

Allee' Bubba Farms

Concord, NC

Thank you for hearing us. Thank you for supporting **NC's #1** industry and land owners group: Farmers. We are here to seek your help in fighting the un-bridled and unconstitutional municipal assault on NC Family Farms.

Who are we?

- **Farmers:** Wendy Austin-Sellers and Bo Sellers
- **Land Owners:** Deloris and Ken Austin
- Woman owned family farm, an USDA defined historically disadvantaged group
- Historic Century Family Farm and farmers
- Next Generation of farmers working our families farmland

My name is Bo Sellers. I am an architect, farmer, organic farmer in the **Elma C Lomax Farm Incubator Program** of Cabarrus County, Board Member Cabarrus Agriculture Advisory Council, Board Member Charlotte Region Chapter USGBC and director facilities planning for Carolinas **HealthCare**.

My family fought British tyranny in NC and SC to found the US and two states. Today, that same battle continues. And we still farm in NC.

History

In May of this year my wife and mother-in-law received Mother's Day presents from the City of Concord:

Annexation letters with intent to complete annexation of our historic family farm by 28 June 2011.

- That's the absolute state required minimum and hardly due process, open, just or in any sense a relationship building attempt.
- By Friday night we learned that Concord had declared a War on **Blackwelder's** (my mother-in-law and cousins) and **Furr's** in Cabarrus back County.
- We are declared War right, this time we won the battle.
- **We faced Annexation and ETJ lies to our face on the NC Senate floor, in writing (letters and newspaper) and to our face in Concord.**

Annexation Tactics

Concord used the NC Senate to intimidate and accomplish their evil deed of family farm genocide.

1. Specifically, Concord mentioned Senate Bill **1444** stating it "specifically authorizes the City to pursue annexation of properties, such as yours, that are completely surrounded by the city limits."
S1444 did not nor does not "specifically authorize" Concord to "pursue annexation"!
 - Concord said the NC Senate "told us to do it."
2. Targeted our family farm and 5 other cousin's farms, but not a **6th** cousin's farm. Why not the **6th**?
 - Used an old road plan of an adjacent intersection to show us that the city property did not touch that farm.
 - The road had been re-aligned in late 2009 and the map was not current!
 - Used an electronic map, so that it implied a level of accuracy... as an architect I know better.
3. **Mayor and City Manager** stated in newspaper article that the city wanted us to remain farms and join a Land Trust.

- Never, ever in writing or stated to any of us.
 - I verified Concord had no conversation about Trusts with NRCS, NC SWS, Cabarrus SWC, Extension or Agriculture Advisory Board
- Further, the city would play no role or financial contributor to this process

4. **City Manager** stated to our face that they would not tax us after annexation

- The annexation package clearly showed taxes ranging for each farm from \$10,000 to \$24,000 per year
- Senate Bill **1444** specifically excluded providing services to farms...NONE!
Concord would not put the no-taxes in writing or reply to the request. Manager just sat silently, then said it would be up to the Council... the same that received recommendations to annex us

5. The best tactic of all was to **NOT INFORM** us of the cities required process, thus the Council's meeting schedule.

- But we learned when they met and attended the planning meeting.
- The **Mayor's** first words were that "this is not a public meeting where they would listen to comments", thus baiting us to leave. We stayed and stared into their eyes.
- They went into closed session and came out, offered a resolution to not annex us and approved it.
Isn't a closed session illegal for this?

6. Yet we discovered and have here for you today, **a copy of the Concord Master Development Plan**, 3.5 years from completion. Annexation would have completed a large swath to pave farms.

2015 Concord Master Plan

All current farms in City of Concord, our farm and other family member annexation targeted farms are paved. No farms exist in the city.

- Please note that the City Dump (landfill) is shown as "green space". Currently, it is well over 150 feet high, the highest elevation point in Cabarrus. It can never be a green space as it appears or would seem to any layman viewer.

ETJ and Zoning

Concord had more in mind than annexation. The entire region is very pro-growth (Pave The Farms!) and aggressive.

1. In March 2011, we discovered our farm noted as **a Concord Residential Zone on the City/County GIS website.**
 - This was discovered only after **I applied for the ETJ seat on Concord City Zoning and was told I was not in an ETJ.** Although my application for Ag Advisory Board had to go to the County Commissioners for approval because I lived in an ETJ.
 - I am concerned my constitutional rights are being denied.
 - I am seeking clarification on how a seat representing farmers could go unfilled while Concord lobbied for **S1444** and planned current annexation activity and this seat remains unfilled.

Concord and Other Municipalities have in place and are expending Anti-Farm Zoning

2. **Concord** does not allow burning, noise, odor, animals, horse boarding (unless permitted licensing fees☺). Existing animals are grandfathered, if annexed, and provide landscape at edge of property.
 - **You will find these requirements in general zoning requirements,** not a "farm zoning" regulation.
 - Clearly the picture emerges that Concord wants the land but not the farmers.
 - I discovered City minutes quoting the city planner as stating "commercial and agriculture zoning are incompatible" for a parcel that was Ag that had been zoned Commercial and could not return to Ag. It is adjacent to existing Ag and homeowners wanted the farmland.
The neighbors were discouraged by the City attendees for supporting the change and used Ag disparagingly like it is a bad thing.

- Another farm in the city was told it must build a sidewalk on the edge of his field so his workers can get to a **port-a-jon!**
3. In August a Midland zoning issue came to the attention of the Ag Advisory Board.
 - A farmer was being fined **\$100/day** for having storage in his barn and having grass over 12" high.
 - All farms have storage. Grass is what cattle and other animals eat. It is supposed to be more than 12" high!
 4. In Charlotte, I have been watching their zoning changes to control farmers markets and farms.
 - Wallace Farms has been a family farm that has remained in operation in Mecklenburg County while other farms sold out and homes were built against the farm.
 - I watch this carefully because we face the same thing.
 - The "new **neighbors**" don't like the farm or its product, mainly compost, so every trick and opening is being used against them. The city and neighbors have State agencies coming down to measure everything possible to put them out of business.
 - The farm was there first. The **homeowners** knew it. Now other regulations are being applied to the farm to close it.
 - We and our cousins farms have neighbors have neighbors dumping their grass clippings on our farm or against the fences. Cows will tear down fences to get to this grass. And, our farm is a gold course to some, who hit their balls toward our horses! That will kill someone.
 5. In Union County, West Union bordering Charlotte is a very high growth and pro-growth corridor with lots of issues between farms and neighbors, water treatment reached maximum capacity and the remainder of Union County is primarily rural and farmland.
 6. I read in the last 2 years about Mt. **Holly/Belmont**. They passed a new zoning regulation that a horse can't be within 200 feet of a property line. The goal? To get the last small farms out of town.

Summary

1. **ETJ** is Unconstitutional! It transfers our property rights and right to vote for our own representatives and gives these rights to a FOREIGN government... Cities in NC.
2. **The** US began as a revolt against tyranny and oppression. Farmers led that fight. Cities were loyal to King of England.
3. 160-8. That's how many approved ETJ rights for farmers. But the 8 won after the Public spoke. Why?
 - **End State** supported and unconstitutional government to government lobbying by cities and state. The NCML is a state lobbyist. End NCML and end Communism in NC Government.

Our Summary Request

Please hear us. We are not alone in facing annexations and other assaults on our existence. Save the **Farms!**

Protect Constitutional rights of land owners and farmers in NC.

It should remain the law of the land that farmers have the right to own property without continuous municipal threats to steal our property, deny us representation and re-sale their **ill** gotten gains to developer campaign contributors and good **ol'** boy networks.

Give us representation, due process, access to courts and strengthen agriculture districts, ETJ and Non-ETJ rights and provide **century** farm designations additional historic protections before we are gone from entire regions of NC.