

CONCORD CITY COUNCIL
REGULAR MEETING
DECEMBER 10, 2020

A regular meeting of the City Council for the City of Concord, North Carolina, was held on December 10, 2020, at 6:00 p.m. with Mayor William C. Dusch presiding.

Due to COVID-19 and the 6 foot separation requirement, the meeting was conducted electronically via Zoom.

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
- Various 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.

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Approval of Minutes:

A motion was made by Council Member Crawford and seconded by Council Member Small to approve the minutes for the meetings of November 10 and November 12, 2020—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

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Establishment of time and place for Council's regular meetings and work sessions:

Mayor Dusch stated that the City Council needed to select a time and date for its regularly scheduled meetings and workshops.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Langford to establish the second Thursday of each month at 6:00 p.m. as the regularly scheduled date and time for the Concord City Council meetings and to establish the Tuesday prior to the regular meetings, at 4:00 p.m., as the regularly scheduled date and time for the City Council work sessions. One exception; the November Council meeting will be held Wednesday, November 10, 2021 due to City offices being closed in observance of Veteran's Day on Thursday, November 11th—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

Election of Mayor Pro-Tem for CY2021:

Mayor Dusch stated that a Mayor Pro-Tem needed to be selected from the Council for CY 2021.

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem Sweat to suspend the adopted Mayor Pro-Tem rotation schedule to remove Council Member Crawford from candidacy and appoint Council Member King as Mayor Pro-Tem of the Concord City Council for CY 2021 and to reinstate the rotation schedule for CY2022 and reinstate Council Member Crawford for candidacy—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

Presentations:

1. **Mayor Dusch recognized the Water Resources Department for receiving the 2020 Wastewater Collection System of the Year Award for medium sized systems.**

Unfinished Business: (public hearings were opened at the December 8, 2020 Work Session and continued to the December 10, 2020 City Council meeting to allow for the required 24 hour written comment period for virtual hearings).

1. **Continue a public hearing and consider adopting an ordinance for annexation of four (4) parcels located on the northeast side of the Rocky River Road and Lower Rocky River Road intersection.**

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 CC Griffin Middle School. The applicant has proposed to annex the subject property for the development of an age restricted single-family residential detached subdivision.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Crawford to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

There were no speakers signed up to speak in favor or in opposition to this request and no written comments were received. Therefore, a motion was made by Council Member McKenzie and seconded by Council Member Crawford to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member McKenzie to deny the annexation petition—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

Informational Items:

1. **Presentation from the City of Concord Youth Council President.**

Youth Council President, Akhilesh Shivaramakrishnan, presented an update to the Mayor and City Council on the upcoming year and this semester's accomplishments.

2. **The Independent Auditor presented his report on the Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2020.**

A copy of the report was previously distributed to the Mayor and City Council is also available on the City's website

The Interim Finance Director, Jessica Jones, introduced Justin Allen, Independent Auditor with Martin Starnes & Associates.

Mr. Allen stated the City of Concord received an unmodified opinion which is the highest opinion level that can be received.

Departmental Reports:

1. **Receive a status update on the City and Concord Family Enrichment Association (CFEA) undertaken to address affordable housing efforts.**

The Housing Director, Angela Graham, stated as of Tuesday, December 8th, CFEA has officially obtained 501-3(c) status. CFEA was also awarded their first grant from the NC Realtor's Housing Foundation in the amount of \$2,000.

The Assistant City Manager, Josh Smith, explained the business model of the CFEA, how the City can help CFEA and how CFEA can help the City. He stated the CFEA Board Members have been actively completing organization tasks needed for the non-profit start up.

The Planning and Neighborhood Development Director, Steve Osborne, staff has acquired four properties (totaling ten units), designated for affordable rental housing, another parcel has been identified as mixed-income townhomes with both rental and owner-occupied units (totaling 26 units), two single family homes constructed, and one abandoned property is proposed to be subdivided for single family homes.

Several Council Members thanked the staff and members of the CFEA Board for their hard work in the community.

2. Receive a progress update presentation on the Union Streetscape Project.

The Planning and Neighborhood Development Director and Senior Planner, Kaylee Canton, presented the overall design of the Union Streetscape Project including rendered site plans and description of amenities. Material selections, landscaping elements, furnishings, smart poles, accent lighting, festival/event layout, and anticipated construction phasing were also presented.

Council Member McKenzie asked if the project will stay within budget. The Planning and Neighborhood Development stated it is anticipated that the project will stay within budget.

Council Member Small asked if businesses would be able to stay open for business during the renovations. The Planning and Neighborhood Development Director stated businesses would be able to remain open for business during the project.

Public Hearings:

1. Conduct a public hearing to consider adopting an ordinance amending Sections 8.1 and 5.5 of the Concord Development Ordinance (CDO) to correct a typographical error and to eliminate incorrect cross-references.

With the adoption of the Concord 2030 Land Use Plan in March 2018, there are numerous recommendations for future development which may only be achieved with revisions of the CDO. One item was a comprehensive rewrite of the Permitted Use Table (Section 8.1), which was undertaken at the first of the year. It was brought to staff's attention that "major automobile repair" was erroneously left out of Heavy Industrial (I-2) as permitted with additional standards while it is permitted in the less intense General Commercial (C-2) and Light Industrial (I-1). This omission was clearly an error and the correction will ensure that current auto repair facilities in I-2 will remain conforming.

Additionally, staff discovered that Section 5.5.6 erroneously refer the reader to Sections 6 and 9 for information on landscaping buffers which are contained in Articles 10 and 11. Article 5 also includes Table 5.5.1, which is a reiteration of the dimensional requirements already contained in Article 7. Staff recommended eliminating this table to avoid having to track multiple cross-references in the event that the dimensional requirements are amended in the future

A motion was made by Council Member Small and seconded by Council Member Langford to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

There were no speakers signed up to speak in favor or in opposition to this request and no written comments were received. Therefore, a motion was made by Council Member

Crawford and seconded by Council Member King to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Crawford to adopt the following ordinance amending Sections 8.1 and 5.5 of the Concord Development Ordinance (CDO) to correct a typographical error and to eliminate incorrect cross-references —the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

ORD.# 20-124

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 Development 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,” relative to “Automobile Repair, major” be amended to the following:

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						IND					Standards		
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2		I-1	I-2
Vehicle Sales and Service [see 8.2.6.1]	Vehicle Storage Lot													PS	PS	8.3.6.I
	Automobile Parts, Tires and Accessories Store													P		
	Automobile Parts, used or salvaged parts, <u>no</u> outdoor storage													P	P	
	Automobile Repair, major													PS	PS	8.3.6.I
	Automobile Repair, minor													PS	PS	8.3.6.D

SECTION 2: That the following section of Concord Development Ordinance (CDO) Article 5 “Subdivision Plats, Site Plans and Construction Plans,” Section 5.5 “Lot Standards”,

Section 5.5.6 "Perimeter Buffer Yard for Residential Subdivisions" be amended to the following:

5.5.6. PERIMETER BUFFER YARD FOR RESIDENTIAL SUBDIVISIONS (these standards shall apply to major subdivisions only).

- A. A buffer yard shall be required along the perimeter of a residential subdivision in order to separate residential lots from:
 - 1. Abutting a thoroughfare; and
 - 2. Abutting non-residential uses.
- B. The buffer yard for abutting non-residential uses shall be designed and landscaped per Article 11 of this Ordinance. The buffer yard for abutting thoroughfare shall be a Type D buffer as set forth in Article 11 of this Ordinance.
- C. All required buffer yards shall be platted as common open areas and may be included as "open space" subject to the standards and criteria as set forth in Articles 10 and 11 of this Ordinance.

SECTION 3: That Table 5.5-1 "Dimensional and Density Standards," located within Concord Development Ordinance (CDO) Article 5 "Subdivision Plats, Site Plans and Construction Plans," under Section 5.5 "Lot Standards", be deleted in its entirety.

SECTION 4: That all remaining Articles and Sections of this Ordinance be renumbered to include the newly created Articles and Sections.

SECTION 5: That this Ordinance be effective immediately upon adoption.

Adopted in this December 10th, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ Valerie Kolczynski, City Attorney

2. Conduct a public hearing for case Z-21-20 and consider adopting an ordinance amending the official zoning map for +/- 5.3 acres located at 3300 Roberta Rd from I-2 (General Industrial) and AG (Agricultural) to O-I (Office Institutional).

The Planning and Zoning Commission heard the above referenced petition at their November 17th meeting and unanimously voted to forward the request to City Council with a recommendation that the zoning map be amended to O-I (Office Institutional) and that the Land Use Plan be modified to Office/Institutional. The purpose of the rezoning and Land Use Plan amendment is to establish a City fire station.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Small to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

There were no speakers signed up to speak in favor or in opposition to this request and no written comments were received. Therefore, a motion was made by Council Member McKenzie and seconded by Council Member King to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Council Member McKenzie and seconded by Council Member King to adopt the following "Statement of Zoning Consistency" as required by NC Gen. Stat 160A-382(b).

- The subject property is approximately 5.3 acres and is zoned I-2 (General Industrial) and AG (Agricultural).
- The subject property was annexed on June 30th, 1983 and is currently structurally vacant.
- The proposed zoning is inconsistent with the 2030 Land Use Plan (LUP) as O-I (Office Institutional) is not a corresponding zoning classification to the "Industrial Employment" land use category. However, a rezoning to O-I would constitute an expansion of the O-I zoning district to the south which is the site of Roberta Baptist Church. Furthermore, the proposal would allow the development of a new fire station intended to service the surrounding community, potentially reducing service call response times. In accordance with the LUP Section 5.2, the City should "coordinate the expansion of its infrastructure and services with growth in ways that maintain adequate levels of service for existing and new development." A new fire station is needed in the general vicinity of the subject property to maintain ISO Fire ratings and provide an adequate level of fire response to both the residential and industrial uses. Due to the proximity to the Bootsmead property and reserved shared emergency access point, a future fire station could quickly enter the site from Roberta Road, allowing the City's Fire personnel to provide services on opposite sides of the large industrial site, providing protection to the neighboring residential. Should the rezoning to O-I be deemed appropriate, the Land Use Plan should be modified to Civic/Institutional to reflect the proposed zoning and use. The request would conform to the 2030 Land Use Plan Guidance 1.2 as modification to the Land Use Plan on the subject property would not limit industrial development and would improve the quality of life within the surrounding area by providing enhanced fire response times.

The zoning amendment is reasonable and in the public interest as it is an expansion of the adjacent O-I zoning to the south and would provide a needed service related to fire/life safety. As the Bootsmead property develops with heavy industrial uses in proximity to residential dwellings, the increased need to service the area with fire services becomes increasingly apparent. The subject property is buffered to the east and west from the adjacent residential by properties that remain under Carvana or Bootsmead ownership and I-2 and AG zoning. Additional landscape buffering would be required if the site develops, providing a transition between heavier I-2 and the residences to the east and west. Any development on the subject site would be required to meet CDO standards including those related to buffering

A motion was made by Council Member King and seconded by Mayor Pro-Tem Sweat to approve the rezoning request from I-2 (General Industrial) and AG (Agricultural) to O-I (Office Institutional)—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

A motion was made by Council Member Small and seconded by Mayor Pro-Tem Sweat to adopt the following ordinance amending the official zoning map and to amend the 2030 Land Use Plan for the subject site from Industrial/Employment to Office/Institutional—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

ORD. #20-125

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF CONCORD, NORTH CAROLINA
FOR PROPERTY LOCATED AT 3300 ROBERTA RD**

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 Planning and Zoning Commission of the City of Concord, North Carolina:

SECTION 1. That the P&Z Commission held a duly advertised public hearing on November 17th, 2020. 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 5.3 acres and is zoned I-2 (General Industrial) and AG (Agricultural).
- The subject property was annexed on June 30th, 1983 and is currently structurally vacant.
- The proposed zoning is inconsistent with the 2030 Land Use Plan (LUP) as O-I (Office Institutional) is not a corresponding zoning classification to the "Industrial Employment" land use category. However, a rezoning to O-I would constitute an expansion of the O-I zoning district to the south which is the site of Roberta Baptist Church. Furthermore, the proposal would allow the development of a new fire station intended to service the surrounding community, potentially reducing service call response times. In accordance with the LUP Section 5.2, the City should "coordinate the expansion of its infrastructure and services with growth in ways that maintain adequate levels of service for existing and new development." A new fire station is needed in the general vicinity of the subject property to maintain ISO Fire ratings and provide an adequate level of fire response to both the residential and industrial uses. Due to the proximity to the Bootsmead property and reserved shared emergency access point, a future fire station could quickly enter the site from Roberta Road, allowing the City's Fire personnel to provide services on opposite sides of the large industrial site, providing protection to the neighboring residential. Should the rezoning to O-I be deemed appropriate, the Land Use Plan should be modified to Civic/Institutional to reflect the proposed zoning and use. The request would conform to the 2030 Land Use Plan Guidance 1.2 as modification to the Land Use Plan on the subject property would not limit industrial development and would improve the quality of life within the surrounding area by providing enhanced fire response times.
- The zoning amendment is reasonable and in the public interest as it is an expansion of the adjacent O-I zoning to the south and would provide a needed service related to fire/life safety. As the Bootsmead property develops with heavy industrial uses in proximity to residential dwellings, the increased need to service the area with fire services becomes increasingly apparent. The subject property is buffered to the east and west from the adjacent residential by properties that remain under Carvana or Bootsmead ownership and I-2 and AG zoning. Additional landscape buffering would be required if the site develops, providing a transition

between heavier I-2 and the residences to the east and west. Any development on the subject site would be required to meet CDO standards including those related to buffering.

The P&Z Commission then voted to forward the request to City Council with a recommendation that the zoning map be modified from I-2 (General Industrial) and AG (Agricultural) to O-I (Office Institutional) and a recommendation that the 2030 Land Use Plan be modified from Industrial/Employment to Civic/Institutional, by the required super-majority.

SECTION 2. That the City Council held a duly advertised public hearing on December 8th and 10th, 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 5.3 acres and is zoned I-2 (General Industrial) and AG (Agricultural).
- The subject property was annexed on June 30th, 1983 and is currently structurally vacant.
- The proposed zoning is inconsistent with the 2030 Land Use Plan (LUP) as O-I (Office Institutional) is not a corresponding zoning classification to the "Industrial Employment" land use category. However, a rezoning to O-I would constitute an expansion of the O-I zoning district to the south which is the site of Roberta Baptist Church. Furthermore, the proposal would allow the development of a new fire station intended to service the surrounding community, potentially reducing service call response times. In accordance with the LUP Section 5.2, the City should "coordinate the expansion of its infrastructure and services with growth in ways that maintain adequate levels of service for existing and new development." A new fire station is needed in the general vicinity of the subject property to maintain ISO Fire ratings and provide an adequate level of fire response to both the residential and industrial uses. Due to the proximity to the Bootsmead property and reserved shared emergency access point, a future fire station could quickly enter the site from Roberta Road, allowing the City's Fire personnel to provide services on opposite sides of the large industrial site, providing protection to the neighboring residential. Should the rezoning to O-I be deemed appropriate, the Land Use Plan should be modified to Civic/Institutional to reflect the proposed zoning and use. The request would conform to the 2030 Land Use Plan Guidance 1.2 as modification to the Land Use Plan on the subject property would not limit industrial development and would improve the quality of life within the surrounding area by providing enhanced fire response times.
- The zoning amendment is reasonable and in the public interest as it is an expansion of the adjacent O-I zoning to the south and would provide a needed service related to fire/life safety. As the Bootsmead property develops with heavy industrial uses in proximity to residential dwellings, the increased need to service the area with fire services becomes increasingly apparent. The subject property is buffered to the east and west from the adjacent residential by properties that remain under Carvana or Bootsmead ownership and I-2 and AG zoning. Additional landscape buffering would be required if the site develops, providing a transition between heavier I-2 and the residences to the east and west. Any development on the subject site would be required to meet CDO standards including those related to buffering.

SECTION 3: The City Council then voted to **APPROVE** the request by rezoning the subject property from AG (Agricultural) and I-2 (General Industrial) to City O-I (Office Institutional) for the area described as follows:

THE CITY OF CONCORD

"PARCEL A" of the "MINOR PLAT OF FIRE STATION 12" (Map Book 84 Page 61)
(Deed Book 14230 Page 231) (PIN: 5519-32-5275; REAL ID: 02-035-0001.90)

Lying and being in the City of Concord, No. 2 Township, Cabarrus County, North Carolina, on the west side of Robert Road and being known as "PARCEL A" of the "MINOR PLAT

OF FIRE STATION 12" (Map Book 84 Page 61) (Deed Book 14230 Page 231) (PIN: 5519-32-5275; REAL ID: 02-035-0001.90) as recorded among the Cabarrus County Register of Deeds; and being more particularly described as follows:

A 5.317 Acres Tract of Land

Beginning at a 1/2" NEW IRON ROD (NIR) at the northeast corner of the aforesaid "PARCEL A" (MB 84 PG 61), said NEW IRON ROD being further described as having NC (NAD 83) Grid Coordinates of N: 592,278.60, E: 1,513,844.98, being situated South 31°46'05" West 12,486.21 feet (ground) from NCGS Monument "BUFFALO 2" and being the POINT OF BEGINNING (POB) of the property to be described herein; thence leaving the POINT OF BEGINNING (POB) and running with the western NCDOT Right of Way line of Robert Road the following five calls:

1. South 39°00'11" West 76.67 feet (L1) to a 1/2" NEW IRON ROD (NIR); thence
2. South 37°58'32" West 46.58 feet (L2) to a 1/2" NEW IRON ROD (NIR); thence
3. South 36°43'09" West 38.57 feet (L3) to a 1/2" NEW IRON ROD (NIR); thence
4. South 32°38'05" West 411.79 feet to a 1/2" NEW IRON ROD (NIR); thence
5. South 28°14'30" West 21.96 feet (L4) to a 1/2" NEW IRON ROD (NIR) at the southeast corner of the aforesaid "PARCEL A"; thence leaving the aforesaid western NCDOT Right of Way line of Robert Road and running with the common line of "PARCEL A" (MB 84 PG 61) and the property of CV NLA II, LP (now or formerly) (Deed Book 13905 Page 167) ("PARCEL A" of Map Book 81 Page 72) (PIN: 5519-33-1655; REAL ID: 02-035-0001.50)
6. North 50°09'13" West 252.56 feet to an EXISTING IRON ROD (EIR); thence
7. North 00°00'35" West 85.36 feet to a 1/2" NEW IRON ROD (NIR); thence
8. North 89°59'25" East 142.00 feet to a 1/2" NEW IRON ROD (NIR); thence
9. North 00°00'35" West 657.08 feet to an EXISTING IRON ROD (EIR); thence
10. North 89°59'25" East 143.79 feet to a 1/2" NEW IRON ROD (NIR); thence
11. South 30°21'19" East 476.24 feet to the Point of Beginning and containing 231,588 square feet or 5.317 acres of land, more or less.

The calls listed in the above described tract of land were derived from a survey completed by R.B. PHARR & ASSOCIATES, P.A. SURVEYING & MAPPING (LICENSURE NO: C-1471) (DATED APRIL 1, 2020) and recorded in Map Book 84 Page 61.

SECTION 4. The City Council then voted to **APPROVE** the request by amending the Land Use Plan for the property described in Section 3 from Industrial/Employment to Civic/Institutional.

SECTION 5. That the establishment of this district and subsequent issuance of Zoning Clearance Permits are hereby authorized.

SECTION 6. 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 7. That the effective date hereof is the 10th day of December, 2020

Adopted the 10th day of December, 2020

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 annexing +/- 0.258 acres located at 4636 Roberta Rd, and owned by Jody F. Smith.

The request is for voluntary annexation of +/- 0.258 acres located at 4636 Roberta Rd for the purpose of connecting to City utilities. In March of 2020, City Council annexed the +/- 45.9 acre parcel to the west, owned by Cabarrus County, and the future location of the new middle school. During the design and construction process, the County discovered that the septic system for the property located at 4636 Roberta Rd was located on the Middle School's site and would need to be removed. Because of the small size of the subject parcel, installation of a new septic system onsite is not feasible.

City Council heard a preliminary application for utility extension, determined that the site could be served by City utilities, and voted for the petitioner to move forward with a request for annexation. In accordance with Council's decision, the petitioner has requested annexation in order to connect to City utilities. If annexation is approved, the City will administratively recommend that a zoning classification of RV (Residential Village) be applied to the subject parcel. This zoning designation was chosen for consistency with the existing lot size and for compliance with the 2030 Land Use Plan which designates the property as Suburban Neighborhood.

A motion was made by Council Member Langford and seconded by Mayor Pro-Tem Sweat to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

There were no speakers signed up to speak in favor or in opposition to this request and no written comments were received. Therefore, a motion was made by Council Member Crawford and seconded by Council Member McKenzie to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Council Member Parsley and seconded by Mayor Pro-Tem Sweat to adopt the following annexation ordinance and set the effective date for December 10, 2020—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

ORD.# 20-126

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE +/- 0.258 ACRES LOCATED AT 4636 ROBERTA ROAD, CONCORD NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Jody F. Smith, on December 8th and 10th, 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 via a virtual multimedia platform, on December 8th and 10th, 2020 after due notice by The Independent Tribune on November 27th, 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 10th day of December 2020:

Lying and being in the City of Concord, No. 2 Township, Cabarrus County, North Carolina, on the south side of, but not adjoining, Cochran Road (a variable public right-of-way), adjoining the property of Marion M. Easley and wife, Vivian B. Easley (Book 296, Page 86, Cabarrus County Registry), the property of Angel Rivera (Book 9938, Page 04, Cabarrus County Registry), being a tract of land consisting of 0.258 acre, and 11251.69 square feet, and being designated as Lot No. 3 on the RECOMBINATION PLAT OF 45.958 ACRES-COCHRAN ROAD, said plat being on the file in the Office of the Register of Deeds for Cabarrus County, North Carolina, in Map Book 82, Page 15, specific reference thereto being hereby made for a more complete description thereof by metes and bounds.

SECTION 2. Upon and after the 10th day of December, 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 10th day of December 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

4. Conduct a public hearing and consider adopting an ordinance annexing +/- 26.35 acres located at 3070 and 3100 Zion Church Rd, and owned by Frank Shepardson.

The request is for voluntary annexation of +/- 26.35 acres located at 3070 and 3100 Zion Church Rd for the purpose of subdividing the property into two separate developments; an industrial development and a residential subdivision. The subject property currently comprises two parcels that collectively have frontage on both Zion Church Rd and Amhurst St. SW.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Small to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

Kate Underwood and Frank Shepherdson signed up to speak in favor of the request.

There were no further speakers signed up to speak in favor or in opposition to this request and no written comments were received. Therefore, a motion was made by Mayor Pro-Tem Sweat and seconded by Council Member McKenzie to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Council Member Langford and seconded by Council Member King to adopt the following annexation ordinance and set the effective date for December 10,

2020—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

ORD.# 20-127

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE +/- 26.35 ACRES LOCATED AT 3070 AND 3100 ZION CHURCH RD, CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Kate Underwood, CESI, on December 8th and 10th, 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 via a virtual multimedia platform, on December 8th and 10th, 2020 after due notice by The Independent Tribune on November 27th, 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 10th day of December 2020:

Parcel #1

Lying and being in No. 11 Township, Cabarrus County, N.C., and being Tract No. 2 of the PROPERTY OF JOHN R. FURR AND WIFE IVY D. FURR as surveyed and platted by J. L. Blackley, RLS, on the 25th day of July 1981, and a copy of said plat being on file in the Office of the Register of Deeds for Cabarrus County, N.C., in Map Book No. 18 page 96, to which recorded plat reference is hereto made for a more complete description as to metes and bounds, and being a part of the property as conveyed by deed dated September 22nd, 1949, from A. E. Litaker, et. al., to John R. Furr and wife, Ivy Furr, said deed being duly recorded in the Office of the Register of Deeds for Cabarrus County, NC, in Deed Book No. 212, page 280.

Parcel #2

BEGINNING at an iron stake on the East side of Zion Church Road, a corner of the W. F. Litaker Estate, and runs thence with the line of Litaker, and the line of J. H. Sossamon, North 67-45 West (passing an iron stake on line at 35.0 feet, a corner of Litaker and Sossamon) 432.21 feet to an iron stake in the line of Sossamon, a new corner of John R. Furr; thence a new line of Furr, North 22-15 East 200.0 feet to an iron stake, a new corner; thence a new line of Furr, South 67-15 East (passing an iron stake on line at 310.7 feet) 394.9 feet to an iron stake on the East side of Zion Church Road, and in the line of the W. F. Litaker Estate; thence with the old line of Litaker, South 11-31 West 200.0 feet to the BEGINNING, containing 1.88 acres.

SECTION 2. Upon and after the 10th day of December, 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 10th day of December 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. Receive a presentation on non-profit office space located at 66 Union Street South and consider adopting an ordinance to amend the 2020-2021 Approved Fees, Rates and Charges Schedule.

In August 2019, the City sold the former City Hall Annex building located at 66 Union Street South to RCG 66 Union, LLC. The City entered into a five year lease agreement with one five year renewal option for the lower level area in order to sublet the space for non-profit organizations at a rate of \$6.25 per square foot (i.e. \$30,000 annual base rent owed for Year 1) with a 3% (or greater depending on Consumer Price Index) annual escalation.

Staff requested approval of proposed rental rates for each office, which would cover all of the City's estimated expenses and build a reserve for general maintenance of the area. The proposed lease agreement and rates include the City's provision of utilities, internet, common area cleaning, and general maintenance.

A motion was made by Council Member Crawford and seconded by Council Member Small to adopt the following ordinance amending the 2020-2021 Approved Fees, Rates and Charges Schedule—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

ORD.# 20-128

AN ORDINANCE AMENDING FY 2020-2021 APPROVED FEES, RATES AND CHARGES SCHEDULE AS ADOPTED IN THE FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1st, 2020 and ending on June 30th, 2021, as amended; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following fees, rates and charges are hereby amended by adding the following:

UPDATE THE FOLLOWING SECTION: PLANNING & NEIGHBORHOOD SERVICES

Non-Profit Office Rental Rates – 66 Union Street South

Office #	Unit SF	Notes	Monthly Rental Rate
1	175		\$ 390.00
2	221		\$ 495.00
3	177		\$ 395.00
4	128		\$ 285.00
5	317	Two offices w/one access	\$ 710.00
6	153		\$ 345.00
7	153		\$ 345.00
8	253		\$ 565.00
9	297	Small sink & closet	\$ 665.00
10	129		\$ 290.00

Rates are subject to annual 3% increase or a greater percentage based on the increase in the Consumer Price Index for all Urban Consumers.

Adopted this 10th day of December 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. Consider approving the purchase of 314 Sycamore Avenue SW, from Lirio V. Rosas for \$12,500 using City Affordable Housing funds.

While conducting a windshield survey, this property was identified as vacant and deteriorated. Due to the condition of the property, Code Enforcement was contacted to assess the status. Code Enforcement contacted the owner and she stated her desire to sell the property.

After review, staff determined the home needs to be demolished, the parcel can be divided into two lots, and will only need to pay for one additional tap fee to complete two houses. Tax value is \$25,480. An offer, contingent on Council approval, has been accepted by the owner for \$12,500. If approved, the City's affordable housing allocation will be used for the purchase.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Parsley to approve the purchase of 314 Sycamore Avenue SW, from Lirio V. Rosas for \$12,500 using City Affordable Housing funds—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

3. Consider adopting a Memorandum of Understanding between the City of Concord and the Concord Downtown Development Corporation.

The Concord Downtown Development Corporation (CDDC) is requesting that the City absorb the responsibilities of the Executive Director and Assistant Executive Director of the CDDC, with both becoming full-time City employees. As a result, the City would no longer provide MSD money to the CDDC and would instead use that money to cover the expenses associated with this transition. The CDDC Board of Directors has voted to enter into this MOU with the City. If approved, the terms of the MOU would be effective beginning January 10th, 2021.

Discussion was held to amend the proposed MOU to eliminate Section 1B. The City Attorney stated if the MOU should be amended it would then need to be presented to the CDDC Board of Directors again for their approval.

A motion was made by Council member King and seconded by Council Member McKenzie make an amendment to the proposed MOU to remove Section 1B and to

approve the Memorandum of Understanding between the City of Concord and the CDDC, as amended with an effective date of January 10th, 2021 contingent upon the approval of the CDDC Board of Directors—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

4. Consider amending the MSD Contract between the City of Concord and the Concord Downtown Development Corporation.

The City of Concord entered into an agreement with the Concord Downtown Development Corporation (CDDC) on August 16, 2017. The agreement obligates the City to provide taxes collected in the MSD to the CDDC in exchange for certain services that are performed by the Executive Director and other staff of the CDDC. The current agreement requires a 120-day notice if either party wants to cancel/terminate the agreement. This amendment changes the required notification period to 30 days. The shorter notice requirement allows the City and CDDC to expedite the transition of CDDC staff to the City per the MOU. The CDDC Board of Directors voted to approve this amendment.

A motion was made by Council Member Langford and seconded by Council Member Small to amend the MSD contract between the City and the CDDC—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

5. Consider terminating the MSD contract between the City and the Concord Downtown Development Corporation.

The CDDC Board of Directors has asked the City of Concord to absorb the duties and responsibilities of CDDC staff as a result of financial difficulties/instability. They have requested that the current MSD contract be terminated, and as a result the City hire the Executive Director and Assistant Executive Director of the CDDC as full-time City employees. If the agreement is terminated, the City would retain all taxes collected in the MSD and would have no further contractual financial obligations to the CDDC at the expiration of the required 30 day termination notice. The City and the CDDC Board of Directors would continue to work together to promote downtown per the terms of the new proposed MOU.

A motion was made by Council Member McKenzie and seconded by Council Member King to terminate the MSD contract between the City and the CDDC, with an effective termination date of January 9, 2021—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

6. Consider approving a Memorandum of Understanding between the City of Concord and the Town of Harrisburg.

The Town of Harrisburg requested fire dispatch services to be provided by the City of Concord Communications Department. The Town of Harrisburg has agreed to pay a price per dispatch, which will be calculated annually, for services provided by Concord Communications. The Town of Harrisburg voted to enter into a Memorandum of Understanding with the City of Concord for fire dispatch services.

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem Sweat to approve the Memorandum of Understanding between the City of Concord and the Town Harrisburg for fire dispatch services—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

7. Consider authorizing the City Manager to negotiate and execute an addendum to the contract with D. R. Reynolds Company, Inc. for design build services for Fire Station 12.

D. R. Reynolds Company, Inc. is currently under contract for preconstruction services related to the design and construction of Fire Station 12. D. R. Reynolds has submitted a guaranteed maximum price (GMP) for construction services which includes furnishing and delivering all materials and performing all work in the manner and form as provided by the approved design drawings and specifications from the preconstruction phase. The guaranteed maximum price is made up of the following costs: cost of the work, builders

contingency, general requirements cost, bonds and insurance and design builder fee. The GMP submitted by D. R. Reynolds Company, Inc. is \$5,755,000.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Langford to authorize the City Manager to negotiate and execute an addendum to the contract with D. R. Reynolds Company, Inc. for design build services for Fire Station 12—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

8. Consider authorizing the City Manager to negotiate and execute a contract with Carolina Siteworks Inc. for the construction of the Alfred Brown Jr. Ct. roundabout and the paving of the Traffic Management Center Drive.

The Alfred Brown Jr. Ct. roundabout will be located right outside the existing gate and will provide a turnaround for large vehicles that enter into the drive by mistake. It will also provide access to the Wellness Center and the Brown Operations Center during regular business hours. This project will also pave 1,250 feet of the unfinished road that connects Alfred Brown Jr. Ct. to the Traffic Management Center. The project was bid under the formal bidding process, bids were taken on November 25, 2020 and 4 bids were received. The lowest responsible bidder was Carolina Siteworks, Inc. in the amount of \$930,799.10, which is within budget.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute a contract with Carolina Siteworks, Inc. in the amount of \$930,799.10 for the construction of the Alfred Brown Jr. Ct. roundabout and the paving of the Traffic Management Center Drive—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

9. Consider authorizing the City Manager to enter into a 50-year lease agreement with Cabarrus County with a 25-year option to extend. The lease is for the 34-acre public park property (Cox Mill Elementary Athletic Fields) located at 1300 Cox Mill Road.

The proposed lease is for a period of 50 years beginning August 1, 2021 and ending on September 30, 2071, with an option for an additional 25-year term if approved by both City of Concord, Council and Cabarrus County, Board of Commissioners. The annual lease payment from the City to the County would be at the amount of \$1.00. During the term of the lease, the City of Concord will manage, operate, program, and maintain the park. The City of Concord will have the exclusive use of the Cox Mill Elementary Athletic Fields/Park including but not limited to all fields, common areas and concession and bathroom facilities.

A motion was made by Council Member Small and seconded by Council Member Crawford to authorize the City Manager to enter into a 50-year lease with Cabarrus County for a 34-acre park—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

10. Consider making appointments or reappointments to the Transportation Advisory Committee (TAC) and the Technical Coordinating Committee (TCC) of the Cabarrus-Rowan Urban Area Metropolitan Planning Organization (CRMPO).

Each year, the North Carolina Department of Transportation (NCDOT) requires the MPO to supply a list of current TAC and TCC representatives and alternates. Currently, Council Member McKenzie serves as the appointed member to the TAC and Council Member Crawford serves as the alternate. Transportation Director, Phillip Graham, serves as the appointed member to the TCC and Assistant City Manager, LeDerick Blackburn, serves as the alternate.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to reappoint Transportation Director, Phillip Graham, to serve as the appointed member to the TCC and Assistant City Manager, LeDerick Blackburn, to serve as the alternate—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member King to reappoint Council Member McKenzie to serve as the appointed member to the TAC and Council Member Crawford to serve as the alternate—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

11. Consider appointing or reappointing two elected officials to the Concord/Kannapolis Transit Commission.

The Concord Kannapolis Transit Commission is comprised of two elected officials from each city (Concord and Kannapolis) that serve 3-year terms. The current Concord members' terms expire on 12/31/20. Current members are Council Member Small and Council Member McKenzie. There is no limit to the number of times an elected official can be appointed to this board.

A motion was made by Council Member King and seconded by Council Member Crawford to reappoint Council Member Small and to appoint Mayor Pro-Tem Sweat to serve on the Concord Kannapolis Transit Commission until 12/31/23—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

12. Consider appointing or reappointing two members (1 board member and 1 alternate) to serve on the Centralina Regional Council Board of Delegates for CY 2021.

The Centralina Regional Council Board of Delegates is comprised of elected officials from the counties and municipalities throughout the region. Each member government should appoint an elected official to serve on the Board of Delegates. It is suggested that each member government also appoint at least one other elected official to serve as an Alternate to attend Board of Delegates meetings in the Delegate's absence. Currently, Council Member Langford serves as the appointed member and Council Member Sweat serves as the alternate.

A motion was made by Council Member Small and seconded by Council Member Crawford to reappoint Council Member Langford to serve as the appointed member and Council Member Sweat to serve as the alternate on the Centralina Regional Council Board of Delegates for CY 2021—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

Consent Agenda:

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

A motion was made by Council Member Parsley and seconded by Mayor Pro-Tem Sweat to approve the following consent agenda items—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

CONSENT AGENDA ITEM A

The following ordinance was adopted to amend Chapter 62 of the City of Concord Code of Ordinances.

ORD.# 20-129

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 62 OF THE CITY CODE FOR CONCORD, NORTH CAROLINA

WHEREAS, the City Council of the City of Concord is authorized from time to time to amend the Concord Code of Ordinances of the City of Concord; and

WHEREAS, the City Council of the City of Concord recognizes the need to amend the Concord Code of Ordinances of the City of Concord and hereby adopts the following changes to the Code.

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

citizens and property of Concord, that:

Section 1. That Chapter 62 – Water and Wastewater Utilities, Article IV. – Fees, Charges, and Bills, Sec. 62-132(b). – Water connection charges is hereby deleted as follows:

Water connection charges. These fees are intended to provide for the recovery of costs from customers for the labor and equipment associated with the installation of connections to the existing water distribution system and offset the cost of major capital improvements. Each residential customer shall pay an amount based on the number of residential units, customer's water meter size and the installer of the connection. Each non-residential customer shall pay an amount based on the customer's water meter size and the installer of the connection. Owners/developers shall pay connection charges prior to recording a final plat or, if a preliminary plat is not required, then prior to the issuance of a zoning clearance permit. This fee applies to each residential unit, commercial and industrial lot or unit requiring water and/or sewer utility service.

Section 2. That Chapter 62 – Water and Wastewater Utilities, Article IV. – Fees, Charges, and Bills, Sec. 62-132(b). – Water connection charges is hereby amended and adopted as follows:

Water connection charges. These fees are intended to provide for the recovery of costs from customers for the labor and equipment associated with the installation of connections to the existing water distribution system and offset the cost of major capital infrastructure. Each residential customer shall pay an amount based on the number of residential units, customer's water meter size and the installer of the connection. Each non-residential customer shall pay an amount based on the customer's water meter size and the installer of the connection. Owners/developers shall pay connection charges at the time of issuance of a zoning clearance permit. This fee applies to each residential unit, commercial and industrial lot or unit requiring water and/or sewer utility service.

Section 3. That Chapter 62 – Water and Wastewater Utilities, Article IV. – Fees, Charges, and Bills, Sec. 62-132(d). – Wastewater connection charges is hereby deleted as follows:

Wastewater connection charges. These fees are intended to provide for the recovery of costs from customers for the labor and equipment associated with the installation of connections to the existing wastewater collection system and offset the cost of major capital improvements. Each residential customer shall pay an amount based on the number of residential units, customer's sewer service size and the installer of the connection. Each non-residential customer shall pay an amount based on the customer's water meter size and the installer of the connection. Owners/developers shall pay connection charges prior to recording a final plat or, if a preliminary plat is not required, then prior to the issuance of a zoning clearance permit. This fee applies to each residential unit, commercial and industrial lot or unit requiring water and/or sewer utility service.

Section 4. That Chapter 62 – Water and Wastewater Utilities, Article IV. – Fees, Charges, and Bills, Sec. 62-132(d). – Wastewater connection charges is hereby amended and adopted as follows:

Wastewater connection charges. These fees are intended to provide for the recovery of costs from customers for the labor and equipment associated with the installation of connections to the existing wastewater collection system and offset the cost of major capital infrastructure. Each residential customer shall pay an amount based on the number of residential units, customer's sewer service size and the installer of the connection. Each non-residential customer shall pay an amount based on the customer's water meter size and the installer of the connection. Owners/developers shall pay connection charges at the time of issuance of a zoning clearance permit. This fee applies to each residential unit, commercial and industrial lot or unit requiring water and/or sewer utility service.

Section 5. This Ordinance shall be effective January 1, 2021.

Adopted this 10th day of December 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 offers of infrastructure were accepted in the following subdivisions and sites: Campbell Farms Phase 1 Map 1, Villages at Skybrook N Phase 2-2 Map 1, Map 2 and Map 3, Hendrick Automotive Commercial Truck Center and 413 Goodman Road.

CONSENT AGENDA ITEM C

The offers of infrastructure were accepted on the following plat and easements: Spring Meadow Phase 1 Map 1, Olde Homestead Phase 1 Map 1, The Haven at Rocky River Map 3, and Wilkinson Ct Townhomes.

CONSENT AGENDA ITEM D

The 2020 Cabarrus Arts Council Grassroots Grants awarded to Clearwater Art Center & Studio in the amount of \$5,000 was accepted.

CONSENT AGENDA ITEM E

The following General Fund budget ordinance amendment to transfer an additional 1/2 penny to the Affordable Housing Revolving Fund and the Recreation Reserve Fund and an additional 1/4 penny to the Transportation Improvement Fund was adopted and the following project ordinance amendments for the Housing Revolving Fund, the Transportation Improvement Fund, and the Recreation Reserve Fund were adopted which will recognize the additional transfers for upcoming projects.

ORD. # 20-130

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, 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
100-4370000	Appropriated Balance	Fund	\$7,935,561	\$9,625,141	\$1,689,580

Total \$1,689,580

Expenses/Expenditures

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
6120-5981500				
4190-5981370	To Recreation Reserve	\$675,832	\$1,351,664	\$675,832
4510-5987500	To Affordable Housing	\$675,832	\$1,351,664	\$675,832
	To Transportation Fund	\$3,041,246	\$3,379,162	\$337,916
Total				<u>\$1,689,580</u>

Reason: To complete the 1 penny recommended transfer for Housing and Recreation Projects and the ½ penny recommended for the Transportation Improvement Fund.

Adopted this 10th day of December, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 20-131

**CAPITAL PROJECT ORDINANCE AMENDMENT
Revolving Fund Projects**

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

SECTION 1. The projects authorized are 172 & 174 Corban Avenue SE.

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

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

Revenues

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
370-4501100		\$675,832		
370-4501100	From General Fund	2	1,351,664	\$675,832
				<u>\$675,832</u>

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

Expenses/Expenditures

Account	Title	Current Budget	Amende d Budget	(Decrease) Increase
3700- 475000				
3700- 475000	Affordable Housing	\$0	\$675,832	\$675,832
				\$675,832

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 10th day December, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 20-132

PARKS & CAPITAL RESERVE FUND ORDINANCE AMENDED

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 amended:

SECTION 1. The purpose authorized is to accumulate funds for future capital projects and capital outlay. Funds will be accumulated until such time the City Council designates the funds for projects or capital outlay. These funds may only be designated for projects that are listed in the City's Capital Improvement Plan or capital outlay approved in the City's operating budget ordinance. 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 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 this fund:

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
280-4501100		\$675,832	\$1,351,664	\$675,832
280-4501100	From General Fund			
8100-5811082		\$675,832	\$1,351,664	\$675,832
8100-5811082	Future Projects			

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 10th day of December, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 20-133

**CAPITAL PROJECT ORDINANCE
Transportation Improvement Fund**

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 CIP Future Project.

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

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

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
423-4501100		\$19,215,53	\$19,553,44	
423-4501100	From General Fund	0	6	\$337,916

\$337,916

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>
8600-5811073	Future Project			
8600-5811073	Reserves	\$1,636,122	\$1,974,038	<u>\$337,916</u>
				\$337,916

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 10th day of December, 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 F

The 2021 Holiday Schedule was approved.

CONSENT AGENDA ITEM G

The addition of Downtown Development Manager (Grade 112) with a salary range of \$68,383.49 (minimum) - \$90,608.10 (midpoint) - \$112,832.73 (maximum) was approved and the following budget amendments for the General Fund and the Municipal Service District Fund to allocate funding for the newly created positions were adopted.

ORD.# 20-134

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, 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	
Total				

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4920-5982100	Transfer to MSD	\$0	\$69,000	\$69,000
4920-5470002	Concord Downtown Dev.	\$75,000	\$6,000	(\$69,000)
Total				\$0

Reason: To move funds allocated to the Concord Downtown Development Association to the Municipal Service District fund.

Adopted this 10th day of December, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD. #20-135

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, 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:

Revenue Account	Title	Current Budget	Amended Budget	(Decrease) Increase
201-4501100	From General Fund	0	69,000	69,000
Total				\$69,000

Expenses Account	Title	Current Budget	Amended Budget	(Decrease) Increase
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5000-5470002	Concord DT Dev.	125,707	75,707	(50,000)
5000-5121000	Salary	0	58,790	58,790
5000-5181000	FICA	0	4,240	4,240
5000-5182000	Retirement	0	5,626	5,626
5000-5183000	Insurance	0	8,630	8,630
5000-5187000	401K	0	1,971	1,971
5000-5491000	Dues	0	1,000	1,000
5000-5370000	Marketing	0	3,000	3,000
5000-5299000	Supplies	0	6,743	6,743
5000-5312000	Travel	0	4,000	4,000
5000-5285000	Events	0	25,000	25,000
Total				<u>\$69,000</u>

Reason: To adjust year end budget to set up Concord Downtown Development Association budget.

Adopted this day of 10th day of December 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 H

The addition of Downtown Development Specialist (Grade 208) with a salary range of \$40,838.40 (minimum) - \$54,110.86 (midpoint) - \$67,383.37 (maximum) was approved.

CONSENT AGENDA ITEM I

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

CONSENT AGENDA ITEM J

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

CONSENT AGENDA ITEM K

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

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Matters not on the agenda – Committee updates


- TAC – no update
- MTC – no update
- Centralina Regional Council – no update
- Concord/Kannapolis Transit Commission – update provided
- WSACC – update provided
- Public Art Advisory Committee – no update
- Concord Family Enrichment Association – update provided
- PTT Committee – update provided
- Barber Scotia Community Task Force Committee – update provided

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There being no further business to be discussed, a motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Crawford to adjourn—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.



William C. Dusch, Mayor



Kim J. Deason, City Clerk