

CONCORD CITY COUNCIL
REGULAR MEETING
OCTOBER 13, 2022

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 October 13, 2022, at 6:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

- Mayor Pro-Tem Terry L. Crawford
- Council Member Andy Langford
- Council Member W. Brian King
- Council Member JC McKenzie
- Council Member Jennifer Parsley-Hubbard
- Council Member John A. Sweat, Jr.

Members Absent:

Council Member Betty M. Stocks

Others Present:

- City Manager, Lloyd Wm. Payne, Jr.
- City Attorney, VaLerie Kolczynski
- City Clerk, Kimberly J. 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 Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to approve the minutes for the meetings of August 23, September 6, and September 8, 2022—the vote: all aye.

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Presentations:

1. Mayor Dusch presented a Proclamation recognizing October 23-31, as Red Ribbon Week.
2. Mayor Dusch presented the Award for Outstanding Achievement in Popular Financial Reporting and Triple Crown Award from the Government Finance Officers Association of the United States and Canada.

The City of Concord is a Triple Crown winner for the second year in a row, meaning the City received the Achievement Awards for our Annual Comprehensive Financial Report, Annual Operating Budget Document, and PAFR.

3. Mayor Dusch recognized the City of Concord Housing Department, in partnership with MIZZHBJ Enterprise, for receiving the Carolina Council of

Housing Redevelopment & Codes Officials 2022 Human Service Award for their program "KIDZ HELPING KIDZ SOAR".

Unfinished Business:

A. Continue a public hearing for case Z(CD)-07-21 and consider adopting an ordinance amending the official zoning map for +/- 54.8519 acres located northeast corner of International Drive and Highway 73, generally addressed as 4208 and 4515 Davidson Hwy from MX-CC2 (Mixed-Use Commercial Center Large) to I-1-CD (Light Industrial Conditional District) and C-2 (General Commercial).

This case was tabled from the June 9th City Council meeting and was continued to July. At the July meeting, the hearing was continued in order to allow the developer to meet with neighbors to explore a change to the site plan to address the truck access issue. In August and September, the developer requested additional continuances until October in order to continue conversations with the neighbors relative to noise issues and to develop a mutually agreed upon mitigation plan. The applicant has indicated that they have conducted a noise analysis, shared that study with the neighbors and are in the process of developing a set of conditions relative to noise mitigation.

The Planning and Zoning Commission heard the above referenced petition at their April 19th, 2022 public hearing and acted to deny the request. In accordance with Concord Development Ordinance section 3.2.4-B "The Commission may grant final approval of a zoning map amendment by a vote of at least three-fourths (3/4) of the members of the Commission present and not excused from voting. If the approval is by a vote of less than three-fourths, or if the Commission renders a recommendation of denial, the request shall be forwarded to the City Council for hearing at their next available meeting and the City Council shall have the authority to make a final decision on the zoning map amendment." According to the applicant, an office, warehouse, distribution and light industrial business park are the possible uses for the I-1-CD (Light Industrial Conditional District) area of the development and no specific plans have been provided for the C-2 (General Commercial) portion of the site.

The Planning and Neighborhood Development Services Deputy Director, Kevin Ashley, presented an overview of the proposed changes from the developer. These changes have been agreed upon by the adjacent property owners.

The developer, John Carmichael, spoke in favor of the requests. He stated that he and the adjacent property owners had met several times and have come to a proposed solution for their noise concerns.

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

A motion was made by Mayor-Pro-Tem Crawford and seconded by Council Member King to adopt the following Statement of Consistency—the vote: Aye – Langford, King, Stocks, Crawford, Parsley-Hubbard, and Sweat; Nay - McKenzie.

- The subject property is located on the north side of Davidson Highway (also referred to as Highway 73), just east of the I-85 interchange, is +/- 54.8519 acres, and is currently vacant.
- The subject property was voluntarily annexed on December 31, 1995 and on April 17, 2007 the property was rezoned to MX-CC2. The rezoning included a site plan, technical standards, and architectural renderings/illustrations for the proposed development.
- The proposed I-1-CD (Light Industrial Conditional District) and C-2 (General Commercial) zoning classifications are considered corresponding to the 2030 Land Use Plan's Industrial/Employment land use category. The proposal meets the intent of the Industrial/Employment (IE) Future Land Use category by

developing an industrial use suited for additional industrial development due to the presence of infrastructure and access to transportation routes, such as major highways and railroads. Furthermore, Industrial Uses such as the International Business Park and other industrial uses have already developed in close proximity.

- The zoning amendment is reasonable and in the public interest as the petition proposes an Industrial Use in close proximity to I-85 where most tractor trailer traffic will be routed to and from, minimizing the impact on traffic along Highway 73, and allows the property to develop as an Industrial Use which is consistent with the area.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard to adopt an ordinance amending the official zoning map from MX-CC2 (Mixed-Use Commercial Center Large) to I-1-CD (Light Industrial Conditional District) and C-2 (General Commercial) with the conditions as listed within the ordinance—the vote: Aye – Langford, King, Stocks, Crawford, Parsley-Hubbard, and Sweat; Nay - McKenzie.

ORD. #22-115

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF CONCORD, NORTH CAROLINA FOR PROPERTY LOCATED
AT 4208 AND 4515 DAVIDSON HIGHWAY, 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 Planning and Zoning Commission of the City of Concord, North Carolina:

SECTION 1. That the P&Z Commission held a duly advertised public hearing on April 19th, 2022. 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 located on the north side of Davidson Highway (also referred to as Highway 73), just east of the I-85 interchange, is +/- 54.8519 acres, and is currently vacant.
- The subject property was voluntarily annexed on December 31, 1995 and on April 17, 2007 the property was rezoned to MX-CC2. The rezoning included a site plan, technical standards, and architectural renderings/illustrations for the proposed development.
- The proposed I-1-CD (Light Industrial Conditional District) and C-2 (General Commercial) zoning classifications are considered corresponding to the 2030 Land Use Plan's Industrial/Employment land use category. The proposal meets the intent of the Industrial/Employment (IE) Future Land Use category by developing an industrial use suited for additional industrial development due to the presence of infrastructure and access to transportation routes, such as major highways and railroads. Furthermore, Industrial Uses such as the International Business Park and other industrial uses have already developed in close proximity.
- The zoning amendment is reasonable and in the public interest as the petition proposes an Industrial Use in close proximity to I-85 where most tractor trailer traffic will be routed to and from, minimizing the impact on traffic along Highway 73, and allows the property to develop as an Industrial Use which is consistent with the area.

The P&Z Commission then voted to DENY the map amendment and said vote was not by the required super-majority. Based upon Section 3.2.5 of the CDO and Session Law 1993, Chapter 247, House Bill 575, a denial is forwarded to City Council for hearing at their next available meeting date.

SECTION 2. That the City Council held a duly advertised public hearing on October 13, 2022. At the close of the public hearing, the City Council adopted the following "Statement of Zoning Consistency" as required by NC Gen. Stat 160A-382(b).

- The subject property is located on the north side of Davidson Highway (also referred to as Highway 73), just east of the I-85 interchange, is +/- 54.8519 acres, and is currently vacant.
- The subject property was voluntarily annexed on December 31, 1995 and on April 17, 2007 the property was rezoned to MX-CC2. The rezoning included a site plan, technical standards, and architectural renderings/illustrations for the proposed development.
- The proposed I-1-CD (Light Industrial Conditional District) and C-2 (General Commercial) zoning classifications are considered corresponding to the 2030 Land Use Plan's Industrial/Employment land use category. The proposal meets the intent of the Industrial/Employment (IE) Future Land Use category by developing an industrial use suited for additional industrial development due to the presence of infrastructure and access to transportation routes, such as major highways and railroads. Furthermore, Industrial Uses such as the International Business Park and other industrial uses have already developed in close proximity.
- The zoning amendment is reasonable and in the public interest as the petition proposes an Industrial Use in close proximity to I-85 where most tractor trailer traffic will be routed to and from, minimizing the impact on traffic along Highway 73, and allows the property to develop as an Industrial Use which is consistent with the area.

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.

The petitioner has consented to the following conditions (which apply only to the I-1-CD Parcel and not the C-2 Parcel):

1. Substantial compliance with the "Hwy 73 Industrial" Rezoning Plans, sheets RZ-1 and RZ- 2 revised 10/11/22, "North Elevation – Building A, and South Elevation Building A and East & West Elevation, Building A" dated March 21, 2022, also "South Elevation Building B, North Elevation Building B, and East & West Elevation Building B", dated March 11, 2022.
2. All uses permitted in the I-1 Zoning District as outlined in the City of Concord CDO shall be permitted excluding those listed below:
 - a. Agricultural Uses
 - b. Resource Extraction Uses
 - c. Educational Uses
 - d. Government Facilities
 - e. Passenger Terminals
 - f. Indoor Recreation Uses
 - g. Outdoor Recreation Uses
 - h. Retail Sales and Services
 - i. Vehicle Sales and Service
 - j. Commercial Parking as a Principle Use
 - k. Heavy Industrial Uses
 - l. Self-Service Storage
3. A 50' buffer will be placed along the east property boundary, which adjoins the Cambridge Commons neighborhood, with any existing vegetation 8 inches in diameter or greater shall be preserved to the greatest extent possible. Prior to any land disturbing activities on the site, the developer will meet with the City Arborist or authorized designee to tag all trees 8" or greater and to establish limits of disturbance along the eastern property line.
4. A maximum of two principle buildings may be developed on the site, with a maximum Gross Floor Area of 419,000 square feet.
5. The maximum height of any building constructed on the site shall be 50 feet as measured under the Concord Development Ordinance (C.D.O.). For each foot of height over 35 feet, two (2) additional feet of setback shall be provided when abutting residentially zoned property in accordance with Article 7.11.9. of the C.D.O.
6. All rooftop and above-ground mechanicals shall be screened from view to the greatest extent possible, considering the existing grade relative to the existing grades surrounding the property. This may be achieved through parapets on buildings, other structural screening, and/or landscaping.
7. A 4' tall black powder-coated aluminum decorative fence with evergreen shrubs planted 5' O.C. on the street-side of the fence will be installed between the street yard and parking lot yard.
8. Compliance with all minimum requirements relative to landscaping, stormwater, transportation, and Fire protection; and
9. Technical site review and approval plan shall be required.
10. The subject plan is not designed to preliminary plat or technical site plan standards and therefore, any intended or perceived deviation from technical standards resulting from the somewhat conceptual nature of

the plan shall not constitute approval to deviate from, or negate, technical standards within the Concord Development Ordinance, Technical Standards Manual, or any other regulatory document.

11. Developer shall install a 12 foot tall, double sided, wooden screen fence along that eastern portion of the eastern edge of the access drive from Highway 73 to Building Envelope B that is more particularly depicted on the Rezoning Plan. This wooden screen shall be installed prior to the issuance of the first certificate of occupancy for a building located in Building Envelope B.
12. Developer shall install Green Giant Arborvitae along that portion of the eastern edge of the access drive from Highway 73 to Building Envelope B that is more particularly depicted on the Rezoning Plan. The Green Giant Arborvitae shall be installed on the eastern side of the wooden fence referenced above in Paragraph A, the Green Giant Arborvitae shall each be a minimum of 6 feet in height at the time of installation and the Green Giant Arborvitae shall be planted at the rate of 8 trees per 100 feet or as directed by the City Arborist. The Green Giant Arborvitae shall be installed prior to the issuance of the first certificate of occupancy for a building located in Building Envelope B.
Developer shall be responsible for maintaining the Green Giant Arborvitae and replacing any dead or dying Green Giant Arborvitae. Replacement Green Giant Arborvitae shall each be a minimum of 6 feet in height at the time of installation.
13. Developer shall install a sign adjacent to the access drive from Highway 73 to Building Envelope B that provides that the maximum speed limit on this access drive is 10 miles per hour.
14. Developer shall install a sign adjacent to the access drive from Highway 73 to Building Envelope B that provides that engine braking for trucks is not permitted on this access drive.
15. An existing wooden fence is located along or near a portion of the Site's eastern boundary line (the common property line with the Cambridge Commons Community). Portions of this wooden screen fence are in a state of despair. Developer, at its cost and expense, shall repair or replace (as necessary) those segments of this wooden screen fence that are in a state of disrepair. In the event that any segment of this wooden screen fence that is in a state of disrepair is not located on the Site and is located on an adjacent parcel of land, the owner of the adjacent parcel of land must consent in writing to the repair or replacement (as necessary) of such segment of this wooden screen fence by Developer.
If an owner of an adjacent parcel of land does not consent in writing to the repair or replacement (as necessary) of the segment of the wooden screen fence located on such owner's adjacent parcel of land, then Developer shall have no obligation to do so.
16. Developer, at its cost and expense, shall engage an arborist to review and inspect the existing trees located on the Site that are located along or near the Site's common property line with the Cambridge Commons Community and Developer shall submit the report to the Concord City Arborist for his review and approval. Based upon the report of the arborist, Developer shall remove any dead or dying trees and/or limbs that are located on the Site along or near the Site's common property line with the Cambridge Commons Community.

SECTION 3: That the Official Zoning Map is hereby amended by rezoning from Mixed Use-Commercial Center Large (MX-CC2) to Light Industrial – Conditional District

(I-1-CD) and General Commercial (C-2) the areas described as follows:

Being all of that tract or parcel of land situated, lying and being in the City of Concord, Cabarrus County, North Carolina, and being more particularly described as follows:

I-1-CD Portion:

Commencing at an existing NGS monument "Hanover" having NC Grid NAD 83 coordinates of N: 616,524.02, E: 1,510,789.48, thence North $76^{\circ}27'53''$ West a horizontal ground distance of 1363.68 feet to an existing 1/2" iron rod, situated at the intersection of the northerly margin of Davidson Highway (NC Highway 73)(an assumed 60' public right-of-way) as shown on NCDOT plans project number 34187.2.2 (ID number I-3808B) with the southwesterly corner of Lot 2 as shown on Map Book 28, Page 68, all Deed and Map Books recorded in the Cabarrus County Public Register of Deeds; thence along the westerly line of Lot 2 and Lot 3 as shown on the aforesaid Map Book 28, Page 68, North $03^{\circ}38'39''$ East passing an existing 1/2" iron rod at 6.22 feet for a total distance of 34.08 feet to a new 1/2" iron rod, situated on the northerly margin of Davidson Highway (NC Highway 73)(a variable width right-of-way) as shown on NCDOT plans project number 34187.2.2 (ID number I-3808B) and described in Deed Book 12988, Page 146 and 10035, Page 24 and being the Point of Beginning; thence along the aforesaid northerly margin for the following twelve (12) courses and distances; 1) North $67^{\circ}15'05''$ West a distance of 0.45 feet to a new 1/2" iron rod; 2) North $42^{\circ}31'13''$ West a distance of 86.58 feet to a new 1/2" iron rod; 3) North $17^{\circ}02'37''$ West a distance of 158.56 feet to a new 1/2" iron rod; 4) South $86^{\circ}13'02''$ West a distance of 120.00 feet to a new 1/2" iron rod; 5) South $25^{\circ}06'35''$ West a distance of 101.01 feet to a new 1/2" iron rod; 6) South $61^{\circ}40'18''$ West a distance of 72.33 feet to a new 1/2" iron rod; 7) North $78^{\circ}09'11''$ West a distance of 270.91 feet to an existing metal monument; 8) North $58^{\circ}30'56''$ West a distance of 61.79 feet to an existing metal monument; 9) North $76^{\circ}42'04''$ West a distance of 297.97 feet to an existing metal monument; 10) South $88^{\circ}02'05''$ West a distance of 144.07 feet to an existing metal monument; 11) North $76^{\circ}09'10''$ West a distance of 154.47 feet to a new 1/2" iron rod; 12) North $78^{\circ}11'43''$ West a distance of 210.66 to a new 1/2" iron rod; thence leaving aforesaid northerly margin and running with a new line through the lands of AAC/Shoffner Development LP as described in Deed Book 8072, Page 60 North $24^{\circ}31'18''$ East a distance of 559.17 feet to a point in the centerline of a creek; thence with the centerline of a creek for the following four (4) courses and distances: 1) South $84^{\circ}19'21''$ West a distance of 9.98 feet to a point; 2) South $71^{\circ}16'53''$ West a distance of 8.45 feet to a point; 3) South $83^{\circ}54'41''$ West a distance of 33.97 feet to a point; 4) North $66^{\circ}12'10''$ West a distance of 12.20 feet to a point; thence leaving said creek and running with a line through the aforesaid lands of AAC/Shoffner Development LP North $87^{\circ}52'12''$ West a distance of 95.27 feet to an existing 1" iron pipe being the northeast corner of the lands of AAC/Shoffner Development LP as described in Deed Book 8072, Page 65; thence with the northerly line of the lands of aforesaid AAC/Shoffner Development LP North $83^{\circ}27'17''$ West a distance of 253.14 feet to an existing 1" iron pipe being the northeast corner of the land of Shree Kamnath Corporation as described in Deed Book 11316, Page 281; thence with the northerly line of the lands of Shree Kamnath Corporation for the following three (3) courses and distances: 1) North $83^{\circ}45'15''$ West a distance of 101.62 feet to an existing 1" iron pipe; 2) North $71^{\circ}03'05''$ West a distance of 233.62 feet to an existing 1/2" iron rod; 3) North $84^{\circ}04'17''$ West a distance of 33.75 feet to an existing 1/2" iron rod being the northeast corner of the land of Propst Bros. Dist., Inc as described in Deed Book 11426, Page 336; thence with the northerly line of the lands of Propst Bros. Dist., Inc. North $84^{\circ}04'17''$ West a distance of 63.53 feet to an existing 1" iron pipe, situated on the southerly margin of the aforesaid US Interstate 85 (an assumed variable width public

right-of-way); thence along the aforesaid southerly margin for the following eleven (11) courses and distances; 1) North $55^{\circ}26'138''$ East a distance of 75.21 feet to an existing metal monument; 2) North $50^{\circ}41'129''$ East a distance of 238.78 feet to an existing 3"x3" concrete monument; 3) North $66^{\circ}39'132''$ East a distance of 42.81 feet to an existing 3"x3" concrete monument; 4) North $67^{\circ}46'117''$ East passing an existing 1/2" iron rod at 36.75 feet for a total distance of 293.14 feet to a new 1/2" iron rod; 5) with a curve along the arc of a curve to the right said curve having an arc length of 1755.12 feet a radius of 5583.11 feet (chord bearing of North $77^{\circ}43'100''$ East and chord distance of 1747.90 feet) to an existing metal monument; 6) South $79^{\circ}13'112''$ East a distance of 99.86 feet to an existing metal monument; 7) North $88^{\circ}13'115''$ East a distance of 48.65 feet to an existing metal monument; 8) North $75^{\circ}40'123''$ East a distance of 50.25 feet to an existing metal monument; 9) North $86^{\circ}13'131''$ East a distance of 257.40 feet to an existing 6"x6" concrete monument; 10) North $89^{\circ}18'143''$ East a distance of 141.54 feet to an existing 6"x6" concrete monument; 11) South $88^{\circ}53'159''$ East a distance of 6.40 feet to an existing 5/8" iron rod, situated on the northerly line of the lands of Willie H. Foster as described in Deed Book 506, Page 701; thence along the northerly line of the aforesaid lands and along the northerly and westerly lines of the lands as shown on Map Book 28, Page 68 for the following thirteen (13) courses and distances; 1) South $58^{\circ}35'134''$ West a distance of 882.82 feet to an existing 5/8" iron rod; 2) South $58^{\circ}32'152''$ West passing an existing 1/2" iron rod at 22.91 feet, continue and passing an existing 5/8" iron rod at 122.56 feet for a total distance of 497.42 feet to an existing 1/2" iron rod; 3) North $85^{\circ}07'27''$ East a distance of 132.51 feet to an existing 1/2" iron rod; 4) with a curve along the arc of a curve to the right said curve having an arc length of 47.13 feet a radius of 130.00 feet (chord bearing of North $57^{\circ}08'125''$ East and chord distance of 46.88 feet) to an existing 1/2" iron rod; 5) with a compound curve along the arc of a curve to the right said curve having an arc length of 94.84 feet a radius of 192.77 feet (chord bearing of North $81^{\circ}39'110''$ East and chord distance of 93.88 feet) to an existing 1/2" iron rod; 6) South $85^{\circ}50'127''$ East a distance of 5.88 feet to an existing 1/2" iron rod; 7) with a curve along the arc of a curve to the right said curve having an arc length of 48.13 feet a radius of 57.18 feet (chord bearing of South $59^{\circ}47'114''$ East and chord distance of 46.72 feet) to an existing 1/2" iron rod; 8) North $85^{\circ}09'117''$ East a distance of 99.92 feet to an existing 1/2" iron rod; 9) South $03^{\circ}25'124''$ West a distance of 189.07 feet to a new 1/2" iron rod; 10) South $87^{\circ}53'114''$ East a distance of 19.43 feet to an existing 1/2" iron rod; 11) South $03^{\circ}40'100''$ West passing an existing 1/2" iron rod at 317.57 feet for a total distance of 349.98 feet to an existing 1/2" iron rod; 12) North $86^{\circ}21'111''$ West a distance of 19.98 feet to an existing 1/2" iron rod; 13) South $03^{\circ}38'139''$ West a distance of 435.26 feet to the Point of Beginning; containing 2,171,511 square feet or 49.8510 acres of land, more or less, as shown on a survey prepared by R. B. Pharr & Associates, P.A. dated February 25, 2021 (Project No. 92583).

C-2 Portion:

Commencing at an existing NGS monument "Hanover" having NC Grid NAD 83 coordinates of N: 616,524.02, E: 1,510,789.48, thence North $76^{\circ}41'43''$ West a horizontal ground distance of 3305.17 feet to a new 1/2" iron rod, situated on the northerly margin of Davidson Highway (NC Highway 73)(a variable width right-of-way) as shown on NCDOT plans project number 34187.2.2 (ID number I-3808B) and described in Deed Book 12988, Page 146 and 10035, Page 24, all Deed and Map Books recorded in the Cabarrus County Public Register of Deeds, said point being the southeast corner of the land of Shree Kamnath Corporation as described in Deed Book 11316, Page 281; thence with the easterly line of the lands of Shree Kamnath Corporation North $31^{\circ}47'41''$ East a distance of 523.26 feet to an existing 1" iron pipe, situated on the southerly line of the land of Shoffner Development, LLC as described in Deed Book 8072, Page 56; thence

along the southerly line of the aforesaid lands for the following six (6) courses and distances: 1) South 83°27'17" East a distance of 253.14 feet to an existing 1" iron pipe; 2) South 87°52'12" East a distance of 95.27 feet to a point in the centerline of a creek; 3) South 66°12'10" East a distance of 12.20 feet to a point in the centerline of a creek; 4) North 83°54'41" East a distance of 33.97 feet to a point in the centerline of a creek; 5) North 71°16'53" East a distance of 8.45 feet to a point in the centerline of a creek; 6) North 84°19'21" East a distance of 9.98 feet to a point in the centerline of a creek; thence turning and leaving said creek and running with a new line through the lands of Shoffner Development, LLC as described in Deed Book 8072, Page 60 South 24°31'18" West a distance of 559.17 feet to a new 1/2" iron rod, situated on the northerly margin of the aforesaid Davidson Highway; thence along the aforesaid northerly margin of Davidson Highway for the following four (4) courses and distances: 1) North 78°11'43" West a distance of 202.49 feet to an existing metal monument; 2) North 74°19'58" West a distance of 101.31 feet to an existing metal monument; 3) North 80°45'39" West a distance of 101.27 feet to an existing metal monument; 4) North 81°07'30" West a distance of 58.16 feet to the Point of Beginning; Containing 217,838 square feet or 5.0009 acres of land, more or less, as shown on a survey prepared by R. B. Pharr & Associates, P.A. dated February 25, 2021 (Project No. 92583).

IF APPROVED

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

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

SECTION 6. That the effective date hereof is the 13th day of October 2022

Adopted this 13^h day of October 2022

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

B. Continue a public hearing for case TA-09-22 and consider adopting an ordinance amending the Concord Development Ordinance, Section 8.3.5.Q.5, and Article 14, regarding supplementary regulations and the definition of Food Trucks.

This item was withdrawn from consideration by Council at the recommendation of staff.

Informational Items:

1. Cabarrus Economic Development Corporation (EDC) Executive Director, Page Castrodale, presented the EDC Strategic Plan to the Mayor and Council at the October 11, 2022 Work Session.

Recognition of persons requesting to be heard:

Roland Jordan spoke about issues in and around the City of Concord.

Public Hearings:

- 1. Conduct a public hearing and consider approving a resolution providing 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 \$19,130,000.**

A public hearing is required per Section 147(f) of the Internal Revenue Code of 1986, (the "Code"), on the proposed plan to issue multifamily housing revenue bonds, in one or more series, in an aggregate principal amount of up to \$19,130,000 (the "Bonds"), for the purpose of financing the acquisition of the historic Coleman Mill and the renovating and equipping therein by STC Coleman Mill, LLC, a North Carolina limited liability company, or an affiliated or related entity (the "Borrower"), of a qualified residential rental project (as defined in Section 142(d) of the Code) to be known as Coleman Mill Lofts (the "Development").

The Development will consist of 150 units in two residential buildings located at 625 Main Street SW in the City of Concord, North Carolina. The Development will be owned or operated by the Borrower. The housing bonds, when and if issued by the City, will be issued pursuant to Article 1 of Chapter 157 and Section 160D-1311(b) of the General Statutes of North Carolina and shall not be a debt of the State of North Carolina (the "State"), the City or any political subdivision thereof and none of the State, the City, or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds be payable out of any funds or properties other than those of the City derived solely from payments made by the Borrower.

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

A motion was made by Council Member Parsley-Hubbard and seconded by Mayor Pro-Tem Crawford to adopt the following resolution providing 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 \$19,130,000—the vote: all aye.

RESOLUTION PROVIDING 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
\$19,130,000

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 13th day of October, 2022; and

WHEREAS, pursuant to Section 160D-1311(b) of the General Statutes of North Carolina, the City is granted the power to exercise directly the powers of a housing authority organized pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the "Act"); and

WHEREAS, the City has tentatively agreed to issue its tax-exempt multifamily housing revenue bonds in an amount not to exceed \$19,130,000 (the "Bonds") for the purpose of financing the acquisition of the historic Coleman Mill and the renovating and equipping

therein by STC Coleman Mill, LLC, a North Carolina limited liability company, or an affiliated or related entity (the "Borrower"), of a 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

WHEREAS, the Development will consist of 150 units in two residential buildings and related facilities located at 625 Main Street SW in the City of Concord, North Carolina; and

WHEREAS, Section 147(f) of the Code requires that any 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 this day the City held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto); 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 \$19,130,000 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 Deason, City Clerk

2. Conduct a public hearing to consider a resolution on the matter of closing the right-of-way of a 50-foot right of way of Davidson Dr. NW contained within the property of 48-50 Beechwood Ave NW. The proposal includes the abandonment of the approximately 50 foot right-of-way of Davidson Dr. NW. Concord California Associates, LLC is the applicant and the owner of the property. Davidson Dr. NW terminates into the property, and the right of way is not used for public ingress/egress and is not maintained by the City. An easement will need to be retained for electric infrastructure on the site, but the City would abandon maintenance of the stormwater pipe on the site.

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

A motion was made by Council Member Parsley-Hubbard and seconded by Mayor Pro-Tem Crawford to adopt the following resolution to abandon the right of way of a 50' right of way of Davidson Dr. NW contained within the property of 48-50 Beechwood Ave NW, retaining an easement for electrical utilities, and abandoning maintenance of stormwater infrastructure—the vote: all aye.

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF DAVIDSON DR
NW

WHEREAS, on the 8th day of September, 2022, the City Council for the City of Concord directed the City Clerk to publish the Resolution of Intent of the City Council to consider the closing a portion of an alley parallel to Hawthorne St SW in the Independent Tribune newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the City Hall at 35 Cabarrus Avenue, West, Concord, N.C., on October 13, 2022.

WHEREAS, the City Council on the 8th day of September, 2022, ordered the City Clerk to notify all persons owning property abutting on that portion of the right-of-way, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the City Clerk has advised the City Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing that portion of the alley would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the City Clerk has advised the City Council that adequate notices were posted on the applicable street(s) as required by G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on the 13th day of October, 2022; and

WHEREAS, it now appears to be to the satisfaction of the City Council that the closing of said portion of street is not contrary to the public interest and that no individual owning property, either abutting the street or in the vicinity of the street, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his property;

NOW, THEREFORE, the area described below is hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owner in accordance with the provisions of N.C.G.S. §160A-299;

Lying and being in the City of Concord, Cabarrus County, North Carolina and being more particularly described as follows:

Beginning at a calculated point, said point being located on the northern right-of-way of Beechwood Avenue NW (50' Public R/W), thence through the property of Concord California Associates, LLC (Deed Bk. 5722, Pg. 295) the following five (5) calls (1) N 36°12'09" W 51.58 feet to a calculated point; (2) with a curve to the right, having a radius of 615.00 feet, an arc of 110.56 feet and a chord bearing of N 31°03'09" W 110.41 feet to a calculated point; (3) N 68°10'51" E 50.14 feet to a calculated point; (4) with a curve to the left, having a radius of 565.00 feet, an arc of 98.17 feet and a chord bearing and distance of S 31°14'37" E 98.04 feet to a calculated point; (5) S 36°12'03" E 64.23 feet to a calculated point, said point being located on the northern right-of-way of Beechwood Avenue NW (50' Public R/W); thence with the northern right-of-way of Beechwood Avenue NW (50' Public R/W),

S 68°10'51" W 51.62 feet to the POINT AND PLACE OF BEGINNING and containing 0.186 AC.

The Mayor and the City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street (with provision for reservation of easements to the City of Concord for utility purposes and/or abandonment of easements or infrastructure as applicable) in accordance with the provision of G.S. 160A-299(c).

The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Cabarrus County a certified copy of this resolution and order.

This the 13th day of October, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

3. Conduct a public hearing for case Z-13-22 and consider adopting an ordinance amending the official zoning map for +/-12.46 located at 4758 Poplar Tent Rd from I-1 (Light Industrial) to I-2 (General Industrial).

The Planning and Zoning Commission heard the above referenced petition at their September 20, 2022 meeting and voted (5-to-2) that the zoning map NOT be amended from I-1 (Light Industrial) to I-2 (General Industrial). Because the Commission rendered a decision of denial, final approval authority rests with City Council in accordance with Section 3.2.5 of the CDO.

The applicant, Keysteel Corp, requested to rezone the subject property from I-1 (Light Industrial) to I-2 (General Industrial) for a manufacturing facility. The planned facility requires outdoor material storage which is allowed in I-2 (General Industrial) but not in I-1 (Light Industrial). The outdoor storage would be screened from view in accordance with the Development Ordinance. The project received a one year 85% tax based Economic Development Incentive Grant and sewer allocation at the August 11, 2022 City Council meeting.

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

The Planning and Neighborhood Development Services Deputy Director presented information on the request. He also presented the located of the site and what uses would currently be permitted on site by right.

Proponents:

The owner of Keysteel spoke in favor of the request. He explained the operation. He stated the operation is very clean and safe. He also explained why outside storage is needed for the business.

Chad Ackerman, developer for the project, spoke in favor of the request. He presented a conceptual design of the site.

Opponents:

Numerous residents of Hunton Forrest Subdivision spoke in opposition to the request. Most were concerned of the types of businesses that would be permitted should the property be rezoned and the business would then close.

With there being no further speakers, a motion was made by Council Member McKenzie and seconded by Council Member King to close the public hearing—the vote: all aye.

The Council had additional questions for staff and the applicant. Therefore, a motion was made by Mayor Pro-Tem Crawford and seconded by Council Member King to reopen the public hearing—the vote: all aye.

Mayor Pro-Tem Crawford asked if Keysteel would consider constructing a storage building on site. The Planning and Neighborhood Development Services Director, Steve Osborne, stated in order for Keysteel to construct a storage building on site, they would have to reapply to the Planning and Zoning Commission for a Conditional Use Rezoning.

A motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Crawford to close the public hearing—the vote: all aye.

A motion was made by Council Member McKenzie and seconded by Council Member Langford to adopt the following Statement of Consistency—the vote: Aye – Langford, Stocks, McKenzie, Crawford, Parsley-Hubbard, and Sweat; Nay - King.

- The subject property is approximately +/- 12.46 acres and is zoned City of Concord I-1 (Light Industrial).
- The subject property was annexed into the City on December 31, 1995 and rezoned to I-1 (Light Industrial) at that time.
- The proposed zoning is consistent with the 2030 Land Use Plan (LUP) as I-2 (General Industrial) is a corresponding zoning classification to the Industrial Employment Land Use Category. The subject property is located adjacent to established industrial uses and zoning. The proposed I-2 (General Industrial) zoning will allow for additional industrial uses on the property. This zoning would be compatible with the adjacent industrial zoning.
- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning surrounding the subject property and the adjacent industrial uses. The proposed zoning will allow for expanded industrial development.

A motion was made by Council Member McKenzie and seconded by Council Member Parsley-Hubbard to adopt the following ordinance amending the official zoning map from I-1 (Light Industrial) to I-2 (General Industrial)—the vote: Aye – Langford, Stocks, McKenzie, Crawford, Parsley-Hubbard, and Sweat; Nay - King.

ORD. #22-126

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CONCORD, NORTH CAROLINA FOR PROPERTY GENERALLY LOCATED AT 5758 POPLAR TENT 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 Planning and Zoning Commission of the City of Concord, North Carolina:

SECTION 1. That the P&Z Commission held a duly advertised public hearing on September 20, 2022. 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 +/- 12.46 acres and is zoned City of Concord I-1 (Light Industrial).
- The subject property was annexed into the City on December 31, 1995 and rezoned to I-1 (Light Industrial) at that time.
- The proposed zoning is consistent with the 2030 Land Use Plan (LUP) as I-2 (General Industrial) is a corresponding zoning classification to the Industrial Employment Land Use Category. The subject property is located adjacent to established industrial uses and zoning. The proposed I-2 (General Industrial) zoning will allow for additional industrial uses on the property. This zoning would be compatible with the adjacent industrial zoning.
- The zoning amendment is reasonable, but not in the public interest. While it is consistent with the existing zoning surrounding the subject property and the adjacent industrial uses, the amendment as presented is not in the public interest due to a lack of certainty regarding the proposed and/or future industrial uses and the proximity to residential development.

The P&Z Commission then voted to DENY the map amendment and said vote was not by the required super-majority. Based upon Section 3.2.5 of the CDO and Session Law 1993, Chapter 247, House Bill 575, a denial is forwarded to City Council for hearing at their next available meeting date.

SECTION 2. That the City Council held a duly advertised public hearing on October 13, 2022. At the close of the public hearing, the City Council adopted the following "Statement of Zoning Consistency" as required by NC Gen. Stat 160A-382(b).

- The subject property is approximately +/- 12.46 acres and is zoned City of Concord I-1 (Light Industrial).
- The subject property was annexed into the City on December 31, 1995 and rezoned to I-1 (Light Industrial) at that time.

- The proposed zoning is consistent with the 2030 Land Use Plan (LUP) as I-2 (General Industrial) is a corresponding zoning classification to the Industrial Employment Land Use Category. The subject property is located adjacent to established industrial uses and zoning. The proposed I-2 (General Industrial) zoning will allow for additional industrial uses on the property. This zoning would be compatible with the adjacent industrial zoning.
- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning surrounding the subject property and the adjacent industrial uses. The proposed zoning will allow for expanded industrial development.

The City Council then voted to **APPROVE** the map amendment.

SECTION 3: That the Official Zoning Map is hereby amended by rezoning from Light Industrial (I-1) to Heavy Industrial (I-2) the areas described as follows:

Lying and being in Number TWO (2) Township, Cabarrus County, N.C., being on the north side of the Poplar Tent Road, adjoining the lands of Essie Blackwelder and the W.F. & Mattie V. Cannon Estate, being Tract 4 of the W.F. & Mattie V. Cannon Estate, as shown on a map made by Long & Hawfield, Civil Engineers, and bounded as follows:

BEGINNING at an iron stake, corner of W.C. Fulham land (said stake being S. 69-36 W. 560 feet from an old corner of Essie Blackwelder's land) and runs with Fulham's line S. 2 W. 3645 feet to an iron stake in the center of Poplar Tent Road; thence with the center of said road N. 84-05 W. 300 feet to an iron stake; thence a new line N. 6-25 W. 2948.6 feet to an iron stake, a new corner in the old line of Essie Blackwelder; thence with the line of Essie Blackwelder N. 69-36 E. 828.7 feet to the BEGINNING, containing 40.75 acres, more or less.

LESS AND EXCEPTING the 28.25 acre tract of land conveyed by deed dated April, 1984 and recorded April 6, 1984 in Book 572, Page 270, Cabarrus Public Registry from Herbert A. Adams and wife, Lora V. Adams t Nolim Group, S.A., d/b/a Nolim Group, S.A. Inc.

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

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

SECTION 6. That the effective date hereof is the 13th day of October 2022

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

4. Conduct a public hearing for case Z-19-22 and consider adopting an ordinance amending the official zoning map for +/- 19.889 acres located at 4275 Papa Joe Hendrick Blvd. from City of Concord General Commercial (C-2) and

Public Interest District (PID) to City of Concord Light Industrial (I-1) and to amend the 2030 Land Use Plan to change the designation of the property from Commercial to Industrial Employment. The property was annexed by City Council on June 13, 1990 and amended on September 13, 1990.

The Planning and Zoning Commission heard the petition at their September 20th meeting and unanimously voted to forward the request to City Council with a recommendation that the zoning map be amended from City of Concord C-2 (General Commercial) and PID (Public Interest District) to I-1 (Light Industrial) and concurrently to amend the 2030 Land Use Plan to change the designation of the parcel from Commercial to Industrial Employment.

The subject parcel requires a land use plan amendment and is therefore subject to Council review of both the zoning and the land use plan amendment. Approval of all of the zoning petitions will eliminate confusion with the land use and zoning designations and will more closely align the zoning pattern with the uses conducted on the respective properties.

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

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

- The subject property is approximately +/- 19.889 acres and is currently zoned General Commercial (C-2) and Public Interest District (PID).
- The subject property was annexed on July 13, 1990, amended September 13, 1990, and June 27, 1996, and is currently occupied by automotive sales, research, and related uses.
- The proposed zoning amendment is not consistent with the City of Concord's 2030 Land Use Plan's designation of "Commercial" for 4275 Papa Joe Hendrick Blvd. (PIN 4599-10-9019), but would be consistent with an Industrial/Employment designation.
- The zoning amendment is reasonable and in the public interest as it is comparable to existing and proposed surrounding land uses and removes confusion associated with parcels with multiple zoning districts.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Sweat to adopt the following ordinance amending the official zoning map from City of Concord C-2 (General Commercial) and PID (Public Interest District) to I-1 (Light Industrial) and to amend the 2030 Land Use Plan to change the designation of the parcel from Commercial to Industrial Employment—the vote: all aye.

ORD. #22-127

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CONCORD, NORTH CAROLINA FOR PROPERTY GENERALLY LOCATED AT 4275 PAPA JOE HENDRICK BLVD, 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 Planning and Zoning Commission of the City of Concord, North Carolina:

SECTION 1. That the P&Z Commission held a duly advertised public hearing on September 20, 2022. 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 +/- 41.158 acres and is currently zoned General Commercial (C-2), Light Industrial (I-1), and Public Interest District (PID).
- The subject property was annexed on July 13, 1990, amended September 13, 1990, and June 27, 1996, and is currently occupied by automotive sales, research, and related uses.
- The proposed zoning amendment is consistent with the City of Concord's 2030 Land Use Plan, except for the request for 4275 Papa Joe Hendrick Blvd. (PIN 4599-10-9019), which would be consistent with Industrial/Employment, but not the Commercial Future Land Use Designation.
- The zoning amendment is reasonable and in the public interest as it is comparable to existing and proposed surrounding land uses and removes confusion associated with parcels with multiple zoning districts.

The P&Z Commission then voted unanimously to recommend approval of the map amendment for PIN 4599-10-9019 from C-2 (General Commercial) and PID (Public Interest District) to I-1 (Light Industrial), and designate the property I-E (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 October 13, 2022. 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 +/- 19.889 acres and is currently zoned General Commercial (C-2) and Public Interest District (PID).

- The subject property was annexed on July 13, 1990, amended September 13, 1990, and June 27, 1996, and is currently occupied by automotive sales, research, and related uses.
- The proposed zoning amendment is not consistent with the City of Concord's 2030 Land Use Plan's designation of "Commercial" for 4275 Papa Joe Hendrick Blvd. (PIN 4599-10-9019), but would be consistent with an Industrial/Employment designation.
- The zoning amendment is reasonable and in the public interest as it is comparable to existing and proposed surrounding land uses and removes confusion associated with parcels with multiple zoning districts.

The City Council then voted to APPROVE the map amendment.

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

Situated in the State of North Carolina, City of Concord, County of Cabarrus and being all of Lot 5 as shown on "Final Subdivision Plat-Hendrick Auto Plaza" of record in Plat Book 84, Page 82 as originally conveyed to HSREI, LLC by deeds of record in Deed Book 5297, Page 204 and Deed Book 10257, Page 217 (all records refer to the records of the Register of Deed's Office, Cabarrus County, North Carolina) being more particularly bounded and described as follows:

Beginning at an iron pin set at the southwesterly corner of Lot 4 of said "Final Subdivision Plat-Hendrick Auto Plaza", being in the easterly line of that tract as conveyed to West Cabarrus Church Inc by deed of record in Deed Book 5815, Page 243;

Thence North 88° 45' 21" East, with the southerly line of said Lot 4 and the southerly line of Lot 3 and Lot 2 of said subdivision plat, a distance of 908.45 feet to a magnetic nail set with a washer stamped "ACRO" at a corner of said Lot 2, being in the westerly line of that tract as conveyed to Charlotte Motor Speedway, LLC by deed of record in Deed Book 5452, Page 360;

Thence with the westerly perimeter of said Charlotte Motor Speedway tract, the following courses and distances:

South 00° 24' 40" West, a distance of 346.24 feet to an iron pin set;

South 13° 56' 48" East, a distance of 112.01 feet to a ½" rebar found;

South 28° 16' 24" West, a distance of 430.65 feet to a ½" rebar found; and

South 33° 12' 35" West, a distance of 263.78 feet to a ½" rebar found at a corner thereof, being a northeasterly corner of Lot 3 as shown on "Recombination Survey of Lots 1 & 2 MP 36 PG 93 and 33.81 AC Parcel South of Speedway Blvd Hendrick Motorsports Complex" of record in Plat Book 45, Page 56;

Thence with the northerly perimeter of said Lot 3, the following courses and distances:

North 79° 05' 19" West, a distance of 284.23 feet to an iron pin set;

South 50° 40' 08" West, a distance of 196.97 feet to an iron pin set; and

South 25° 27' 10" West, a distance of 133.53 feet to an iron pin set at a northeasterly corner of Lot 1 as shown on said "Recombination Survey of Lots 1 & 2 MP 36 PG 93 and 33.81 AC Parcel South of Speedway Blvd Hendrick Motorsports Complex";

Thence North 52° 25' 21" West, with the northerly line of said Lot 1, a distance of 87.88 feet to an iron pin set at a southerly corner of the remainder of that tract as conveyed to HSREI, LLC by deed of record in Deed Book 11040, Page 305;

Thence North 01° 19' 03" West, with the easterly line of said HSREI tract and the easterly line of said West Cabarrus Church tract, a distance of 246.68 feet to an iron pin set;

Thence North 01° 14' 41" West, continuing with the easterly line of said West Cabarrus Church tract, a distance of 926.80 feet to the Point of Beginning, containing 19.889 acres of land, more or less.

SECTION 4. That the above described property shall be perpetually bound to the uses authorized in the Concord Development Ordinance, as such may be amended from time to time and as provided for under Article 3 of the Concord Development

Ordinance.

SECTION 5. That the effective date hereof is the 13th day of October, 2022.

Adopted the 13th day of October, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

5. Conduct a public hearing and consider adopting an ordinance to adopt the Weddington Road Corridor Plan.

The 2030 Land Use Plan Implementation Work Plan established the need for a Mixed-Use Corridor Plan for Weddington Road from Bruton Smith Boulevard to Rock Hill Church Road (LU-23). Staff will present an overview of the Weddington Road Corridor Plan including a review of the existing conditions, public input results, key recommendations for corridor, future implementation, and a review of what was heard during the public comment period. The draft plan was made available to the public for review through the City's Public Input page from August 30th through September 18th. Staff received 25 responses from participants and the project page received 1,363 views. The plan was presented to the Planning & Zoning Commission on September 20th where a motion was passed to recommend to City Council that the Weddington Road Corridor Plan be adopted.

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

A motion was made by Council Member McKenzie and seconded by Council Member King to adopt an ordinance approving the Weddington Road Corridor Plan—the vote: all aye.

ORD.# 22-129

**AN ORDINANCE ADOPTING THE WEDDINGTON ROAD CORRIDOR 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 §§160D-501 shall adopt and maintain a comprehensive plan that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction; and

WHEREAS, the City may prepare and adopt other such plans as deemed appropriate, which may include small area plans and neighborhood plans; and

WHEREAS, the adopted 2030 Land Use Plan recommends the preparation of a plan for the general area of the George W. Liles Parkway, and the City has obtained property owner and public input in the development of the plan; and

WHEREAS, the Planning and Zoning Commission has unanimously recommended approval of the plan on September 20, 2022.

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

SECTION 1: That the City Council adopted the following statement of reasonableness and consistency in support of adoption of the plan:

- The proposal is consistent with the 2030 Land Use Plan as the preparation of a mixed-use corridor plan for Weddington Road is cited as a task in the Implementation Work Program (Item LU-23) of the 2030 Land Use Plan.
- The proposal is reasonable in that the development of the Plan has included substantial outreach to property owners, stakeholders and the general public.

SECTION 2: That the Weddington Road Corridor Plan as indicated on Attachment A is adopted.

SECTION 3: That this Ordinance be effective immediately upon adoption.

Adopted in this October 13, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

Presentations of Petitions and Requests:

1. Consider increasing the City of Concord Down Payment Assistance amount under the HOME program to \$10,000 and amend the repayment criteria for housing renovations to reflect HUD's affordability goal for seniors over 60 years of age.

In August of 2022, the average purchase price for a home in Concord was over \$300,000. This information, obtained from a number of real estate data sites, shows the significant increase in housing cost within the last few years. That cost increase presents an even larger barrier to potential homebuyers with low-to-moderate (LMI) incomes.

Currently, Concord offers \$7,500 in HOME funds for down payment assistance to LMI first-time homebuyers. However, that amount is not keeping pace with the market. Staff is seeking approval to increase the amount of assistance offered to \$10,000 in an effort to help bridge the gap for LMI residents. In addition, one of the goals of the CDBG

and HOME programs is to ensure decent affordable housing without creating an undue burden for the resident.

Concord's rehab policy currently states any resident with a total household income between 50% to 80% of area median income will repay half of the rehab cost. Due to inflation, cost of living increases, and limited income opportunities, this repayment requirement for senior clients has proven more difficult. To alleviate this barrier, staff is requesting to modify repayment requirements for any resident 60 years of age or older applying for rehabilitation assistance to be given a forgivable lien only. The maximum affordability period attached to the home via the lien will be 15 years.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Sweat to approve increasing the City of Concord Down Payment Assistance amount under the HOME program to \$10,000 and amend the repayment criteria for housing renovations to reflect HUD's affordability goal for seniors over 60 years of age—the vote: all aye.

2. Consider adopting a resolution authorizing an eminent domain action for two parcels located off of Melrose Drive, SW.

These properties are currently owned by all heirs, known and unknown, of W.L. Albertson (DOD May 24, 1968) and all heirs, known and unknown, of Irene C. Albertson (DOD October, 1991). Acquisition of this property is necessary for the construction of a greenway and trailhead parking. This property was platted as streets in the Anneva Terrace neighborhood but the streets were never constructed or opened. The City previously acquired the adjoining parcels. There is no tax value placed on the unopened streets; however, using the value of nearby parcels, the unopened streets are estimated to have a value of \$3,000.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to adopt the following resolution authorizing an eminent domain action for two parcels located at off of Melrose Drive, SW—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 two real property parcels identified and defined, as follows:

TRACT ONE (Formerly identified as Buffalo Drive SW – Anneva Terrace):

LYING AND BEING IN THE CITY OF CONCORD, WARD NO. 4, COUNTY OF CABARRUS COUNTY, NORTH CAROLINA AND BEING THE SAME PROPERTY LABELED AS BUFFALO DRIVE SW, AS SHOWN ON THE PLAT TITLED, "MAP OF ANNEVA TERRACE" RECORDED IN MAP BOOK 7 AT PAGE 65 OF THE CABARRUS COUNTY REGISTRY AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT NCGS MONUMENT 'NCRR CB M356 4', SAID MONUMENT HAVING NORTH CAROLINA STATE PLANE GRID COORDINATES N: 604,478.88, E: 1,526,253.42, THENCE S 47°33'38" E A DISTANCE OF 1,455.83' TO A FOUND #4 REBAR ON THE 40' PUBLIC R/W LINE OF MELROSE DRIVE SW; THENCE FOLLOWING SAID R/W LINE, S 49°34'05" E A TOTAL DISTANCE OF 147.58' (L16 +10.5.95 ') A FOUND #4 REBAR, SAID POINT BEING THE POINT AND PLACE OF BEGINNING OF BUFFALO DRIVE SW, HEREIN DESCRIBED; THENCE FOLLOWING SAID ROAD R/W THE FOLLOWING ELEVEN (11) CALLS, 1) S 49°34'05" E A DISTANCE OF 45.02' (L17) TO A FOUND #4 REBAR; THENCE 2) S 15°02'36" W A DISTANCE OF 232.56' TO A FOUND #4 REBAR(BENT); 3) S 49°28'00" E A DISTANCE OF 62.48' TO A FOUND #4 REBAR; 4) S 51°04'18" E A DISTANCE OF 51.81' TO A FOUND #4 REBAR; 5) THENCE S 51°20'53" E A DISTANCE OF 100.01' TO A FOUND #4 REBAR; 6) S 50°32'03" E A DISTANCE OF 51.44' TO A FOUND

CONCRETE MONUMENT; 7) THENCE S 40°36'41" W A DISTANCE OF 30.13' (L1) TO A FOUND #4 REBAR; 8) THENCE N 50°28'01" W A DISTANCE OF 201.65' TO A FOUND 1.25" REBAR; 9) THENCE N 50°30'26" W A DISTANCE OF 25.00' (L14) TO A FOUND #4 REBAR; 10) THENCE N 50°30'26" W A DISTANCE OF 50.00' (L13) TO A FOUND #4 REBAR; 11) THENCE S 39°30'21" W A DISTANCE OF 45.57' (L12) TO A FOUND #4 REBAR IN THE CENTERLINE OF CREEK; THENCE FOLLOWING THE APPARENT CENTERLINE OF CREEK THE FOLLOWING NINE (9) CALLS, 1) N 00°46'10" W A DISTANCE OF 22.04' (L10) TO A CALCULATED POINT; 2) N 13°55'00" E A DISTANCE OF 41.85' (L9) TO A CALCULATED POINT; 3) N 31°04'26" E A DISTANCE OF 29.08' (L8) TO A CALCULATED POINT; 4) N 24°14'34" E A DISTANCE OF 31.81' (L7) TO A CALCULATED POINT; 5) N 17°10'21" E A DISTANCE OF 39.68' (L6) TO A CALCULATED POINT; 6) N 10°42'44" E A DISTANCE OF 43.26' (L5) TO A CALCULATED POINT; 7) N 14°15'28" E A DISTANCE OF 38.14' (L4) TO A CALCULATED POINT; 8) N 09°41'11" E A DISTANCE OF 36.15' (L3) TO A CALCULATED POINT; 9) N 15°15'08" E A DISTANCE OF 35.75' (L2) TO A CALCULATED POINT, SAID POINT BEING THE POINT AND PLACE OF BEGINNING CONTAINING AN AREA OF 0.423 ACRES (18,445 SQUARE FEET), MORE OR LESS AS SHOWN ON MAP TITLED, "EMINENT DOMAIN PLAT FOR THE CITY OF CONCORD," DATED SEPTEMBER 5, 2022 BY TIDEMARK LAND SERVICES AND IS ATTACHED AS EXHIBIT A FOR FURTHER REFERENCE.

TRACT TWO (Formerly identified as Ridge Crest SW – Anneva Terrace):

LYING AND BEING IN THE CITY OF CONCORD, WARD NO. 4, COUNTY OF CABARRUS COUNTY, NORTH CAROLINA AND BEING THE SAME PROPERTY LABELED AS BUFFALO DRIVE SW, AS SHOWN ON THE PLAT TITLED, "MAP OF ANNEVA TERRACE" RECORDED IN MAP BOOK 7 AT PAGE 65 OF THE CABARRUS COUNTY REGISTRY AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT NCGS MONUMENT 'NCRR CB M356 4', SAID MONUMENT HAVING NORTH CAROLINA STATE PLANE GRID COORDINATES N: 604,478.88, E: 1,526,253.42, THENCE S 47°33'38" E A DISTANCE OF 1,455.83' TO A FOUND #4 REBAR ON THE 40' PUBLIC R/W LINE OF MELROSE DRIVE SW, SAID POINT BEING THE POINT AND PLACE OF BEGINNING OF RIDGE CREST DRIVE, HEREIN DESCRIBED; THENCE S 49°34'05" E A DISTANCE OF 41.64' (L16) TO A FOUND #4 REBAR, SAID POINT BEING LOCATED ON THE 40' PUBLIC R/W LINE OF MELROSE DRIVE SW; THENCE LEAVING SAID R/W LINE OF MELROSE DRIVE, S 24°18'16" W A DISTANCE OF 304.13' TO A FOUND #4 REBAR; THENCE N 46°25'29" W A DISTANCE OF 42.37' (L15) TO A FOUND #4 REBAR ON SAID R/W LINE; THENCE N 24°18'15" E A DISTANCE OF 301.71' TO THE POINT AND PLACE OF BEGINNING CONTAINING AN AREA OF 0.278 ACRES (12,117 SQUARE FEET), MORE OR LESS AS SHOWN ON MAP TITLED, "EMINENT DOMAIN PLAT FOR THE CITY OF CONCORD," DATED SEPTEMBER 5, 2022 BY TIDEMARK LAND SERVICES AND IS ATTACHED AS EXHIBIT A FOR FURTHER REFERENCE.

WHEREAS, the real property parcels are currently owned by all heirs known and unknown of W.L. Albertson and all heirs known and unknown of Irene C. Albertson and are being acquired for the construction of a public greenway along with a trail head parking lot and all related fixtures and appurtenances; and

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

The City of Concord will acquire by condemnation the property and interest described above for the purposes stated above.

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

Adopted this 13th day of October, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

3. Consider awarding a sole source purchase order in the amount of \$186,461.55 to Reinhausen Manufacturing Inc. for purchase of one (1) On-Load Tap Changer.

On-Load Tap Changers (OLTC) are a built-in mechanical part of substation main power transformer. The OLTC re-taps the windings in the transformer under loaded conditions, which serves to adjust the voltage produced by the substation as it self-adjusts throughout the day, depending on system loading conditions. This helps maintain nominal voltage within acceptable ranges for our end use customer. OLTC units have a manufacturer defined lifespan and must be upgraded in the 20-25 year timeframe.

The City had five (5) substation power transformers that needed a replacement OLTC due to normal end of life cycle. Staff has replaced four (4) of the five units. The original manufacturer was Westinghouse Inc., which has since been purchased by Reinhausen Manufacturing Inc. No other manufacturer offers a comparable replacement unit. Council approved purchase of the first two (2) units in June 2021. The second order was approved in August 2021. This third order will complete the materials acquisition. Installation plan is underway and will be complete in April 2023.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Sweat to award a sole source purchase order in the amount of \$186,461.55 to Reinhausen Manufacturing Inc. for purchase of one (1) On-Load Tap Changer—the vote: all aye.

4. Consider authorizing the City Manager to negotiate and execute a contract with Johnson Controls, by the means of the Sourcewell Cooperative Purchasing Program for the purchase and installation of the upgraded camera equipment and system replacement.

The work will consist of converting and enhancing the existing FBO camera system to Exacqvision, upgrading the camera communication network at the airport, data security and recording duplication, replacing outdated cameras, and adding cameras and video coverage to areas of the airport not currently monitored. This is a turnkey project with the contractor performing all the equipment purchases, installation, testing, configurations, licensing, and service.

The Aviation department currently uses an outdated, off the shelf, piecemeal, video camera surveillance and recording system to monitor activity in the general aviation areas of the airport. Many of those cameras are 10+ years old analog cameras that do not have camera resolution to identify objects at any distance from the camera. The camera network lacks bandwidth, hard drive storage, and is plagued with reliability issues. In addition, the airport does not have any coverage on aircraft ramp areas away from the terminal or parking areas on the FBO side of the airport. Our hangar camera coverage is limited or missing in some hangars.

This project will address those issues and place all cameras under one, state of the art, highly secure and redundant Exacqvision system. It is of utmost importance to have a quality, secured, and reliable security system component to monitor city owned facilities and operations in real time and recover recorded footage in the event of an incident. Both components are critical for airport security and asset protection. The cost to purchase and install this equipment is \$369,091.61 for registered Sourcewell members. The Aviation Department plans to fund this project using CARES grant money. The City of Concord is a registered member of Sourcewell Cooperative Purchasing Program.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member King to authorize the City Manager to negotiate and execute a contract with Johnson Controls, by the means of the Sourcewell Cooperative Purchasing Program for the purchase and installation of the upgraded camera equipment and system replacement—the vote: all aye.

* * * * *

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

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

CONSENT AGENDA ITEM A

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

CONSENT AGENDA ITEM B

The Transit Department was authorized to apply for the 2023 NCDOT State Maintenance Assistance Program (SMAP) Grant to be used for eligible transit operating expenses.

CONSENT AGENDA ITEM C

The City Manager was authorized to accept the 2022 Patrick Leahy Bulletproof Vest Partnership Grant from the United States Department of Justice and the following budget ordinance was adopted.

ORD.#22-130

AN ORDINANCE TO AMEND FY 2022-2023 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 9th day of June, 2022, adopt a City budget for the fiscal year beginning July 1, 2022 and ending on June 30, 2023, as amended; and

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

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

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4603200	Police Grants	\$380,313.00	\$ 386,354.00	\$6,041.00
Total				\$6,040.76

Expenses/Expenditures

413

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4310-5212000	Uniforms	\$200,263.75	\$206,304.75	\$ 6,041.00
Total				\$6,041.00

Reason: To appropriate the 2022 Patrick Leahy Bulletproof Vest Partnership award.

Adopted this 13th day of October, 2022.

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 City Manager was authorized to accept an award in the amount of \$21,510 from 2022 BJA FY2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Program-Local Solicitation and the following budget ordinance was adopted.

ORD.#22-131

AN ORDINANCE TO AMEND FY 2022-2023 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 9th day of June, 2022, adopt a City budget for the fiscal year beginning July 1, 2022 and ending on June 30, 2023, 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>		
		Current Budget	Amended Budget	(Decrease) Increase
100-4603200	Police Grants	\$380,313	\$401,510	\$21,510
Total				\$21,510

Account	Title	<u>Expenses/Expenditures</u>		
		Current Budget	Amended Budget	(Decrease) Increase
4310-5800429	Grant Expenditures	\$0	\$21,510	\$21,510
Total				\$21,510

Reason: To appropriate the 2022 JAG Grant award.

Adopted this 13th day of October, 2022.

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 E

The offer of dedication was accepted on the following plat and easements: 502 Amhurst Street, SW and Piper Landing Phase 1 Map 2.

CONSENT AGENDA ITEM F

The offer of infrastructure was accepted in the following subdivisions and sites: City of Concord Fire Station 10, Harris Teeter Fuel-Store #68, and Fryling Ave Subdivision-Sylvan Sewer.

CONSENT AGENDA ITEM G

A following budget ordinance was adopted for the FTA 5339© Low or No Emission Discretionary Grant.

ORD #22-132

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 grant project ordinance is hereby amended:

SECTION 1. The projects authorized and amended are the projects included for CK Rider Transit System.

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

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

Revenues Current Amended (Decrease)			
630-4357300			
630-4357300	Federal Aid	20,690,163	21,403,976 713,813
630-4337000			
630-4337000	Local Shared Revenue	6,380,631	6,465,191 84,560
630-4501100			
630-4501100	Transfer from General Fund	4,888,873	4,973,433 84,560
Account Title Budget Budget Increase			882,933

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

Exp. Account	Title	Current Budget	Amended Budget	(Decrease) Increase
7690-5540000				
7690-5540000	Vehicles – Capital	6,416,399	7,299,332	<u>882,933</u>
				882,933

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

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

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. 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 13th day of October, 2022.

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 ordinance was adopted to amend the FY2022/2023 General Fund to appropriate proceeds from the sale of fixed assets for Parks and Recreation Contract Services.

ORD.#22-133

AN ORDINANCE TO AMEND FY 2022-2023 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 9th day of June, 2022, adopt a City budget for the fiscal year beginning July 1, 2022 and ending on June 30, 2023, 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

416

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
100-4351000	Sale of Fixed Assets	0	21,000	21,000
Total				21,000

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
6120-5194000	Contract Services	405,603	426,603	21,000
Total				21,000

Reason: To appropriate proceeds from the sale of fixed assets to provide funding for contract labor to cover the Pottery Center if unable to identify volunteers for daily operations.

Adopted this 13th day of October, 2022.

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 capital project ordinance was adopted to amend the Transportation Projects Fund.

ORD.# 22-134

**CAPITAL PROJECT ORDINANCE
Cedar/Crowell Sidewalk**

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 Cedar/Crowell Sidewalk.

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

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

<u>Expenses/Expenditures</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8600-5811502	Cedar/Crowell			
8600-5811502	Sidewalk	698,703	705,003	6,300
8600-5585000				
8600-5585000	PIP Infrastructure	582,817	576,517	<u>(6,300)</u>
				0

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 13th day of October, 2022.

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 Tax Office reports for the month of August 2022 were accepted.

CONSENT AGENDA ITEM K

The Tax Releases/Refunds for the month of August 2022 were approved.

CONSENT AGENDA ITEM L

The monthly report on the status of investments as of August 31, 2022 was accepted.

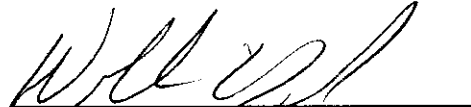
A motion was made by Council Member Sweat, seconded by Council Member King, and duly carried, to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee—the vote: all aye.

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

* * * * *

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


Kim J. Deason, City Clerk


William C. Dusch, Mayor