

CONCORD CITY COUNCIL  
REGULAR MEETING  
APRIL 9, 2020

A regular meeting of the City Council for the City of Concord, North Carolina, was held on April 9, 2020, at 6:00 p.m. with Mayor William C. Dusch presiding.

Due to COVID-19 and the 6 foot separation requirement, the meeting was conducted via Bluejeans.

Council members were present as follows:

**Members Present:**

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

**Others Present:**

City Manager, Lloyd Wm. Payne, Jr.  
City Attorney, Valerie Kolczynski  
City Clerk, Kim J. Deason  
Various 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 McKenzie, seconded by Mayor Pro-Tem Sweat, and duly carried, to approve the minutes for the meetings of March 10, March 12, and March 24, 2020—the vote: all aye.

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**Presentations:**

1. Mayor Dusch recognized Leigh Ann Sells for over 24 years of service with the City of Concord Finance Department.

**Public Hearings:**

1. **Conduct a public hearing and consider adopting the Five-Year Agency Plan for the Concord Housing Department that updates the Policies that govern the Public Housing Program.**

The Housing Department is required to submit a Five-Year Agency Plan to the United States Department of Housing and Urban Development (HUD) every five years. The plan has been completed and ready for review since Monday, February 10, 2019. The only update to this year's plan is the addition of VASH vouchers for Veterans.

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

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

A motion was made by Mayor Pro-Tem, seconded by Council Member King, and duly carried, to adopt the Five-Year Agency Plan for the City of Concord Housing Department—the vote: all aye.

**2. Conduct a public hearing and consider approving an agreement between the City of Concord and Bootsmead LeaseCo, LLC to extend sewer infrastructure at 2321 Concord Pkwy, S.**

Per the proposed agreement the City would extend sewer infrastructure to the Grounds at Concord site in order to stimulate investment in the local economy, support economic growth in the City, and create jobs. Phase 1 is already a planned project in the City's Capital Improvement Plan and would consist of the City extending sewer infrastructure and related appurtenances necessary to reach the property line of the site at an estimated cost of \$1,600,000. Cabarrus County would agree to pay the City \$500,000 at \$100,000 per year for a five-year period toward the expense of Phase 1 in a separate agreement. Bootsmead would not reimburse the City for Phase 1. Phase 2 would consist of the City extending approximately 7,000 linear feet of sewer main infrastructure and related appurtenances necessary to bring service from the property line of the site to a point in the interior of the site at an estimated cost of \$3,000,000. All of the City's costs for design and construction of Phase 2 would be subject to reimbursement from Bootsmead, except the City will pay for the cost to increase the size of main from 8 inches to 12 inches. For each and every parcel sold from the approximately 1,600 acre Grounds at Concord site, Bootsmead would remit 10% of the per acre sale price to the City until the total and actual cost of Phase 2 is reimbursed. Final alignment would be determined once the project is designed.

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

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

A motion was made by Council Member McKenzie, seconded by Council Member Parsley, and duly carried, to approve an agreement between the City of Concord and Bootsmead LeaseCo, LLC to extend sewer infrastructure at 2321 Concord Pkwy, South—the vote: all aye.

**Presentations of Petitions and Requests**

**1. Receive presentation from Sandra Torres regarding the Concord International Festival and consider co-sponsoring the event.**

Ms. Torres provided the Mayor and Council information regarding the proposed Festival at the Tuesday, April 7<sup>th</sup>, Work Session.

A motion was made by Council Member Crawford, seconded by Council Member Langford, and duly carried, to co-sponsor the International Festival to be held in September 2020—the vote: all aye.

**2. Consider authorizing the Concord ABC Board to retain extra Distribution of Funds.**

The Concord ABC Board is in land negotiations for a new store location. Therefore, the Board is requesting authorization to retain extra distribution of funds to be used for this purpose.

A motion was made by Council Member Crawford, seconded by Council Member McKenzie, and duly carried, to authorize the Concord ABC Board to retain extra distribution of funds for a new store location—the vote: all aye.

**3. Consider authorizing the City Manager and City Attorney to enter into a loan modification with Carolina Courts.**

Due to the COVID-19 virus, Carolina Courts ceased operations on March 12th. With no income, they have asked F&M Bank and the City of Concord to consider modifying their loans to interest-only to assist them in getting through the pandemic. F&M Bank holds the first mortgage, and they approved a six-month interest only modification starting in April. The City of Concord holds the second mortgage and the proposal is to modify the loan for a three-month period with the authority given to the City Manager and City Attorney to modify it for an additional three months if conditions warrant. Council would have to approve any modification beyond a six-month period.

The interest-only payments would be \$1,840.08 per month. The current monthly payments are \$7,425.45 and the loan term is 15 years with the expiration of July 1st, 2034. The interest rate is two percent. The current loan balance is \$1,109,624. The loan expiration would be extended by the appropriate months if Council approves the modification.

A motion was made by Council Member King, seconded by Mayor Pro-Tem Sweat, and duly carried, to authorize the City Manager and City Attorney to modify the existing loan with Carolina Courts to interest-only for a three-month term with the ability to extend the term by an additional three months if conditions warrant—the vote: all aye.

**4. Consider adopting the 2020 Cabarrus County Long Range Public Transportation Master Plan.**

Concord Kannapolis Area Transit (Rider) and Cabarrus County Transportation Service (CCTS), along with the cities of Concord, Kannapolis, and Cabarrus County, initiated a Long Range Public Transportation Master Plan study in 2018 with the intent of creating a strong vision for improved public transportation throughout Cabarrus County to address current and future needs. More than 1,200 members of the community participated in the multipronged outreach effort through a variety of means for input from community members, including pop-up events, in person and online surveys to current riders and non-riders, public meetings and focus groups with key stakeholders, and City and County leadership.

This ambitious plan provides recommendations for the next 20 years and defines operational, capital, and personnel improvements in six phases. The plan was presented to the Concord Kannapolis Transit Commission on February 26, 2020 and was unanimously adopted.

A motion was made by Council Member Langford, seconded by Council Member Crawford, and duly carried, to adopt the 2020 Cabarrus County Long Range Public Transportation Master Plan—the vote: all aye.

**5. Consider authorizing the City Manager to negotiate and execute a contract with Electrical Engineering Consulting & Testing, P.C. in the amount of \$73,925 for final engineering and project management services for the switchgear replacement project at the Coddle Creek Water Treatment Plant.**

This item was removed from the agenda.

**6. Consider authorizing the City Manager to negotiate and execute a contract with The Ryan Company in the amount of \$1,296,900 for construction services for the switchgear replacement project at the Coddle Creek Water Treatment Plant.**

This item was removed from the agenda.

**7. Consider authorizing the City Manager to negotiate and execute a contract with Landdesign, Inc. for engineering services relating to the design of the Coddle Creek Tributary Outfall Extension to Westridge Lane and to and across the Grounds property.**

The Coddle Creek Tributary Outfall Extension is a future year capital improvement project for the Water Resources Department in order to take the Roberta Woods pump station offline. This project is needed to be expedited in order to facilitate economic development at the Grounds site. The contract with Landdesign, Inc would be a fixed fee for engineering and surveying services not to exceed \$418,190.

A motion was made by Council Member Parsley, seconded by Council Member King, and duly carried, to authorize the City Manager to negotiate and execute a contract with Landdesign, Inc. for engineering and surveying services relating to the design of the Coddle Creek Tributary Outfall Extension to Westridge Lane and to and across the Grounds property—the vote: all aye.

**8. Consider authorizing the City Manager to negotiate and execute a contract with AM-Liner East, Inc for the lining of sewer lines and rehabilitation of manholes.**

The CIPP method allows the sewer lines to be rehabilitated without the disturbances to the public caused by the conventional method of excavation and replacement. This project was publicly bid and eight (8) bids were received. The lowest responsible bidder was AM-Liner East, Inc in the amount of \$800,461.20. There was a lower bid than AM-Liner East, but the bidder was not considered responsible.

A motion was made by Council Member Crawford, seconded by Mayor Pro-Tem Sweat, and duly carried, to authorize the City Manager to negotiate and execute a contract with AM-Liner East, Inc in the amount of \$800,461.20 for the rehabilitation of 23,197 linear feet of sewer lines and 97 manholes—the vote: all aye.

**9. Consider adopting a resolution abandoning a right-of-way across property on Perry Street (PIN 5509-23-7558).**

There is a right of way agreement in Deed Book 638 Page 216 to the NC Department of Transportation for road improvements. In 1996, the City annexed this area and certain roads were changed from NCDOT maintained to City maintained and Perry Street was included in that change. The property is proposed to be developed and a portion of the right of way granted under the agreement is no longer needed. Transportation agrees with the abandonment.

A motion was made by Council Member King, seconded by Mayor Pro-Tem Sweat, and duly carried, to adopt the following resolution authorizing the abandonment of right-of-way—the vote: all aye.

**RESOLUTION RELEASING EASEMENT**

WHEREAS, a right of way agreement was granted in Deed Book 638 Page 216 in the Cabarrus County Registry to the Department of Transportation for road improvement; and

WHEREAS, in 1996 the Department of Transportation agreed to make certain changes to the State Highway System as a result of corporate limit changes; and

WHEREAS, as a result of such changes the before mentioned right of way agreement was assigned to the City of Concord; and

WHEREAS, the property owners developing this project request abandonment of a portion of said right-of-way agreement since it is no longer needed for improvements their development will construct; and

WHEREAS, the release of the portion of said right-of-way agreement would not be contrary to the public interest;

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

1. That a portion of said right of way agreement described and recorded in Deed Book 638 Page 216 and more particularly shown outlined on Exhibits "A" is hereby ordered abandoned, and all rights and interest of the City are released.
2. The City's property rights in the released portion easement shall be conveyed by the City Attorney and other necessary staff or the Mayor to the property owners of record.
3. The City Attorney and other City staff are hereby directed to take all necessary steps to enforce this resolution.

Adopted this 9<sup>th</sup> day of April 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

**10. Consider authorizing the City Manager to negotiate and execute a construction contract with ALS of North Carolina, LLC for the construction of the Downtown Pedestrian Signal Upgrade project (TIP# EB-5902) contingent upon NCDOT's concurrence of award.**

The City of Concord has a municipal agreement with NCDOT for the Downtown Pedestrian Signal Upgrade— EB-5902. The work included in this project consist of upfitting four downtown intersections with pedestrian signals. The intersections include Cabarrus Avenue and Spring Street, Cabarrus Avenue and Church Street, Corbin Avenue and Church Street, and Corban Avenue and Spring Street. The lowest responsive and responsible bidder was ALS of North Carolina, LLC. in the amount of \$198,128.10

A motion was made by Mayor Pro-Tem Sweat, seconded by Council Member Crawford, and duly carried, to authorize the City Manager to negotiate and execute a contract with ALS of North Carolina, LLC. in the amount of \$198,128.10 for the Downtown Pedestrian Signal Upgrade project (TIP #EB-5902) contingent upon NCDOT's concurrence of award—the vote: all aye.

**11. Consider a Preliminary Application from Brian Webb.**

In accordance with City Code Chapter 62, Brian Webb has submitted a preliminary application to receive water and sewer service outside the City limits. The property is located at 550 Devereaux Place NE. The parcel is zoned RM-1 and the applicant wants to develop with a single family home. Per NCGS 160A-58.1(b)(4), the City may not require annexation since the single lot is part of a subdivision as defined in GS 160A-376.

A motion was made by Council Member Parsley, seconded by Mayor Pro-Tem Sweat, and duly carried, to accept the preliminary application and have the owner proceed to the final application phase excluding annexation—the vote: all aye.

**12. Consider adopting a resolution ratifying a Declaration of a State of Emergency.**

Action was taken on this item at the April 7, 2020 Work Session.

**13. Consider adopting an ordinance ordering the demolition of the structure located at 93 James St, SW (PIN# 5620-85-2811) owned by Sheila Louise Nance, Sandra Lynette Carmon, Teresa Lavette Nance Anderson, James Hayes Nance, Richard Bryant Nance, Glenn Allen Nance, Sandy Berlin Nance, County of Cabarrus, Andrew Phillips & Frederick Kruas, (Guardian Ad Litem ad Terrance Culbertson).**

This item was removed from the agenda.

**14. Consider approving an amendment to the City of Concord Personnel Policy to add Article 5.19, Furlough Policy.**

The proposed policy was created to provide guidance in the event that a furlough becomes necessary for reasons of work curtailment, including inclement weather, service changes or funding changes. The policy provides that the City Manager (or his/her designee) may institute changes to work hour requirements, City operating hours and/or may implement a furlough plan for all full-time and part-time benefits eligible employees

A motion was made by Council Member Crawford, seconded by Council Member Parsley, and duly carried, to approve an amendment to the City of Concord Personnel Policy to add Article 5.19, Furlough Policy—the vote: all aye.

**15. Consider approving an amendment to Article 6.3, Leave Without Pay, of the City of Concord Personnel Policy.**

The proposed policy revision is to provide for exceptions to the leave time exhaustion requirement set forth in Article 6.3. The revision provides that during a period of emergency (as described on the COOP), an employee may request a leave of absence without pay without having to exhaust accrued vacation or sick leave prior to making the request. In these instances, holiday pay, sick and vacation accrual and the employee's insurance will be managed as in the above section of the policy.

A motion was made by Mayor Pro-Tem Sweat, seconded by Council Member Langford, and duly carried, to approve an amendment to the City of Concord Personnel Policy, Article 6.3, Leave Without Pay—the vote: all aye.

**Consent Agenda:**

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

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

**CONSENT AGENDA ITEM A**

Due to COVID-19, CK Transit Rider fares were suspended and rear loading of transit vehicles was implemented until further notice.

**CONSENT AGENDA ITEM B**

Disconnection as a remedy for nonpayment of utility service charges was suspended, including suspending late fees, and the City Manager was authorized to return to normal operations once the State Emergency Declaration has ended.

**CONSENT AGENDA ITEM C**

The following resolution was adopted to amend the City's Customer Service Policies and Procedures, Article 5.10, Emergency Disconnection During Extreme Weather/Emergencies.

**RESOLUTION APPROVING CUSTOMER SERVICE POLICIES AND PROCEDURES OF THE CITY OF CONCORD**

WHEREAS, the City Council of the City of Concord, North Carolina has approved a Customer Service Policies and Procedures Manual; and

WHEREAS, the City desires to amend the Customer Service Policies and Procedures, by amending the following: Article 5.10, Disconnection During Extreme Weather/Emergencies;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord, North Carolina that Article 5.10, Disconnection During Extreme Weather/Emergencies will be amended as follows:

**5.10. DISCONNECTION DURING EXTREME WEATHER/EMERGENCIES (North Carolina Utilities Commission Guideline R12-11)**

The City will not exercise its right to disconnect service for non-payment of any bill when the safety and well-being of a customer may be at stake. For that reason, disconnections for non-payment may not be conducted on any extremely cold winter day, extremely hot summer day or other emergency situations.

**POLICY:** The City may choose not to disconnect water and electric utility services if temperatures are projected to remain below 32 degrees Fahrenheit for the entire day. During periods of intense heat, the City may choose not to disconnect electric utility services if the heat index is projected to exceed 100 degrees. Water utility service disconnections will continue unless the heat, humidity and other environmental factors become so extreme that the City Manager determines that there is a need to postpone disconnections for a short period until the acute conditions subside.

The City will use the next day's forecast as a benchmark to determine the cutoff schedule. The City will access the official National Weather Service site to obtain weather information and will maintain daily temperature and heat index records.

The heat index is a measure of temperature and humidity.

If a customer's bill remains unpaid on the next business day, the disconnection for non-payment may then occur. This delay in disconnection for non-payment will not preclude the City from disconnection at a future date and does not change the customer's liability for payment of all bills and fees.

During other emergencies, other than those related to weather, the City Manager may make decisions regarding disconnections for non-payment to benefit the city's utility customers during times of hardship.

The customer is encouraged to contact the City in advance of disconnection to make payment arrangements.

Adopted this 9th day of April, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

**CONSENT AGENDA ITEM D**

The Police Department was authorized to apply for The Bureau of Justice Assistance (BJA) FY 2020 Coronavirus Emergency Supplemental Funding Program (Opportunity ID BJA-2020-18553).

**CONSENT AGENDA ITEM E**

The maintenance agreements were approved and the offers of dedication on the following properties were accepted: Campbell Farms Charlotte, LLC and Ellenwood Charlotte, LLC.

**CONSENT AGENDA ITEM F**

The offers of dedication on the following plat and easements were accepted: Bedford Farms Phase 4, Ellenwood Park, and Campbell Farms.

**CONSENT AGENDA ITEM G**

The offers of infrastructure in the following subdivisions and sites were accepted: Pendleton Phase 2 Map 4, Birchwood Commons, Christenbury Outlot 5, Wayforth Phase 2, Carvana, and Hunton Forest Phase 2-2 Map 5.

**CONSENT AGENDA ITEM H**

This item was moved to the regular agenda (#13).

**CONSENT AGENDA ITEM I**

The following ordinance was adopted to recognize matching funds from Cabarrus County for Emergency Management operations.

ORD.# 20-25

**AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE**

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

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

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

Account	Title	<u>Revenues</u>		
		Current Budget	Amended Budget	(Decrease) Increase
100- 4355100	Contributions	20,000	21,000	1,000
<b>Total</b>			<b>1,000</b>	

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4340-5296000	EMS Medical Supplies	40,000	41,000	1,000
<b>Total</b>			<b>1,000</b>	

Reason: To recognize a contribution from Cabarrus First Responder to assist with funding emergency management operations.

Adopted this 9th day of April, 2020.

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 following ordinance was adopted to fund the Samuel Leder Scholarship with proceeds from the Mayor's Golf Tournament.

ORD.# 20-26

**AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE**

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

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

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

		<u>Revenues</u>		
<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
100-4370000	Approp. Fund Balance	5,342,535	5,347,535	5,000
	<b>Total</b>			<b>5,000</b>

		<u>Expenses/Expenditures</u>		
<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
4190-5470043	Mayor's Golf Tournament	6,750	11,750	5,000
	<b>Total</b>			<b>5,000</b>

Reason: To appropriate reserves from the Mayor's Golf Tournament to the Samuel Leder Scholarship.

Adopted this 9th day of April, 2020.

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 K**

The use of contingency funds was approved for the Streetscape Project and the following General Fund operating budget amendment and Streetscape project budget amendment were adopted.

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

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

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

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

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100- 4350400	Rental Income	5,800	10,800	5,000
<b>Total</b>				<b>5,000</b>

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4190- 5992000	Contingency			
4190- 5987000	Transfer to Capital Project	300,000	0	(300,000)
		192,300	497,300	305,000
<b>Total</b>				<b>5,000</b>

Reason: To fund additional money needed for the Streetscape engineering contract and authorize use of the contingency funds.

Adopted this 9th day of April, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ Valerie Kolczynski, City Attorney

ORD.# 20-28  
CAPITAL PROJECT ORDINANCE  
**General Capital Projects**

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

SECTION 1. The projects authorized are General Capital Projects for the Streetscape Project.

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>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
430-4501100	From General Fund	2,264,020	2,569,020	305,000
430-4501100	From General Fund			
	<b>Total</b>			<b>305,000</b>

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>
8804-5811272	Streetscape	200,000	505,000	305,000
8804-5811272				
	<b>Total</b>			<b>305,000</b>

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 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 9th day of April, 2020.

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 L**

The following General Fund Capital Project fund ordinance was adopted to close the Parking & Access Road Project.

**CAPITAL PROJECT ORDINANCE  
General Capital Projects**

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

SECTION 1. The projects authorized are General Capital Projects for the Streetscape Project.

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>Account</u>	<u>Title</u>	<u>Revenues</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
<b>Total</b>				

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

<u>Account</u>	<u>Title</u>	<u>Expenses/Expenditures</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8800-5811275	Parking & Access Rd	494,648	0	(494,648)
8800-5811275				
8804-5811082	Future Reserve	115,369	610,017	494,648
8804-5811082				
<b>Total</b>				<b>0</b>

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 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 9th day of April, 2020.

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 M**

The following Transportation Capital Project ordinance amendment was adopted for the Dorland Realignment project.

ORD.# 20-30

**CAPITAL PROJECT ORDINANCE  
Dorland Realignment**

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 Union Street Sidewalk Project.

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

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

Account	Title	Revenues		
		Current Budget	Amended Budget	(Decrease) Increase

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

Account	Title	Expenses/Expenditures		
		Current Budget	Amended Budget	(Decrease) Increase
8600 - 5811073				
8600 - 5811073	Future Reserves	1,217,436	1,417,436	200,000
8600 - 5811069				
8600 - 5811069	Dorland Realignment	200,000	0	(200,000)
				<u>0</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 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 9th day of April, 2020.

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 N**

The following Wastewater capital project ordinance was adopted for the Grounds project located at the former Phillip Morris site.

ORD.# 20-31

**CAPITAL PROJECT ORDINANCE AMENDMENT  
Wastewater Projects-The Grounds Project**

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 The Grounds Projects.

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

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the 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>
421-343352			3,074,78	
421-343352	Developer Contribution	74,788	8	3,000,000
421-337200		0	500,000	
421-337200	Cabarrus County Contribution			500,000
421-402150		1,603,00	3,703,00	
421-402150	System Development Fees	0	0	2,100,000
				<u>5,600,000</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>
8402-01179				
8402-01179	Grounds Sewer Ext. Phase I	0	1,600,000	1,600,000
8402-01180				
8402-01180	Grounds Sewer Ext Phase II	0	3,000,000	3,000,000
8402-01181				
8402-01181	Grounds Upsizing Sewer Lines	0	1,000,000	1,000,000
	<b>Total</b>			<u>5,600,000</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 9th day April, 2020.

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 O**

The Tax Office collection reports for the month of February 2020 were accepted.

**CONSENT AGENDA ITEM P**

The Tax releases/refunds for the month of February 2020 were approved.

**CONSENT AGENDA ITEM Q**

The monthly report of investments as of February 29, 2020 was accepted.

\* \* \* \* \*

**Matters not on the Agenda:**

**There were no updates to provide for the various Committees/Boards**

TAC

MTC

Concord/Kannapolis Transit Commission – update provided

Centralina Council of Government (CCOG)

WSACC

Public Art Advisory Committee

Concord Family Enrichment Association – update provided

PTT Committee

Barber Scotia Task Force Committee – update provided

\* \* \* \* \*

Mayor Dusch called for a special meeting to be held on April 21, 2020. The meeting will be conducted by virtual means.

\* \* \* \* \*

A motion was made by Council Member Parsley, seconded by Council Member Crawford, and duly carried, to conduct a closed session in accordance with N.C. General Statute 143-318.11 (a)(3) to consult with the Attorney to protect the attorney-client privilege; N.C. General Statute 143-318.11(a)(4) to discuss matters relating to the location or expansion of business in the area served by this body—the vote: all aye.

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

\* \* \* \* \*

Upon reconvening in open session, a motion was made by Council Member McKenzie, seconded by Council Member Crawford, and duly carried, to adopt the following resolutions authorizing Eminent Domain for the Poplar Tent water line the vote: all aye.

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE  
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

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

Permanent Utility Easement (Exhibit A, Page 1 of 1)  
Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 1,575.49 Sq. Ft. or 0.036 Acres more or less, as shown on map titled. "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord of Future Empowerment Investments, LLC," (Now or Formerly) dated 05/10/2018 and is attached as Exhibit A for further reference.

WHEREAS, the Permanent Utility Easement, affecting a portion of PIN 5610-19-1330 is currently owned by Stanley Adams and is being acquired to construct the "Poplar Tent Road Water Replacement Project;" and

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

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

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

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

Adopted this 9th day of April, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE  
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

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

Permanent Utility Easement (Exhibit A, Page 1 of 1)  
Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 5,647.89 Sq. Ft. or 0.130 Acres more or less, as shown on map titled, "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord, Bobby M. Morrison" (Now or Formerly) dated 05/10/2018 and is attached as Exhibit A, Page 1 of 1 for further reference.

WHEREAS, the Permanent Utility Easement, affecting a portion of PIN 5600-89-4740 is currently owned by Bobby M. Morrison is being acquired to construct the "Poplar Tent Road Water Replacement Project;" and



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

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

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

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

Adopted this 9<sup>th</sup> day of April, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE  
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

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

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

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 288.92 Sq. Ft. or 0.007 Acres more or less, as shown on map titled, "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord, Margaret A. Dover, Nancy Overcash, and Peggy A. Helms" (Now or Formerly) dated 05/10/2018 and is attached as Exhibit A, Page 1 of 1) for further reference.

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

Lying and being No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled at 994.28 Sq. Ft. or 0.023 Acres, more or less, as shown on map title, "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord, Margaret A. Dover, Nancy Overcash, and Peggy A. Helms" (Now or Formerly) dated 05/10/2018 and is attached as Exhibit A, Page 2 of 2) for further reference.

WHEREAS, the Permanent Utility Easements, affecting a portion of PIN 5600-99-3592 and PIN 5600-99-4551 are currently owned by Margaret A. Dover, Nancy Overcash and Peggy A. Helms are being acquired to construct the "Poplar Tent Road Water Replacement Project;" and

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

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

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

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

Adopted this 9<sup>th</sup> day of April, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE  
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

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

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

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 1,877.15 Sq. Ft. or 0.043 Acres more or less, as shown on map titled, "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord, Jose Flores" (Now or Formerly) dated 05/10/2018 and is attached as Exhibit A, Page 1 of 1 for further reference.

WHEREAS, the Permanent Utility Easement, affecting a portion of PIN 5610-19-2200 is currently owned by Jose Flores is being acquired to construct the "Poplar Tent Road Water Replacement Project;" and

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

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

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

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

Adopted this 9<sup>th</sup> day of April, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE  
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

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

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

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 1,572.68 Sq. Ft. or 0.036 Acres more or less, as shown on map titled. "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord of Future Empowerment Investments, LLC," (Now or Formerly) dated 05/10/2018 and is attached as Exhibit A for further reference.

WHEREAS, the Permanent Utility Easement, affecting a portion of PIN 5610-19-0362 is currently owned by Joseph Preston McCutcheon and wife, Madison Taylour Murtagh and is being acquired to construct the "Poplar Tent Road Water Replacement Project;" and

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

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

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

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

Adopted this 9<sup>th</sup> day of April, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE  
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

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

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

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 1,685.08 Sq. Ft. or 0.039 Acres more or less, as shown on map titled, "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord, Magloire Obsaint" (Now or Formerly) dated 05/10/2018 and is attached as Exhibit A, Page 1 of 1 for further reference.

WHEREAS, the Permanent Utility Easement, affecting a portion of PIN 5610-19-0304 is currently owned by Magloire Obsaint is being acquired to construct the "Poplar Tent Road Water Replacement Project;" and

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

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

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

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

Adopted this 9<sup>th</sup> day of April, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE  
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

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

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

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 4,844.33 Sq. Ft. or 0.111 Acres more or less, as shown on map titled, "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord, G. Richard Potts and wife, Jo Ellen Potts and Courtney Harmon" (Now or Formerly) dated 05/10/2018 and is attached as Exhibit A, Page 1 of 1 for further reference.

WHEREAS, the Permanent Utility Easement, affecting a portion of PIN 5600-79-8626 is currently owned by G. Richard Potts and wife, Jo Ellen Potts and Courtney Harmon is being acquired to construct the "Poplar Tent Road Water Replacement Project;" and

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

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

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

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

Adopted this 9<sup>th</sup> day of April, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE

OR EMINENT DOMAIN TO ACQUIRE PROPERTY

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

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

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 3,439.49 Sq. Ft. or 0.079 Acres more or less, as shown on map titled, "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord, Richard M. Morrison and Bobby M. Morrison" (Now or Formerly) dated 05/10/2018 and is attached as Exhibit A, Page 1 of 1 for further reference.

WHEREAS, the Permanent Utility Easement, affecting a portion of PIN 5600-89-1568 is currently owned by Richard M. Morrison and Bobby M. Morrison is being acquired to construct the "Poplar Tent Road Water Replacement Project;" and

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

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

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

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

Adopted this 9<sup>th</sup> day of April, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE  
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

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

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

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 1,117.76 Sq. Ft. or 0.026 Acres more or less, as shown on map titled, "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord, Rafael Espejo Vallecillo and Lizbeth Camo Villafuerte" (Now or Formerly) dated 05/10/2018 and is attached as Exhibit A, Page 1 of 1 for further reference.

WHEREAS, the Permanent Utility Easement, affecting a portion of PIN 5600-89-8690 is currently owned by Rafael Espejo Vallecillo and Lizbeth Camo Villafuerte is being acquired to construct the "Poplar Tent Road Water Replacement Project;" and

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

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

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

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

Adopted this 9<sup>th</sup> day of April, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE  
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

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

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

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 2,998.96 Sq. Ft. or 0.069 Acres more or less, as shown on map titled. "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord of John F. Vanderburg," dated 05/10/2018 and is attached as Exhibit A for further reference.

WHEREAS, the Permanent Utility Easement, affecting a portion of PIN 5600-79-2891 is currently owned by John F. Vanderburg and is being acquired to construct the "Poplar Tent Road Water Project;" and

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

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

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

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

Adopted this 9<sup>th</sup> day of April, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE OR EMINENT DOMAIN TO ACQUIRE PROPERTY

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

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

Lying and being in No. 2 Township, City of Concord, County of Cabarrus and is identified as a Permanent Utility Easement, labeled as 3,442.97 Sq. Ft. or 0.079 Acres more or less, as shown on map titled, "24" Poplar Tent Road Water Main Easement Acquisition Plat for the City of Concord, William Jackson Whitley and wife, Clatie Mae Whitley" (Now or Formerly) dated 05/10/2018 and is attached as Exhibit A, Page 1 of 1 for further reference.

WHEREAS, the Permanent Utility Easement, affecting a portion of PIN 5600-79-9693 is currently owned by William Jackson Whitley and wife, Clatie Mae Whitley is being acquired to construct the "Poplar Tent Road Water Replacement Project;" and

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

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

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

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

Adopted this 9<sup>th</sup> day of April, 2020.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

\* \* \* \* \*

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

\_\_\_\_\_  
William C. Dusch, Mayor

\_\_\_\_\_  
Kim J. Deason, City Clerk