

CONCORD CITY COUNCIL  
REGULAR MEETING  
OCTOBER 10, 2024

A regular meeting of the City Council for the City of Concord, North Carolina, was held in the 3<sup>rd</sup> floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on October 10, 2024, at 6:00 p.m. with Mayor William C. Dusch presiding.

Council Members were present as follows:

**Members Present:**

Mayor Pro-Tem Jennifer Parsley-Hubbard  
Council Member Andy Langford  
Council Member Lori A. Clay  
Council Member JC McKenzie  
Council Member Terry L. Crawford

**Members Absent:**

Council Member Betty M. Stocks  
Council Member John A. Sweat, Jr.

**Others Present:**

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

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

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

\* \* \* \* \*

**Approval of Minutes:**

A motion was made by Council Member Crawford and seconded by Council Member Clay to approve the minutes for the meetings of August 20, September 10, and September 12, 2024—the vote: all aye.

**Presentations:**

1. At the October 8<sup>th</sup> Work Session, Mayor Dusch presented a retirement plaque to Canine Csubi for six years of service as a Police Canine.
2. Mayor Dusch presented a retirement plaque to William "Bill" Leake for 27 years of service with the City of Concord.
3. At the October 8<sup>th</sup> Work Session, Mayor Dusch recognized Jack Rushing for receiving the Electricities Public Power Distinguished Service Award in Asheville NC at the Electricities Annual Conference.
4. At the October 8<sup>th</sup> Work Session, Mayor Dusch presented a Proclamation recognizing the week of October 6-12, 2024 as Public Power Week in the City of Concord.

**Departmental Reports:**

**1. Downtown Streetscape update**

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

## **2. Parks and Recreation Bond update**

The Parks and Recreation Director and Finance Director provided an update on the Parks and Recreation Bond projects and funds encumbered and remaining.

### **Recognition of Persons Requesting to be Heard:**

Glitz Croley, 675 Wilhelm Place, addressed the Council in regards to the City's solid waste fees and regulations.

Wendy Miller, 1000 Arrowhead Drive, read a statement in regards to the Water and Wastewater fee presentation from Raftelis at the October 8<sup>th</sup> Work Session. She asked that the Council examine the demographics before adopting the recommended rates.

Barber Scotia President, Chris Rey, addressed the Council and presented a brief update regarding Barber Scotia College.

### **Public Hearings:**

#### **1. Conduct a public hearing to consider adopting an ordinance amending Article 12 "Sign Standards", Sections 12.1.12 "Nonconforming Signs", and 12.1.6 "Computation of Height", and Article 14 "Definitions" of the Concord Development Ordinance (CDO) to address statutory changes to sign regulations and to clarify procedures for measurement of sign height.**

The General Assembly recently passed Senate Bill 607 which contained changes to various regulations from professional licensing to coastal development but included was a provision relating to nonconforming signage. These requirements are included in the General Statutes as 160D-912.1, which allows any existing on-premise signage that was legally permitted to be reconstructed or replaced on the site provided that the size is not increased. The provisions apply to wall signs, ground signs, and any other permitted on-premise sign but not billboards. The ordinance currently requires that any nonconforming sign with a panel change (such as in the case of a business name change) be brought into conformance with the current requirements. This new Statute eliminates that requirement and its provisions for sign replacement are retroactive to October 1, 2021. The proposed amendment rewrites the nonconforming sign provisions and inserts language from the bill, including the definition of "on-premise" sign.

With this amendment to Article 12, staff also proposes to add clarifying language to 12.1.6 relative to the measurement of signs for establishments which are located below street level. This language is verbatim from the previous zoning ordinance and was effective in assigning staff in working with establishments that are subject to differences in grade. At their September 17, 2024 meeting, the Planning and Zoning Commission unanimously recommended the amendment to Council. The Planning Commission staff report and complete strike-through document are included for reference.

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

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

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

- The proposal is consistent with the 2030 Land Use Plan in that Section 5.2, "General Land Use Challenges and Opportunities" identifies "Maintaining the Community Character".
- The proposal is reasonable in that it ensures that the ordinance is consistent with NC General Statutes, and that the staff has the ability to efficiently administer the Ordinance.

A motion was made by Mayor Pro-Tem Hubbard and seconded by Council Member Crawford to adopt the following ordinance amending Articles 12 and 14 of the CDO—the vote: all aye.

ORD.# 24-112

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

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

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute §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 160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951 does hereby recognize a need to amend the text of certain articles of the City of Concord Development Ordinance.

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

SECTION 1: That Article 12, Sign Standards, Section 12.1.12 , Nonconforming Signs, be deleted in its entirety.

SECTION 2: That Article 12, Sign Standards, Section 12.1.12 , Nonconforming Signs, be entitled Reconstruction/Removal of On-Premise Signs, and be rewritten as follows:

**12.1.12. RECONSTRUCTION/REMOVAL OF ON-PREMISE SIGNS**

In accordance with G.S. 160D-912.1, any lawfully erected on-premise sign may be relocated or reconstructed within the same parcel provided that the total advertising surface is not increased in area, and that the sign complies with the minimum ordinance requirements in effect when the sign was erected. For the purposes of this section, reconstruction shall mean erecting or constructing anew, including any new or modern instrumentalities, parts or equipment that were allowed under ordinance requirements in effect when the sign was erected. All construction work related to reconstruction under this section shall commence within two (2) years of the date of removal.

SECTION 3: That Article 12, Sign Standards, Section 12.1.16.C , Computation of Height be amended as follows:

C. Computation of Height. The height of a freestanding sign shall be computed as the vertical distance from the point of the sign that is level with the highest paved portion of the street right-of-way or recorded access easement to the top of the highest attached component of the sign. The highest paved portion of the street right-of-way or recorded access easement shall be measured along the frontage of the property where the sign will locate at the point nearest the sign location. When an establishment is located directly below the elevation of the street, and strict interpretation of the height restriction would create unreasonable hardship in terms of limiting visibility (as determined by the Administrator), the top of the sign may be measured from street level. It will be the responsibility of the applicant to provide a document prepared by a licensed North Carolina surveyor demonstrating the grade from which the height of the sign will be measured. The design, colors and/or materials of the base or supports of any sign that is below the paved portion of the street right-of-way or recorded access easement shall be consistent with, or complimentary to, the portions of the sign above that point.

SECTION 4: That Article 14, Definitions, be rewritten to include a definition of “Sign, On-Premise Advertising” to read as follows:

Sign, On-Premise Advertising: a sign visible from any local or State road or highway that advertises activities conducted on the property upon which it is located or advertises the sale or lease of the property upon which it is located.

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

Adopted on the 10<sup>th</sup> of October, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**2. Conduct a public hearing and consider adopting a resolution on the matter of closing the right-of-way of an unopened portion of an alley running parallel to Corban Ave SE.**

The proposal includes the abandonment of the right-of-way for a portion of alley that runs behind 135 Corban Ave SE. This alley was originally part of the M.L. Widenhouse Subdivision platted in 1914. The alley was never opened and is unimproved. Stanley Cranford and Debbie Langley filed the application, and they are the owners of 135 Corban Ave SE. Harwards Realty & Insurance Co. owns the land on the other side of the alley. Each property owner will receive half of the portion of the alley being abandoned.

Staff notified the petitioner and all adjacent property owners in accordance with the requirements of the General Statutes. All City departments reviewed the petition, and there are no objections to the petition.

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

There was no one signed in to in favor or in opposition to the request. Therefore, a motion was made by Council Member McKenzie and seconded by Council Member Crawford to close the public hearing—the vote: all aye.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to adopt the following resolution closing the right-of-way of an unopened portion of an alley running parallel to Corban Ave SE—the vote: all aye.

**A RESOLUTION ORDERING THE CLOSING OF UNOPENED PORTION OF AN ALLEY  
PARALLEL TO 135 CORBAN AVE. SE**

WHEREAS, on the 12<sup>th</sup> day of September 2024, 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 unopened portion of an alley parallel to 135 Corban Ave. SE 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 10, 2024.

WHEREAS, the City Council on the 12<sup>th</sup> day of September 2024, 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 street 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 10<sup>th</sup> day of October 2024; 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;

ALL that certain tract, and parcel of land lying and being in the City of Concord, Township No. 12, County of Cabarrus and state of North Carolina, being the remaining unclosed portion of an unnamed alley, being the portion located between Lots 6 & 17 and Lots 8 & 19 of the “Property of M.L. Widenhouse Subdivision”, located generally on the northerly side of Corban Avenue S.E. as originally dedicated as public right-of-way on the “Property of M.L. Widenhouse Subdivision” as shown in Map Book 1, Page 36 of the Cabarrus County Register of deeds, being more particularly described as follows:

Commencing at a point in the Northerly line of Corban Avenue S.E. and the Southwest corner of Lot 7 of the “Property of M.L. Widenhouse Subdivision”, thence;

- A. North 01 Degrees 00 Minutes 00 Seconds East along the west line of Lot 7 to a point on the Northwestern corner of Lot 7 and place of Beginning, thence:
  - 1. In a Northerly direction, a distance of 15.00 feet, more or less, to a point on the Southwesterly corner of Lot 18 of the “Property of M.L. Widenhouse Subdivision”, thence;
  - 2. South 83 degrees 45 minutes 00 Seconds East, a distance of 55.00 feet along the Southerly line of Lot 18 to a point on the Southeasterly corner of Lot 18, thence;
  - 3. In a Southerly direction, a distance of 15.00 feet, more or less, to a point on the Northeasterly Corner of Lot 7, thence;
  - 4. North 83 degrees 45 minutes 00 Seconds West, a distance of 55.00 feet along the Northerly line of Lot 7 to the Point and Place of Beginning.

Containing 821 square feet of land, more or less, or 0.019 acres, more or less.

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) 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 10<sup>th</sup> day of October, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch Mayor

ATTEST: /s/ Kim Deason, City Clerk

**Presentations of Petitions and Requests:**

- 1. **Consider a resolution authorizing the City Attorney to take all necessary steps to convey property totaling about 4 acres (+/-) on Wilson Street NE to WeBuild for the purpose of constructing affordable housing.**

The City acquired three parcels totaling about 5 acres (+/-) on Wilson Street in 1995 at a cost of \$12,000 for the purpose of meeting future recreational needs. The City no longer needs all of these parcels, and WeBuild has requested that the City convey some property to them for the construction of affordable housing units. WeBuild, at their expense, has completed a recombination survey for these properties. This survey shows: the abandonment of an existing boundary line on Tract II; a new property line along the northeast of tract II to exclude land currently used by parks and recreation for the McEachern Greenway (Tract I); the abandonment of a private right of entry used by the previous property owners prior to the sale to the

City. WeBuild is requesting that Tracts II and III, totaling about 4 acres, be conveyed, with the City retaining ownership of Tract I. WeBuild plans to build approximately 14 homes on this property, with 75% of the units built being sold or rented to those at the 80% AMI or below level.

A motion was made by Mayor Pro-Tem Hubbard and seconded by Council Member Crawford to adopt the following resolution authorizing the private sale of approximately 4 acres (+/-) of property located on Wilson Street NE to WeBuild for the purpose of constructing affordable housing units—the vote: all aye.

#### RESOLUTION AUTHORIZING THE PRIVATE SALE OF REAL PROPERTY

WHEREAS, North Carolina General Statute § 160A-279 permits the City to convey real property by private sale to any public or private entity which carries out a public purpose if the City is authorized by law to appropriate money to the public or private entity; and

WHEREAS, the City acquired three tracts of land currently identified as PINS 5621-92-1439, 5621-92-4724, and 5621-92-7687, being a combined 5.047 acres more or less of real property located off and near Wilson Street NE from Joy L. Rhodes, as Trustee of the Joy L. Rhodes Living Trust to the City of Concord as recorded on 07/19/1995 in Deed Book 1435, at Page 306 of the Cabarrus County Registry; and

WHEREAS, the City desires to sell two parcels, PINs 5621-92-1439 and 5621-92-4724, being a combined 4.00 acres, more or less of real property and also being a portion of the real property conveyed to the City in Deed Book 1435, at Page 306 to WeBuild Concord, Inc, and is further described as follows:

Tract II, PIN: 5621-92-4724

Lying and Being in Township Number Twelve, Cabarrus County, City of Concord, North Carolina and being labeled as TRACT II, 2.93 acres, as shown on map titled, “Recombination Survey of City of Concord,” by Concord Engineering and Surveying, Inc. and is further on described on Exhibit A.

Tract III, PIN 5621-92-1439

Lying and Being in Township Number Twelve (12), Cabarrus County, City of Concord, North Carolina and being labeled as TRACT III, 1.037 acres as shown on map titled, “Recombination Survey of City of Concord,” by Concord Engineering and Surveying, Inc. and is further described on Exhibit A.

WHEREAS, WeBuild Concord, Inc. is a North Carolina non-profit corporation organized and operated exclusively for charitable and public purposes and specifically for the public purpose of the provision of affordable housing in the City of Concord and surrounding areas; and

WHEREAS, the City of Concord conducted a study of the affordable housing market study in 2019 which showed, at the time, that Concord needs over 300 additional units of affordable housing to be built per year for the next ten years in order to meet the housing needs of its low to moderate income citizens. However, this study was conducted before the 2020 Census and pandemic. The 2020 Census revealed that Concord had a 33 percent increase in population since 2010. With a population well over 115,000, the numbers provided in the housing study are likely to be lower than the current actual need in the City; and

WHEREAS, WeBuild Concord, Inc. proposes to construct affordable housing units as follows:

5621-92-1439 (now or formerly) – 1.037 acres, Zoning: RM-2 (4 units per acre), 4 homes

5621-92-4724 (now or formerly) – 2.963 acres, Zoning: RM-2 (4 units per acre), 10 homes

The exact number of units constructed may vary depending on the condition of the land, infrastructure and horizontal construction needs. The average cost for WeBuild to construct single-family homes/townhomes ranges from \$160,000 – 245,000 based on infrastructure, specific horizontal construction needs of a property, and family size, and

WHEREAS, WeBuild bases the price of homes and/or rentals on the resident's income. For example, WeBuild’s current home sales and rentals are occupied by residents in the following income categories and percentages:

- Below 60% AMI – 80 percent
- 60-80% AMI – 20 percent
- Above 80% -0 percent

At least 75 percent of homes constructed on the subject property will be reserved for affordable housing for households earning 80 percent of the AMI and below. Each of these households will

pay a maximum of 30 to 33 percent of their household income on their mortgage or rent. All applicants must apply for homes through our application partner, Prosperity Unlimited, the lead HUD- certified counseling agency for Cabarrus County. Prosperity Unlimited documents income eligibility, homeownership or rental requirements, and other rules for affordable housing subsidies; and

WHEREAS, all phases of the project are estimated to be completed by 2030.

Environmental Phase: Up to one year  
Design Phase: Up to one year (concurrent with Environmental Phase)  
Architectural and Engineering: Up to one year  
Pre-construction and construction phases – Up to four years (this may be performed in phases depending on final number of units and design); and

WHEREAS, all units reserved for low to moderate-income households will be for that purpose for a minimum of 20 years with minimum occupancy met for ownership or rental units and will be enforced by deed restrictions similar to the attached Exhibit B.

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

1. The City Council intends to convey the property described above through the private sale procedure outlined in North Carolina General Statute § 160A-267.
2. The City Clerk shall cause a notice of the proposed sale of the Property as follows to be published:

Tract II, PIN: 5621-92-4724 - Lying and Being in Township Number Twelve, Cabarrus County, City of Concord, North Carolina and being labeled as TRACT II, 2.93 acres, as shown on map titled, "Recombination Survey of City of Concord," by Concord Engineering and Surveying, Inc.

Tract III, PIN 5621-92-1439 - Lying and Being in Township Number Twelve (12), Cabarrus County, City of Concord, North Carolina and being labeled as TRACT III, 1.037 acres as shown on map titled, "Recombination Survey of City of Concord," by Concord Engineering and Surveying, Inc.

3. The notice shall describe the property, and the terms under which the sale is to be made.
4. The consideration for the conveyance includes the following set of conditions, covenants, and restrictions, which shall be incorporated in the deed given by the City to WeBuild Concord, Inc.:
  - a. The conveyance shall include deed restrictions setting forth the public purpose of affordable housing in a form similar to the attached Exhibit B.
  - b. The City will convey the property subject to any and all existing public utility easements, restrictions, rights-of-way, protective covenants, zoning laws, conditions, and any ordinance of record and an existing 20-foot access easement and right of way described in Deed Book 1435, at Page 306.
  - c. The closing may be set not sooner than 10 days after the date of the publication of the notice.
5. The City Attorney is directed to take all necessary steps to complete the sale. The City Manager is authorized to execute the necessary instruments to effectuate the sale in accordance with this resolution.

Adopted this 10<sup>th</sup> day of October 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch Mayor

ATTEST: /s/ Kim Deason, City Clerk

2. Consider authorizing the City Manager to negotiate and execute a contract with Ike’s Construction, Inc for the Caldwell Park and Irish Buffalo Creek Renovations a part of Group 1 bond projects and to approve the attached budget amendment.

The Caldwell Park and Irish Buffalo Creek Renovations will consist of selective demolition/site demolition, site clearing & grubbing, erosion control, earthwork (mass grading and fine grading), storm drainage, water quality, concrete pavement, asphalt pavement, paved walking trails, site walls, park building(s), amphitheater, pavilion, shelters, splash pad, basketball courts, baseball field, site lighting fencing, utilities, and ancillary work.

The project was bid under the formal bidding process and three bids were received on September 24, 2024, and publicly read aloud. The lowest responsible bidder was Ike’s Construction, Inc. in the amount of \$11,377,800. The attached budget amendment reallocates funding among projects to better align with the updated timeline and fully fund the Caldwell Park project. Funding moved from other bond funded projects will be included in the next bond sale as needed.

A motion was made by Council Member Crawford and seconded by Council Member McKenzie to authorize the City Manager to negotiate and execute a contract with Ike’s Construction, Inc. in the amount of \$11,377,800 and to adopt the following budget amendment—the vote: all aye.

ORD.# 24-113

CAPITAL PROJECT ORDINANCE AMENDMENT  
Parks & Recreation Projects- Caldwell Park

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

SECTION 1. The projects authorized are the projects included for Caldwell Park

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

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
420-4361000	Investment earnings	0	245,619	245,619
				<u>245,619</u>

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8300.5811002	Caldwell Park	11,765,229	13,765,229	2,000,000
	Dorton Park			
8300-5811053	Improvements	6,619,287	6,279,057	(340,230)
8300-5811055	Irish Buffalo Creek Grnwy	198,480	298,480	100,000
	Academy Gibson			
8300-5811056	Complex	6,944,080	6,644,080	(300,000)
8300-5811101	WW Flowe Park	665,000	105,230	(559,770)
	Poplar Tent Trailhead			
8300-5811105	Park	840,000	40,000	(800,000)
8300-5811068	Future Projects	0	145,619	145,619
Total				<u>245,619</u>

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



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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 10<sup>th</sup> day of October, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**3. Consider approval of the final design for the new David Phillips Park on Burrage Road as part of the 2022 General Obligation parks bond program and authorize the City Manager and staff to continue final project permitting and enter the bid phase.**

The park’s master plan (adopted in September 2020) proposed for approximately 3-acres of the existing recreation property to be used both as an extension for the existing environmental education activities provided at the adjoining David Phillips Activity Center, while reflecting recreational activities reminiscent of the site’s former use as a family residence on the total 10.3-acre property. The plan recommended a playground and activity zone, experiential garden, and amenities such as an ‘aviary’ natural education area and a treehouse.

Consistent with its future use as a publicly-accessible park, the master plan also recommended limited additional restroom facilities, natural paths and trails, and a connection to the McEachern Greenway along Three Mile Branch.

Features to be added include the following:

- two additional family restrooms in expanded environmental education pavilion, incl. inclusive changing table (total of 3 restrooms);
- tiered terraced gardens, stepped down the hill from the existing recreation center, that will weave demonstration plots to showcase food production gardening that can be easily grown at home. Additionally, permanent plantings will showcase appropriate home gardening plantings such as herbs, pollinator species, and fruiting shrubs and trees. An accessible ramp will allow the gardens to be accessed by users and will serve as a direct connecting path from the recreation center to the lower pavilion and playground;
- a nature-based, primarily hardwood playground that mimics four tree houses—recalling the residential family history of the property and the four brothers raised there. Elements include accessible surfacing for movement between all play components, engineered wood-style equipment reflecting a more natural feel, challenge and ropes elements for all ages, a “tire swing”, a hillside slide, and integrated learning panels showcasing native species that may live on or traverse the site;
- an ‘aviary’ environmental education seating area that uses shade sails mimicking a tree canopy, and native plantings that attract bird and pollinator species. The aviary will use a circular layout with concrete seat walls to allow for a versatile learning experience allowing students a 360-degree view of bird and insect species inhabiting the adjacent gardens;
- a ‘treehouse’ overlook will be featured at the highest portion of the site, for nature viewing and creating another learning opportunity. The open-air wooden structure has been designed to resemble a tree canopy and is adjacent to a courtyard with low walls facing an open stair/seating area. The area is set up for small group presentations as well as groups of up to 30 in the learning courtyard;

- a wildlife habitat and meadow area, with plantings focused on creating additional habitat for native species. Two new habitats including a wetland and meadow will be added to the site, providing a wider range of diverse landscapes that will continue attracting wildlife to the site for user interaction and education opportunities;
- a stepped/planted stormwater control feature that will replicate natural stream/pool basins; and
- approximately 4500 feet of greenway path (a future connection to the future McEachern Greenway); and a paved, accessible trail and path network connecting all site features and learning areas.

Some project elements have shifted locations within the park area. There are two reductions in the current project scope as compared to the adopted master plan—the ‘beach’ and over-water overlook areas along Three-Mile Branch were removed in order to eliminate permitting issues. The trail, future bridges and natural bankside paths overlook the creek in numerous places, providing opportunities for seating and stream observation.

While it will be open to general public use, this park has been purposely designed to be relatively understated as parking is limited (34 current spaces are available and no new spaces are required), and the park is generally considered a hybrid between a neighborhood park and one used by the wider community as an adjunct to the DPAC facilities and educational programming.

The current cost estimate for the park is \$3,255,580.56 which is \$512,340 over the available budget amount of \$2,743,240. The cost estimate includes a 15% cost contingency of \$424,641.

A motion was made by Council Member Langford and seconded by Council Member Clay to approve the final design for the new David Phillips Park and authorize the City Manager and staff to continue final project permitting and enter the bidding process for the bond-funded construction per final design documents—the vote: all aye

**4. Consider adopting a resolution authorizing an eminent domain action for a parcel located at 620 Main St. SW.**

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to withdraw this item—the vote: all aye.

**5. Consider adopting a project ordinance amendment for the increase of HOME program income budget for FY24.**

The current budget amount is \$1,184,640 and needs to be increased to \$1,327,160 with a difference of \$142,520 to account for additional program income received by the City of Concord. These funds will be earmarked for the Coleman Mill project.

A motion was made by Mayor Pro-Tem Hubbard and seconded by Council Member McKenzie to adopt the following project ordinance amendment to increase of HOME program income for FY24 by \$142,520.

ORD.# 24-115

GRANT 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 project authorized and amended are the projects included in the HOME 2023 Grant.

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

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
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320-4355000				
320-4355000	Home Program Income	\$1,184,640	\$1,327,160	\$142,520
Total				<u>\$142,520</u>

SECTION 4. The following amounts are appropriated for the project

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
3218-5480012				
3218-5480012	Match/PI Exp	\$131,006	\$273,526	\$142,520
Total				<u>\$142,520</u>

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 grant 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 10th day of October, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**Consent Agenda:**

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

**CONSENT AGENDA ITEM A**

An addendum to the current lease agreement between the City of Concord and Cameron Concepts, LLC was approved.

**CONSENT AGENDA ITEM B**

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

**CONSENT AGENDA ITEM C**

The Solid Waste Department and Sustainability Coordinator were authorized to apply for a food waste reduction grant from the North Carolina Department of Environmental Quality.

**CONSENT AGENDA ITEM D**

A grant submission to the US Department of Agriculture Rural Business-Cooperative Service Reinvestment Fund’s “Healthy Food Financing Initiative Food Access and Retail Expansion Fund” (HFFI FARE Fund) in the total amount of \$300,000 for the redevelopment of the McGill Project was approved.

**CONSENT AGENDA ITEM E**

The City Manager was authorized to execute the contract for the Joe Cannon Irrevocable Charitable Trust F/B/O Concord Fire Department for the approval of replacement trustee for the foundation.

**CONSENT AGENDA ITEM F**

The City Manager was authorized to negotiate and execute a contract with the North Carolina Department of Transportation (NCDOT) for acceptance of a supplemental award of federal Congestion Mitigation and Air Quality (CMAQ) program funds for construction of the Clarke Creek Greenway-Cox Mill Loop Greenway & Bicycle/Pedestrian Bridge project in the amount of \$2,130,846 and the following budget ordinance amendment was adopted.

ORD.# 24-114

**CAPITAL PROJECT ORDINANCE AMENDMENT**

**Parks & Recreation Projects- Cox Mill Loop Greenway & Bridge Bicycle/Pedestrian Bridge**

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

SECTION 1. The projects authorized are the projects included for Construct Cox Mill Loop Greenway & Bridge Bicycle/Pedestrian Bridge

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:

		<u>Revenues</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
420-4357300				
420-4357300	Federal Aid	\$ 2,048,114	\$ 4,178,960	\$ 2,130,846
420-4501280				
420-4501280	Transfer From P&R Reserve	\$ 6,435,141	\$ 6,251,583	<\$ 183,558>
420-4501285	Transfer From General			
420-4501285	Capital Reserve	\$ 9,482,883	\$ 9,095,595	<387,288>
				<u>\$ 1,560,000</u>

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>
8300-5811102	Clarke Creek			
8300-5811102	Greenway	\$ 5,417,632	\$ 6,977,632	\$ 1,560,000
<b>Total</b>				<u>\$ 1,560,000</u>

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 10<sup>th</sup> day of October, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM G**

The City Manager was authorized to negotiate and execute Assignment and Assumption of Lease by Concord Aviation Property, LLC and DK Aviation Properties, LLC.

**CONSENT AGENDA ITEM H**

The following project ordinance amendment was adopted to decrease the CDBG program income budget for FY24.

ORD.# 24-116

GRANT 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 project authorized and amended are the projects included in the CDBG 2023 Grant

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**

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
310-4355000				
310-4355000	Program Income	\$110,730	\$104,891	(\$5,839)
	<b>Total</b>			<b>(\$5,839)</b>

SECTION 4. The following amounts are appropriate for the project

**Expenses/Expenditures**

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
3121-5480012				
3121-5480012	Match/PI Exp	\$9,000	\$3,161	(\$5,839)
3121-5470020				
3121-5470020	Economic Development	\$280,000	\$283,108	\$3,108
3120-5121000				
3120-5121000	Regular	\$66,895	\$69,248	\$2,353
3120-5181000	FICA	\$4,982	\$5,315	\$333

3120-5181000				
3120-5182000				
3120-5182000	Retirement-General	\$8,389	\$8,964	\$575
3120-5183000				
3120-5183000	Group Insurance	\$8,681	\$8,592	(\$89)
3120-5187000				
3120-5187000	401K Contribution	\$2,931	\$3,171	\$240
3120-5294000				
3120-5294000	Miscellaneous Pay	\$1,271	\$0	(\$1,271)
3120-5191000				
3120-5191000	Accounting/Audit	\$118	\$137	\$19
3120-5194000				
3120-5194000	Contract Services	\$9,432	\$7,575	(\$1,857)
3120-5299000				
3120-5299000	Supplies-Departmental	\$10,663	\$8,079	(\$2,584)
3120-5312000				
3120-5312000	Travel & Training	\$5,000	\$4,316	(\$684)
3120-5321000				
3120-5321000	Telephone	\$0	\$780	\$780
3120-5370000				
3120-5370000	Advertising	\$3,000	\$2,663	(\$337)
3120-5491000				
3120-5491000	Dues & Subscriptions	\$1,500	\$914	(\$586)
Total				<u>(\$5,839)</u>

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 grant 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 10<sup>th</sup> day of October, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM I**

An Offer of Dedication of utility easements and public rights-of-ways on the following plat and easements was accepted: Springs Business Park.

**CONSENT AGENDA ITEM J**

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

**CONSENT AGENDA ITEM K**

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

**CONSENT AGENDA ITEM L**

The monthly report on status of investments as of August 31, 2024 was received.

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

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William C. Dusch, Mayor

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Kim J. Deason, City Clerk