krimminger who owns a total of approximately 44 acres that covers both sides of the entrance (Alfred Brown Jr. Court). The City has evaluated the property and determined that approximately 16.5 acres of the property would be suitable for construction; the rest of the acreage is located in the floodplain and would not be usable. Approximately 3 acres of the property to be acquired is zoned C-2 with the remaining portion (12.9 acres) zoned I-1.

The property appraisal and environmental due diligence have been completed. Based on the findings, staff made an offer to purchase this portion of the Krimminger property for \$558,600, which was accepted by the seller. Funding for this purchase will come from the proceeds that were generated from the recent sale of 4 peak generator units by the Electric Department.

A motion was made by Council Member Sweat, seconded by Council Member McKenzie, and duly carried, to authorize the City Manager to take all necessary action to acquire a portion of a vacant tract of land (being 16.596 acres, more or less) located at 860 Warren C. Coleman Boulevard to accommodate future expansion of the Alfred Brown Sr. Operations Center and to adopt the following amendment to the Electric Department operating budget ordinance to fund acquisition of the property—the vote: all aye.

ORD.# 19-96

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, 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:

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
		0	0	0
Total				_____

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
7210-5338100	Purchase Power	25,634,917	25,526,447	(108,470)

7200-5194000	Contract Services	11,102	61,102	50,000
7200-5570000	Capital - Land	495,430	553,900	58,470
Total			0	

Reason: Appropriate additional funds for the land, environmental assessment and the appraisal associated with the purchase of the Krimminger real estate.

Adopted this 12th day of September, 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 Sweat, seconded by Council Member McKenzie, and duly carried, to approve the following consent agenda items—the vote: all aye.

CONSENT AGENDA ITEM A

The maintenance agreements were approved and the offers of dedication were accepted on the following properties: The Courtyards on Poplar Tent, Settlers Landing Properties II, LLC, Riverbend Concord Properties II, LLC and Keystone Properties & Development, LLC.

CONSENT AGENDA ITEM B

Offers of dedication of utility easements and public rights-of-ways in the following subdivisions were accepted: Allen Mills Phase 2 Map 2, Courtyards at Poplar Tent, Hunton Forest Phase 2 Map 5, Kensley Subdivision, Edenton at Cox Mill Map 2 and Roberta Ridge Phase 1 Maps 5 and 6.

CONSENT AGENDA ITEM C

Offers of Infrastructure in the following subdivision and sites were accepted: Edenton at Cox Mill Phase 1 Map 1, Pendleton Phase 2-3 Map 2, Edison Square Townhomes, and The Mills at Rocky River Phase 4B.

CONSENT AGENDA ITEM D

The Housing Department was authorized to submit an application for the 2019 Resident Opportunity and Self Sufficiency (ROSS) Service Coordinators Program grant.

CONSENT AGENDA ITEM E

The updated 2019 City of Concord Emergency Operations Basic Plan was adopted.

CONSENT AGENDA ITEM F

The following ordinance was adopted to amend the City of Concord Code of Ordinances,

Chapter 26, Article II, Emergency Management, Sections 26-40, Activation of Emergency Operations Plan.

ORD.# 19-94

AN ORDINANCE AMENDING AND RESTATING CONCORD CODE OF ORDINANCES
CHAPTER 26, ARTICLE II ENTITLED EMERGENCY MANAGEMENT

WHEREAS, the City Council of the City of Concord, North Carolina, has adopted the Concord Code or Ordinances (the "CCO"), including Chapter 26, Article II, entitled Emergency Management, and

WHEREAS, the City Council now wishes to amend Chapter 26, Article II, Section 26-40, entitled Activation of Emergency Operations Plan as stated herein.

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

SECTION 1: CCO Chapter 26, Article II, Section 26-40 entitled Activation of Emergency Operations Plan be deleted in its entirety and replaced with the following provisions:

Sec. 26-40. Activation of Emergency Operations Plan.

Upon receipt of an impending or threatened emergency, or upon the declaration of a state of emergency, the emergency operations plan shall be immediately activated and all of such portions of its functions as the City Manager may direct shall be called into active service including the City emergency operations organization.

(1) Creation of the incident management team. There is hereby created an incident management team (IMT), which shall consist of the following members or their designee:

- a. Chief of the Fire Department
- b. Chief of the Police Department
- c. Emergency Management Coordinator
- d. Electric Systems Director
- e. Buildings and Grounds Director
- f. Finance Director
- g. Water Resources Director
- h. Director of Human Resources
- i. Transportation Director
- j. Engineering Director
- k. Public Affairs Manager
- l. Housing Director
- m. Communications Director
- n. Transit Director
- o. Water Resources Director
- p. Fleet Services Director
- q. Solid Waste Director
- r. Parks and Recreation Director
- s. Aviation Director
- t. Planning & Neighborhood Development Director
- u. City Attorney

Dependent upon the nature of the incident or emergency and the needs presented, the director of any other City department may be placed on the incident management team at the City Manager's discretion.

(2) *Powers and duties.* It shall be the duty of the IMT, to supervise, regulate, control and manage the affairs of the emergency operations of the City. The IMT is organized on the concept of the national incident management system following the incident command system structure. The IMT shall have the power to make and enforce all necessary and desirable rules and regulations for the purpose of governing emergency operations during periods of preparation, local emergency, response and recovery and for the exercise of the powers conferred upon it by this chapter. The IMT actions with respect to emergency

preparedness or response activities shall be subject to the direction and approval of the emergency operations director.

(3) *Power to requisition supplies and personnel.* The emergency operations director may obtain vital supplies and other such property as needed for the protection of life and property of the people, and bind the City for the fair value thereof, and, if required immediately may commandeer the same for public use, may require emergency service of any employee, or any citizen, and may requisition personnel or material of any City department or agency.

(4) *Emergency operations center.* The emergency operations center and all emergency operations equipment shall be under the control of the IMT. Under circumstances set forth in the City's emergency operation plan, the emergency operations center may be activated at the request of any division or City department notwithstanding the absence of a declaration of local emergency.

(5) *Structure of the functions of emergency organization.* City emergency operations will be managed under the national incident management system. Each of the sections of the emergency operations organization shall be under the command of a chief of the section. The chief shall have as assistants a deputy chief and a second deputy, who shall succeed the chief in that order in the event of the absence or inability of the chief of the section to act. The primary sections of the City's emergency operations structure are; operations, planning, finance/administration, and logistic.

(6) *Emergency Operations Director.* During the period of a local emergency, and with respect to emergency preparedness and response activities, the City manager shall be the emergency operations director and shall carry out all duties and responsibilities herein conferred. The emergency operations director is authorized to promulgate issue and enforce rules, regulations, orders and directives necessary for the protection of life and property. Such rules, regulations, orders and directives shall take effect immediately upon their issuance, and copies thereof shall be filed with the office of the City clerk. The emergency operations director, or their designee shall also appoint a section chief for the four primary sections of operations, logistics, finance/administration, and planning.

(7) *Emergency Operations Deputy Director—Powers and duties of.* The assistant City manager shall be the emergency operations deputy director. The emergency operations deputy director shall coordinate the City incident command system, may arrange with other municipalities, counties, state and federal agencies, for cooperation, mutual aid and protection during a local emergency, and perform such other duties as the director may designate.

(8) *Emergency Management Coordinator.* The Emergency Management Coordinator shall perform the following duties, and shall be subject to the supervision of the emergency operations director:

- a. Coordinate the powers and duties of the incident management team;
- b. Establish and maintain liaison with other governmental agencies, City departments, and private agencies as may be deemed necessary;
- c. Prepare and process emergency operations program papers and applications for federal and state funds with respect to post-disaster assistance;
- d. Notify the City manager in writing prior to the beginning of each fiscal year of the recommended budgetary items relating to emergency operations activities and is included in the division's recommended budget.
- e. Assign necessary personnel to perform staff duties for the incident management team as may be required by the City manager;
- f. Coordinate and provide for dissemination of public information relating to the emergency operations activities as required;
- g. Exercise further powers and duties as may be delegated by the director of emergency operations.

(9) *Section Chief—Powers and duties of.* The City's emergency operations organization is composed of six primary sections: the management/policy section, operations section, planning section, information/intelligence section, logistics section, and finance/administration section. Each section is managed by a section chief who shall

formulate and maintain operational plans for the section, including a written plan regarding activation of the section, subject to the approval of the IMT. Each section chief shall organize their section into such branches and groups as are necessary for the proper functioning of the section. Each section chief shall have the power to appoint, discharge, suspend, transfer, and train personnel; and to plan and prepare the logistics for the personnel and materials of the section. The roles and responsibilities of each section chief are as follows:

- **The Management/Policy Section** is responsible for overall management of the emergency and for providing policy and guidance for the emergency response. The Management/Policy Section is responsible for coordinating the overall response/recovery effort (prioritizing, decision-making, coordination, tasking, and conflict resolution).
- **The Operations Section** is responsible for coordinating all incident related strategic operations as directed by the Management/Policy Section. The Operations Section coordinates priority missions with the Branch Coordinators and ensures resource deployment is consistent with the City's objectives.
- **The Planning Section** is responsible for preparing the Incident Action Plan and maintaining resource status. The Planning Section conducts CEOC briefings to ensure all staff is aware of the current response effort and objectives.
- **The Information/Intelligence Section** is responsible for collecting, analyzing and displaying incident related information, providing the common operational picture.
- **The Logistics Section** is responsible for providing communications services, resource tracking, and procuring the equipment, supplies, personnel, transportation, and facilities needed to support the response.
- **The Finance/Administration Section** is responsible for ensuring all financial records are maintained and tracking all costs associated with the incident, to include cost recovery.

Each section will be activated based on the needs of the emergency. The section chief of each section shall immediately assign branches and groups as necessary to carry out such orders and directions as are received from the director. The duties of each section listed, mirror the City's Emergency Operations Basic Plan.

Adopted this 12th day of September 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM G

The following ordinance was adopted to amend the City of Concord Code of Ordinances, Chapter 18, Article IV, Pawnshops, Section 102(c).

ORD.# 19-95

AN ORDINANCE AMENDING AND RESTATING CONCORD CODE OF ORDINANCES
CHAPTER 18, ARTICLE IV ENTITLED "PAWNSHOPS"

WHEREAS, the City Council of the City of Concord, North Carolina, has adopted the Concord Code or Ordinances (the "CCO"), including Chapter 18, Article IV, entitled "Pawnshops" (Sections 18-100 et. seq.).

WHEREAS, the North Carolina General Assembly has passed the Pawnbrokers and Cash Converters Modernization Act, codified in NCGS § 66-385 et. seq.

WHEREAS, the City Council now wishes to, amend Chapter 18, Article IV, entitled "Pawnshops", Sec. 18-102(c), Issuance of license as stated herein.

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 undertaken:

SECTION 1: CCO Chapter 18, Article IV, entitled "Pawnshops", Sec. 18-102(c), Issuance of license is hereby amended to read as follows:

Sec. 18-102. - Issuance of license.

- (c) Upon approval of the application by the chief of police or his or her designee and upon receipt of a license fee as established by the city council and the required bond, a pawnbroker's license shall be issued to the applicant. The pawnbroker's license must be renewed annually at a renewal fee as set by the city council, provided that such renewal fee shall not exceed the limit set forth in G.S. 66-397.

Adopted this 12th day of September, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM H

Removed from consent agenda and added as item #12 on regular agenda.

CONSENT AGENDA ITEM I

A donation from the Mayor's Golf Tournament to Concord Downtown Development Corporation (CDDC) was approved and the following budget ordinance was adopted.

ORD.# 19-97

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, 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:

		<u>Revenues</u>		
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
100-4370000	Approp. Fund Balance	1,135,605	1,137,355	1,750
Total				1,750

		<u>Expenses/Expenditures</u>		
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4190-5470043	Mayor's Golf Tournament	5,000	6,750	1,750
Total				1,750

Reason: To appropriate reserves from the Mayor's Golf Tournament to the CDDC for the Candy Crawl event.

Adopted this 12th day of September, 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 project ordinance was adopted to close the BOC Improvement project and to allocate excess funds to the BOC Parking project.

ORD.# 19-98

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 Parking & Access road at the Brown Operations Center.

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>		
Account	Title	Current Budget	Amended Budget	(Decrease) Increase

488

430-4501100	From General Fund	2,886,485	2,581,133	(305,352)
430-4501100	From General Fund			

Total	<u>305,352</u>
--------------	-----------------------

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

Expenses/Expenditures

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8800-5811221	BOC Improvements	342,000	0	(342,000)
8800-5811221	Storage/Parking			
8800-5811275	BOC Parking/Access	458,000	494,648	36,648
8800-5811275				

Total	<u>305,352</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 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 12th day of September, 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

The following ordinance was adopted to amend the General Fund operating budget ordinance to recognize a FEMA reimbursement for Parks and Recreation greenway bridge repairs.

ORD.# 19-99

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, 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	
100-4334110	FEMA Reimbursement	0	7,075	7,075
Total				7,075

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
6120- 5351000	Building Maintenance	462,080	469,155	7,075
Total				7,075

Reason: To appropriate FEMA reimbursement for repairs to greenway bridges during storm.

Adopted this 12th day of September, 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 L

The following project ordinance was adopted for the purchase of a hangar at the Concord-Padgett Regional Airport.

ORD.# 19-100

CAPITAL PROJECT ORDINANCE AMENDMENT

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 **Buildings-Hangar Project**.

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

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>
451-4602000	Financing Proceeds	5,759,000	6,694,000	935,000
451-4602000				
Total				935,000

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>
6300-5800710				
6300-5800710	Hangar	0	875,000	875,000
6300-5811062				
6300-5811062	Cost of Issuance	0	60,000	60,000
Total				935,000

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 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 12th day of September, 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 M

The following Water capital project ordinance was adopted to recognize unspent 2008 revenue bond proceeds.

ORD.# 19-101

**CAPITAL PROJECT ORDINANCE
Water 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 and amended are Future Water Projects.

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:

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
429-4501400				
429-4501400				
8700-				
5811082	Transfer from Project	\$0	\$50,489	\$50,489
8700-				
5811082	Future Water Projects	\$684,713	\$735,202	\$50,489

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 12th day of September, 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 N

The following budget ordinance was adopted to amend the general capital reserve project ordinance to adjust budgets to actuals after transfers were completed.

ORD.# 19-102

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	\$3,984,444	\$3,784,444	(\$200,000)
8150-5811082	Future			
8150-5811082	Projects	\$27,718,765	\$28,658,868	\$940,103
285-4361000				
285-4361000	Interest	\$427,952	\$1,168,055	\$740,103

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 12th day of September, 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 O

The following classification was added to the classification/compensation system: Facility Manager (Grade III) with a salary range of \$60,356.12 (minimum) - \$79,971.85 (midpoint) - \$99,587.60 (maximum).

CONSENT AGENDA ITEM P

The following classification was added to the classification/compensation system: Assistant Streets Superintendent (Grade 109) with a salary range of \$50,800.53 (minimum) - \$67,310.70 (midpoint) - \$83,820.89 (maximum).

CONSENT AGENDA ITEM Q

The following classification was added to the classification/compensation system: Traffic Management Center Operator (Grade 210) with a salary range of \$47,106.89 (minimum) - \$62,416.64 (midpoint) - \$77,726.39 (maximum).

CONSENT AGENDA ITEM R

The second quarter water and wastewater extension report for 2019 was received.

CONSENT AGENDA ITEM S

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

CONSENT AGENDA ITEM T

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

CONSENT AGENDA ITEM U

The monthly report of investments as of July 31, 2019 was accepted.

* * * * *

A motion was made by Mayor Pro-Tem King , seconded by Council Member Crawford, 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; N.C. General Statute 143-318.11(a)(4) to discuss matters relating to the location or expansion of business in the area served by this body—the vote: all aye.

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

* * * * *

Upon reconvening in open session, a motion was made by Council Member Crawford, seconded by Council Member Phillips, and duly carried, to adopt the following resolution authorizing eminent domain—the vote: all aye.

RESOLUTION RELEASING EASEMENT

WHEREAS, a 30' sanitary sewer easement and 10' temporary construction easement was granted to the City of Concord in Deed Book 1906 Page 147 in the Cabarrus County Registry and a portion of that easement is depicted on Exhibits A; and

WHEREAS, the property owners request abandonment of a portion of the easement because the location conflicts with proposed development plans and a new location will be required during the site plan review process; and

WHEREAS, the release of the portion of said easement would not be contrary to the public interest;

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

1. That the portion of the utility easement recorded in Deed Book 1906 Page 147 and more particularly shown on Exhibits "A" is hereby ordered abandoned, and all rights and interest of the City are released.
2. The City's property rights in the released portion easement shall be conveyed by the City Attorney and other necessary staff or the Mayor to the property owners of record.
3. The City Attorney and other City staff are hereby directed to take all necessary steps to enforce this resolution.

Adopted this 12th day of September 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

* * * * *


A motion was made by Council Member Parsley, seconded by Council Member Sweat to conduct public hearings at the October 10, 2019 City Council meeting to consider offering Economic Incentive Grants to Project Kiwi and Project Sebastian—the vote: all aye.

* * * * *

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



 Kim J. Deason, City Clerk



 William C. Dusch, Mayor