

CONCORD CITY COUNCIL
REGULAR MEETING
JULY 11, 2024

A regular meeting of the City Council for the City of Concord, North Carolina, was held in the 3rd floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on July 11, 2024, at 6:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

Mayor Pro-Tem Jennifer Parsley-Hubbard
Council Member Andy Langford
Council Member Lori A. Clay
Council Member Betty M. Stocks
Council Member JC McKenzie
Council Member John A. Sweat, Jr.

Members Absent:

Council Member Terry L. Crawford

Others Present:

City Manager, Lloyd Wm. Payne, Jr.
City Attorney, Valerie Kolczynski
City Clerk, Kim Deason
Assistant City Managers
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 McKenzie and seconded by Council Member Langford to approve the minutes for the meetings of May 14, June 11, and June 13, 2024—the vote: all aye.

Council Member Sweat entered the meeting.

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Presentations:

1. Mayor Dusch presented a Proclamation recognizing July as Parks and Recreation Month.
2. The FY 2025 Annual Budget Video was presented during the July 9th Work Session.

Informational Items:

1. The Public Affairs and Projects Manager, Lindsay Manson, and Budget Manager, Lesley Reder, presented the City's Vision/Mission/Values Board and Strategic Plan Document during the July 9th Work Session.

Departmental Reports:

1. Parks and Recreation Bond update

The Parks and Recreation Director provided an update on the Parks and Recreation Bond projects.

2. Downtown Streetscape update

The Planning and Neighborhood Services Department and Concord Downtown Development Corporation staff provided an update on the downtown streetscape project.

Recognition of Persons Requesting to be Heard:

- The following spoke in regards to sewer allocation for each of their projects:

Zac Almond

Brian Pace

- Sommer Celmer and Moriah Celmer, 5480 Weddington Road, Concord, addressed the Council requesting Council to consider extending the amount of chickens allowed in the City limits.
- Margaret Hall, 520 Cresmont, stated she is requesting to connect to City sewer but is also requesting not to be annexed.
- Vimala Kariappan, 532 Geary St, NW, Concord, addressed the Council in regards to an indoor sports facility project she is interested in doing. Mayor Dusch asked the Planning and Neighborhood Development Services Director to contact Ms. Kariappan.

Public Hearings:

1. **Conduct a public hearing and consider adopting an ordinance annexing +/- 3.383 acres at 17635 Huntersville-Concord Rd. PIN 4671-64-8074 owned by SAAD International, LLC.**

The petition is for voluntary annexation of +/- 3.383 acres of property at the intersection of Huntersville-Concord Rd. and Poplar Tent Rd. The property is currently zoned Cabarrus County LDR (Low Density Residential).

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

Carmen Hartsell spoke in favor of the request.

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

The Council felt they needed more information from the applicant regarding the project that is proposed for the site. Therefore, a motion was made by Council Member McKenzie and seconded by Council Member Langford to deny the annexation petition—the vote: all aye.

2. **Conduct a Public Hearing for case Z(CD)-23-23 and consider adopting an ordinance amending the official zoning map for +/- 2.443 acres located at 200, 202, and 206 Winecoff School Rd from C-2 (General Commercial District) to I-1-CD (Light Industrial – Conditional District) and to amend the 2030 Land Use Plan to modify the future land use designation of the parcels from “Suburban Neighborhood” to “Industrial/Employment.”**

The Planning and Zoning Commission heard the above referenced petition at their June 18, 2024 meeting and voted to forward the request to City Council with a recommendation that the zoning map be amended from C-2 (General Commercial District) to I-1-CD (Light Industrial – Conditional District) and to amend the 2030 Land Use Plan to designate the parcels as “Industrial/Employment.”

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

Rick Meeks, 317 Sycamore Ridge Road, NE, Concord, spoke in favor of the request.

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

A motion was made by Council Member Clay and seconded by Council Member Stocks to adopt the following Statement of Consistency—the vote: all aye.

- The subject property is approximately +/- 2.443 acres and is zoned C-2 (General Commercial).
- The subject property was annexed into the City of Concord on June 30, 1986.
- The proposed zoning amendment is not consistent with the 2030 Land Use Plan (LUP). I-1 (Light Industrial) is not listed as a corresponding zoning district in the “Suburban Neighborhood (SN)” land use category, and therefore is not consistent with the Land Use Plan.
- The zoning amendment is reasonable and in the public interest as it is complementary to the use, design and density with the adjacent industrial and commercial land uses.

A motion was made by Council Member Langford and seconded by Council Member Stocks to adopt the following ordinance amending the official zoning map from C-2 (General Commercial District) to I-1-CD (Light Industrial – Conditional District)—the vote: all aye.

ORD.# 24-76

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF CONCORD, NORTH CAROLINA
FOR PROPERTY LOCATED AT 200, 202, 206 WINECOFF SCHOOL RD.,
CONCORD, NC

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 160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951, may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

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

WHEREAS, Section 3.2.4.B.5 of the Concord Development Ordinance specifies that any person aggrieved by the decision of the Planning and Zoning Commission shall have the right to appeal the decision to the City Council within fifteen days of the decision of the Planning and Zoning Commission decision by giving written notice to the Administrator; and

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

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

SECTION 1. That the P&Z Commission held a duly advertised public hearing on June 18, 2024. At the close of the public hearing, the P&Z Commission adopted the following “Statement of Zoning Consistency” as required by NC Gen Stat 160D-605.

- The subject property is approximately +/- 2.443 acres and is zoned C-2 (General Commercial).
- The subject property was annexed into the City of Concord on June 30, 1986.
- The proposed zoning amendment is not consistent with the 2030 Land Use Plan (LUP). I-1 (Light Industrial) is not listed as a corresponding zoning district in the “Suburban Neighborhood (SN)” land use category, and therefore is not consistent with the Land Use Plan.
- The zoning amendment is reasonable and in the public interest as it is complementary to the use, design and density with the adjacent industrial and commercial land uses.

The P&Z Commission then voted to recommend approval of the map amendment for PIN 5612-82-5157 from C-2 (General Commercial District) to I-1-CD (Light Industrial – Conditional District) and designate the property IE (Industrial/Employment) in the 2030 Land Use Plan. Since the rezoning would result in a comprehensive plan amendment, it is forwarded to City Council for hearing with a recommendation from the Planning and Zoning Commission.

SECTION 2. That the City Council held a duly advertised public hearing on July 11, 2024. At the close of the public hearing, the City Council adopted the following “Statement of Zoning Consistency” as required by NC Gen. Stat 160D-605.

- The subject property is approximately +/- 2.443 acres and is zoned C-2 (General Commercial).
- The subject property was annexed into the City of Concord on June 30, 1986.
- The proposed zoning amendment is not consistent with the 2030 Land Use Plan (LUP). I-1 (Light Industrial) is not listed as a corresponding zoning district in the “Suburban Neighborhood (SN)” land use category, and therefore is not consistent with the Land Use Plan.
- The zoning amendment is reasonable and in the public interest as it is complementary to the use, design and density with the adjacent industrial and commercial land uses.

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. Compliance with “CK Self Storage – Preliminary Site Plan” sheet SP-10, dated 6/3/2024.
2. Compliance with “CK Self Storage – Exterior Elevations” sheet A5-01, dated 5/10/2024
3. Mini-Warehouse/Self-Storage requirements shall be adhered to as noted in Article 8.3.6.E.3.C of the Concord Development Ordinance (CDO).
4. Building and Site Design Standards shall be adhered to as noted in Article 7.11.9.E of the Concord Development Ordinance (CDO).
5. Future modifications/additions to the approved site plan may require further approval from the Planning and Zoning Commissions.
6. Technical site plan review and approval is required including all approvals from outside local, state, and federal agencies.

SECTION 3: That the Official Zoning Map is hereby amended by rezoning from City of Concord C-2 (General Commercial District) to City of Concord I-1-CD (Light Industrial – Conditional District) in the area described as follows and that the future land use designation of IE (Industrial/Employment) is applied in the 2030 Land Use Plan:

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

Adopted this 11th day of July 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

A motion was made by Council Member Stocks and seconded by Mayor Pro-Tem Parsley-Hubbard to amend the 2030 Land Use Plan to designate the parcels as “Industrial/Employment”—the vote: all aye.

3. Conduct a public hearing and consider adopting an ordinance amending Article 4 “Environmental/Land-Disturbing Activities”, Section 4.7, “Floodplain Life and Property Protection,” and Article 14 “Definitions” of the Concord Development Ordinance (CDO) regarding minimum floodplain regulations.

The City participates in the Community Rating System (CRS) program which allows citizens to purchase flood insurance if minimum requirements are met in the Ordinance. The Federal Emergency Management Agency (FEMA) also has a “model” ordinance which reflects these minimum requirements. If the City’s ordinance is more restrictive than the model, flood insurance

discounts are available, and Concord’s CRS score is the highest that can be attained and savings on flood premiums are passed on to the citizens.

Both CRS and FEMA conduct audits on a regular basis, and both agencies have given the City high marks. During the last audit, FEMA recommended updating Section 4.7 to incorporate changes in the model ordinance to reflect current terminology. FEMA updates the model ordinance routinely and jurisdictions are required to adopt these changes. The CDO was last amended in 2018 to incorporate model ordinance changes.

This amendment does not result in more stringent requirements for landowners and generally involves only changes in terminology and definitions. The most visible change involves moving all flood related definitions from Article 14 to Section 4.7. The Planning Commission staff report, and complete strike-through document are included. At their June 18, 2024 meeting, the Planning and Zoning Commission unanimously recommended the amendment to Council.

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

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

A motion was made by Mayor Pro-Tem Parsley-Hubbard and seconded by Council Member McKenzie to adopt the following Statement of Consistency—the vote: all aye.

- The proposal is consistent with the 2030 Land Use Plan in that Goal 12, Objective 12.3 states that the City should “Protect Concord’s aquatic ecosystems including rivers, lakes and wetlands to improve water quality and stormwater management.”
- The proposal is reasonable in that it ensures that the ordinance is consistent with Federal flood protection requirements.

A motion was made by Mayor Pro-Tem Parsley-Hubbard and seconded by Council Member McKenzie to adopt Ordinance #24-77 amending Articles 4 and 14 to adopt changes relative to Floodplain Life and Property Protection—the vote: all aye.

Presentation of Petitions and Requests:

1. Consider adopting a resolution of intent to schedule a public hearing in the matter of closing a portion of the Evans Street NW right-of-way (+/- .39 feet) generally located near the intersection of Evans and Central Drive.

The existing residential structure located at 636 Central Drive is an older home that was built partially within the 50-foot right -of-way along Evans Street. The house was originally developed as part of the Luringood Park development and +/- 62.3 sf. of the structure lies within the right-of-way. Erica Fulton and Jermaine Lawrence filed the application, and they are the owners of the house.

The General Statutes require that the City; 1) post signs in two (2) places along the right-of-way, (2) send copies of the approved resolution of intent to all neighboring owners after adoption, and (3) advertise in the newspaper once a week for four (4) consecutive weeks. The notice requirement would allow the hearing to be conducted at the August 8, 2024 meeting.

A motion was made by Council Member Clay and seconded by Council Member McKenzie to adopt the following resolution of intent to schedule a public hearing for August 8, 2024—the vote: all aye.

RESOLUTION OF INTENT ROW CLOSURE

WHEREAS, G.S. 160A-299 authorizes the City Council to close public streets and alleys; and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closure of a portion of the Evans Street NW right-of-way, as more specifically set forth below:

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

- (1) A meeting will be held at 6:00 p.m. on the 8th day of August 2024 at the City Hall Council Chambers, 35 Cabarrus Ave. W, Concord, NC to consider a resolution on the closure of the area described as follows:

BEGINNING at a calculated point in the western margin of the deeded right-of-way recorded in Book 399 at Page 242, said point being N53°05'31"E 25.15 feet from an existing iron rod marking the northwestern-most corner of the aforementioned deeded right-of-way; thence following the right-of-way N53°05'31"E 44.33 feet to a calculated point, said point being S53°05'31"W 80.83 feet from an existing iron rod marking the northeastern most corner of the deeded right-of-way; thence S35°05'55"E 2.03 feet to a calculated point within the deeded right-of-way; thence S54°41'56"W 44.30 feet to a calculated point within the deeded right-of way; thence N35°05'55"W .78 feet to the point of BEGINNING, being 62.3 sq. ft., more or less, as surveyed by Billy B. Long, Jr. on May 28, 2024.

- (2) The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in The Independent Tribune or other newspaper of general circulation in the area.
- (3) The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
- (4) The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted this 11th day of July 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch Mayor

ATTEST: /s/ Kim Deason, Clerk

2. Consider adopting a resolution authorizing the sale of .03 acre/1,402 sf parcel on Market Street identified as PIN #5620-97-0605.

An offer to purchase Parcel Number 5620-97-0605 was submitted by Morris Building LLC. Morris Building would use the parcel for parking for its residents and guests. Morris Building, LLC owns the adjacent Morris Building parcel that is comprised of 14 residential units and the businesses of SawMill Tavern and Charros Mexican Restaurant.

The parcel, which was purchased by the City in 1966, is adjacent to the Union Passageway and has been used for parking. Morris Building, LLC is offering \$7,500 for the parcel and will construct a 12' wide x 9' deep x 8' tall, enclosed dumpster behind the Morris Building and make the dumpster available to any business along Market Street that is interested in cost sharing. Morris Building would manage all the billing, maintenance, and cleaning of the dumpster. The City would not be involved in the service. The goal is to offer the location in an effort to eliminate additional dumpsters and roll out containers on Market Street.

The tax value of the property is \$33,510. There are electric underground service lines that cross the parcel which will remain. The City of Concord had a lease on the CESI property for an enclosed dumpster area. This lease expired last November, and the owner is not interested in renewing the lease due to possible future investment in the property.

If approved, the City Clerk will publish the required notice under NC General Statute 160A-269 and begin the upset bid period. In the event one or more upset bids are received, this matter will be placed back on the Council agenda for approval of the final bid. In the event no upset bids are received, the proposed resolution directs the City Attorney and City staff to take all necessary steps to convey the property.

A motion was made by Council Member Sweat and seconded by Council Member McKenzie to approve the request.

Council Member Clay stated she would not be comfortable with selling this property at this time. Council Member Stocks agreed.

Council Member McKenzie stated the Morris building is fully leased. He also stated he was concerned about the impact it could have on the tenants if no dumpster was available. He suggested that staff could discuss a leasing option with Mr. Mueller.

Several Council Members stated they would like to postpone this item until the streetscape project is completed and then revisit the request.

After some discussion, Council Member Sweat withdrew his motion.

A motion was then made by Council Member Clay and seconded by Council Member Stocks to table this request until the first regularly scheduled City Council meeting in January 2025—the vote: all aye.

3. Consider adopting an ordinance amending the City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks, and other Public Places, Article II Obstructions, Section 44 and Section 50-56, and incorporating the referenced Downtown Sidewalk Design Guidelines.

The completion of the Union Streetscape project will come with wide sidewalks and opportunities for businesses within the Downtown MSD to utilize them for outdoor dining and retail merchandise display. Utilization of public spaces through an Encroachment Agreement with the City of Concord, enables sidewalk activation that creates and sustains a downtown experience that attracts new investment, visitors, residents and workers.

The proposed amendments to the City of Concord Code of Ordinances revise Chapter 50, Streets, Sidewalks, and other Public Places, to include retail merchandise display in addition to sidewalk dining through an Encroachment Agreement as well as incorporate the referenced Downtown Sidewalk Design Guidelines for businesses within the Downtown MSD.

A motion was made by Council Member Langford and seconded by Mayor Pro-Tem Parsley-Hubbard to adopt the following ordinance amending the City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks, and other Public Places, Article II Obstructions, Section 44 and Sections 50-56, and incorporate the referenced Downtown Sidewalk Design Guidelines, effective July 29, 2024—the vote: all aye.

ORD.# 24-78

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 50 OF THE CONCORD CODE OF ORDINANCES

WHEREAS, the City Council of the City of Concord, North Carolina, has adopted a Code of Ordinances; and

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 Article II Chapter 50, **Section 50-44 – Display and sale of merchandise**, of the Concord Code of Ordinances be hereby amended and stated as follows:

It shall be unlawful for any person to obstruct entirely or in part any sidewalk or street of the city by displaying, offering for sale or selling at auction or otherwise any goods, wares or merchandise. This section shall not apply to restaurants erecting temporary tables on portions of the sidewalk adjacent to their business and retail businesses erecting signage and displays that have obtained the proper permit provided that:

- (1) Sufficient space of three feet from the curb shall remain for pedestrians to pass without stepping into the portion of the street used by motor vehicles; and
- (2) Sales are limited to food, specifically not including alcoholic beverages; and

(3) Outside seating area shall be cordoned off.

In addition to the civil penalties provided for in section 1-6, violation of this section shall be a misdemeanor punishable by a fine not to exceed \$50.00 as provided for in N.C.G.S. 14-4.

Section 2. That Article II Chapter 50, **Section 50-50 – Permits required, generally**, of the Concord Code of Ordinances be hereby amended and stated as follows:

The City Manager, or his designee, may enter into encroachment agreements for the serving of food and beverages or the display of merchandise on city sidewalks on the following conditions:

- (1) Sidewalk dining is for customers of the restaurant only;
- (2) Outdoor merchandise display must be an accessory use to the lawfully established retail business and shall be limited to the type of merchandise sold by that retailer at that site;
- (3) Sidewalk dining furnishings and outdoor merchandise display fixtures may not be bolted into the ground or fastened to streetlights, trees or other street furniture or installed within the city right-of-way;
- (4) All merchandise and merchandise display fixtures must be removed during non-business hours unless located on private property;
- (5) A cover charge is not charged for sidewalk dining;
- (6) Furnishings including but not limited to tables, chairs and umbrellas, shall not display the branding or advertising of any business entity other than the permit holder; and
- (7) The sidewalk is kept free from litter, food products and other items.

Section 3. That Article II Chapter 50, **Section 50-51 – Definitions**, of the Concord Code of Ordinances be hereby amended and stated as follows:

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Merchandise means the commodities or goods that are bought and sold in a retail business.

Physical barrier means stanchions, planter boxes, fencing, or other materials used to separate sidewalk/dining or merchandise display from the sidewalk. Physical barriers are required for restaurants that serve alcohol within an encroachment area and are not part of the Downtown Social District. Participating businesses in the Downtown Social District must serve beverages in the appropriate cups for sidewalk dining.

Public right-of-way means any area adjoining a street, road, highway alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.

Restaurant means an establishment in the business of regularly and customarily selling food, primarily to be eaten on the premises, including businesses that are referred to as "restaurants," "cafeterias," "cafes," "lunch stands," "grills," "snack bars," "fast food businesses" and other establishments, such as drugstores, which have a lunch counter or other section where food is sold to be eaten on the premises. This definition does not include mobile food vendors, such as food trucks or carts.

Restaurant operator means the person operating a restaurant and associated sidewalk dining. As used in this article, this definition includes the owner and manager, if different from the owner, of the restaurant and associated sidewalk dining.

Retailer means a person or an establishment that sells merchandise to the public in relatively small quantities for use or consumption rather than for resale.

Sidewalk dining means any outdoor dining elements authorized by the City to be placed on public sidewalks for outdoor dining purposes to be used by patrons of a contiguous and adjacent permitted restaurant.

Temporary encroachment means all items of privately owned personal property situated on, but not affixed, connected, attached, or fastened to any sidewalk or public right-of-way.

Unobstructed Pedestrian Path (UPP) means the minimum distance between any sidewalk dining element to the nearest obstruction, landscape area, curb, or other element that restricts accessible pedestrian travel, including any required buffers or offsets.

Section 4. That Article II Chapter 50, **Section 50-52 – Encroachment agreement**, of the Concord Code of Ordinances be hereby amended and stated as follows:

Any restaurant operator who desires to offer sidewalk dining or retailer who desires to display merchandise shall execute an encroachment agreement with the City, which agreement shall contain, but not be limited to, the following:

- (1) The name, address, and telephone number of the restaurant/retailer desiring to operate sidewalk dining/merchandise display.
- (2) The name, telephone number and email address of the restaurant or retail operator.
- (3) The type of food and beverage, or food product, to be sold and served for the sidewalk dining; or
- (4) The type of merchandise to be displayed and sold including the manner in which it will be displayed.
- (5) The hours of operation of the restaurant/retailer and the proposed hours of operation of sidewalk dining/merchandise display.
- (6) A scaled drawing or site plan showing the following:
 - a. The section of sidewalk or right-of-way to be used for the dining/merchandise display with dimensions included.
 - b. The section to be kept clear for pedestrian use.
 - c. The existing curb line and public right-of-way line.
 - d. The proposed placement of the tables, chairs, merchandise display and other furnishings on the sidewalk and the physical barrier (if included) separating the dining/merchandise display area from the sidewalk.
- (7) Cut sheets or product data sheets of the furnishings to be used within the encroached area. For restaurants/retailers within the Downtown Municipal Services District (MSD), furnishings must comply with the Downtown Sidewalk Design Guidelines.
- (8) Evidence of adequate insurance, as determined by the City, to hold the City harmless from claims arising out of the operation of the sidewalk dining and/or merchandise display.
- (9) An indemnity statement whereby the restaurant operator/retail operator agrees to indemnify and hold harmless the City and its officers, agents, and employees from any claim arising from the operation of the sidewalk dining and/or merchandise display.
- (10) A copy of all permits and licenses issued by the state, county or city, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the city for exterior alterations or improvements to the restaurant and/or retail establishment.
- (11) Such additional information as may be requested by the City Manager or his designee to determine compliance with this article.
- (12) A fee as determined by the City to cover the cost of processing and investigating the application and issuing the permit.

Section 5. That Article II Chapter 50, **Section 50-53 – Issuance of encroachment agreements**, of the Concord Code of Ordinances be hereby amended and stated as follows:

The City Council delegates the authority to issue encroachment agreements to the City Manager. An encroachment agreement for the operation of sidewalk dining or merchandise display may not be issued unless the following requirements are met:

- (1) Sidewalk dining must be associated with an operating restaurant such that it is under the same management and shares the same food preparation facilities, restroom facilities and other customer convenience facilities as the restaurant.
- (2) Sidewalk dining must be clearly incidental to the associated restaurant business.
- (3) The placement of tables, chairs and other furnishings as shown in the drawing required in subsection 50-52(6) must be done in such a manner that at least four feet of unobstructed pedestrian path (UPP) remains on the sidewalk for the passage of pedestrians in the center city zoning district where the total sidewalk width is ten feet or less and at least five feet of unobstructed paved space in the center city zoning district where the total sidewalk width is more than ten feet and in all other zoning districts.
- (4) The restaurant/retailer seeking approval for sidewalk dining/merchandise display must front on and/or open onto the sidewalk proposed for the sidewalk dining/merchandise display. The placement of tables, chairs, and other furnishings may not extend beyond the sidewalk frontage of the associated restaurant/retail establishment unless as provided in subsections 50-54(5) and (6) of this article.
- (5) The tables, chairs, displays and other furnishings used in sidewalk dining and/or merchandise display shall be placed in the sidewalk dining/merchandise display area during the hours that the business is open and shall be removed daily from the

sidewalk at the close of the associated restaurant's business day. Sidewalk dining furnishings may be permitted to remain in the encroachment area provided they are adequately secured to prevent vandalism or damage.

- (6) The operation or furnishings associated with sidewalk dining/merchandise display shall not result in any permanent alteration to or encroachment upon any street, sidewalk, or to the exterior of the associated restaurant or retail establishment.
- (7) Outdoor merchandise display fixtures shall be in compliance with the applicable design guidelines of the area. Merchandise displays utilizing card tables, cardboard cartons, plastic milk crates, plywood boxes, or pallets are not permitted. Freestanding mannequins and dress forms are allowed.

Section 6. That Article II Chapter 50, **Section 50-54 – Placement of furnishings**, of the Concord Code of Ordinances be hereby amended and stated as follows:
Furnishings for sidewalk dining or the display of merchandise:

- (1) Shall not be within four feet of any driveway or alleyway;
- (2) Shall not be within four feet of a fire hydrant or standpipe;
- (3) Shall not be within two feet of any other streetscape amenity such as benches, light poles, public art, and raised planters;
- (4) Shall not be within ten feet of a crosswalk or the intersection of right-of-way lines (property lines) at a street intersection;
- (5) Shall not be at any location which obstructs underground utility access points, ventilation areas, meters, accessible ramps or other facilities provided for physically challenged persons, a building access or exit, or any emergency access or exit way;
- (6) Shall not be in front of an adjacent property, without the written approval of the adjacent business or property owner;
- (7) Shall not be in front of an adjacent display window, without the written approval of the business or property owner; and
- (8) Shall have other conditions that may be necessary as determined by the City Manager.

Section 7. That Article II Chapter 50, **Section 50-55 – Denial/revocation of encroachment agreement**, of the Concord Code of Ordinances be hereby amended and stated as follows:

The City Manager or his designee may deny or revoke an encroachment agreement, pursuant to this article, if he finds that the granting or continuation of the agreement would not be in the public's interest or if he finds that the applicant has:

- (1) Made a deliberate misrepresentation or provided false information in the encroachment application or agreement;
- (2) Operated sidewalk dining or merchandise display at the location in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare, specifically to include failure to keep the sidewalk clean and free of refuse;
- (3) Failed to comply with the Downtown Sidewalk Design Guidelines for encroachments within the Downtown MSD;
- (4) Failed to maintain any health, business or other permit or license required by law for the operation of the business; or
- (4) Failed to uphold the terms of the encroachment agreement.

Section 8. That Article II Chapter 50, **Section 50-56 – Reservation of rights**, of the Concord Code of Ordinances be hereby amended and stated as follows:

The City reserves the right to cease part or all of any sidewalk encroachment pursuant to this article to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building by the City, its agents or employees or by any governmental entity or public utility, and to allow for the use of the street or sidewalk in connection with parades, civic festivals, and other events of a temporary nature, as permitted by the City. The City also reserves the right to amend,

alter, or change the encroachment agreement upon further review and consideration for reasons of public safety, adopted public policy, or operational concerns without any costs to the City. In such an event, the City Manager or his designee will notify the encroachment holder by certified mail of amendments to the agreement. These amendments will require the execution of a new agreement within the period specified in the notice. Failure to enter into a new encroachment agreement pursuant to this section will result in automatic termination of the agreement.

Section 9. That Article II Chapter 50, **Section 50-57 – Term and transfer of encroachment agreements**, of the Concord Code of Ordinances be hereby amended and stated as follows:

Agreements issued following this article shall remain in effect until termination due to a transfer of business ownership, termination at the request of the business or in the event of the revocation of the encroachment at the sole discretion of the City Council.

Section 10. This Ordinance shall be effective on the 29th day of July, 2024.

Adopted this the 11th day of July, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

4. Consider adopting an ordinance amending the City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks, and other Public Places, Article X Social Districts and approving the Downtown Social District signage and sticker designs.

The City of Concord’s Social District Ordinance was adopted on February 8, 2024, establishing a new Downtown Concord Social District, effective August 1, 2024. The new destination brand for Downtown Concord was approved by City Council on June 13, 2024. Staff have worked with Destination by Design on the proposed signage and sticker designs for the Downtown Concord Social District to complement the new destination brand. Additionally, amendments have been made to the signage locations on the Downtown Concord Social District Map dated July 11, 2024, as part of the Ordinance. Consideration on moving the effective date from August 1, 2024 to October 1, 2024 will also be reviewed.

Discussion was held by Council regarding keeping the effective date of the ordinance at August 1st.

Council Member Stocks stated she was in favor of postponing the opening until October 1st due to the streetscape construction in downtown.

Mayor Pro-Tem Parsley-Hubbard stated she understood Council Member Stocks concerns and felt the same, but she would vote for August 1st to help the downtown businesses.

A motion was made by Council Member Stocks and seconded by Mayor Pro-Tem Parsley-Hubbard to approve the Downtown Concord Social District signage and sticker designs—the vote: all aye.

A motion was made by Council Member Clay and seconded by Council Member Sweat to adopt the following ordinance amending the City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks, and other Public Places, Article X Social Districts, effective August 1, 2024—the vote: aye – Langford, Clay, McKenzie, Parsley-Hubbard and Sweat; nay – Stocks.

ORD.# 24-79

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 50 OF THE CONCORD CODE OF ORDINANCES

WHEREAS, the City Council of the City of Concord, North Carolina, has adopted a Code of Ordinances; and

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 50, **Article X Social Districts**, of the Concord Code of Ordinances be hereby added.

Section 2. That Article X Chapter 50, **Section 50-307 – Purpose and intent**, of the Concord Code of Ordinances be hereby added and stated as follows:

(a) Pursuant to the provisions of G.S. § 160A-205.4, et seq, one or more social districts may be created within the city and the city hereby creates and designates the following social district:

(1) Downtown Concord Social District which is designated as shown on a map dated July 11, 2024; the map is available in the office of the city clerk, and signage and/or markings shall be posted clearly delineating the boundaries of the social district.

(b) The Downtown Concord Social District shall be created, designated, and managed in accordance with the requirements contained in G.S. § 160A-205.4 and Chapter 18B.

(c) Any person who violates this article, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor.

Section 3. That Article X Chapter 50, **Section 50-308 – Definitions**, of the Concord Code of Ordinances be hereby added and stated as follows:

Non-permittee means and refers to a person holding no ABC permits issued by the North Carolina Alcoholic Beverage Control Commission.

Permittee means and refers to a person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission established under G.S. § 18B-200:

- (1) An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1).
- (2) An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).
- (3) An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5).
- (4) A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
- (5) A distillery permit issued pursuant to G.S. 18B-1100(5).

Person means and refers to an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.

Premises means and refers to a fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee has control through a lease, deed, or other legal process.

Social district means and refers to a defined outdoor area in which a citizen may consume alcoholic beverages sold by a permittee. This term does not include the permittee's licensed premises or an extended area allowed under G.S. § 18B-904(h).

Section 4. That Article X Chapter 50, **Section 50-309 – Application**, of the Concord Code of Ordinances be hereby added and stated as follows:

(a) The provisions and terms contained in this article shall be applicable between the hours of 11:00 a.m. and 10:00 p.m., Monday through Sunday. At all other times, the provisions and terms contained in this article are not in effect and all provisions of state and local laws concerning the possession and consumption of alcohol shall be in full force and effect.

(b) Any alcoholic beverage purchased for consumption in a social district shall (i) only be consumed in that social district and (ii) be disposed of before the person in possession of the alcoholic beverage exits that social district unless the person is reentering the licensed premises

where the alcoholic beverage was purchased. A violation of this section is a class 3 misdemeanor.

Section 5. That Article X Chapter 50, **Section 50-310 – Requirements for sale of alcoholic beverages**, of the Concord Code of Ordinances be hereby added and stated as follows:

A permittee located in or contiguous to a social district may sell alcoholic beverages for consumption within that social district in which it is located in or contiguous to in accordance with the following requirements:

- (1) The permittee shall only sell and serve alcoholic beverages on its licensed premises.
- (2) The permittee shall only sell alcoholic beverages for consumption in the social district in which it is located in a container that meets all of the following requirements:
 - a. The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - b. The container clearly displays a logo or some other mark that is unique to the social district in which it is sold.
 - c. The container is not made of glass.
 - d. The container displays, in no less than 12-point font, the statement, "Drink Responsibly—Be 21."
 - e. The container shall not hold more than sixteen (16) fluid ounces.
- (3) The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.

Section 6. That Article X Chapter 50, **Section 50-311 – Requirements for possession and consumption of alcoholic beverages**, of the Concord Code of Ordinances be hereby added and stated as follows:

The possession and consumption of an alcoholic beverage in a social district is subject to all of the following requirements:

- (1) Only alcoholic beverages purchased from a permittee located in or contiguous to the social district may be possessed and consumed in that social district.
- (2) Alcoholic beverages shall only be in containers meeting the requirements set forth in this article.
- (3) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in this article.
- (4) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. § 18B-1010.
- (5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the social district in which the beverage was purchased unless the person is reentering the licensed premises where the alcoholic beverage was purchased.
- (6) A participating non-permittee business is required to always display the uniform sign during the times when the social district is active as to whether the business allows for patrons to enter their business with alcohol.
- (7) All permittee and non-permittee businesses that are part of a social district and allow customers to bring alcoholic beverages onto their premises are required to clearly post signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point.
- (8) During the days and hours when the social district is in effect as set forth in this Article, a non-permittee business that allows customers to bring alcoholic beverages onto its premises is required to allow law enforcement officers access to the areas of the premises accessible by customers.

(9) A violation of this section is a class 3 misdemeanor.

Section 6. That Article X Chapter 50, **Section 50-312 – Public Assembly**, of the Concord Code of Ordinances be hereby added and stated as follows:

When a public assembly (as that term is used in article VIII of this chapter) is held pursuant to the issuance of an assembly permit (as that term is used in article VIII of this Chapter) the terms of the assembly permit supersede the provisions of this article within the boundaries of the special event. Any alcohol purchased within the boundaries of the public assembly may be taken outside of the public assembly, as long as the alcohol is to be taken from the boundary of the public assembly into the boundary of a social district. Any alcohol purchased from a permittee may be taken into a public assembly, as long as the alcohol is to be taken from the boundary of the social district into the boundary of a public assembly.

Section 7. That Article X Chapter 50, **Section 50-313 – Severability**, of the Concord Code of Ordinances be hereby added and stated as follows:

If any section, phrase, sentence, or portion of this article is held void, invalid, unconstitutional, or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

Section 8. This Ordinance shall be effective on the 1st day of August 2024.

Adopted this the 11th day of July 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ Willam C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

5. Consider approving a resolution confirming approval of a multifamily housing facility to be known as Coleman Mill Lofts and the financing thereof with multifamily housing revenue bonds in an aggregate principal amount not to exceed \$20,630,000.

On July 13, 2023, the City held a public hearing with respect to the issuance of the Bonds to finance, in part, the Coleman Mill Lofts, and adopted a resolution approving the issuance of the Bonds as required by Section 147(f) of the Code; and under the Code, bonds approved by an elected body for purposes of Section 147(f) of the Code must be issued within one year of the date of such approval; and due to an unexpected delay in completing the financing, the closing of the Bonds has been delayed such that the Bonds will not be issued by July 13, 2024.

A motion was made by Council Member Stocks and seconded by Council Member McKenzie to adopt the following resolution confirming approval of a multifamily housing facility to be known as Coleman Mill Lofts and the financing thereof with multifamily housing revenue bonds in an aggregate principal amount not to exceed \$20,630,000—the vote: all aye.

RESOLUTION CONFIRMING APPROVAL OF A MULTIFAMILY HOUSING FACILITY TO BE KNOWN AS COLEMAN MILL LOFTS IN THE CITY OF CONCORD, NORTH CAROLINA AND THE FINANCING THEREOF WITH MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,630,000

WHEREAS, the City Council (the “City Council”) of the City of Concord, North Carolina (the “City”) met in Concord, North Carolina at 6:00pm on the 11th day of July, 2024; and

WHEREAS, the City has agreed to assist STC Coleman Mill, LLC, a North Carolina limited liability company, or an affiliate or subsidiary thereof (the “Borrower”), in the financing of the acquisition of the historic Coleman Mill and the renovating and equipping therein of a 144-unit qualified residential rental project (as defined in Section 142(d) of the Internal Revenue Code of 1986, as amended (the “Code”)) to be known as Coleman Mill Lofts (the “Development”) and located at 625 Main Street SW in the City, through the issuance of its multifamily housing revenue bonds in an aggregate principal amount not to exceed \$20,630,000 (the “Bonds”); and

WHEREAS, Section 147(f) of the Code requires that any tax-exempt bonds issued by the City for the Development may only be issued after approval of the plan of financing by the City Council of the City following a public hearing with respect to such plan; and

WHEREAS, on July 13, 2023, the City held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development, and adopted a resolution approving the issuance of the Bonds as required by Section 147(f) of the Code; and

WHEREAS, under the Code, bonds approved by an elected body for purposes of Section 147(f) of the Code must be issued within one year of the date of such approval; and

WHEREAS, due to an unexpected delay in completing the financing for the Development, the closing of the Bonds has been delayed such that the Bonds will not be issued by July 13, 2024; and

WHEREAS, the City and the Borrower have requested the City Council reapprove the issuance of the Bonds to satisfy the requirements of Section 147(f) of the Code; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds, or to constitute the Bonds an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD, NORTH CAROLINA DOES HEREBY RESOLVE, AS FOLLOWS:

- 1. The proposed housing development consisting of the acquisition, construction, rehabilitation and equipping of the Development described above in the City by the Borrower and the issuance of the City’s multifamily housing revenue bonds therefor in an amount not to exceed \$20,630,000 are hereby approved for purposes of Section 147(f) of the Code.
- 2. This resolution shall take effect immediately.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

6. Consider authorizing the City Manager to negotiate and execute a contract addendum with JD Goodrum, Inc. for the renovations of Dorton Park.

The original construction contract for the renovations of Dorton Park included the resurfacing of the existing tennis courts but, upon further evaluation of their condition, it was determined that complete replacement would be the best course of action. The additional cost of the tennis courts’ replacement will be \$156,411. In addition, during structural fill placement on the athletics fields it was discovered that the existing storm drainpipes have collapsed and need to be replaced at an additional of \$55,490.86. The total amount of these two items is \$211,901.86. This addition will bring the total contract amount to \$5,105,093.22. The amount is below the total budgeted amount for this project is \$6,165,627.

A motion was made by Council Member Langford and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract addendum with JD Goodrum, Inc. in the amount of \$211,901.86—the vote: all aye.

7. Consider adopting a resolution authorizing the sale of 900 square feet/0.02 acres of Gibson Field located at 265 Misenheimer Drive NW. PIN 5620-39-4588 to Jessica R. Andreano and Vincent Andreano located at 281 Misenheimer Drive. The location is the rear of 281 Misenheimer Drive NW.

The City acquired the property on July 30, 1986. The property is now Gibson Field and is used by City of Concord Parks & Recreation for athletic programming. This facility was part of the bond

projects for Academy-Gibson. The project was to create a neighborhood park and maintain athletic programming. During survey for the park, we discovered an encroachment of a permanent structure on the Misenheimer side of the park. While communicating with the property owners on the encroachment, they asked if they could purchase the portion of the property instead of tearing down their building. Staff reviewed the survey for the 900 sq. ft. section, this area would not cause a negative impact if sold. If the Andreano's had to move or tear down the structure, it would be a major expense. An appraisal was completed on the 900 sq. ft./0.02 acres with a value of \$7,525. The proposed Resolution directs the City Manager, City Clerk, and City Attorney to take all necessary steps and to execute the necessary documents to affect the conveyance of the property and easement in accordance with this resolution pursuant to North Carolina General Statutes 160A-269.

A motion was made by Mayor Pro-Tem Parsley-Hubbard and seconded by Council Member Sweat to adopt the following resolution authorizing the sale of 900 sq. ft. part of 265 Misenheimer Drive NW to Jessica R. Andreano and Vincent Andreano and directing the City Manager, City Clerk, and City Attorney to take all necessary steps and to execute the necessary documents in order to affect the conveyance of the property—the vote: all aye.

**RESOLUTION AUTHORIZING CONSIDERATION of NEGOTIATED OFFER,
ADVERTISEMENT, AND UPSET BID**

WHEREAS, North Carolina General Statute § 160A-269 permits the City to sell real property, by upset bid, after the receipt of an Offer to Purchase Property; and

WHEREAS, the City acquired a large parcel containing 2.592 acres (more or less), also being described as being "Part of Tract 52, Map 1, of Cannon Holdings Corporation, property of Atlantic American Properties, Inc." by deed recorded on July 30, 1986 in Book 611, at Page 30 of the Cabarrus County Registry between David H. Murdock, doing business as DHM Holding Company to the City; and

WHEREAS, a 900 square foot outparcel, located in the rear of 281 Misenheimer Drive NW, specifically being a portion of 265 Misenheimer Drive NW, Part of PIN 5620-39-4588 and is Lying and being in the City of Concord, No. 12 Township, Cabarrus County, North Carolina, and being a 900 Square Foot portion of Lot 52 of Map One of Cannon Holding Corporation as shown in Map Book 19, at Page 51, also recorded in Deed Book 611, at Page 30, Cabarrus County Registry, a portion of PIN 5620-39-5338, Tax ID No: 12-019-0001.12 and being more particularly described as follows:

Commencing from an EXISTING IRON FOUND at the common corner of Lots 45 and 52 of MAP ONE OF CANNON HOLDING CORPORATION (Map Book 19 Page 51); said EXISTING IRON FOUND (EIR) being further described as having Localized Coordinates of N: 609,298.87', E: 1,523,610.52', thence running a tie line along the common line of said Lots 45 and 52; South 53°32'42" West 75.00 feet to a new SET IRON ROD (SIR) on said common line at the common corner of Lots 44 and 45 of MAP ONE OF CANNON HOLDING CORPORATION (Map Book 19 Page 51); said new SET IRON ROD (SIR) being further described as being located North 02°38'44" West 0.29' from an EXISTING IRON FOUND (EIR) not on the aforesaid common line and also being the POINT OF BEGINNING (POB) of the property to be described herein; thence leaving the POINT OF BEGINNING (POB) and running 3 new lines into the aforesaid Lot 52 (Map Book 19 Page 51) (Deed Book 611, Page 30) (PIN: 5620-39-5338; Real ID: 12-019-0001.12)

1. South 36°08'17" East 15.00 feet (L1) to a new SET IRON ROD (SIR); thence
2. South 53°32'42" West 60.00 feet (L2) to a new SET IRON ROD (SIR); thence
3. North 36°08'17" West 15.00 feet (L3) to a new SET IRON ROD (SIR) on the aforesaid common line of Lots 52 and 44; thence running along said common line
4. North 53°32'42" East 60.00 feet (L4) to the Point of Beginning and containing 900 square feet or 0.02 acres of land, more or less, as shown on map titled, "Exhibit Plat: A Portion of the Property Owned by the City of Concord" dated 10/02/2023 by the City of Concord Engineering Department and is attached as Exhibit A for further reference.

WHEREAS, on September 25, 2023, the City received an Offer to Purchase the Property from Jessica R. Andreano and husband, Vincent Andreano ("Buyer") for \$ 7,525.00.

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 through the upset bid procedure outlined in North Carolina General Statute § 160A-269.
2. The Offeror shall submit a 5% deposit, three hundred, seventy-six dollars and twenty-five cents (\$376.25) as a deposit to be held by the City Clerk; and
3. The City Clerk shall cause a notice of the proposed sale of the Property as follows:

Lying and Being in the City of Concord, No. 12 Township, Cabarrus County, North Carolina, and being a 900 Square Foot portion of Lot 52 of Map One of Cannon Holding Corporation as shown in Map Book 19, at Page 51, also recorded in Deed Book 611, at Page 30, Cabarrus County Registry, a portion of PIN 5620-39-5338, Tax ID No: 12-019-0001.12 and being more particularly described as follows: Commencing from an EXISTING IRON FOUND at the common corner of Lots 45 and 52 of MAP ONE OF CANNON HOLDING CORPORATION (Map Book 19 Page 51); said EXISTING IRON FOUND (EIR) being further described as having Localized Coordinates of N: 609,298.87', E: 1,523,610.52', thence running a tie line along the common line of said Lots 45 and 52; South 53°32'42" West 75.00 feet to a new SET IRON ROD (SIR) on said common line at the common corner of Lots 44 and 45 of MAP ONE OF CANNON HOLDING CORPORATION (Map Book 19 Page 51); said new SET IRON ROD (SIR) being further described as being located North 02°38'44" West 0.29' from an EXISTING IRON FOUND (EIR) not on the aforesaid common line and also being the POINT OF BEGINNING (POB) of the property to be described herein; thence leaving the POINT OF BEGINNING (POB) and running 3 new lines into the aforesaid Lot 52 (Map Book 19 Page 51) (Deed Book 611, Page 30) (PIN: 5620-39-5338; Real ID: 12-019-0001.12), South 36°08'17" East 15.00 feet (L1) to a new SET IRON ROD (SIR); thence South 53°32'42" West 60.00 feet (L2) to a new SET IRON ROD (SIR); thence North 36°08'17" West 15.00 feet (L3) to a new SET IRON ROD (SIR) on the aforesaid common line of Lots 52 and 44; thence running along said common line North 53°32'42" East 60.00 feet (L4) to the Point of Beginning and containing 900 square feet or 0.02 acres of land, more or less, as shown on map titled, "Exhibit Plat: A Portion of the Property Owned by the City of Concord" dated 10/02/2023 by the City of Concord Engineering Department, to be published. The notice shall describe the property, the amount of the offer, the terms under which the sale is to be made, and the terms under which the offer may be upset.

4. Any persons wishing to upset the offer shall submit a sealed bid along with their offer and deposit to the office of the City Clerk within 10 days after the notice of the proposed sale is published. At the conclusion of the 10-day period, the City Clerk shall open the bids, if any, and the highest bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
5. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
6. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
7. All bids, including the qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the total bid; the deposit may be made in cash, cashier's check, or certified check to the City Clerk. The City will return the deposit on any bid not

accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received.

8. The final sale shall include the following terms:

- a. The City will convey a 900 square foot outparcel, located in the rear of 281 Misenheimer Drive NW, specifically being a portion of 265 Misenheimer Drive NW, Part of PIN 5620-39-4588 to the Highest Bidder, by North Carolina Special 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 no more than 30 days from the date of acceptance of the highest bid.

9. The City reserves the right to withdraw the property from sale at any time before the final high bid is accepted and reserves the right to reject, at any time, all bids.

10. The City Attorney is directed to take all necessary steps to complete the sale in the event no upset bids are received and the rezoning is approved. The City Manager is authorized to execute the necessary instruments to effectuate the sale of the City's interest in 900 square feet outparcel, located in the rear of 281 Misenheimer Drive NW, specifically being a portion of 265 Misenheimer Drive NW, Part of PIN 5620-39-4588 in accordance with this resolution.

Adopted this 11th day of July 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

8. Consider recognizing the St. Andrews Place Homeowners Association in the City's Partnership for Stronger Neighborhoods program.

St. Andrew's Place is a neighborhood of 506 single family homes. The neighborhood is home to many first- time homebuyers and families. The community is supported by a volunteer HOA board made up of neighborhood homeowners who meet each month. Officers for the Association are President Justin Crowe, Vice President Christina Parkins, and Secretary/Treasurer Sonja Allison. They have submitted all the required Documentation for recognition. By approving their inclusion in the program, the City would have 80 recognized neighborhoods in the Partnership for Stronger Neighborhoods since its foundation in 2000.

A motion was made by Council Member McKenzie and seconded by Council Member Sweat to include St. Andrew's Place Homeowners Association in the City's Partnership for Stronger Neighborhoods program—the vote: all aye.

9. Consider approving Neighborhood Matching Grant awards distribution requests for FY24-25 applicants.

The review committee determined that thirteen projects best met the criteria for funding. The thirteen recommended projects, if funded, total \$30,000, using all the allocated funds in the NMG FY24-25 adopted budget.

There were two projects not recommended for funding because they did not meet eligibility requirements.

A motion was made by Mayor Pro-Tem Parsley-Hubbard and seconded by Council Member Sweat to approve Neighborhood Matching Grant award the following distribution requests for FY24-25 applicants as recommended—the vote: all aye.

The following allocation of grant funds are recommended:

- 1-Autumn Ridge - \$3,000 for their Playground Replacement Project.
- 2-Bedford Farms - \$3,000 for their Trail Phase 4 Project.
- 3-Carriage Downs - \$600 for their Community Nature Garden Facelift Project.
- 4-Christenbury - \$975 for their Beautification Project.
- 5-Glen Grove - \$975 for their Walking Trail Project.
- 6-Hallstead - \$1,499.59 for their Streetlights Project.
- 7-Highland Creek - \$3,000 for their Inclusive Swing Project.
- 8-Oakleaf - \$2,499 for their Pool Furniture Project.
- 9-Overbrook Manor - \$3,000 for their Decorative Signposts Project.
- 10-Parkview Estates - \$3,000 for their Improvement of Common Area Project.
- 11-Winding Walk - \$3,000 for their Disc Golf Course & Corn Hole Courts Project.
- 12-Woodbridge - \$3,000 for their irrigation/landscaping upgrade Project.
- 13-Zemosa Acres - \$2,500 for their traffic calming project.

10. Consider adopting an ordinance ordering the demolition of the structure located at 90 James St SW (PIN# 5620-85-0735) owned by Jerimiah Owens Jr.

The structure is located on a single parcel, which has a building tax value before the fire of \$44,160.00 per Cabarrus County land records. Upon inspection, the structure had massive damage due to fire and was considered to be dilapidated. Dexter Zimmerman, Code Enforcement Officer, opened the case March 15, 2024. The Finding of Fact and Order to Repair or Demolish was issued on April 02, 2024. The Order to Repair or Demolish said structure was not extended. The Order to Repair or Demolish expired on May 02, 2024. There have been no attempts to come into compliance with this case. No civil penalties have been imposed.

A motion was made by Council Member Stocks and seconded by Council Member Sweat to adopt the following ordinance ordering the demolition of the structure located at 90 James St SW, Concord NC—the vote: all aye.

ORD.# 24-80

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

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

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

WHEREAS, the owner of said dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Housing Code in accordance with G.S. 160D-1203 pursuant to an order issued by the Housing Code Enforcement Officer on March 15, 2024 and the owner having failed to comply with the order;

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

Section 1. The Housing Code Enforcement Officer is hereby authorized and directed to place a sign containing the legend, "THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL." on the buildings owned by Jeremiah Owens Jr. located at the following address: 90 James St SW, Concord, NC 28025.

Section 2: The Housing Code Enforcement Officer is hereby authorized and directed to proceed to vacate, close, demolish and remove the above described dwelling in accordance with his order to the owner thereof dated the 02 day of May, and with the Housing Code and

G.S.160D-1203.

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

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

Section 5: This ordinance shall become effective July 11, 2024.

Adopted this 11th day of July 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

11. Consider adopting an ordinance amending Chapter 42 of the City of Concord Code of Ordinances.

The proposed ordinance was created to address future requests and unauthorized drone take offs and landings on City property. The ordinance will also apply to airplanes, flying machines, balloons, parachutes, helicopters, rockets, etc. However, kite flying in open areas of city parks is permitted. Airspace laws are controlled by the FAA and cannot be regulated or enforced.

A motion was made by Mayor Pro-Tem Parsley-Hubbard and seconded by Council Member Sweat to adopt the following ordinance amending Chapter 42 of the City of Concord Code of Ordinances—the vote: all aye.

ORD.# 24-81

**AN ORDINANCE AMENDING PORTIONS OF CHAPTER 42 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. Chapter 42, Offenses and Miscellaneous Provisions; Article I, In General, be amended to add the following:

Section 42-14, Prohibited aviation devices on city property

It shall be unlawful for any person to voluntarily launch, take off, land, or cause to descend or take off any airplane, flying machine, balloon, parachute, or other apparatus of aviation within or into the confines of any city property, except for city business. City business can only be conducted by staff or a contractor that has obtained the Remote Pilot Certificate from the Federal Aviation Administration. Voluntarily shall mean any action other than a forced landing. This section shall also apply to radio-controlled airplanes, helicopters, rockets, etc. However, kite flying in open areas of city parks is permitted

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 11th day of July 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

12. Consider awarding bid for electric materials for 13,200 feet of 500 MCM primary feeder cable to Border States Electric.

Electric Systems staff received two bids on June 13, 2024 for electric materials for the purchase of 13,200 feet of 500 MCM primary feeder cable. Border States Electric was the lowest bidder at \$233,904, and was compliant in meeting the required specifications.

A motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Parsley-Hubbard to award bid for electric materials in the amount of \$233,904 to Border States Electric for the purchase of 13,200 feet of 500 MCM primary feeder cable—the vote: all aye.

13. Consider authorizing the City Manager to negotiate and execute a contract with Aviation Management Consulting Group and Mead & Hunt to facilitate the development of an Airport Strategic Business Plan for Concord-Padgett Regional Airport.

In May 2024, City Council adopted a City wide Strategic Plan. Goal 3, Promote a Safe and Connected City, Section 2, is to actively evaluate, plan and invest in future mobility. Specifically, the need exists to create a Strategic Business Plan. The Federal Aviation Administration, Airport Sponsor Assurance #24, requires that an obligated airport be as financially self-sustaining as possible given the circumstances that exist at the airport. One of the best ways to comply with Airport Sponsor Assurance #24 is to develop and implement an Airport Strategic Business Plan that demonstrates the way airport administration and policy makers are striving toward achieving of becoming, or continuing to be, financially self-sustaining.

The Airport Strategic Business Plan will utilize a comprehensive approach consistent with the Transportation Research Board, Airport Cooperative Research Plan Report 77 *Guides for Developing General Aviation Airport Business Plans (2012)*, and contemporary updates. The project will take 12 months to complete and a cost not to exceed \$247,800. The funding for the project will come from the CARE account. The fund balance currently is \$984,379.96.

A motion was made by Council Member Sweat and seconded by Council Member McKenzie to authorize the City Manager to negotiate and execute a contract with Aviation Management Consulting Group and Mead & Hunt in the amount of \$247,800 to perform professional consulting services to develop an Airport Strategic Business Plan for Concord-Padgett Regional Airport and adopt the following budget amendment—the vote: all aye.

ORD.# 24-82

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, 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
680-4406000	Retained Earnings Appr	81,566	329,446	247,880
Total				247,880

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4530-5194000	Contract Services	210,153	458,033	247,880
Total				247,880

Reason: The cost of a Concord Padgett Regional Airport Strategic Business Plan. This item will be covered by CARES funds reimbursement that were transferred to Aviation Operations in FY23.

Adopted this 11th day of July, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

14. Consider authorizing the City Manager to negotiate and execute Work Authorization #2402 with Talbert, Bright and Ellington, Inc. (TBE) for the purpose of performing professional consulting services associated with the construction administration (CA), quality assurance testing, and resident project representative for the fuel farm expansion at Concord-Padgett Regional Airport.

Last month, the FAA approved the City's grant application for the construction of a one (1) 20,000 gallon Jet A Tank and containment system for one (1) proposed 20,000 gallon Jet A tank. The grant also included new Inventory Management and Emergency Fuel Shut Off system and widening of the access road/new gate. The grant will be funded through the Bipartisan Infrastructure Law (BIL) legislation.

The scope of work and fees were evaluated in accordance with FAA's guidance. An independent Fee Estimate (IFE) was completed, and the fees are within the 10% range of the IFE. The total cost for these services is \$274,634.

A motion was made by Mayor Pro-Tem Parsley-Hubbard and seconded by Council Member Langford to authorize the City Manager to negotiate and execute a contract with TBE in the amount of \$274,634 and to adopt the following capital project amendment—the vote: all aye.

ORD.# 24-83

CAPITAL PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized is the **Fuel Farm Expansion Project**.

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

of Aviation.

SECTION 3. The following amounts are appropriated for the project

		<u>Expenses/Expenditures</u>		
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
6300-5811082				
6300-5811082	Future Projects	119,992	100,773	<19,219>
6302-5800726				
6302-5800726	Fuel Farm	274,499	135,106	<139,393>
6311-5800726				
6311-5800726	Fuel Farm	1,357,600	1,516,212	158,612

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 11th day of July 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

15. Consider authorizing the City Manager to negotiate and execute a contract with Southern Engineering and Testing P.C. to perform materials testing and special inspections during the construction of the proposed Fleet Building.

During the construction of the proposed Fleet Building, materials testing, and specials inspections are required to ensure that materials and procedures used by the contractor comply with the project drawings and specifications.

A request for qualifications (RFQ) was advertised for qualified consulting firms to perform the materials testing and special inspections for the proposed fleet building. As required by the Mini Brooks Act, consulting engineering firms are to be selected on the basis of competence and qualifications for the type of professional services required. Nine firms submitted RFQs and were reviewed by a panel. Southern Engineering and Testing P.C. was selected for this project.

A motion was made by Council Member Sweat and seconded by Council Member Langford to authorize the City Manager to negotiate and execute a contract with Southern Engineering and Testing P.C. in a not to exceed amount of \$150,000.00 for the materials testing and inspections of the proposed fleet building—the vote: all aye.

16. Consider awarding the total bid for the City of Concord's annual street preservation program to Ferebee Corporation.

One of Council's continuing goals is to improve the service levels and delivery of the City's annual street preservation program. Powell Bill receipts and General Fund revenues are being used to fund this work by contracted forces. Formal bids for this work were due June 25, 2024. Only 2 submittals were received; therefore, no bids were opened.

Bid documents were readvertised and opened on July 3, 2024 with Ferebee Corporation submitting the lowest total bid in the amount of \$4,085,602.95. Work such as patching, leveling, milling, resurfacing, re-striping, re-marking, and re-installation of permanent raised pavement markings work on 19.19 lane miles of designated streets and 2,000 Tons of patching on other City infrastructure will be performed. Contract Final Completion date is 180 days from the Notice to Proceed.

A motion was made by Council Member Stocks and seconded by Mayor Pro-Tem Parsley-Hubbard to award the total bid and authorize the City manager to negotiate and execute a contract with Ferebee Corporation in the amount of \$4,085,602.95 for the City of Concord's annual streets preservation program—the vote: all aye.

17. Consider awarding the City of Concord's annual contract for the Installation of Traffic Signal Equipment and Associated Construction and Maintenance Work to ALS of North Carolina, LLC.

This contract consists of providing traffic signal and associated construction/maintenance work in and adjacent to the City of Concord. This work provides for the installation, upgrade, or repair of signals on an as-needed basis and includes but is not limited to saw cutting roadway surfaces, placement of embedded loops and sealant, trenching, placement of conduit and junction boxes, installing poles, guys, span wire, cables, heads, visual detection equipment, and conduit. Quotes for this work were opened on June 25, 2024 with ALS of North Carolina, LLC submitting the lowest unit cost pricing. The contract is not to exceed \$150,000 per the FY 25 approved budget. The contract term is through June 30, 2025.

A motion was made by Council Member Langford and seconded by Mayor Pro-Tem Parsley-Hubbard to award the City of Concord's annual contract for the Installation of Traffic Signal Equipment and Associated Construction and Maintenance Work to ALS of North Carolina, LLC—the vote: all aye.

18. Consider a revised Preliminary Application from William Jordan Hall and Margaret Hall.

In accordance with City Code Chapter 62, William Jordan Hall and Margaret Hall have submitted a preliminary application for sewer service outside the City limits. The property is located at 520 Crestmont Dr. SE, Concord, NC 28025. The property is a 4.52-acre existing single-family residential parcel located within the Cabarrus County jurisdiction and is zoned RM-1 (in ETJ). The applicant has expressed that his existing septic system is failing. City water is available to this parcel; however, the existing well is in compliance and functional, and the applicant wishes to remain on well water. The applicant does not wish to be annexed. The parcel is contiguous to city of Concord limits on two sides.

A motion was made by Council Member Langford and seconded by Council Member Stocks to accept the preliminary application and have the owner proceed to the final application phase including annexation—the vote: aye – Langford, Clay, Stocks, McKenzie and Parsley-Hubbard; nay - Sweat.

19. Consider a revised Preliminary Application from Christopher Burren and Kelley J. Burren.

In accordance with City Code Chapter 62, Christopher Burren and Kelley J. Burren have submitted a preliminary application for sewer service outside the City limits. The property is located at 441 Scalybark Tr., Concord, NC 28027. The property is a 1.01-acre existing single-family residential parcel located within the Cabarrus County jurisdiction is zoned LDR. City water is not available to this parcel.

A motion was made by Mayor Pro-Tem Parsley-Hubbard and seconded by Council Member Langford to accept the preliminary application and have the owner proceed to the final application phase excluding annexation—the vote: aye – Langford, Clay, Stocks, McKenzie and Parsley-Hubbard; nay - Sweat.

20. Consider a revised Preliminary Application from John P. and Peggy S. Furr.

In accordance with City Code Chapter 62 John P. Furr and Peggy S. Furr have submitted a preliminary application for water service outside the City limits. The property is located at 1037 Manassas Dr., Concord, NC 28027. 4.28-acre parcel located in Area B of Cabarrus County is

zoned LDR. The applicant is proposing a single family home. City sanitary sewer is not available to this parcel.

A motion was made by Mayor Pro-Tem Parsley-Hubbard and seconded by Council Member Langford to accept the preliminary application and have the owner proceed to the final application phase excluding annexation—the vote: aye – Langford, Clay, Stocks, McKenzie and Parsley-Hubbard; nay - Sweat.

Consent Agenda:

A motion was made by Mayor Pro-Tem Parsley-Hubbard and seconded by Council Member Stocks to approve the following consent agenda items—the vote: all aye.

CONSENT AGENDA ITEM A

The following resolution was adopted authorizing the City Manager to execute settlement documents for additional funds from the opioid settlement with Kroger.

RESOLUTION BY THE CITY OF CONCORD, NORTH CAROLINA
AUTHORIZING EXECUTION OF KROGER OPIOID SETTLEMENT AND APPROVING
SECOND SUPPLEMENTAL AGREEMENT FOR ADDITIONAL FUNDS

WHEREAS, the opioid overdose epidemic has taken the lives of more than 37,000 North Carolinians since 2000; and

WHEREAS, the COVID-19 pandemic has compounded the opioid overdose crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct; and

WHEREAS, a settlement has been reached in litigation against the Kroger Co. (“Kroger”) as well as its subsidiaries, affiliates, officers, and directors named in the Kroger Settlement; and

WHEREAS, representatives of local North Carolina governments and the North Carolina Department of Justice have negotiated and prepared a Second Supplemental Agreement for Additional Funds (SAAF-2) to provide for the equitable distribution of the proceeds of these settlements; and

WHEREAS, by joining the settlements and approving the SAAF-2, the state and local governments maximize North Carolina’s share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments to sign onto the settlements and SAAF-2 to demonstrate solidarity in response to the opioid overdose crisis and maximize the share of opioid settlement funds received by state and local governments to help abate the harm; and

WHEREAS, the SAAF-2 directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic while ensuring that these resources are used in an effective way to address the crisis;

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby authorizes the City Manager to execute all documents necessary to enter into opioid settlement agreements with Kroger, to execute the SAAF-2, and to provide such documents to Rubris, the Implementation Administrator.

Adopted this the 11th day of July, 2024.

CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

CONSENT AGENDA ITEM B

The following resolution was adopted approving the 2021 updates to the NC Local Government Records Retention Schedules.

CITY OF CONCORD
RESOLUTION APPROVING THE ADOPTION OF THE 2021 UPDATES TO THE NORTH CAROLINA LOCAL GOVERNMENT RECORDS RETENTION & DISPOSITION SCHEDULES

WHEREAS, the Records Analysis Unit of the North Carolina Department of Natural Cultural Resources has updated and published the General Records and Program Records Retention Schedules in accordance with Chapters 121 and 132 of the North Carolina General Statutes; and

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

WHEREAS, this schedule will supersede the following standards on all local schedules published prior to October 1, 2021.

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

Adopted this the 11th day of July 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

CONSENT AGENDA ITEM C

The Parks & Recreation Department was authorized to apply for a grant from the NC Department of Natural and Cultural Resources through the Recreational Trails Program in an amount not to exceed \$100,000 (with a City-funded match not to exceed \$25,000).

CONSENT AGENDA ITEM D

The Parks & Recreation Department was authorized to apply for a grant from the NC Department of Natural and Cultural Resources (Div. of Parks and Recreation) through its Great Trails State Program in an amount not to exceed \$500,000 (with a City-funded match not to exceed \$500,000).

CONSENT AGENDA ITEM E

The City Manager was authorized to negotiate and sign a contract for the purchase of the fire department apparatus using the Houston Galveston Area purchasing cooperative.

CONSENT AGENDA ITEM F

The City Manager was authorized to accept \$25,000 from the NC Governor's Highway Safety Program to fund overtime expenses for traffic safety enforcement and to adopt a budget ordinance to appropriate the grant funds.

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, as amended; and

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

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

Account	Title	Revenues	Amended Budget	(Decrease) Increase
		Current Budget		
100-4603200	Police Grants	\$300,000	325,000	\$25,000
Total				<u>\$25,000</u>

Account	Title	Expenses/Expenditures	Amended Budget	(Decrease) Increase
		Current Budget		
4310-5122000	Overtime	\$585,000	610,000	<u>\$25,000</u>
Total				<u>\$25,000</u>

Reason: To appropriate the NC Governor’s Highway Safety Program overtime grant awarded in the amount of \$25,000.

Adopted this 11th day of July, 2024.

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 G

The following First Concord 2024 LOBS project budget amendment was adopted.

ORD.# 24-85
CAPITAL PROJECT ORDINANCE AMENDMENT
FIRST CONCORD

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

SECTION 1. The project authorized and amended is First Concord 2024 LOBS.

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

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

<u>Revenues</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
554-4501100	Transfer from General Fund	0	1,194,380	1,194,380
Total				<u>1,194,380</u>

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

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
554-5710000	Bond/Debt Principal	0	853,129	853,129
554-5720000	Bond/Debt Interest	0	341,251	341,251
Total				<u>1,194,380</u>

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 11th day of July 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM H

The following General Capital Reserve project budget amendment and a Parks and Recreation Capital Reserve project budget amendment were adopted.

ORD.# 24-86

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
8100-5987000	Transfer to Proj Fund	2,663,558	2,480,000	(183,558)
8100-5811082	Future Projects	1,151,870	1,335,428	183,558

SECTION 4. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the capital reserve fund and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 5. Within five (5) days after adopted, copies of this capital reserve fund amendments/adoption shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out the purpose of this fund.

SECTION 6. The Finance Director is directed to report on the financial status of this fund in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of July 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 24-87

CAPITAL RESERVE FUND ORDINANCE AMENDMENT

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

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

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

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

Fund 285 General Capital Reserve Fund

Budget Amended Budget Inc(Dec)

8150-5987000	Transfer To Project Fund	13,994,417	13,607,129	-387,288
8150-5811082	Future Projects	16,441,270	16,828,558	387,288

SECTION 4. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the capital reserve fund and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 5. Within five (5) days after adopted, copies of this capital reserve fund amendments/adoption shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out the purpose of this fund.

SECTION 6. The Finance Director is directed to report on the financial status of this fund in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of July, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM I

The following resolution was adopted to convey a driveway access easement to James Pharr Jr.

RESOLUTION AUTHORIZING THE CONVEYANCE OF A PERMANENT AND TEMPORARY
CONSTRUCTION EASEMENT

WHEREAS, North Carolina General Statute § 160A-273 permits the City of Concord (“City) to grant an easement over, through, under, or across any City owned property that is not a part of the State Highway System; and

WHEREAS, City is the owner of a certain parcel of land identified as PIN 5620-82-3198 located off Georgia Street SW in Number 12 Township, City of Concord, Cabarrus County, North Carolina, which adjoins certain land owned by James L. Pharr, and is more particularly described by deed recorded in Book 395, Page 325, Cabarrus County Registry (City Parcel”); and

WHEREAS, Georgia Street SW is a city-owned street and right of way; and

WHEREAS Pharr is the owner of a certain parcel of land identified as PIN 5620-82-4240, on the East side of Georgia Street SW in Number 12 Township, City of Concord, Cabarrus County, North Carolina, which adjoins certain land owned by City, more particularly described by deed recorded in Deed Book 16737, Page 28, Cabarrus County Registry (“Owner Parcel”); and

WHEREAS the Owner desires to build a residential structure on the Owner Parcel and requires an easement of ingress and egress to the public right-of-way identified as Georgia Street SW, across the City Parcel, adjoining the Owner Parcel; and

WHEREAS the City has agreed to grant to the Owner an easement for ingress and egress onto Georgia Street SW, a public right of way, subject to certain requirements;

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

1. The City Council intends to convey unto James Pharr, his successors or assigns, a 30-foot easement across a parcel of property, owned by the City of Concord, and identified as PIN

5620-82-3198 off of Georgia Street SW, for the purpose providing ingress and egress from PIN 5620-82-4240 onto the public right of way of Georgia Street SW, while constructing and maintaining a private driveway onto Georgia Street SW for the benefit of PIN 5620-82-4240.

2. The conveyance is made subject to the following conditions:

A. The City of Concord will convey a temporary construction easement of five feet on either side of the thirty-foot easement for the purpose of the construction of the private driveway from the PIN 5620-82-3198 onto the public right of way of Georgia Street SW. The construction easement shall terminate upon the completion of the driveway and the date of the certificate of occupancy.

B. A USPS-approved mailbox for the residence located on PIN 5620-82-4240 shall be permitted in the easement.

C. The permanent easement shall be used for residential access only and cannot be utilized for any other uses, including but not limited to, the temporary or permanent placement or storage of any commercial or construction vehicles and/or any personal fixtures.

D. The permanent easement area located on the City Parcel will be maintained by the property owner or occupant of PIN 5620-82-3198 in good condition, subject to the conditions of the City of Concord Code of Ordinances, Zoning Codes, and the NC Department of Transportation.

E. The permanent easement shall be constructed to the minimum specifications as required by the North Carolina Division of Highways, the requirements of the City of Concord Code of Ordinances and building permit requirements set forth by Cabarrus County Government, Concord, North Carolina.

F. The permanent and temporary easements are granted subject to the established and future rights of the City of Concord, all existing public utility easements, rights of way, placement of utilities including but not limited to water, sewer, electric, stormwater, and access to the public right of way, all zoning laws, and ordinances of record.

G. The City of Concord is held harmless and not liable for any and all damage that may incur by any party while working on or within the permanent or temporary construction easements.

H. If the property owner fails to acquire a Certificate of Occupancy on the residential structure located on PIN 5620-82-4240 within two years of the recording date of the permanent and temporary easement document, then the permission granted shall be considered revoked and the easements will be null and void, of no further force and effect.

I. If the property owner or occupant fails to comply with any of the requirements listed herein, then the City of Concord, after first giving to the property owner of record and occupant, thirty (30) days' written notice of such violation and a reasonable opportunity to comply with the terms, shall be permitted to declare these easements to be null and void, of no further force and effect.

3. The City Attorney is directed to take all necessary steps to complete the conveyance of the permanent and temporary easements to James Pharr, its successors or assigns. The City Manager is authorized to execute the necessary instruments to effectuate the sale in accordance with this resolution.

Adopted this 11th day of July 2024.

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 offers of infrastructure at Haven at Rock River Subdivision PH 1 Maps 1-3, Spring Meadows Subdivision PH 4 MP 1, Cypress Village Subdivision were accepted.

CONSENT AGENDA ITEM K

The offers of dedication were accepted on the following plat and easements: Upper Room Outreach International, Townhomes at Cannon Run, and 4349 Roberta Road.

CONSENT AGENDA ITEM L

The City's semiannual debt status report as of June 30, 2024 was accepted.

CONSENT AGENDA ITEM M

The Tax Office collection reports for the month of May 2024 were accepted.

CONSENT AGENDA ITEM N

The Tax releases/refunds for the month of May 2024 were approved.

CONSENT AGENDA ITEM O

The monthly report on investments as of May 31, 2024 was accepted.

* * * * *

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

William C. Dusch, Mayor

Kim J. Deason, City Clerk