

CONCORD CITY COUNCIL
REGULAR MEETING
DECEMBER 12, 2019

A regular meeting of the City Council for the City of Concord, North Carolina, was held on December 12, 2019, at 6:00 p.m., in the Council Room of City Hall, with Mayor William C. Dusch presiding. Council members were present as follows:

Members Present:

Mayor Pro-Tem John A. Sweat, Jr.
Council Member David W. Phillips
Council Member W. Brian King
Council Member Ella Mae P. Small
Council Member JC McKenzie
Council Member Terry L. Crawford
Council Member Jennifer H. Parsley

Others Present:

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

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

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

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Approval of Minutes:

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

Oath of Office administered to City Council Members:

Mayor Dusch administered the Oath of Office to newly elected official, Andy Langford, and to re-elected official W. Brian King.

The Honorable Christie Wilhelm administered the Oath of Office to re-elected officials, Jennifer Parsley and John A. Sweat, Jr.

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Following the Oaths of Office, a brief recess was held.

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Upon reconvening, the following agenda items were presented:

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

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

A motion was made by Council Member McKenzie, seconded by Council Member Small, and duly carried, to establish the second Thursday of each month at 6:00 p.m. as the regularly scheduled date and time for the Concord City Council meetings and to establish

the Tuesday prior to the regular meetings, at 4:00 p.m., as the regularly scheduled date and time for the City Council work sessions—the vote: all aye.

Election of Mayor Pro-Tem for CY2020:

Mayor Dusch stated that a Mayor Pro-Tem needed to be selected from the Council for CY 2020.

A motion was made by Council Member King, seconded by Council Member Parsley, and duly carried, to appoint Mayor Pro-Tem Sweat as Mayor Pro-Tem of the Concord City Council for CY 2020—the vote: all aye.

Presentations:

1. **Mayor Dusch presented a Proclamation to Derek "Tank" Schottle.**
2. **Mayor Dusch presented a retirement plaque to Captain Lester H. Cragan, III for over 30 years of service with the City of Concord Fire Department.**

Informational Items:

1. **Presentation of the Independent Auditor's report on the comprehensive annual financial report for fiscal year ending June 30, 2019.**

G.S. 159-34 requires each unit of local government or public authority to have its accounts audited as soon as possible after the close of each fiscal year by a certified public accountant or by an accountant certified by the Local Government Commission as qualified to audit local government accounts. The auditor shall be selected by and report directly to the governing board. As a minimum, the required report shall include the financial statements prepared in accordance with generally accepted accounting principles, all disclosures in the public interest require by law, and the auditor's opinion and comments relating to the financial statements.

A copy of the report will be available upon request and is also available on the City's website. The City's auditor firm for fiscal year ending June 30, 2019 is Elliott Davis, PLLC.

The Deputy Finance Director, Jessica Jones, introduced Kenneth Turner to present the annual auditor's report.

Mr. Turner stated the City received an unmodified opinion, which is a clean audit report. The City also did not receive any compliance deficiencies.

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A motion was made by Council Member McKenzie, seconded by Council Member Crawford, and duly carried, to amend the order of the agenda to hear the following agenda item first—the vote: all aye.

1. **Consider submitting a Letter of Support from the City of Concord for the Sam Leder "I've Got Your Back" Scholarship.**

The Sam Leder "I've Got Your Back" Scholarship will provide financial assistance to local high school students who plan to attend either Rowan-Cabarrus Community College, Cabarrus College of Health Sciences, Stanly Community College or Central Piedmont Community College. High School students from every Cabarrus County high school system, including A.L. Brown, will be eligible to apply. The Scholarship will be managed by the Foundation for the Carolinas with assistance from the Academic Learning Center during the fundraising phase.

Former City Manager, Brian Hiatt, explained the proposed Scholarship. Fund raising efforts are underway to raise \$100,000 to award the first scholarship in the Spring of 2020.

A motion was made by Council Member Parsley, seconded by Mayor Pro-Tem Sweat, and

duly carried, to submit a Letter of Support from the City of Concord for the Sam Leder "I've Got Your Back" Scholarship—the vote: all aye.

Public Hearings:

1. Conduct a public hearing to consider adopting an ordinance amending Articles 7, 8 and 14 of the Concord Development Ordinance (CDO) relative to Permissible uses.

With the adoption of the Concord 2030 Land Use Plan in March 2018, there are numerous recommendations for future development which may only be achieved with revisions of the CDO. The City has retained Tindale-Oliver to prepare most of the revisions, but staff is preparing some also, and the revisions will be coming for review and adoption in different phases. The first set of revisions relate to the permitted use chart in Article 8. This amendment contains items that the staff considers to be critical and time-sensitive in nature, and these revisions were discussed by the Planning Technical Team (PTT) at their September meeting.

Following staff's presentation at the November meeting, the Planning and Zoning Commission unanimously voted to refer the item to City Council for consideration. There are ten (10) major changes to the chart. They are as follows: 1) Removal of townhomes from C-2 district and clarification of how they are allowed in the O-I district; 2) Restriction of multifamily in the commercial districts and clarification of how they are allowed in O-I; 3) Clarification of how accessory dwelling units are permitted; 4) Clarification of the definition of homeless shelter/soup kitchen and adoption of spacing standards; 5) Removal of sexually oriented businesses as special uses to comply with the First Amendment; 6) Adoption of a category of event center (not a banquet home) and associated design standards; 7) Removal of self-service storage/mini-warehouses from the C-2 district; 8) Addition of a requirement for a repair bay for automotive repair and tire sales; 9) Removal of warehousing/distribution from I-2 and permitting them as special uses with supplemental standards; and 10) Adoption of supplemental standards and a modernized definition for truck terminals.

The changes were publicized through a press release and the City's Facebook page. Furthermore, all recognized neighborhoods received notice through NextDoor. Two comments were received prior to the Planning Commission meeting.

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

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

A motion was made by Council Member McKenzie, seconded by Council Member Crawford, and duly carried, to adopt the following ordinance amending Articles 7, 8 and 14 of the CDO relative to permitted uses, supplemental standards and definitions—the vote: all aye.

ORD. # 19-113

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

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

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

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL					COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1		I-2
Group Living	Congregate Care Senior Housing							PS	PS	PS	PS	PS				8.3.3.D
	Group Home	SS	S	S	SS	SS	S		SS	SS	PS	PS	PS			
	Family Care Home	PS	P	P	PS	PS	P	PS	PS							8.3.3.E
	Homeless Shelter/Soup Kitchen								SS	SS						8.3.4.I
	Social Service Institution								SS	SS			PS			8.3.4.F
PUBLIC AND CIVIC USES																
Community Service	Civic, Social and Fraternal Organization								P	P	P	P	P			
	Library, Public								P	P	P	P	P			
	Museum or Non-Profit Foundation	PS	P	P	PS	PS	P	PS	PS	P	P	P	P			
	Convention Center									S	SS	P	P			
Day Care	Child Care Center (not including home day care)	SS	S	S	SS	SS	S	SS	PS	PS	PS	PS	PS			8.3.4
Educational Facilities	All Educational Facilities, except as listed below								P	P	P	P	P			
	School, Boarding							PS	S	S	S	S	S			
	School, Business							P	P	P	P	P	P	P		
	School, Trade															
	School, Elementary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P		
Government Facilities	Animal Shelter	SS												PS	PS	8.3.2.B
	Correctional Institution	S									S					
	Governmental Building (excluding Correctional Institution)	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
	Post Office								P	P	P	P	P	P	P	
	Visitor Bureau								P	P	P	P	P	P	P	
Medical Facilities	Medical Clinic/Urgent Clear								P	P	P	P	P			
Parks and Open Areas	All Parks and Open Areas, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Cemetery	PS	P	P	PS	PS	P	PS	PS	PS	PS	PS	PS	PS	PS	8.3.4.C
	Golf Course, Public or Private	P	P	P	P	P	P					P	P			
	Hunting, Fishing, Game Preserve	S														
Passenger Terminals	Air transportation and related support facilities	S											P	P	P	
	Bus Charter Service, including passenger terminal													P	P	
	Limousine/Chauffeur Service/Taxi Company/Taxi Stand										SS	SS	PS			
	Public Transportation System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Places of Worship	Religious Institution/House of Worship, more than 350 seats	SS	S	S	SS	SS	S	SS	PS	SS	SS	PS	P			8.3.4.E
	Religious Institution/House of Worship, up to 350 seats	SS	S	S	SS	SS	S	SS	P	P	P	P	P			8.3.4.E
Utilities	All utilities, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Electric Generating Facility	S												S	P	

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
	Scientific Research & Development Service								P	P	P	P	P	P		
	Stock or Security Brokerage Firm								P	P	P	P	P			
	Telemarketing, Call Centers								P	P	P	P	P	P		
	Bank Teller Machine outdoor (Principal or Accessory Use)							P	P	P	P	P	P	P	P	
Outdoor Recreation	Amusement Park	P											P	P		
	Baseball Hitting Range, Golf Driving Range												P	P		
	Country Club	P	P	P	P	P	P	P					P	P		
	Equestrian Boarding Riding Arena, Commercial	P	P													
	Miniature Golf Course										P	P	P			
	Motion Picture Theater, drive-in	S												S	P	
	Racetrack and Spectator Sports, including racing test track														P	P
	Recreational Instruction and Camps, Indoor or Outdoor	P													P	P
Hotel, Motel, Inn	All overnight accommodations except as listed below															
	Bed and Breakfast Inn	PS	P S	S S	SS	SS	S S	SS	PS	PS	PS	PS	PS			8.3.5.C
	Campground	PS														8.3.5.D
Parking, Commercial							P S	PS	PS	P	P	P	P	P		8.3.5.E
Restaurants (see 8.2.6.F)	All restaurants except as listed below								P	P	P	P	P			
	Banquet Home	SS	S S	S S	SS	SS										8.3.5.N
	Private Club										SS	SS				8.3.5.F
	Restaurant, carryout, delivery, no seating									P	P	P	P			
	Restaurant, drive-thru or drive-in											P	P			
Alcoholic Beverage Production (see 8.2.6.J)	Brewpubs/Brewery-Micro										PS	PS	PS	PS	PS	8.3.5.O
	Brewery- Large													P	P	
	Winery/Cidery													P	P	8.3.5.O
	Winery/Cidery-Micro										PS	PS	PS	PS	PS	8.3.5.O
	Distillery													P	P	
Retail Sales and Services	All retail sales and service except as listed below									P	P	P	P			
	ABC Store											P	P			
	Animal Clinic/Hospital/Kennel	PS									PS	PS	PS	PS	PS	8.3.4.B
	Animal Grooming Establishment -- no overnight boarding										P	P	P	P	P	
	Animal Obedience School	SS												PS	PS	8.3.4.B
	Animal and/or Feed Supply Store	P										PS	PS			8.3.5.J
	Appliance Sales, Rental and Repair										P	P	P	P	P	
	Auction Sales Establishment													P		
	Blueprinting and Drafting Service									P	P	P	P	P		

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
	Building Material Supply no outdoor storage											P	P	P		
	Building Material Supply with outdoor storage												PS	P	P	8.3.5.G
	Cemetery Monument Dealer												P	P		
	Check Cashing Establishment												P			
	Cleaning and Maintenance Service									P	P	P	P	P		
	Convenience Store									PS	SS	PS	PS			8.3.5.H
	Delivery/Courier Service, local (no commercial vehicles)									P	P	P	P	P		
	Dry Cleaning Drop Off/Pick Up									P	P	P	P	P		
	Electronics Sales and Repair										P	P	P	P		
	Event Center										PS	PS	PS			8.3.5.R
	Farmer's Market/Produce Stand	P								P	P	P	P			8.3.5.I
	Flea Market	P											P	P		
	Floor Covering Store										P	P	P			
	Grocery/Food Store									P	P	P	P			
	Fortuneteller, Divination, Palmistry												S			
	Funeral Home								P	P		P	P	P		
	Internet/Electronic Gaming									PS		PS	PS			8.3.5.L
	Laundromat (self service)									P	S	P	P			
	Lawn and Garden Supply, Nursery with Outdoor Storage	P											P	P		8.3.5.J
	Lawn and Garden Supply without Outdoor Storage										P	P	P	P		
	Massage Therapist								P	P	P	P	P	P		
	Pawnshop										S	S	P			
	Photofinishing Laboratory												P	P	P	
	Printing and Related Support Activities												P	P	P	
	Shopping Centers, less than 25,000 sq. ft.									P	P	P	P			
	Shopping Centers, greater than 25,000 sq. ft.												P			
	Sign or Banner Shop with outdoor storage													P	P	
	Sign or Banner shop without outdoor storage										P	P	P	P		
	Swimming Pool, Hot Tub Sales and Service												P	P		
	Tattoo Parlor, Body Piercing												PS			
	Taxidermist												P			
	Weight Loss Centers									P	P	P	P	P		
Self Service Storage	Self-service storage, including mini-warehouses													PS	PS	8.3.6.E

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL				COMMERCIAL					IND		Standards		
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2		I-1	I-2
Vehicle Sales and Service	Automobile Towing and Wrecker Service, Vehicle Storage Lot													PS	PS	8.3.6.H
	Automobile Parts, Tires and Accessories Store									PS		PS	PS	PS		8.3.6.I
	Automobile Repair, Major												PS	PS		8.3.6.H 8.3.6.I
	Automobile Repair, Minor										PS	PS	PS	PS	PS	8.3.6.D 8.3.6.I
	Automobile Wash (carwash) including detailing service												P	P	P	
	Manufactured Home Sales												PS	PS		8.3.6.F
	Vehicle Sales, Lease, Rental, including boat, RV and storage buildings												PS	PS	PS	8.3.6.G
	Truck Stop, Travel Plaza													P	P	
INDUSTRIAL USES																
Light Industrial Service	Truck/Construction Equipment Rental													PS	P	
	Flex/Office Space												P	P	SS	
	All light industrial service, except as listed below												P	P		
	Cabinet and Woodwork Shop												P	P		
	Equipment Supply House, commercial												P	P	P	
	Food Catering Facility									PS	PS	PS	PS	PS		8.3.7.A
	LP Gas & Heating Oil Dealer												P	P	P	
	Machine Shop												P	P	P	
	Musical Instrument Manufacturing												P	P	P	
	Pest Control Service												P	P	P	
	Portable Toilet Service														P	
	Small Engine Repair												P	P	P	
	Tire Recap and Repair Facility														P	
	Upholstery Shop													P	P	
	Shipping Container Development									PS	PS	PS	PS	PS	PS	PS
Warehouse and Freight Movement	Electronic Shopping, Mail Order House													P	P	
	Moving and Storage Facility													P	P	
	Product Distribution Center													SS		8.3.7.F
	Rail Transportation and Support Facilities													P		
	Warehousing and Storage, Non-farm related products													SS		8.3.7.F
	Truck Terminal and Support Facilities														SS	8.3.7.G
Waste Related Service	Hazardous Waste Facility														PS	8.3.7.B
	Sanitary Landfill														PS	8.3.6.B
	Recycling Processing Facility														P	
	Land Clearing, Inert Debris Landfill	PS												PS	PS	8.3.7.C
	Septic Tank Cleaning Service and Vehicle Storage Facility													P	P	
	Solid Waste Management Facility													P	P	

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
	Junkyard/Salvage Yard														SS	8.3.7.C
Heavy Industrial	All heavy industrial, except as listed below													P	P	
	Abrasive Products Manufacturing														P	
	Cement, Concrete, Clary, Brick and Stone Product Manufacturing														P	
	Chemical Manufacturing														P	
	Coal, Ore Supply with outdoor storage														S	
	Dry Cleaning/Laundry Plant												P	P	P	
	Food Manufacturing with Animal Slaughtering and Processing														S	
	Tobacco Manufacturing														P	
	Metal Plating														P	

SECTION 3: That Article 7 “Base Zoning Districts,” Section 7.7 “Single Family Site Design Standards”, Section 7.7.4 “Site Elements” be amended to the following:

I. Special Standards for Single Family Attached Residences (Townhomes) in the O-I District

Single family attached residences (townhomes) shall be permissible only as incidental to an institutional use (such as a church or school).

SECTION 4: That Article 7 “Base Zoning Districts,” Section 7.8 “Standards for Multi-family Developments”, Table 7.8.17 be amended to the following:

7.8.17. MULTI-FAMILY DIMENSIONAL STANDARDS

TABLE 7.8.17.

Density	See Table 7.6.2 A. * No density limits apply in the Center City (CC) district Multi-family units on the upper floors of commercial structures in B-1, C-1 and C-2 shall not be subject to density limits
Lot Width and Depth	See Table 7.6.2 A. *
Front Setback or	Developments of less than 40 dwelling units: see Table 7.6.2 B. *
Street Side Setback	Developments of 40 or more dwelling units: 50 feet, except that the minimum front setback may be reduced to 20 feet if all required off-street parking is located at the rear of the building(s).
Interior Side Setback	20 feet
Rear Setback	20 feet
Separation Between Buildings	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet

<p>Common Space</p>	<p>Open</p> <p>See Table (10.5)</p> <p>(Note: multi-family developments allowed in non-residential districts shall comply with the open space standards for residential districts in Table (10.5.13)</p>
<p>Maximum Building Length</p>	<p>180 feet</p>

Note: Multi-family or Single-family attached developments that are allowed (by right or as conditional use) in non-residential districts shall use the dimensional and density standards of Table 7.6.2 A except as specified above. Multi-family or single family attached developments in the O-I district shall only be permissible as incidental to an institutional use (such as a church or school). In the B-1, C-1 and C-2 zoning districts, multi-family development shall only be permissible on thirty percent (30%) of the total land area of the parcel (exclusive of floodplain and stream buffers)

SECTION 5: That Article 8 “Use Regulations,” Section 8.3 “Supplemental Regulations for Certain Uses”, Section 8.3.4 “Public and Civic Uses” be amended to add the following:

8.3.4.I Homeless Shelter/Soup Kitchen

Homeless shelters/soup kitchens shall have a minimum lot area of one (2) acre. New homeless shelters/soup kitchens shall be separated from existing homeless shelters/soup kitchens by at least 800 feet measured from property line to property line.

SECTION 6: That Article 8 “Use Regulations,” Section 8.3 “Supplemental Regulations for Certain Uses”, Section 8.3.5 “Commercial Uses” be amended to add the following:

8.3.5.R Event Center

With the exception of the CC zoning district, an event center may be established only as an accessory use to another principal commercial use. All related activities shall be conducted within a totally enclosed structure.

8.3.6.I Automobile Repair (Major and Minor) /Tire Sales

Enclosed structures and/or bay doors shall be provided and repairs/tire installation shall take place within the building.

SECTION 7: That Article 8 “Use Regulations,” Section 8.3 “Supplemental Regulations for Certain Uses”, Section 8.3.7 “Industrial Uses” be amended to add the following:

8.3.7.F Product Distribution Center, Warehousing and Storage, Non-farm related products

The facility shall be located on an arterial or thoroughfare. The use may be considered within an industrial park if the street accesses an arterial or thoroughfare and the street is constructed to accommodate projected truck traffic, and the street does not serve passenger vehicle traffic other than employees or customers of the development in which the proposed facility is located.

SECTION 7: That this Ordinance be effective immediately upon adoption.

Adopted on this December 12th, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

2. Conduct a public hearing to consider adopting an ordinance amending the 2030 Land Use Plan relative to Table 5-3, Future Land Use Categories.

The 2030 Land Use Plan was adopted in 2017. In the year and a half since adoption, City Staff has encountered scenarios where the Land Use Plan needs minor corrections; specifically Chapter 5, Land Use, as it relates to Table 5-3, Future Land Use Categories, and the applicable zoning districts to the Land Use categories. Staff suggests that Table 5-3 be amended to add and delete zoning classifications from several Land Use Categories to be in conformance with the overall intent of the Land Use Plan and to accommodate accurate and City zoning districts. Amending the Land Use Plan will decrease the number of rezonings that must go before City Council for a Land Use Plan amendment and will also eliminate zoning districts and uses within incompatible areas such as the Industrial/Employment Land Use Category. The Planning and Zoning Commission reviewed the proposed amendments at their November 17, 2019 meeting and unanimously voted to recommend the document to City Council for approval.

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

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

A motion was made by Council Member McKenzie, seconded by Council Member Crawford, and duly carried, to adopt the following ordinance to amend the 2030 Land Use Plan relative to Table 5-3, Future Land Use Categories—the vote: all aye.

ORD.# 19-114

**AN ORDINANCE AMENDING THE 2030 LAND USE PLAN
OF THE CITY OF CONCORD, NORTH CAROLINA**

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

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

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

WHEREAS, the City of Concord, North Carolina Pursuant to the authority conferred by North Carolina General Statutes §160A-383 must ensure prior to adopting or rejecting any zoning amendment that zoning regulations are made in accordance with the Comprehensive Plan.

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

SECTION 1: That the 2030 Land Use Plan "Table 5-3: Future Land Use Categories" be repealed in its entirety and replaced with the attached document.

SECTION 2: That this Ordinance be effective immediately upon adoption.

Adopted in this December 12th, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

3. Conduct a public hearing and consider adopting an ordinance annexing one parcel of land, located at 301 Goodman Rd (PIN 4690-48-8666) owned by Steven Greer Poplin and Mary Beth Poplin.

The subject property consists of approximately 3.72 Acres and is located at 301 Goodman Road, on the east side of Goodman Road, southwest of Glen Afton Blvd. Jason Banks with Orsborn Engineering (authorized agent) requested annexation of the subject property in order to construct additional parking for an industrial project directly to the south. The subject property is contiguous to the City of Concord primary corporate limits.

If approved, staff intends to administratively propose a rezoning to I-2 (Heavy Industrial). The 2030 Land Use Plan (LUP) designates the subject property as Industrial and I-2 is a corresponding zoning district to the Land Use Category.

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

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

A motion was made by Council Member McKenzie, seconded by Council Member King, and duly carried, to adopt the following annexation ordinance and set the effective date for December 12, 2019—the vote: all aye.

ORD.# 19-115

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE PROPERTY LOCATED AT 301 GOODMAN RD, CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Jason Banks of Orsborn Engineering on December 12, 2019 to annex the area described below; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petitions; and

WHEREAS, the City Clerk has certified the sufficiency of the petitions and a public hearing on the question of this annexation was held at Concord City Hall, 35 Cabarrus Avenue West, on December 12, 2019 after due notice by The Independent Tribune on December 1, 2019; and

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

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

SECTION 1. By virtue of the authority granted by G.S. 160A-58.1, the following described territory is hereby annexed and made part of the City of Concord, as of the 12th day of December 2019:

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

BEGINNING at a point in or near the centerline of Goodman Road (SR 1441), said point being on the southerly boundary of the property of Nancy A. Smith and Richard A. Smith (now or formerly) as described in Deed Book 10422, Page 344 in the Cabarrus County Public Registry (the "Registry"); thence with and along aforesaid southerly boundary of the property of Nancy A. Smith and Richard A. Smith S 49°23'21" E (passing an existing 1/2 inch iron rod at 35.21 feet) a total distance of 814.80 feet to a new 1/2 inch iron rod, said iron being a northeasterly corner of the property of Scannell Properties #378, LLC (now or formerly) as described in Deed Book 13444, Page 29 in said Registry; thence with and along the northerly boundary of aforesaid property of Scannell Properties #378, LLC the following three (3) courses and distances: 1) S 40°29'15" W a distance of 54.84 feet to an existing 1/2 inch iron rod; 2) N 74°03'56" W a distance of 407.98 feet to an existing 1/2 inch iron rod; 3) N 80°39'39" W (passing an existing 1/2 inch iron rod at 315.16 feet) a total distance of 350.00 feet to a point in or near the centerline of Goodman Road (SR 1441); thence within the right-of-way of Goodman Road for the following three (3) courses and distances: 1) N 25°49'28" E a distance of 22.52 feet to a point; 2) N 22°32'41" E a distance of 209.87 feet to a point; 3) N 18°48'43" E a distance of 199.85 feet to the point of BEGINNING, having an area of 174,165 square feet or 3.9983 acres, more or less.

SECTION 2. Upon and after the 12th day of December, 2019 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Concord and shall be entitled to the same privileges and benefits as other parts of the City of Concord. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

SECTION 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Concord.

Adopted this 12th day of December 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

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

The authorized petitioner for the annexation is Keith Rains, PE, of McKim and Creed. The subject property consists of +/- 56.83 acres on the northeast corner of Rocky River Road and Lower Rocky River Road. The property is also adjacent to the southwest corner of the Mills and Rocky River project, and west of Rocky River Elementary School. The applicant has proposed to annex the subject property for the development of a single-family detached subdivision. Should annexation be adopted, a request for the RV-CD (Residential Village Conditional District) zoning classification will be presented to the Planning and Zoning Commission.

A preliminary site plan indicating a maximum of 113 lots has been submitted. This site plan has been through one complete round of technical site review by City staff and is currently under the second submittal review. Additional modifications may be required as a result of this and subsequent reviews.

The property is currently zoned CR (Countryside Residential) in Cabarrus County which permits a density of up to one (1) dwelling unit per acre. Under the current annexation/rezoning proposal, density would be +/- 1.95 dwelling units per acre. The subject property is located within the 2030 Land Use Plan's Suburban Neighborhood Land Use Category, Conservation District Character Area, and the Central Area Plan's Very Low Density development guide. RV and conditional district variations are compatible zoning classifications to the Land Use Category. However, the Central Area Plan's guidance only allows density up to 1 unit per two acres or 2 units per acre with additional development standards.

The 2030 Land Use Plan's Conservation District Character Area sets basic recommendations for developments in this area. However, specific Development Ordinance standards have not yet been adopted for regulation of subdivisions in this area but are currently in the composition process. Staff cannot verify the final Conservation Subdivision standards and therefore will be limited to reviewing the rezoning proposal against current basic subdivision standards and the minimal and suggestive (not required by ordinance) guidance provided by the Land Use Plan until those regulations are adopted.

Staff's opinion is that this project does not meet the intent of the Conservation Subdivision section of the 2030 Land Use Plan.

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

The Planning Manager stated the applicant has requested the request be tabled for 60 days.

A motion was made by Council Member Crawford, seconded by Council Member King, and duly carried, to table this request until the February 13, 2020 City Council meeting—the vote: all aye.

5. Conduct a public hearing and consider adopting an ordinance for annexation of five (5) parcels located to the southeast of the Fountainview Ave. and Roberta Rd intersection, and southeast of the Marlboro Drive SW and Shadowcrest Dr SW intersection.

The property is owned by Journey Capital LLC and the authorized petitioner for the annexation is Josh Collins of PresPro, LLC. Portions of this property were part of an annexation request that came before City Council on August 8, 2019 for the purpose of establishing sixteen (16) single family attached units (townhomes) on three (3) parcels. The annexation petition was denied, as City Council did not find the proposed use consistent with the surrounding neighborhood. The same owner and applicant submitted a new application and site plan for a single-family development, with the inclusion of two additional parcels.

The subject property consists of four (4) parcels approximately 2.583 acres, and one (1) parcel of 0.742 acres, totaling 3.325 acres. Four (4) of the parcels are located on the east side of Roberta Road, south of Fountainview Avenue, and one (1) parcel is located

southeast of Marlboro Dr. SW, on the west side of Shadowcrest Dr. SW. The subject property is depicted by the provided annexation map and is contiguous to the City of Concord primary corporate limits. If the annexation is approved, the applicant intends to pursue a rezoning to RV-CD (Residential Village Conditional District) for the purpose of establishing twelve (12) single-family lots.

NCDOT has reviewed and approved the dual access points leading to an internal private drive on Roberta Road. However, the site plan is currently under review with City staff and initial comments indicate that the design may not meet City standards for Fire turning radius and access. Furthermore, the Solid Waste department voiced concerns related to the turn radius and the utilization private streets requiring a damage waiver and does not recommend the proposed design from a service standpoint.

The 2030 Land Use Plan (LUP) designates the subject property as Suburban Neighborhood and RV and conditional district variations as corresponding zonings districts to the Land Use Category. Staff's interpretation of the Land Use Plan relative to the proposal is that the proposed 7,800-13,608 square foot lots are substantially smaller than the surrounding properties (which average 30,000 square feet), and therefore, are inconsistent with the surrounding neighborhood and intent of the Land Use Plan.

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

The City Manager stated the applicant has requested this request be table until the January 9, 2020 City Council meeting.

Deb Earl, 3602 Shadowcrest Dr, SW, and Gwen Brown, 3589 Shadowcrest Dr, SW spoke in opposition to the annexation request.

There were no further speakers for or against the request. Therefore a motion was made by Council Member Small, seconded by Council Member King, and duly carried, to close the public hearing.

A motion was made by Council Member McKenzie, seconded by Council Member King, and duly carried, to deny the annexation petition—the vote: all aye.

Presentations of Petitions and Requests:

2. Consider authorizing the City Manager to negotiate and execute a contract with Hall Contracting Corporation for the installation of the NC Highway 49 30" water main.

The NC Highway 49 30" water main project consists of the installation of approximately 2,995 linear feet of 30" water transmission main between Erickson Ct., SE to west of Atando Rd. This new water line will further enhance system pressure and enable greater volumes of water to be distributed throughout the system more efficiently as outlined in the City's recently completed Water Master Plan Project.

The project was bid under the formal bidding process. Bids were taken on November 21, 2019 and 7 bids were received. The lowest responsible bidder was Hall Contracting Corporation in the amount of \$1,927,783, which is within budget.

A motion was made by Council Member Parsley, seconded by Mayor Pro-Tem Sweat, and duly carried, to authorize the City Manager to negotiate and execute a contract with Hall Contracting Corporation in the amount of \$1,927,783 for the installation of the NC Highway 49 30" water main—the vote: all aye.

3. Consider declaring as surplus and authorizing the sale of eight (8) Caterpillar 3516 diesel Peak Shaving Generator units.

This will be a surplus sale of eight (8) Peak Shaving Generator units, nearing their "end of life cycle", that were previously used to reduce peak system demands, resulting in a financial gain under the City's prior Wholesale Power Purchase Agreement (PPA). Electric

staff negotiated a guaranteed capacity credit in the current PPA, which allows for the financial gain without the need to peak shave. Sale of the generators is coupled with extensive decommissioning efforts for the site, including removal of; three (3) 10,000-gallon fuel tanks, four (4) 1,000-gallon tanks, cooling equipment, exhaust stacks, structure venting system, associated electrical switch-gear and fuel/oil piping and filtration systems.

A request for proposals to purchase the generators and perform the decommissioning work was issued and bids were received. The highest responsive bid was received from KTF Contractor Services LLC. in the amount of \$50,100 with net proceeds to the City.

A motion was made by Council Member Crawford, seconded by Mayor Pro-Tem Sweat, and duly carried, to declare eight (8) Caterpillar Diesel Peak Shaving Generator units as surplus and accept a bid to purchase the units and decommission the site from KTF Contractor Services LLC, in the amount of \$50,100—the vote: all aye.

4. Consider appointing/reappointing two members (1 board member and 1 alternate) to serve on the Centralina Council of Governments (CCOG) Board of Delegates for CY 2020.

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

A motion was made by Council Member Parsley, seconded by Council Member Small, and duly carried, to appoint Council Member Langford as the appointed member and Mayor Pro-Tem Sweat as the alternate member—the vote: all aye.

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

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

A motion was made by Mayor Pro-Tem Sweat, seconded by Council Member King, and duly carried, to appoint Council Member McKenzie as the appointed member and Council Member Crawford as the alternate member to the TAC—the vote: all aye.

A motion was made by Mayor Pro-Tem Sweat, seconded by Council Member Langford, and duly carried, to appoint Phillip Graham as the appointed member and Assistant City Manager, LeDerick Blackburn as the alternate to the TCC—the vote: all aye.

6. Consider making an appointment to the Water Sewer Authority of Cabarrus County (WSACC) Board.

An appointment was needed on the WSACC Board to fill a vacancy.

A motion was made by Council Member King, seconded by Council Member McKenzie, and duly carried, to appoint Interim Water Resources Director, Jeff Corley, to the WSACC Board—the vote: all aye.

7. Consider a Preliminary Application from Melissa Jo Sides.

In accordance with City Code Chapter 62, Melissa Jo Sides submitted a preliminary application to receive sewer service outside the City limits. The property is located at 4636 Roberta Road. The parcel is .258 acres, zoned MDR and has one existing single family

home. The home is currently served with water and the applicant is requesting sewer service.

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

Additional Items:

1. Consider making an appointment to the Barber Scotia Property Task Force Committee.

A motion was made by Council Member King, seconded by Council Member Crawford, and duly carried, to appoint Council Member McKenzie to the Barber Scotia Property Task Force Committee—the vote: all aye.

2. Consider making appointments to the PTT Committee.

A motion was made by Council Member Parsley, seconded by Council Member King, and duly carried, to appoint Council Members McKenzie and Crawford to the PTT Committee—the vote: all aye.

* * * * *

CONSENT AGENDA:

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

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

CONSENT AGENDA ITEM A

The Fire Department was authorized to apply for the Cannon Charitable Interest organization grant.

CONSENT AGENDA ITEM B

The Housing Department was authorized to submit an application for the Family Self-Sufficiency Program grant.

CONSENT AGENDA ITEM C

The following ordinance was adopted ordering the demolition of the structure located at 625, 654, 656, and 658 Faith Drive.

ORD. # 19-118

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

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

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

WHEREAS, the owner of said dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Housing Code in accordance with G.S. 160A-443 (5) pursuant to an order issued by the Housing Code Enforcement Officer on July 31, 2017 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 Tregg S. Holbrook, Yessinia R. Holbrook, Donald Lee Newton Sr., Donald Lee Newton Jr., Steven D. Ross, AEGIS Wholesale Corp and Mortgage Electronic Registration Systems Inc. and located at the following address: 652, 654, 656 and 658 Faith Dr., Concord, NC.

Section 2: The Housing Code Enforcement Officer is hereby authorized and directed to proceed to vacate, close, demolish and remove the above described dwelling in accordance with his order to the owner thereof dated the 12th day of December, and with the Housing Code and G.S. 160A-443.

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

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

Section 5: This ordinance shall become effective December 12, 2019.

Adopted this 12th day of 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM D

The maintenance agreements were approved and the offers of dedication were accepted on the following properties: Moss Creek Charlotte, LLC and TAC Niblock, LLC.

CONSENT AGENDA ITEM E

The offer of infrastructure in the following subdivision and site was accepted: Settlers Landing Townhomes Ph 2 Map 2.

CONSENT AGENDA ITEM F

The following ordinances were adopted to amend the Stormwater Operating Fund and the Stormwater Project Fund to approve additional funding for the Stormwater Stream Restoration Project.

ORD.# 19-119

CAPITAL PROJECT ORDINANCE AMENDMENT

Stormwater Projects

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

SECTION 1. The projects authorized and amended are Stormwater Projects.

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

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

Account	Title	<u>Revenues</u>		
		Current Budget	Amended Budget	(Decrease) Increase
474-4501600				
474-4501600	From Stormwater	\$8,861,262	\$9,049,485	\$188,223
Total				\$188,223

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

Account	Title	<u>Expenses/Expenditures</u>		
		Current Budget	Amended Budget	(Decrease) Increase
7103-5811082	Future Projects	\$101,777	\$0	(\$101,777)
7103-5811082				
7102-5811201	Stream Restoration	\$2,157,765	\$2,447,765	\$290,000
7102-5811201				
Total				\$188,223

SECTION 4. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 5. Within five (5) days after adopted, copies of this grant/project amendment shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

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

Duly adopted by the City Council of the City of Concord, North Carolina this 12th day of December, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 19-120

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

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

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

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

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
600-4406000	Approp. Earnings	Retained \$2,592	\$190,815	\$188,223
Total				\$188,223

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
7100- 5987000	Transfer to Project	\$941,200	\$1,129,423	\$188,223
Total				\$188,223

Reason: To transfer additional funds to the stream restoration project per the new projected costs to complete the project.

Adopted this 12th day of December, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM G

The following ordinance was adopted to amend the FY19-20 Budget Ordinance for the General Fund to appropriate insurance reimbursements received.

ORD.# 19-121

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

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

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

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

Account	Title	Revenues		(Decrease) Increase
		Current Budget	Amended Budget	
100-4353100	Insurance Reimbursement	0	78,844	78,844
Total				78,844

Account	Title	Expenses/Expenditures		(Decrease) Increase
		Current Budget	Amended Budget	
4310-5540000	Vehicles – Capital	944,733	998,529	53,796
4550-5362000	Accident Repairs	0	16,785	16,785
4513-5299000	Supplies – Departmental	112,021	118,084	6,063
4510-5299000	Supplies – Departmental	37,363	39,563	2,200
Total				78,844

Reason: To appropriate insurance proceeds for the repair/replacement of vehicle/damaged property.

Adopted this 12th day of December, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM H

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

CONSENT AGENDA ITEM I

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

CONSENT AGENDA ITEM J

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

* * * * *

A motion was made by Council Member King, seconded by Council Member McKenzie, and duly carried, to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(3) to consult with the Attorney to protect the attorney-client privilege and to consider and give instructions concerning a judicial action titled Martin Luther Ritchie vs. City of Concord and PMA Management Corp; N.C. General Statute 143-318.11(a)(4) to discuss matters relating to the location or expansion of business in the area served by this body; N.C. General Statute 143-318.11(a)(5) to establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property currently owned by Eric and Kathleen Hefner, located at 1252 Cox Mill Road for the purpose of Parks and Recreation—the vote: all aye.

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

* * * * *

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire a portion of a property interest identified and defined, as follows:

Permanent Utility Easement (Exhibit A, Page 1 of 1)

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 3,497.24 Sq. Ft. or 0.080 Acres more or less, as shown on map titled. "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord of Dawn M. Lambert," dated 05/10/2018 an is attached as Exhibit A for further reference.

WHEREAS, the fee simple acquisition, affecting a portion of PIN 5600-89-7548 is currently owned by Dawn M. Lambert, is being acquired to construct the "Poplar Tent Road Sanitary Sewer Replacement Project;" and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owner to acquire the above-described properties by negotiated conveyance.

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

The City of Concord will acquire by condemnation or negotiated conveyance for the purposes stated above the property and interest therein described above to the Resolution.

The City Attorney is authorized and directed to acquire by negotiated offer or, in the alternative, institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes, to acquire the properties described above.

Adopted this 12th day of December, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE OR EMINENT DOMAIN TO ACQUIRE PROPERTY

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire a portion of a property interest identified and defined, as follows:

Permanent Utility Easement (Exhibit A, Page 1 of 1)

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as "Permanent Utility Easement Area #2: 812 Sq. Ft or 0.019 Acres, Now or formerly James A. Cook" on plat recorded in Map Book 80, at Page 15 of the Cabarrus County Registry and is attached as Exhibit A for further reference.

Temporary Construction Easement (Exhibit A, Page 1 of 1)

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as "Temporary Construction Easement Area #2: 1,965 Sq. Ft. or 0.045 Acres, "Now or Formerly James A. Cook on the plat recorded in Map Book 80, Page 15 of the Cabarrus County Registry and is attached as Exhibit A for further reference.

WHEREAS, the Permanent Utility Easement and the Temporary Construction Easement are both affecting a portion of PIN 5508-75-2329 which is currently owned by James A. Cook and is being acquired to construct the "Glen Eagles Drive Culvert Replacement Project;" and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owner to acquire the above-described properties by negotiated conveyance.

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

The City of Concord will acquire by condemnation or negotiated conveyance for the purposes stated above the property and interest therein described above to the Resolution.

The City Attorney is authorized and directed to acquire by negotiated offer or, in the alternative, institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes, to acquire the properties described above.

Adopted this 12th day of December, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE OR EMINENT DOMAIN TO ACQUIRE PROPERTY

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire a portion of a property interest identified and defined, as follows:

Permanent Utility Easement (Exhibit A, Page 1 of 1)

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 2,129.84 Sq. Ft. or 0.049

acres more or less, as shown on map titled. "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord of Michael Edward Stirewalt and wife, Rae Ann Stirewalt.," dated 05/10/2018 an is attached as Exhibit A for further reference.

WHEREAS, the easement acquisition affects a portion of PIN 5600-99-1611 which is currently owned by Michael Edward Stirewalt and wife, Rae Ann Stirewalt and is being acquired to construct the "Poplar Tent Road Sanitary Sewer Replacement Project;" and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owner to acquire the above-described properties by negotiated conveyance.

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

The City of Concord will acquire by condemnation or negotiated conveyance for the purposes stated above the property and interest therein described above to the Resolution.

The City Attorney is authorized and directed to acquire by negotiated offer or, in the alternative, institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes, to acquire the properties described above.

Adopted this 12th day of December, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire a portion of a property interest identified and defined, as follows:

Permanent Utility Easement (Exhibit A, Page 1 of 1)

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 2,397.57 Sq. Ft. or 0.055 Acres more or less, as shown on map titled. "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord of William Richard Wade, Jr.," dated 05/10/2018 an is attached as Exhibit A for further reference.

WHEREAS, the fee simple acquisition, affecting a portion of PIN 5600-89-6602 is currently owned by William Richard Wade, Jr., is being acquired to construct the "Poplar Tent Road Sanitary Sewer Replacement Project;" and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owner to acquire the above-described properties by negotiated conveyance.

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

The City of Concord will acquire by condemnation or negotiated conveyance for the purposes stated above the property and interest therein described above to the Resolution.

The City Attorney is authorized and directed to acquire by negotiated offer or, in the alternative, institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes, to acquire the properties described above.

Adopted this 12th day of December, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire a portion of a property interest identified and defined, as follows:

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 1,237.26 Sq. Ft. or 0.028 Acres, more or less, as shown on map titled. "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord of Mark James Stodgill," dated 04/01/2019 an is attached as Exhibit A for further reference.

WHEREAS, the fee simple acquisition, affecting a portion of PIN 5600-89-9589 is currently owned by Mark James Stodghill, is being acquired to construct the "Poplar Tent Road Sanitary Sewer Replacement Project;" and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owner to acquire the above-described properties by negotiated conveyance.

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

The City of Concord will acquire by condemnation or negotiated conveyance for the purposes stated above the property and interest therein described above to the Resolution.

The City Attorney is authorized and directed to acquire by negotiated offer or, in the alternative, institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes, to acquire the properties described above.

Adopted this 12th day of December, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire a portion of two property interests identified and defined, as follows:

Permanent Utility Easement (Exhibit A, Page 1 of 2)

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 1,960.56 Sq. Ft. or 0.045 Acres, more or less, as shown on map titled. "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord of TTO Partners, LLC, PIN

5610-19-3285" dated 04/01/2019 and are attached as Exhibit A, Page 1 of 2 for further reference.

Permanent Utility Easement (Exhibit A, Page 2 of 2)

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 3,021.84 Sq. Ft. or 0.069 Acres, more or less, as shown on map titled. "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord of TTO Partners, LLC, PIN 5610-19-4285," dated 04/01/2019 and are attached as Exhibit A, Page 2 and 2 for further reference.

Temporary Construction Easement (Exhibit A, Page 2 of 2)

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 1,548.67 Sq. Ft. or 0.036 Acres, more or less, as shown on map titled. "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord of TTO Partners, LLC, PIN 5610-19-4285" dated 04/01/2019 and are attached as Exhibit A, Page 2 of 2 for further reference.

WHEREAS, the easement acquisitions, both permanent and temporary, affect a portion of two properties specifically identified as being PIN 5610-19-3285 and PIN 5610-19-4285, which are currently owned by TTO Partners, LLC. All parcel descriptions listed above are being acquired for the purpose of constructing the "Poplar Tent Road Sanitary Sewer Replacement Project;" and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owner to acquire the above-described properties by negotiated conveyance.

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

The City of Concord will acquire by condemnation or negotiated conveyance for the purposes stated above the property and interest therein described above to the Resolution.

The City Attorney is authorized and directed to acquire by negotiated offer or, in the alternative, institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes, to acquire the properties described above.

Adopted this 12th day of December, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

* * * * *

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


Kim J. Deason, City Clerk


William C. Dusch, Mayor