

CONCORD CITY COUNCIL  
REGULAR MEETING  
MARCH 12, 2020

A regular meeting of the City Council for the City of Concord, North Carolina, was held on March 12, 2020, 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 John A. Sweat, Jr.  
Council Member Andy Langford  
Council Member W. Brian King  
Council Member Ella Mae P. Small  
Council Member JC McKenzie  
Council Member Terry L. Crawford  
Council Member Jennifer H. Parsley

**Others Present:**

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

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

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

\* \* \* \* \*

**Approval of Minutes:**

A motion was made by Council Member McKenzie, seconded by Mayor Pro-Tem Sweat, and duly carried, to approve the minutes for the meetings of January 30, January 31, February 11, and February 13, 2020—the vote: all aye.

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Emergency Management Coordinator, Ian Crane, provided an update on COVID-19 and how the City is preparing for this.

**Presentations:**

1. Cabarrus County Forest Ranger, Jason Morrow, presented a plaque to Mayor Dusch at the Tuesday, March 10<sup>th</sup>, Work Session for the City of Concord receiving the Tree City USA designation.
2. Mayor Dusch presented a proclamation to Shelia Crunkleton recognizing March as Red Cross Month.

**Unfinished Business:**

- A. Consider continuing a public hearing to a date certain concerning annexation of four (4) parcels located on the northeast side of the Rocky River Road and Lower Rocky River Road intersection.

The authorized petitioner for the annexation is Keith Rains, PE, of McKim and Creed. The subject property consists of +/- 56.83 acres on the northeast corner of Rocky River Road and Lower Rocky River Road. The property is also adjacent to the southwest corner of the Mills at Rocky River project, and west of Rocky River Elementary School. The

applicant is proposing to annex in order to develop a single-family detached development under the Conservation Subdivision (CS) standards.

The Planning and Neighborhood Services Manager, Starla Rogers, stated the subject property is located south of The Mills. The property is also located within the Cabarrus County Central Area Plan. The developer is proposing 113 units with 24 acres of open space.

With there being no speakers in favor or opposition to the request, a motion was made by Council Member Small, seconded by Mayor Pro-Tem Sweat, and duly carried, to close the public hearing.

A motion was made by Council Member McKenzie, seconded by Mayor Pro-Tem Sweat, and duly carried, to deny the annexation request—the vote: all aye.

**Informational Items:**

- 1. **Presentation from Jacqueline Gafrarar, Managing Director, 600 Festival-CSM Production, regarding the 2020 Haulers on Union event (work session only).**

The presentation was provided at the March 10, 2020 Work Session.

**Recognition of persons requesting to be heard:**

Bryan Snyder, 1131 Donelea Lane, NW, addressed the City Council requesting the Council consider implementing a residential building moratorium in Concord for a period of 1-year. He stated he has a petition with 1700 signatures in favor of a moratorium.

Roland Jordan addressed the City Council with various community concerns he has.

**Public Hearings:**

- 1. **Conduct a public hearing and consider adopting an ordinance annexing one parcel of land, 3817 Cochran Rd (southwest corner of Cochran Rd and Roberta Rd), owned by Cabarrus County Schools.**

The voluntary annexation petition is for +/- 43.824 acres for the purpose of constructing a middle school for the Cabarrus County School System.

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

Brian Cone, 4425 Old Airport Road, spoke in favor of the request. He stated Cabarrus County School System is requesting annexation in order to receive City services.

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

A motion was made by Council Member Parsley, seconded by Council Member King, and duly carried, to adopt the following annexation ordinance and set the effective date for March 12, 2020—the vote: all aye.

ORD.# 20-17

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE PROPERTY LOCATED AT 3817 COCHRAN RD (SOUTHWEST CORNER OF COCHRAN RD AND ROBERTA RD) CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Brian Cone, Cabarrus County Schools, on March 12, 2020 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 March 12, 2020 after due notice by The Independent Tribune on March 1, 2020; 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 12<sup>th</sup> day of March 2020:

That certain tract or parcel of land situated, lying and being in Township #2, Poplar Tent Township, Cabarrus County, North Carolina and being more particularly described as follows:

Beginning at a ½" rebar, said rebar being located within the right-of-way of Cochran Road (Variable Public R/W), said rebar being a common corner with now or formerly Trustees of Roberta United Methodist Church (Deed Bk. 8952, Pg. 47); thence within the right-of-way of Cochran Road (Variable Public R/W), N 66°45'09" E 574.18 feet to a set ½" rebar, said rebar being a common corner with now or formerly Larry D. Greene (Deed Bk. 423, Pg. 401); thence with the property of now or formerly Larry D. Greene (Deed Bk. 423, Pg. 401) the following two (2) calls: (1) S 11°42'35" E 288.75 feet to a ¾" rod; (2) N 66°02'42" E 149.15 feet to a 5/8" rebar; thence through the property of Ophelia C. Furr (Deed Bk. 255, Pg. 199), N 67°20'22" E 109.99 feet to a set ½" rebar; thence N 80°00'06" E passing a set ½" rebar on line at 157.77 feet for a total of 262.75 feet to a set ½" rebar; thence a new line S 10°51'38" E 150.02 feet to a ½" rebar, said rebar being a common corner with now or formerly Angel Rivera (Deed Bk. 9938, Pg. 4); thence with the property of now or formerly Angel Rivera (Deed Bk. 9938, Pg. 4) S 10°51'38" E 99.65 feet to a 5/8" rebar, said rebar being a common corner with now or formerly Angel Rivera (Deed Bk. 9938, Pg. 4); thence a new line S 22°32'39" E 129.47 feet to a ¾" pipe, said pipe being a common corner with now or formerly Pamela F. Hughes (Deed Bk. 424, Pg. 276); thence with the common rear property lines of now or formerly Pamela F. Hughes (Deed Bk. 424, Pg. 276) and now or formerly Colby Cochran (Deed Bk. 12906, Pg. 280), S 11°15'34" E passing a 5/8" rod on line at 222.88 feet for a total of 422.93 feet to a 5/8" rebar; thence with the property of now or formerly Colby Cochran (Deed Bk. 12906, Pg. 280), N 80°33'59" E, passing a ¾" rod at a ½' rebar on line at 196.37 feet for a total of 226.14 feet to calculated point, said point being located in the center of Roberta Road (60' Public R/W); thence within the right-of-way of Roberta Road (60' Public R/W) S 10°18'23" E 639.11 feet to a calculated point; thence with the rear property of Lots #1-30 of Meadowbrook Map 1 & 2 (Map Bk. 35, Pg. 35 & Map Bk. 36, Pg. 10), N 87°48'47" W 1830.00 feet to a ½" pipe, said pipe being a common corner with now or formerly Ophelia Furr (Deed Bk. 679, Pg. 21); thence with the property of now or formerly Ophelia Furr (Deed Bk. 679, Pg. 21) the following two (2) calls: (1) N 00°42'35" W 545.62 feet to a ½" rebar; (2) N 36°41'39" W 34.99 feet to a set ½" rebar; thence two new lines (1) N 54°05'27" E 436.13 feet to a set ½" rebar; (2) N 26°16'15" W 28.97 feet to a ½" rebar, said rebar being a common corner with now or formerly Trustees of Roberta United Methodist Church (Deed Bk. 8952, Pg. 47); thence with the property of now or formerly Trustees of Roberta United Methodist Church (Deed Bk. 8952, Pg. 47) the following three (3) calls: (1) N 26°16'15" W 226.42 feet to a ¾" rebar; (2) N 66°11'19" E 91.00 feet to a ½" rebar; (3) N 30°18'05" W 131.86 feet to the POINT AND PLACE OF BEGINNING and containing 43.824 AC.

SECTION 2. Upon and after the 12<sup>th</sup> day of March, 2020 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 12<sup>th</sup> day of March 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**2. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a three year/85% tax based Downtown Municipal Service District Economic Development Incentive Grant to RCG SE, LLC for the redevelopment of 66 Union St. S.**

RCG SE, LLC purchased the purchase of 66 Union St. S. (former City Hall Annex) in February 2020 in the amount of \$493,550. Since their initial presentation to City Council, RCG has expanded its plans to invest approximately \$1,009,448 into remodeling and renewal of the existing building to create a multi-tenant facility. During due diligence, RCG discovered significantly greater renovation needs than initially projected. The proposed incentive will assist RCG in maintaining its envisioned high quality design and aesthetics. The proposed investment meets the requirements as set forth under the City of Concord Downtown Municipal Service District Economic Development Grant Program. The total value of the City's three-year grant is estimated to equal \$12,355.64.

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

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

A motion was made by Council Member Crawford, seconded by Council Member McKenzie, and duly carried, to offer a contract for a three-year / 85% Downtown Municipal Service District Economic Development Incentive Grant to RCG SE, LLC pursuant to NC General Statutes Sec. 158-7.1 for the redevelopment of 66 Union Street, South—the vote: all aye.

**3. Conduct a public hearing to consider adopting an ordinance amending Articles 8 and 14 of the Concord Development Ordinance (CDO) relative to allow "bars/taverns" as a permitted use.**

In November, the voters of Concord approved a referendum to allow the on-premise sale and consumption of malt beverages, separate from restaurants. Prior to the referendum, on-premise sale and consumption was permissible only for establishments classified, through Alcohol Beverage Commission rules as 1) a restaurant, 2) a brewery where the malt beverages are produced on site, or 3) a private club, where mixed drinks are also produced. Therefore, the referendum allows issuance of malt beverage permits to establishments that function as bars or taverns, and it was necessary to amend the CDO to address this use.

The amendment allows bars and taverns as permitted uses with specific standards within Center City (CC) and General Commercial (C-2). They could also be established within PUD, TND or MX districts as long as they are specified as permitted uses in the approval process. Those standards are identical to those in effect for private clubs, except that the minimum spacing requirement has been reduced from 1,000 to 200 feet. A bar/tavern could not be established within 200 feet of a residential zoning district, church, school, daycare or another bar/tavern. The standards clarify that the measurement is taken from the exterior wall (or deck/patio) of the bar to the other use. The spacing requirement would not be applicable in CC zoning or any of the mixed-use zoning districts. The requirement would also not be applicable to any mixed-use building (which could be developed in C-2). The amendment also adds a standard definition. At their February meeting, the Planning Commission voted unanimously to refer the amendment to Council for public hearing and consideration.

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

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

A motion was made by Council Member McKenzie, seconded by Council Member King, and duly carried, to adopt the following ordinance amending Articles 8 and 14 of the CDO relative to bars/taverns—the vote: all aye.

ORD. #20-18

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

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

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute §§160A-364 through §§160A-366 and 160A-381 through 160A-392 may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute 160A-381 through 160A-394 does hereby recognize a need to amend the text of certain articles of the City of Concord zoning Ordinance.

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

SECTION 1: That the following section of Concord Development Ordinance (CDO) Article 8 "Use Regulations," Section 8.1.8 "Use Table", be amended to the following:

USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	R	C	O-I	B-1	CC	C-1	C-2	I-1	I-2	Standards
<b>Restaurants</b> [see 8.2.6.F]	All restaurants, except as listed below									P	P	P	P	P			
	Banquet Home	SS	SS		SS	SS											8.3.5.N
	Bar/Tavern											PS		PS			8.3.5.S
	Food Truck, Temporary											PS					8.3.5.Q



right to appeal the action to the City Council. The appeal shall be filed by giving notice in writing to the Administrator as designated by the City Manager within fifteen (15) days of the decision of the Planning and Zoning Commission. The City Council shall place the item on the next available City Council agenda." An appeal was submitted on February 3, 2020 and was forwarded to City Council for reconsideration of the rezoning request.

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

The Planning and Neighborhood Services Manager, Starla Rogers, stated this request was heard by the Planning and Zoning Commission at their January 21, 2020 meeting. The Commission acted to approve the request by a vote of 5-1 with conditions. In accordance with CDO Sec 3.2.4-B, an appeal was filed on February 3, 2020.

The subject property is approximately 275.60 acres. She explained the site and surrounding zoning classifications. She stated the 2030 Land Use Plan designates the subject property as "Suburban Neighborhood". The proposed zoning amendment is consistent with the 2030 Land Use Plan as RV and conditional district variations are corresponding zoning classifications to the Suburban Neighborhood land use category. Furthermore, although the subject property is not within the Conservation area of the 2030 Land Use Plan, the 101.07 acres of contiguous undisturbed open space provides habitat conservation as well as tree preservation which is encouraged within the Conservation land use category and throughout the City.

She stated the developer is proposing a maximum of 300 dwelling units (551 lots are allowed by right in the RL zoning classification), with a minimum lot size of 7,500 square feet. The developer is proposing 64%, 177 acres, of open space (8% or 22 acres is required in the RL and RV zoning classifications). The open space will include an undisturbed buffer, an amenity center, and 5 pocket parks.

She explained the City requires a new development to maintain the 1 year/24 hour and the 10 year/24 hour stormwater control measure. The developer has agreed, as a condition, to include a 100 year/24 hour stormwater control measure along with the existing City requirement.

She explained the 24 conditions (21 approved by Planning and Zoning Commission and 3 conditions proposed by the applicant) that were approved by the Planning and Zoning Commission.

The City Attorney explained how the deed restriction will protect the "undisturbed" space in the proposed development.

The Mayor asked where the sewer line would be located. The City Attorney stated the sewer line will run through the undisturbed area.

Mayor Dusch stated each person speaking in favor or in opposition to the request would be allowed three (3) minutes.

#### PROPONENTS:

Eric Smith, 543 Odell School Road, spoke in favor of the request. He stated, in his opinion, he feels this is a good development plan for the area.

Steve Myers, 1201 Odell School Road, spoke in favor of the request. He agreed with Mr. Smith.

Scott Justice, 1185 Odell School Road, spoke in favor of the request. Mr. Justice also agreed with the previous speakers.

Scott Herr, 5350 77 Center Drive, Charlotte, spoke in favor of the request. Mr. Herr is the developer of the proposed development. He stated neighborhood meetings were held. Mr. Herr explained the proposed development. He stated he offered the deed restriction due to the concern of the undisturbed land possibly being developed in the future.

## OPPONENTS:

Susan Smith, 7879 Untz Road, spoke in opposition to the request. She stated she would like to see the deed restriction placed on the current deed before development begins or be donated to the 3 River Land Trust.

Mike Ussery, 8808 Chinaberry Lane, spoke in opposition to the request. He requested the Council consider a pre-sale condition on the deed so the 20 acres would be incorporated in a land trust.

Brian Dill, 92 Scalybark Trail, spoke in opposition to the request. He stated he is concerned with overcrowding of the area schools.

Trent Marlow, 648 Odell School Road, spoke in opposition to the request. He stated he is concerned with increased traffic in the area.

Rose Beam, 8804 Mayberry Trail, spoke in opposition to the request. She stated she is concerned with the conditions that were approved by the Planning and Zoning Commission, more specifically, the deed restriction condition.

Council Member Crawford asked the City Attorney to explain the deed restriction process and how a deed restriction protects the property. The City Attorney explained the process. She also stated that if the Council chooses not to approve the rezoning, the property has a current City zoning classification and can be developed by-right.

During the discussion on the deed restriction, the developer offered the following additional condition (#25): No bonds, escrow or other surety from the developer for the purpose of securing streets, water and sewer infrastructure in the second phase of development shall be released until the deed restriction set forth in condition number 23 above has been filed at the Cabarrus County Register of Deeds.

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

A motion was made by Council Member King, seconded by Mayor Pro-Tem Sweat, and duly carried, to adopt the following Statement of Zoning Consistency pursuant to NC General Statutes 160A-382(b):

- The subject property is approximately 275.60 acres.
- The 2030 Land Use Plan designates the subject property as “Suburban Neighborhood,” is zoned RL (Residential Low Density), and is largely vacant aside from older farm structure.
- The proposed zoning amendment is consistent with the 2030 Land Use Plan as RV and conditional district variations are corresponding zoning classifications to the Suburban Neighborhood land use category. The Suburban Neighborhood land use category is intended to accommodate both larger lot and smaller lot subdivisions such as the 7,500 sf lot sizes permitted under RV zoning and the current request. The request meets LUP Objective 2.2 by the interconnected street design, resulting in a minimal number of cul-de-sacs. Furthermore, a stub street has been provided to the vacant property to the North, requiring future development to connect to the subject neighborhood. The site design shows compatibility with Objective 4.1 due to the large amount of buffering, and specifically undisturbed buffering between the existing subdivisions to the south and west. Although the lots in the proposed subdivision are smaller than some of the lots to the south and west, the distance and amount of undisturbed buffering eliminates any incompatibility. Furthermore, although the subject property is not within the Conservation area of the 2030 Land Use Plan, the 101.07 acres of contiguous undisturbed open space provides habitat conservation as well as tree preservation which is encouraged within the Conservation land use category and throughout the City.

- The zoning amendment is reasonable and in the public interest because the petition allows a zoning that serves to preserve a substantial amount of open space. The proposed open space serves to accommodate preservation of a large amount of environmentally sensitive lands and provides contiguous habitat conservation. The petition also proposes clustered design, minimizing the amount of infrastructure (streets, water, sewer, stormwater, etc.) needed to serve the site. The reduced impervious surface associated with the limited street network, in comparison to the amount of streets/sidewalk/curb/gutter needed to accommodate a by right development, decreases the amount of potential stormwater associated with the site after development. Furthermore, the enhanced stormwater retention facilities (designed above requirements for a by right development) will further protect downstream properties.

A motion was made by Council Member Small, seconded by Council Member McKenzie, and duly carried, to approve the request and adopt the following ordinance amending the official zoning map for +/- 275.60 acres located on the west side of Odell School Road, generally south of Untz Road from Residential Low Density (RL) to Residential Village Conditional District (RV-CD)—the vote: all aye.

ORD. #20-23

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
OF THE CITY OF CONCORD, NORTH CAROLINA  
FOR PROPERTY LOCATED GENERALLY WEST SIDE OF ODELL SCHOOL ROAD,  
SOUTH OF UNTZ ROAD

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 duly advertised a public hearing on January 21, 2020. At the close of the public hearing on January 21, 2020, the P&Z Commission adopted the following "Statement of Zoning Consistency" as required by NC Gen Stat 160A-383.

- The subject property is approximately 275.60 acres.

- The 2030 Land Use Plan designates the subject property as “Suburban Neighborhood,” is zoned RL (Residential Low Density), and is largely vacant aside from older farm structure.
- The proposed zoning amendment is consistent with the 2030 Land Use Plan as RV and conditional district variations are corresponding zoning classifications to the Suburban Neighborhood land use category. The Suburban Neighborhood land use category is intended to accommodate both larger lot and smaller lot subdivisions such as the 7,500 sf lot sizes permitted under RV zoning and the current request. The request meets LUP Objective 2.2 by the interconnected street design, resulting in a minimal number of cul-de-sacs. Furthermore, a stub street has been provided to the vacant property to the North, requiring future development to connect to the subject neighborhood. The site design shows compatibility with Objective 4.1 due to the large amount of buffering, and specifically undisturbed buffering between the existing subdivisions to the south and west. Although the lots in the proposed subdivision are smaller than some of the lots to the south and west, the distance and amount of undisturbed buffering eliminates any incompatibility. Furthermore, although the subject property is not within the Conservation area of the 2030 Land Use Plan, the 101.07 acres of contiguous undisturbed open space provides habitat conservation as well as tree preservation which is encouraged within the Conservation land use category and throughout the City.
- The zoning amendment is reasonable and in the public interest because the petition allows a zoning that serves to preserve a substantial amount of open space. The proposed open space serves to accommodate preservation of a large amount of environmentally sensitive lands and provides contiguous habitat conservation. The petition also proposes clustered design, minimizing the amount of infrastructure (streets, water, sewer, stormwater, etc.) needed to serve the site. The reduced impervious surface associated with the limited street network, in comparison to the amount of streets/sidewalk/curb/gutter needed to accommodate a by right development, decreases the amount of potential stormwater associated with the site after development. Furthermore, the enhanced stormwater retention facilities (designed above requirements for a by right development) will further protect downstream properties.

The P&Z Commission then voted to approve the zoning map amendment, by simple majority (5-1), from Residential Low Density (RL) to Residential Village Conditional District (RV-CD) with the following conditions:

1. Project shall comply with the “Annsborough Park Rezoning” plans, sheets RZ-000 through RZ-015, dated 01/08/2020.
2. The development shall adhere to the following residential design criteria:
  - All front elevations shall be constructed of one or a combination of the following materials: fiber cement board, stucco, brick, stone, glass, wood, or faced concrete block. Artificial materials which closely resemble these materials shall also be allowed. Vinyl may only be utilized for soffits, trim and window treatments.
  - All other sides of the homes will be constructed of fiber cement board at a minimum, and may be brick or stone.
  - Multiple colors of fiber cement board, stone and brick are encouraged between units to ensure variety.
  - 25-year architectural shingle is required. Metal roofing material may be used over porches and windows to provide additional architectural detail.
  - All roof pitches, with the exception of covered porches, shall be a minimum 6:12.
3. COS areas 1-5 will each feature an improved surface walking trail within the area designated as Common open space and will include a minimum of two (2) benches each and at least one dog pot (dog waste basket and plastic bag dispensary for dog waste).
4. Project shall comply with the Common Open Space and Amenity Site Plan renderings dated 01/13/2020.
5. The development will contain a no fewer than 125, 65-foot wide lots.

6. The SCMs (BMPs) shall be designed to detain the 100 year, 24 hour storm event to predevelopment rates in addition to the City's minimum standards.
7. All BMPs will be designed to meet the criteria of section CDO 10.5.4. The developer shall incorporate native plants into the BMP landscaping plan.
8. "Grading limits between the undisturbed common open space and the rear lot lines of lots 202-225 will be a maximum of 150ft."
9. The two access points on Odell School Road shall be located in accordance with the "Annsborough Park Rezoning" plans, sheets RZ-000 through RZ-015, dated 01/08/2020. Request for Entrance #2 location adjustment by 100ft north or 100ft south is dependent on NCDOT and City of Concord review and approval. Requests to relocate access points beyond this scope shall require a modification to the zoning through the public hearing process.
10. Developer is responsible for acquiring any offsite utility easements associated with the public water line extension.
11. Approval of a preliminary plat is required.
12. Full water modeling and calculations shall be submitted with first site plan for technical review.
13. All homes in the subdivision shall be constructed with an approved sprinkler system.
14. Amenity Center shall be constructed with an approved sprinkler system.
15. Amenity Center shall have an approved fire alarm system installed.
16. If any buildings exceed 30 feet as measured at the gutter line, then all access roads leading up to that structure shall be measured at 26ft in width.
17. Hydrant at end of the street identified as Tullymore on the site plan shall be within 200 Feet of cul-de-sac
18. The street identified on the plan as McCall Street Mini Circle Turning Radius needs to be adjusted for ladder truck. Truck turning radius must stay within street not beyond curb and sidewalk in accordance with City Staff notes on submitted plans.
19. The street identified on the plan as Annsborough Drive Right Turn Ingress turning radius needs to be adjusted for ladder truck. Truck turning radius must stay within street not beyond curb and sidewalk in accordance with City Staff notes on submitted plans.
20. The street identified on the plan as Seaford Drive Left Turn Ingress turning radius needs to be adjusted for ladder truck. Truck turning radius must stay within street not beyond curb and sidewalk in accordance with City Staff notes on submitted plans.
21. The minimum diameter for a cul-de-sac shall be 96 ft. as outlined in Figure D103.1 of the NC Fire Code. All cul-de-sac designs in community shall meet this standard as a minimum.

SECTION 2. That the City Council held a duly advertised public hearing on March 12, 2020. 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 275.60 acres.
- The 2030 Land Use Plan designates the subject property as "Suburban Neighborhood," is zoned RL (Residential Low Density), and is largely vacant aside from older farm structure.
- The proposed zoning amendment is consistent with the 2030 Land Use Plan as RV and conditional district variations are corresponding zoning classifications to the Suburban Neighborhood land use category. The Suburban Neighborhood land use category is intended to accommodate both larger lot and smaller lot subdivisions such as the 7,500 sf lot sizes permitted under RV zoning and the current request. The request meets LUP Objective 2.2 by the interconnected street design, resulting in a minimal number of cul-de-sacs. Furthermore, a stub street has been provided to the vacant property to the North, requiring future development to connect to the subject neighborhood. The site design shows compatibility with Objective 4.1 due to the large amount of buffering, and specifically undisturbed buffering between the existing subdivisions to the south and west. Although the lots in the proposed subdivision are smaller than some of the lots to the south and west, the distance and amount of undisturbed buffering eliminates any

incompatibility. Furthermore, although the subject property is not within the Conservation area of the 2030 Land Use Plan, the 101.07 acres of contiguous undisturbed open space provides habitat conservation as well as tree preservation which is encouraged within the Conservation land use category and throughout the City.

- The zoning amendment is reasonable and in the public interest because the petition allows a zoning that serves to preserve a substantial amount of open space. The proposed open space serves to accommodate preservation of a large amount of environmentally sensitive lands and provides contiguous habitat conservation. The petition also proposes clustered design, minimizing the amount of infrastructure (streets, water, sewer, stormwater, etc.) needed to serve the site. The reduced impervious surface associated with the limited street network, in comparison to the amount of streets/sidewalk/curb/gutter needed to accommodate a by right development, decreases the amount of potential stormwater associated with the site after development. Furthermore, the enhanced stormwater retention facilities (designed above requirements for a by right development) will further protect downstream properties.

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. Project shall comply with the "Annsborough Park Rezoning" plans, sheets RZ-000 through RZ-015, dated 01/08/2020.
2. The development shall adhere to the following residential design criteria:
  - All front elevations shall be constructed of one or a combination of the following materials: fiber cement board, stucco, brick, stone, glass, wood, or faced concrete block. Artificial materials which closely resemble these materials shall also be allowed. Vinyl may only be utilized for soffits, trim and window treatments.
  - All other sides of the homes will be constructed of fiber cement board, at a minimum, and may be brick or stone.
  - Multiple colors of fiber cement board, stone and brick are encouraged between units to ensure variety.
  - 25-year architectural shingle is required. Metal roofing material may be used over porches and windows to provide additional architectural detail.
  - All roof pitches, with the exception of covered porches, shall be a minimum 6:12.
3. COS areas 1-5 will each feature an improved surface walking trail within the area designated as Common open space and will include a minimum of two (2) benches each and at least one dog pot (dog waste basket and plastic bag dispensary for dog waste).
4. Project shall comply with the Common Open Space and Amenity Site Plan renderings dated 01/13/2020.
5. The development will contain no fewer than 125, 65-foot wide lots.
6. The SCMs (BMPs) shall be designed to detain the 100 year, 24 hour storm event to predevelopment rates in addition to the City's minimum standards.
7. All BMPs will be designed to meet the criteria of section CDO 10.5.4. The developer shall incorporate native plants into the BMP landscaping plan.
8. "Grading limits between the undisturbed common open space and the rear lot lines of lots 202-225 will be a maximum of 150ft."
9. The two access points on Odell School Road shall be located in accordance with the "Annsborough Park Rezoning" plans, sheets RZ-000 through RZ-015, dated 01/08/2020. Request for Entrance #2 location adjustment by 100ft north or 100ft south is dependent on NCDOT and City of Concord review and approval. Requests to relocate access points beyond this scope shall require a modification to the zoning through the public hearing process.
10. Developer is responsible for acquiring any offsite utility easements associated with the public water line extension.
11. Approval of a preliminary plat is required.
12. Full water modeling and calculations shall be submitted with first site plan for technical review.
13. All homes in the subdivision shall be constructed with an approved sprinkler system.

14. Amenity Center shall be constructed with an approved sprinkler system.
15. Amenity Center shall have an approved fire alarm system installed.
16. If any buildings exceed 30 feet as measured at the gutter line, then all access roads leading up to that structure shall be measured at 26ft in width.
17. Hydrant at end of the street identified as Tullymore on the site plan shall be within 200 Feet of cul-de-sac
18. The street identified on the plan as McCall Street Mini Circle Turning Radius needs to be adjusted for ladder truck. Truck turning radius must stay within street not beyond curb and sidewalk in accordance with City Staff notes on submitted plans.
19. The street identified on the plan as Annsborough Drive Right Turn Ingress turning radius needs to be adjusted for ladder truck. Truck turning radius must stay within street not beyond curb and sidewalk in accordance with City Staff notes on submitted plans.
20. The street identified on the plan as Seaford Drive Left Turn Ingress turning radius needs to be adjusted for ladder truck. Truck turning radius must stay within street not beyond curb and sidewalk in accordance with City Staff notes on submitted plans.
21. The minimum diameter for a cul-de-sac shall be 96 ft. as outlined in Figure D103.1 of the NC Fire Code. All cul-de-sac designs in community shall meet this standard as a minimum.
22. No more than 300 homes shall be built on the site.
23. A deed restriction shall be placed on the common open space identified as "undisturbed" by any future Grantor of the common open space when it is transferred to the homeowners association that will own the common open space of Annsborough Park. The deed restriction shall indicate, in reference to the "undisturbed" buffer/open space area, that: the property defined as such shall disallow any owner of the property from "from disturbing the property in any manner that which would cause the Property not to be in compliance as an Undisturbed Open Space." The deed restriction shall also state that "restriction shall constitute a restriction running with the land and be binding upon Grantee, their respective successors in interest, assigns, heirs and personal representatives, having or hereafter acquiring any right, title or interest in and to all or any portion of the Property. The benefits of this restriction shall inure to the owners of any property that adjoins the Property ("Adjoining Properties"), their respective successors in interest and assigns, having or hereafter acquiring any right, title or interest in and to any Adjoining Properties. This restriction shall be enforceable by any owner of any Adjoining Properties."
24. The sewer easement proposed on the southwest side of the property, within the area described as "undisturbed," shall generally be located in the area indicated on the "Annsborough Park Rezoning" plans, sheets RZ-000 through RZ-015, dated 01/08/2020, with final location determination being decided upon between the City and developer during the construction drawing phase of development.
25. No bonds, escrow or other surety from the developer for the purpose of securing streets, water and sewer infrastructure in the second phase of development shall be released until the deed restriction set forth in condition number 23 above has been filed at the Cabarrus County Register of Deeds.

SECTION 3: That the Official Zoning Map is hereby amended by rezoning from Residential Low Density (RL) to Residential Village Conditional District (RV-CD) for the area described as follows:

BEGINNING AT A COMPUTED POINT IN ODELL SCHOOL ROAD, SAID POINT HAVING NC GRID CORRINATES OF N 612,171.10 E 1,490,829.52, AT ITS INTERSECTION WITH THE DIVISION LINE BETWEEN LANDS OF FAYE G. GOODNIGHT & WILLIAM OTTO GOODNIGHT, III AS RECORDED IN DEED BOOK 5615 PAGE 83 ON THE SOUTH AND LANDS OF RUC HOLDINGS ULC AS RECORDED IN DEED BOOK 13075 PAGE 312 AND WALTON NORTH CAROLINA, LLC AS RECORDED IN DEED BOOK 9917 PAGE 247 ON THE NORTH; THENCE ALONG WESTERLY ALONG SAID DIVISION LINE N 84° 41' 08" W PASSING THROUGH A FOUND REBAR/ANGLE IRON AT 18.08 FEET, A TOTAL DISTANCE OF 1310.03 FEET TO A FOUND 2 INCH IRON PIPE; THENCE S 5° 37' 22" E FOR A DISTANCE OF 1138.65 FEET TO A FOUND ½ INCH REBAR IN THE NORTH LINE OF LOT 188 POPLAR WOODS PHASE 2 MAP 2 (PLAT BOOK 37 PAGE 46); THENCE ALONG THE NORTHERLY LINE OF LOT 188 POPLAR WOODS PHASE

2, NORTHERLY TERMINUS OF CHATHAM OAKS DRIVE, NORTHERLY LINE OF LOT 89 POPLAR WOODS PHASE 2 MAP 2, NORTHERLY LINE OF LOTS 58 & 58 POLAR WOODS PHASE 2 MAP 1 (PLAT BOOK 35 PAGE 54 & PLAT BOOK 37 PAGE 29) S 47° 36' 21" W FOR A DISTANCE OF 585.03 FEET TO A FOUND 5/8 INCH AND 3/8 INCH REBAR BEING THE NORTHEAST CORNER OF TRACT 6 DEWEY GENE WHITTINGTON HEIRS AS RECORDED IN PLAT BOOK 38 PAGE 90; THENCE ALONG THE NORTHERLY LINE OF TRACT 6, TRACT 5, TRACT 2 & TRACT 1 GENE WHITTINGTON HEIRS AND LOTS 23, 24, 25, 26, 27, 28 & 29 POPLAR TRAILS PHASE ONE AS RECORDED IN PLAT BOOK 14 PAGE 73 N 83° 54' 10" W FOR A DISTANCE OF 3482.04 FEET TO A FOUND 1 INCH REBAR IN THE WESTERLY LINE OF LOT 128 POPLAR TRAILS PHASE IV, SECTION 2 AS RECORDED IN PLAT BOOK 20 PAGE 13; THENCE ALONG THE WESTERLY LINE OF LOTS 128, 129, 130, 131 & 132 POPLAR TRAILS PHASE IV, SECTION 2 N 9° 19' 26" E FOR A DISTANCE OF 845.06 FEET TO A FOUND 5/8 INCH REBAR IN THE NORTHERLY LINE OF LOT 133 POPLAR TRAILS PHASE IV, SECTION 2; THENCE ALONG THE NORTHERLY LINE OF LOTS 133, 134, 135, 136 & 137 POPLAR TRAILS PHASE IV, SECTION 2 N 82° 10' 34" W FOR A DISTANCE OF 1139.14 FEET TO A FOUND EYE BOLT IN THE WESTERLY LINE OF LOT 139 POPLAR TRAILS PHASE IV, SECTION 3 AS RECORDED IN PLAT BOOK 20 PAGE 14; THENCE ALONG THE WESTERLY LINE OF LOTS 139, 140, 141, 143 & 144 POPLAR TRAILS PHASE IV, SECTION 2 N 2° 55' 41" W FOR A DISTANCE OF 953.77 FEET TO A FOUND 2" IRON PIPE IN THE SOUTHERLY LINE OF LANDS OF UNICA, U.B.O. AS RECORDED IN DEED BOOK 1817 PAGE 242; THENCE ALONG SAID SOUTHERLY LINE OF UNICA, U.B.O. S 84° 10' 51" E FOR A DISTANCE OF 2267.94 FEET TO A FOUND 5/8 INCH REBAR; THENCE N 11° 08' 13" E FOR A DISTANCE OF 485.44 FEET TO A FOUND 3/4 INCH REBAR IN THE SOUTHERLY LINE OF LANDS OF W.H. ALLISON AS RECORDED IN DEED BOOK 278 PAGE 176; THENCE ALONG SAID SOUTHERLY LINE OF W.H. ALLISON, SOUTHERLY LINE OF WILLIAM HAROLD ALLISON AS RECORDED IN DEED BOOK 5812 PAGE 364 AND SOUTHERLY LINE OF KRISTEN L. BRICKMAN & JASON R. BRICKMAN AS RECORDED IN DEED BOOK 10521 PAGE 188 N 88° 16' 26" E FOR A DISTANCE OF 1175.35 FEET TO A FOUND 3/4 INCH REBAR IN THE SOUTHERLY LINE OF LANDS OF FRANKIE LEE ALLISON & CATHERINE F. ALLISON AS RECORDED IN DEED BOOK 10522 PAGE 2322; THENCE N 78° 36' 05" E FOR A DISTANCE OF 1121.76 FEET TO A FOUND 3/4 INCH REBAR; THENCE N 10° 58' 09" W FOR A DISTANCE OF 597.80 FEET TO A FOUND 5/8 INCH REBAR IN THE SOUTHERLY LINE OF LANDS OF PAUL W. YOW & BRENDA F. YOW AS RECORDED IN DEED BOOK 437 PAGE 198; THENCE N 49° 29' 08" E PASSING THROUGH A 1/2 INCH IRON PIPE AT 764.88 FEET FOR A TOTAL DISTANCE OF 796.14 FEET TO A POINT IN ODELL SCHOOL ROAD; THENCE ALONG ODELL SCHOOL ROAD THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1.) S 59° 26' 40" E FOR A DISTANCE OF 124.43 FEET TO A POINT, 2.) S 50° 15' 01" E FOR A DISTANCE OF 308.30 FEET TO A POINT IN THE NORTHWESTERLY LINE OF LANDS OF NICHOLAS L. HOYT & BRITTANY LYNN BEGLEY AS RECORDED IN DEED BOOK 13382 PAGE 17; THENCE ALONG LANDS OF NICHOLAS L. HOYT & BRITTANY LYNN THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1.) S 48° 33' 00" W FOR A DISTANCE OF 230.17 FEET TO A FOUND 3/4 INCH REBAR, 2.) S 29° 43' 30" E FOR A DISTANCE OF 147.20 FEET TO A FOUND 5/8 INCH REBAR, 3.) N 72° 13' 46" E FOR A DISTANCE OF 249.33 FEET TO A POINT IN ODELL SCHOOL ROAD; THENCE ALONG ODELL SCHOOL ROAD S 17° 57' 40" E FOR A DISTANCE OF 997.67 FEET TO A POINT; THENCE ALONG THE NORTHERLY LINE OF LANDS OF DARYL E. GRAVES & SHARONDA GRAVES AS RECORDED IN DEED BOOK 8142 PAGE 139 AND THE NORTHERLY LINE OF LANDS OF DANIEL JONATHAN GARCIA & CHERYL GARCIA AS RECORDED IN DEED BOOK 7890 PAGE 12 S 72° 16' 00" W PASSING THROUGH A 5/8 INCH REBAR AT 29.80 FEET, A 5/8 INCH REBAR AT 290.45 FEET AND 3/4 INCH REBAR AT 499.97 FEET FOR A TOTAL DISTANCE OF 580.26 FEET TO A FOUND REBAR; THENCE CONTINUING ALONG THE WESTERLY AND SOUTHERLY LINE OF LANDS OF JONATHAN GARCIA & CHERYL GARCIA THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1.) S 17° 45' 00" E FOR A DISTANCE OF 149.97 FEET TO A FOUND REBAR, 2.) N 72° 15' 06" E FOR A DISTANCE OF 290.42 FEET TO A FOUND 5/8 INCH REBAR BEING THE NORTHWEST CORNER OF LANDS OF BILLY R. FISHER JR AS RECORDED IN DEED BOOK 6843 PAGE 81; THENCE S 17° 45' 00" E FOR A DISTANCE OF 150.15 FEET TO A FOUND 3/8 INCH REBAR

BEING THE NORTHWEST CORNER OF LANDS OF RICHARD C. PETHEL, JR. & VANESSA L. PETHEL AS RECORDED IN DEED BOOK 6137 PAGE 341; THENCE ALONG LANDS OF RICHARD C. PETHEL, JR. & VANESSA L. PETHEL THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1.) S 22° 23' 46" E FOR A DISTANCE OF 161.30 FEET TO A FOUND ¾ INCH REBAR, 2.) N 72° 09' 00" E FOR A DISTANCE OF 41.48 FEET TO A FOUND 5/8 INCH REBAR BEING THE NORTHWEST CORNER OF LANDS OF PEGGY OVERCASH SMITH & ERIC TODD SMITH AS RECORDED IN DEED BOOK 1793 PAGE 28; THENCE ALONG LANDS OF PEGGY OVERCASH SMITH & ERIC TODD SMITH THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1.) S 13° 25' 49" E PASSING THROUGH A ¾ INCH PIPE IN CONCRETE AT 15.02 FEET FOR A TOTAL DISTANCE OF 179.75 FEET TO A FOUND ¾ INCH REBAR, 2.) N 72° 17' 55" E PASSING THROUGH A ¾ INCH REBAR AT 217.46 FEET FOR A TOTAL DISTANCE OF 249.40 FEET TO A POINT IN ODELL SCHOOL ROAD; THENCE ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1248.67 FEET, AN ARC LENGTH OF 493.50 FEET AND WHOSE LONG CHORD BEARS S 3° 03' 44" E FOR A DISTANCE OF 490.29 FEET TO THE POINT AND PLACE OF BEGINNING , CONTAINING 12,004,876 SQUARE FEET OR 275.594 SCRES OF LAND, MORE OR LESS.

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 12<sup>th</sup> day of March, 2020

Adopted this 12<sup>th</sup> day of March, 2020

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 adopting a resolution to sell 528 Allison Street, NW to homebuyers, Zoltan and Hannah Felso, in the amount of \$127,500.**

In June of 2019, Council approved the construction of 528 Allison Street, NW. That home is the first 2-bedroom home build by the City, which was the result of requests from potential homebuyers seeking smaller homes. The listed purchase price was \$127,500 and the City received the full asking price.

A motion was made by Council Member Parsley, seconded by Council Member Crawford, and duly carried, to adopt the following resolution to sell 528 Allison Street, NW to Zoltan and Hannah Felso in the amount of \$127,500—the vote: all aye.

**RESOLUTION AUTHORIZING CONSIDERATION of NEGOTIATED OFFER**

WHEREAS, North Carolina General Statute § 157-9 permits the City Council of the City of Concord in its role as Housing Authority to sell real property by negotiated offer after the receipt of an Offer to Purchase Property; and

WHEREAS, the City acquired 548 Allison Street NW by North Carolina General Warranty Deed as recorded on June 25, 2010 in Deed Book 9198, Page 226 of the Cabarrus County Registry for the purpose of community redevelopment; and

WHEREAS, 548 Allison St NW ("Property") is further described as follows:

Lying and being in the City of Concord, Cabarrus County, North Carolina and being all of Lot Number One (1) of Exception Plat, as shown on plat recorded on Map Book 83 at Page 51 of the Cabarrus County Registry; and

WHEREAS, on Monday, February 24th, the City received an Offer to Purchase the Property from Zolan and Hannah Felso ("Buyer") for \$127,500.00.

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

1. The City Council intends to accept the offer described above.
2. The Offeror shall submit one thousand dollars and no cents (\$1,000.00) as a deposit to be held by the City Clerk; and
3. The final sale shall include the following terms:
  - a. The City will convey 548 Allison Street NW to the Offeror, by North Carolina Warranty Deed.
  - b. The City will convey the property subject to any and all existing public utility easements, restrictions, rights-of-way, protective covenants, zoning laws, conditions, and any ordinance of record.
  - c. The closing shall take place on or before April 20, 2020.
4. The City Attorney is directed to take all necessary steps to complete the sale. The City Manager is authorized to execute the necessary instruments to effectuate the sale of 548 Allison Street NW in accordance with this resolution.

Adopted this 12th day of March, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

**2. Consider amending the City of Concord Downtown Municipal Service District Economic Development Grant Program to redefine the pre-construction assessed value for properties owned by tax exempt entities.**

The City of Concord Downtown Municipal Service District Economic Development Grant Program is designed to stimulate development of new businesses and expansion of existing businesses. The City currently collects no tax revenues on several properties within the downtown Municipal Service District (MSD) that are owned by tax exempt entities (e.g. City, County, or non-profits). The proposed amendment specifies that the pre-construction assessed value for properties owned by tax exempt entities, at the time of a grant award, shall be recognized as zero for the purposes of the grant payment calculation. This policy change acknowledges that the location and success of an economic development project at one of these sites would allow the City to collect new tax revenues on the proposed improvements in addition to any existing assessed value that is not currently taxed because of former ownership by a tax exempt entity.

A motion was made by Council Member Langford, seconded by Council Member Crawford, and duly carried, to amend the City of Concord Downtown Municipal Service District Economic Development Grant Program to redefine the pre-construction assessed value for properties owned by tax exempt entities—the vote: all aye.

**3. Consider authorizing the City Manager to negotiate and execute a contract with McGill Associates, PA for engineering services relating to the design of the Union Streetscape Project.**

Council gave approval in October 2019 to move forward with Option 1, which includes 22-foot sidewalks for the Union Streetscape Project. Staff prepared and issued an RFQ in December 2019 for design and engineering of the project. The City received eleven submissions which were reviewed by a selection committee made up of Planning staff and Directors of Planning, Buildings & Grounds and Engineering. Four of the eleven submissions were invited for interviews and McGill Associates was selected from these firms. McGill Associates has extensive experience with Streetscape projects in similar cities to Concord including Statesville, Asheville, Newton and Sanford.

In September 2019, City staff presented probable cost estimates to City Council during their Projects Update meeting. The probable construction cost for Option 1 came to \$5.96M. The design & bidding fees for McGill Associates total \$505,000. If approved, a budget amendment will be brought to Council in April transferring funds into the streetscape project account to cover the cost from the original budget, which was based on a \$2,000,000 streetscape and not the fully evaluated streetscape of \$5,960,000.

A motion was made by Council Member Parsley, seconded by Mayor Pro-Tem Sweat, and duly carried, to authorize the City Manager to negotiate and execute a contract with McGill Associates, PA for engineering services relating to the design of the Union Streetscape Project—the vote: all aye.

**4. Consider approving the 2020 Federal and State Legislative agendas and priorities.**

Council heard presentations on Federal and State challenges during the 2020 Planning Session in January. It is beneficial for City Council to consider legislative issues in advance so elected officials, staff and/or other representatives will have formal positions to advocate when discussing matters with representatives of the Federal executive branch, members of the United States Senate or House of Representatives, the Governor's office and/or members of the North Carolina General Assembly. The 2020 Federal Legislative Agenda and State Legislative Priorities were prepared based on Mayor/Council feedback from this discussion.

A motion was made by Council Member Crawford, seconded by Mayor Pro-Tem Sweat, and duly carried, to approve the 2020 Federal and State Legislative agendas and priorities—the vote: all aye.

**5. Consider appointing a voting delegate and alternate voting delegate for the NC League of Municipalities' Business Meeting to be held during the 2020 CityVision Annual Conference in Wilmington, May 6-7, 2020.**

Each municipality represented at the 2020 CityVision Conference is asked to appoint a voting delegate and alternate voting delegate for the business meeting that is scheduled for Thursday, May 7, 2020.

A motion was made by Council Member McKenzie, seconded by Council Member Crawford, and duly carried, to appoint Mayor Dusch as the voting delegate and Council Member Small as the alternate voting delegate—the vote: all aye.

**6. Consider approving the new benefit plan rates for the City of Concord for FY2020-2021 and authorize the City Manager to negotiate, conclude, and execute contracts with plan providers.**

The PPO plan has consistently run well above budget and impacts the City's plan costs annually. In recognizing the unsustainability of this plan, staff identified the need to replace the PPO plan and began notifying staff in 2019 of this upcoming change for FY21. A new Base Plan has been identified which will replace the PPO plan option. It is a low cost premium plan option with a higher deductible/out of pocket maximum for participants who may rather spend money only if and when medical care may be needed and have a lower upfront cost on premiums. The HRA plan would remain in place.

A motion was made by Council Member Parsley, seconded by Council Member Crawford, and duly carried, to approve the new benefit plan rates for the City of Concord for FY2020-2021 and authorize the City Manager to negotiate, conclude, and execute a contracts with plan providers—the vote: all aye.

**7. Consider adopting a resolution authorizing the exchange of certain greenway easements and temporary construction easements with Martin Marietta Materials, Inc.**

Martin Marietta conveyed certain easements located on a portion of property identified as PIN 4599-45-6349 for the purpose of extending the Hector Henry Greenway. Additional evaluation after the conveyance revealed that some of the easement areas were not suitable due to other existing utility easements and/or wetlands located in the area. Therefore, Martin Marietta has agreed to convey new easements in roughly equal proportions to the unsuitable portions with only 834 square feet of additional easement area. The new easement area is valued at \$150.

A motion was made by Council Member Crawford, seconded by Council Member King, and duly carried, to adopt the following resolution authorizing the exchange of certain greenway easements and temporary construction easements with Martin Marietta Materials, Inc—the vote: all aye.

**RESOLUTION AUTHORIZING THE ABANDONMENT  
AND EXCHANGE OF REAL PROPERTY RIGHTS**

WHEREAS, the City Council of the City of Concord (“City”) has proposed the exchange of greenway easements and temporary construction easement rights with Martin Marietta Materials, Inc., a North Carolina corporation (“Martin Marietta”), located at 2710 Wycliff Road, Raleigh, NC 27607-3003; and

WHEREAS, on July 14, 2017, Martin Marietta conveyed to the City, permanent greenway easements and temporary construction easements located on a portion of property identified as PIN 4599-45-6349, as evidenced in Deed Book 12582, at Page 131-143 of the Cabarrus County Registry for the Hector Henry Greenway (“Greenway”) for the purchase price of \$20,000.00; and

WHEREAS, additional evaluation of the site has determined that the permanent and temporary easements conveyed by Martin Marietta to the City are not suitable to the construction and maintenance of the Greenway; and

WHEREAS, the City desires to acquire new permanent and temporary easement rights from Martin Marietta, valued at \$20,000.00 and is shown on Exhibit A, Pages 1-3; and

WHEREAS, Martin Marietta desires to convey new permanent and temporary easement rights, located on a portion of property identified as PIN 4599-45-6349, to the City for the construction and maintenance of the Greenway, valued at \$20,000.00 and is shown on Exhibit A, Pages 1-3; and

WHEREAS, the City desires to abandon the permanent greenway easements and temporary construction easements located on a portion of property identified as PIN 4599-45-6349, as evidenced in Deed Book 12582, at Page 131-143 of the Cabarrus County Registry back to Martin Marietta; and

WHEREAS, on February 28, 2020, the City has received an Agreement for Purchase and Sale of Real Property from Martin Marietta detailing the conditions of the exchange of real property, along with a purchase price of \$150.00; and

WHEREAS, the exchange shall take place on or before March 30, 2020.

WHEREAS, North Carolina General Statutes 160A-271, authorizes the City to make such an exchange if authorized by the City by a resolution adopted at a regular meeting of the City upon at least 10 days’ notice public notice; and

WHEREAS, the City has given the required public notice, and the City Council is convened in a regular meeting.

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

- 1. The City Council of the City of Concord authorizes the exchange of real properties described above with Martin Marietta Materials, Inc.
- 2. The City Council of the City of Concord is authorized to submit payment of \$150.00 to Martin Marietta Materials, Inc. upon the delivery of the easement documents.
- 3. The City Attorney is directed to take all necessary steps to complete the exchange of the real property.
- 4. The Mayor is authorized to execute all of the necessary instruments to effectuate the exchange of real property located on PIN 4599-45-6349 in accordance with this resolution.

Adopted this 12th day of March, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

**8. Consider authorizing staff to pursue eligible grant program funding for the purchase of new and replacement service vehicles for the Rider Transit fleet.**

There are several discretionary grant opportunities currently available to apply for funds to replace the current fleet as needed, as well as purchase one additional new bus to expand the number of available spare vehicles. These grant programs include FTA's 5339 program, the Federal BUILD program, and Surface Transportation Block Grant Program (STBGP). These grants provide 80%-83% of the cost of the vehicle purchase, depending on the program.

Staff would like to submit applications to these available programs in an effort to secure grant funding to allow Rider Transit to maintain its fleet in a state of good repair. The request was presented to the Concord Kannapolis Transit Commission on 2/26/20 and was unanimously approved.

A motion was made by Mayor Pro-Tem Sweat, seconded by Council Member Small, and duly carried, to authorize staff to pursue eligible grant program funding to be able to purchase new and replacement service vehicles for the Rider Transit fleet—the vote: all aye.

**9. Consider adopting a resolution to abandon an easement across property at 6620 Breezy Lane (Rocky River Wastewater Treatment Plant).**

The easement as recorded in Deed Book 1351, Page 216, and shown on Plat Book 65 Page 12 was for Electric Department's use and is no longer needed. The Water and Sewer Authority of Cabarrus County (WSACC) has requested that the easement be abandoned. The Electric Department agrees with the abandonment.

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

WHEREAS, a substation easement - 1 was granted in Deed Book 1351 Page 213 and shown on Plat Book 65 Page 12 in the Cabarrus County Registry; and

WHEREAS, the property owners request abandonment of said easement since it is no longer needed for City electric operations and the Water and Sewer Authority could use it for their purposes; 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 utility easement described as Substation Easement -1 recorded in Deed Book 1351 Page 213 and more particularly shown outlined in red 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 12<sup>th</sup> day of March 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

**Consent Agenda:**

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

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

**CONSENT AGENDA ITEM A**

A contract addendum with STV Engineers in the amount of \$41,640 was approved and the following capital project ordinance was adopted.

ORD.# 20-19

**CAPITAL PROJECT ORDINANCE  
Water Projects-Poplar Tent**

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 the Poplar Tent Project.

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

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

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8700-5811322				
8700-5811322	Poplar Tent Waterline	\$3,888,000	\$3,929,640	\$41,640
8700-5811082				
8700-5811082	Future Water Projects	\$735,202	\$693,562	(\$41,640)

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 March, 2020.

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 B**

The City Manager was authorized to negotiate and execute a contract for the FY2020 audit to Martin Starnes & Associates, CPAs, PA.

**CONSENT AGENDA ITEM C**

The 2020 Capital Fund Grant award from HUD was accepted and the following budget ordinances was adopted.

ORD.# 20-20

GRANT PROJECT ORDINANCE FY  
2020 CAPITAL FUND GRANT PROJECT  
NC20P008501-20

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

SECTION 1. The project authorized is the Capital Fund grant, which is a program

to assist the Housing Department in carrying out development, capital and management activities in order to ensure that the program continues to service low-income pursuant families.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation of the project within terms of a grant agreement with the U.S. Department of Housing and Urban Development.

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

2020 CFP Revenue	692-4703307	\$354,993
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SECTION 4. The following amounts are appropriated to the project:

General Capital Activity	9211-5800290	\$288,543
	9211-5800290	
Operations	9211-5800250	\$66,450
	9211-5800250	
Total		\$354,993

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 March 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ Valerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM D**

The Police Department was authorized to submit the 2021 NC Wildlife Commission application form to continue the extended Urban Archery season in the City of Concord for CY2021.

**CONSENT AGENDA ITEM E**

The Parks and Recreation Department was authorized to apply for a Land and Water Conservation Fund (LWCF) Grant for construction of identified amenities at Marvin Caldwell Park.

**CONSENT AGENDA ITEM F**

The maintenance agreements were approved and the offers of dedication were accepted on the following properties: M&K Land, LLC and Park View Estates, LLC.

**CONSENT AGENDA ITEM G**

The offer of dedication was accepted on the following plat and easements: Allen Mills Phase 2 Map 3, Weddington Road Apartments and Barnhardt Family Enterprises.

**CONSENT AGENDA ITEM H**

The offers of infrastructure were accepted in the following subdivisions and sites: Lantana Subdivision Phase 4 Map 1, Allen Mills Phase 2 Map 2, Roberta Crossing, Action Glass & Mirror, and Dollar General Pitts School Road.

**CONSENT AGENDA ITEM I**

The following ordinance was adopted to amend the utility capital reserve project fund to adjust the budgets to actual estimates.

ORD.# 20-21

**CAPITAL PROJECT ORDINANCE  
Utility Capital Reserve**

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

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

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

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

<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
282-4501620	From Water	\$945,000	\$1,090,220	\$145,220
282-4501620				
282-4501640	From Sewer	\$1,518,000	\$392,000	(\$1,126,000)
282-4501640				
8120-5811088	Future Water Reserves	\$945,000	\$1,090,220	\$145,220
8120-5811088				
8120-5811089	Future Sewer Reserves	\$1,518,000	\$392,000	(\$1,126,000)
8120-5811089				

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 March, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ Valerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM J**

The following ordinance was adopted to amend the operating budgets for Water, Stormwater and Electric to fund the City's OPEB liability.

ORD.# 20-22

**AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE**

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13<sup>th</sup> 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
610-4406000	Retained Earnings-	7,487,881	7,761,797	273,916
620-4406000	Electric	292,727	3,210,681	2,917,954
600-4406000	Retained Earnings-Water	190,815	648,695	457,880
	Retained Earnings-Storm			
<b>Total</b>				<b><u>3,649,750</u></b>

**Expenses/Expenditures**

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
7200-5182500	OPEB Contribution-Elec.	0	273,916	273,916
7340-5182500	OPEB Contribution-Water	0	2,917,954	2,917,954
7100-5182500	OPEB Contribution-Storm	0	457,880	457,880
<b>Total</b>				<b><u>3,649,750</u></b>

Reason: Appropriate reserves for contribution to OPEB Trust.

Adopted this 12th day of March, 2020.

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 Tax Office collection reports for the month of January 2020 were accepted.

**CONSENT AGENDA ITEM L**

The Tax releases/refunds for the month of January 2020 were approved.

**CONSENT AGENDA ITEM M**

The monthly report of investments as of January 31, 2020 was accepted.

\* \* \* \* \*

**Matters not on the Agenda:**

**Updates were provided for the various Committees/Boards**

TAC

MTC

Concord/Kannapolis Transit Commission – update provided

Centralina Council of Government (CCOG)

WSACC

Public Art Advisory Committee

Concord Family Enrichment Association – update provided

PTT Committee

Barber Scotia Task Force Committee – update provided

\* \* \* \* \*

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

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William C. Dusch, Mayor

\_\_\_\_\_  
Kim J. Deason, City Clerk