

CONCORD CITY COUNCIL
REGULAR MEETING
JULY 9, 2020

A regular meeting of the City Council for the City of Concord, North Carolina, was held on July 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 electronically via Zoom.

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

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 and seconded by Council Member Crawford to approve the minutes for the meetings of June 9, June 11, and June 26, 2020—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

Presentations:

1. At the July 7th Work Session, Mayor Dusch recognized the Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting for period ending June 30, 2019 for the 31st consecutive year.
2. Mayor Dusch recognized the Human Resources Department for being awarded the 2020 Healthiest Employer of Greater Charlotte Award.

Persons requesting to be heard:

Ashley Schoope, 791 Cloisters Ct, NW, Concord, NC, addressed the Council requesting the City Council consider reducing police funding and use the funding to assist with hiring professionals to address mental health issues within the City.

Wendy McConnell, 1113 Hanover Dr, NW, Concord, NC, addressed the Council requesting the City Council to consider reducing police funding and redirect the funding to improve the mental health in the community.

Bob Anderson, 280 Virginia St, SE, Concord, NC, addressed the Council requesting all City Council members attend the Racial Equity training once it is offered again in our area.

Public Hearings: – the public hearings were opened at the July 7, 2020 Work Session and continued to the July 9, 2020 City Council meeting to allow for the required 24 hour written comment period for virtual hearings.

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

The authorized petitioner is Keith Rains, PE of McKim and Creed. The property consists of +/- 56.83 acres and is adjacent to the southwest corner of The Mills at Rocky River project and west of CC Griffin Middle School. The applicant proposed to annex the subject property for the development of a single-family residential detached subdivision.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

Mark Tino, 12 Lawnside Rd, spoke in favor of the request. Mr. Tino represents the family that is selling the property to the developer.

Bob Bennett, 9905 Strike Gold Lane, spoke in favor of the request. Mr. Bennett restated his comments from the Tuesday, July 7th, Work Session.

Elaine Kelly signed up to speak but was having technical difficulties. Therefore, a motion was made by Council Member Small and seconded by Council Member King to table the public hearing to allow Ms. Kelly an opportunity to participate in the meeting—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

After Ms. Kelly's technical difficulties were addressed, a motion was made by Council Member King and seconded by Mayor Pro-Tem Sweat to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

Elaine Kelly spoke in favor of the request. Ms. Kelly stated she and her husband own the subject property and, in their opinion, the development would be good for the area.

There were no further speakers signed up to speak in favor or in opposition and no written comments were received in favor or opposition to this request. Therefore, a motion was made by Council Member Sweat and seconded by Council Member Crawford to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

After some discussion, a motion was made by Council Member McKenzie and seconded by Council Member Crawford to DENY the annexation petition—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

2. Conduct a public hearing to consider approving the submission of the Consolidated Plan for FY 2020-2024 and FY 2020-2021 Action Plan to the US Department of Housing and Urban Development Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs.

The City of Concord and the Cabarrus/Iredell/Rowan HOME Consortium are required to submit a Consolidated Plan every five (5) years to HUD. This plan evaluates the housing and community development needs within the region and details proposed actions to address the identified needs.

As lead entity, Concord staff is responsible for gathering compiling and submitting to HUD information from all members. This effort results in a unified, comprehensive plan outlining community development activities to be undertaken during the upcoming five (5) year, for the entire region.

Due to COVID-19 limitations, HUD amended public comment periods to a shorter timeframe and allowed jurisdictions to host virtual public hearings to safely obtain input from residents and community stakeholders. To help limit hardships for residents, staff worked to obtain input via several virtual methods. First, a survey was available on the Community Development webpage March 1st – April 30th for initial input. The survey link was shared with HOME members and community stakeholders to be distributed for area input. Concord's first public hearing was held online through the City of Concord website on May 3 - 15, 2020. A second virtual public hearing was held online from June 15th – June 26, 2020 where the general public, boards and commissions, non-profits, and other interested parties are asked to review and submit comments to the draft plan version available online. In addition to these efforts, two other surveys were opened via the City's webpage and Community Development's webpage.

To date, staff has received over 3,500 responses from the community. Based on this input, the main points identified as priorities within Concord and the region are; housing (rehabilitation/weatherization), affordable housing, homelessness and economic development. These items are the core needs discussed and basis for actions proposed within the next five (5) years.

Included within the Consolidated Plan is the 2020-2021 Annual Action Plan for Concord. This defines the activities selected to be carried out using the CDBG allocation is \$682,540 and HOME Consortium allocation is \$1,304,995.

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem Sweat to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

There were no speakers signed up to speak in favor or in opposition and no written comments were received in favor or opposition to this request. Therefore, a motion was made by Council Member King and seconded by Mayor Pro-Tem Sweat to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem Sweat to approve the submission of the Consolidated Plan for FY2020-2024 and FY2020-2021 Action Plan to the US Department of Housing and Urban Development Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

Presentations of Petitions and Requests

1. Consider adopting a resolution of intent to schedule a public hearing on the matter of abandon a portion of the right-of-way of the former location of Wilshire Ave. SW between Old Charlotte Rd. SW and the new alignment of Wilshire Ave SW.

Chris Lucas has applied for the right-of-way abandonment. Mr. Lucas, via his firm New South Properties, LLC, owns the property on both sides of the right of way proposed for abandonment. The General Statutes require that the City 1) post signs in two (2) places along the right-of-way, 2) send copies of the approved resolution of intent to all neighboring owners after adoption, and 3) advertise in the newspaper once a week for four (4) consecutive weeks.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Parsley to adopt the following resolution of intent to set a public hearing for the August City Council Meeting to abandon a portion of the right-of-way of the former location of Wilshire Ave. SW between Old Charlotte Rd. SW and the new alignment of Wilshire Ave SW—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

WHEREAS, G.S. 160A-299 authorizes the City Council to close public streets and alleys; and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closure of a portion of right of way of the former alignment of Wilshire Ave. SW between Old Charlotte Rd. SW and the new alignment of Wilshire Ave SW.

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

(1) In conjunction with the City of Concord City Council's August meeting, the Council will consider a resolution on the closure of right of way of the former alignment of Wilshire Ave. SW the area described as follows:

BEGINNING AT A REBAR FOUND ON THE EASTERN RIGHT OF WAY OF WILSHIRE DRIVE AS SITUATED IN THE CITY OF CONCORD, NUMBER 11 TOWNSHIP OF CABARRUS COUNTY, NORTH CAROLINA AND BEING THE SOUTH WESTERN CORNER OF TRACT 1 AS SHOWN ON MAP BOOK 82, PAGE 54 OF THE CABARRUS COUNTY REGISTRY; THENCE SOUTH ALONG SAID RIGHT OF WAY WITH AN ARC TO THE LEFT HAVING A LENGTH OF 23.00' AND A RADIUS OF 1272.15 AND A CHORD BEARING OF S12°59'31"W WITH A CHORD DISTANCE OF 23.00' (C1) TO A POINT; THENCE CONTINUING WITH AN ARC TO THE LEFT HAVING A LENGTH OF 397.37' AND A RADIUS OF 2000.00' WITH A CHORD BEARING OF S06°59'48"W AND A DISTANCE OF 396.72' (C2) TO A POINT ON THE WESTERN MARGIN OF WILSHIRE DRIVE RIGHT OF WAY; THENCE CONTINUING WITH THE WESTERN MARGIN A BEARING OF N03°10'43"W AND A DISTANCE OF 360.34' (L1) TO A POINT; THENCE WITH AN ARC TO THE RIGHT HAVING A LENGTH OF 47.93' AND A RADIUS OF 1782.16 WITH A CHORD BEARING OF N11°42'11"E CHORD DISTANCE OF 47.93' (C3) TO A POINT; THENCE WITH AN ARC TO THE RIGHT HAVING A LENGTH OF 24.09' AND A RADIUS OF 1332.15 WITH A CHORD BEARING OF N12°59'31"E AND A CHORD DISTANCE OF 24.08' (C4) TO A POINT; THENCE WITH A BEARING OF S76°29'24"E AND A DISTANCE OF 60.00' TO THE POINT OF BEGINNING AND CONTAINING 0.296 ACRE, MORE OR LESS, as shown on map titled, "Right of Way Abandonment Exhibit, A Portion of Wilshire Drive," by Carolina Land Surveyors, Inc. dated July 8, 2020, reference is made for a more complete description.

(2) The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in The Independent Tribune or other newspaper of general circulation in the area.

(3) The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.

(4) The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

(5) The exact date of the hearing, whether August 11 or August 13, at 6 PM, and appropriate means of participation will be published with the first advertisement of the public hearing on July 19, 2020 in the *Independent Tribune*.

Adopted this 9th day of July, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch Mayor

ATTEST: /s/ Kim Deason, Clerk

2. Consider authorizing the City Manager to negotiate and execute a contract with Talbert Bright and Ellington (TBE) to provide professional engineering

services to mitigate obstructions at Concord-Padgett Regional airport and to adopt the operating budget amendment for the project.

In 2019, the Federal Aviation Administration issued a Notice to All Airman (NOTAM) regarding unreliable service for our Automated Weather Observing System (AWOS) at Concord-Padgett Regional Airport. This NOTAM is in effect when the Air Traffic Control Tower (ATCT) is closed and Instrument Flight Rules conditions exist. We have had on several occasions incidents where our based tenants were unable to fly back to the Airport due to the AWOS being unreliable. This decision was due to changes from FAA regarding obstructions around the AWOS's nationwide.

The new rule dictates that AWOS must be 1000 feet radius free from any obstructions, the previous rule stated 500 feet radius free. The AWOS is located on the east side of the runway and has been in place for the last 25 years. The Airport has identified the locations of trees to be removed. In addition, ATCT has identified a line of site issue with Taxiway G that needs to be addressed as well. Due to the extensive number of trees being removed a documented category exclusion will need to be conducted. KDAR, LLC has provided the required Independent Fee Analysis and the FAA has approved the scope of work for the project and has agreed to fund obstruction removal in FY 21. The funding for the professional services will be from the NCDOT-aviation grant that will be available July 2020. The airport will receive \$2,240,445.

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 TBE not to exceed \$155,000 and to adopt the following budget ordinance—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

ORD.# 20-88

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, 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>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
680-4357000	State Aid	946,454	1,101,454	155,000
Total				155,000

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4530-5194000	Contract services	267,378	422,378	1) 155,000
Total				155,000

Reason: Professional services for Tree obstruction project.

Adopted this 9th day of July, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

3. Consider approving Neighborhood Matching Grant requests submitted by Recognized Neighborhoods.

Through the City's Partnership for Stronger Neighborhoods program, recognized neighborhoods have the opportunity to participate in the Neighborhood Matching Grant Program. The purpose of the Neighborhood Matching Grant Program is to assist recognized neighborhoods with completion of projects and/or programs that will enhance their community or neighborhood association. Neighborhood organizations must match the funds requested with cash, in-kind donations of goods and services, or contributions of volunteer time.

For Fiscal Year 2020 - 2021, the maximum grant amount that may be requested for any project is \$3,000 and the program budget is \$30,000. All eligible recognized neighborhood organizations were invited to apply for grant funds. The application deadline was May 22, 2020. Staff received ten applications requesting a total \$27,378 to complete \$60,723.40 in projects.

A grant review committee made up of staff from Engineering, Buildings & Grounds, Planning, and Transportation reviewed and ranked the applications based on a 100-point rating matrix. Evaluations measured community involvement, tangible public and neighborhood benefit, project readiness, and neighborhood contribution/match in funds. As a result of these assessments, the committee recommends funding nine neighborhood requests.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Small to award FY 2020-21 Neighborhood Matching Grants as requested by the following recognized neighborhoods (1) \$3,000 – Logan Community Association, (2) \$3,000 – Gibson Village Community Association, (3) \$3,000. – Oak Park Homeowner's Association, (4) \$1,273 – Hidden Pond Homeowner's Association, (5) \$3,000 – Sapphire Hills Townhome Association, (6) \$3,000 – Christenbury Homeowner's Association, (7) \$2,095 – Lanstone Homeowner's Association, (8) \$3,000 – Moss Creek Homeowners Association, (9) \$3,000 – Highland Creek Homeowners Association—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

4. Consider adopting a resolution to create temporary COVID-19 related policies for the City's utility customers regarding utility shut-offs, late fees, and reconnection fees upon expiration of the Governor's Executive Order No. 124 & 142.

On March 31, 2020, Executive Order (EO) No. 124 was signed by the Governor of North Carolina. This order expired on June 1, 2020 and Executive Order 142 was issued to continue that order for 60 more days. Among other things, this order prohibited residential utility shut-offs, late fees, and reconnection fees. The order will expire in 120 days, or July 29, 2020. Staff requested Council consider adopting a resolution to be in effect upon the expiration of EO 142. This resolution will create the procedures for the City's utility customers that qualify for the 6 month agreement required by EO 124 and EO 142. The resolution will expire, for utility customers who are enrolled in a COVID-19 related payment agreements, no later than 6 months from the date the customer signs the agreement.

The EO states that residential customers, who had a bill due date between the dates of March 30, 2020 and July 29, 2020, should be given at least 6 months to pay the amount due. This resolution will also continue to suspend penalties for customers until the six month period ends, which should be in February, 2021. City staff will send a Pay Plan letter as an insert with the utility bills for all 3 billing cycles. This information will also be shared through social media and telephone calls.

A motion was made by Council Member Langford and seconded by Council Member King to adopt the following resolution to create the temporary COVID-19 related policies for the City's utility customers regarding utility shut-offs, late fees, and reconnection fees upon expiration of the Governor's Executive Order No. 124 & 142—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

**RESOLUTION APPROVING CITY OF CONCORD'S RESPONSE TO THE
EXPIRATION OF COVID-19 EXECUTIVE ORDER (EO) 124 & 142 FOR UTILITY
PAYMENT PLANS, DISCONNECTIONS AND LATE FEES AND PENALITIES**

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 add additional procedures regarding customers with an unpaid bill that has a due date between March 31, 2020 and July 29, 2020; and

WHEREAS, all other unpaid bills that do not have a due date between March 31, 2020 and July 29, 2020, will be handled as stated in the City's adopted Customer Service Policies and Procedures Manual; and

WHEREAS, on March 31, 2020, the Governor of North Carolina approved Executive Order (EO) 124 that prohibited utilities from terminating service of residential customers for non-payment and charging residential service late fees and penalties; and

WHEREAS, EO 124 expired on June 1, 2020; and EO 142 was issued to extend EO 124 for 60 days; and

WHEREAS, upon expiration of EO 124 & 142, utilities must offer customers the opportunity to make reasonable payment arrangements to pay off over at least a 6-month period any arrearages accumulated during the effective period of EO124 and EO142.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord, North Carolina that the resolution attachment titled "City's Response to the Expiration of COVID-19 Executive Order (EO) No. 124 & 142" be adopted as follows:

- Customers that had an outstanding balance with a due date before March 31st, 2020 will be offered payment agreements per the City's adopted Customer Service Policies and Procedures. This policy allows the customer an additional 2 weeks to pay their outstanding past due bill. If the customer does not pay, their service will be disconnected. This is the City's normal operating procedures (per the City Council's adopted Customer Service Policies & Procedures) when dealing with customers who have delinquent past due balances.
- Customers that have a past due bill with a due date after July 29, 2020, will be given the option to enter into a payment agreement per the City's existing adopted Customer Service Policies and Procedures. The current adopted policy will allow the customer an additional 2 weeks to satisfy the past due amount. Customers who do not pay their past due amount will be disconnected per the City's adopted Customer Service Policies and Procedures.
- Per EO 124 & 142, any customer with an unpaid bill that has a due date between March 31, 2020, and July 29, 2020, will be given up to 6 months to satisfy those outstanding balances. The customer will be required to sign a payment agreement to ensure the terms of repayment plan are understood. The amount included in the payment plan must be paid each month in addition to the current monthly utility

bill. The balances incurred during this 120-day period will be divided into no more than 6 equal payments. A customer who does not meet the requirements of the signed payment plan will be disconnected.

- Penalties and late fees will be waived during this 6-month period and will resume in February of 2021 upon expiration of the 6 month payment plan.
- All normal cut off procedures will resume in February of 2021 (once the 6-month payment plan expires).
- Customers who wish to appeal staff decisions will follow the current appeal process which is documented in the City of Concord’s adopted Customer Service Policies and Procedures.

This Resolution shall be effective July 30, 2020 and shall remain in effect until the 6-month payment plan has been completed or canceled which will occur in February of 2021.

Adopted this 9th day of July, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

5. Consider adopting a resolution authorizing the exchange of certain parking easements for other equal parking easements.

Central United Methodist Church requested the City consider exchanging existing parking easements on church property off Church Street for other equal parking easements located in the church parking lot off Killarney Avenue.

A motion was made by Council Member Parsley and seconded by Council Member Crawford to adopt the following resolution authorizing the abandonment of the parking easement areas off Church Street and conveyance of those easements back to Central United Methodist Church and the exchange of the new easements areas and directing the City Attorney to take all necessary actions to complete the exchange—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

RESOLUTION AUTHORIZING EXCHANGE OF PROPERTY

WHEREAS, the City Council of the City of Concord has received a proposal to exchange the easement and perpetual lease of real property described below for permanent parking and access easements of the real property of the Central United Methodist Church also as described below described below; and

WHEREAS, public notice of the intent of the City Council and of the time and place of the meeting was published along with a description of the real property, as required by law; and

WHEREAS, at its regular meeting on July 9, 2020 the City Council considered the exchange of the properties, and heard from all interested persons who appeared and expressed a desire to be heard, and now desires to exchange the real property of the City described below for the real property of the Central United Methodist Church described below; and

WHEREAS, the City Council has determined that the City of Concord will receive a full and fair consideration for its property in the exchange:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord, that: The City Council finds that the areas of the property's exchanges are of equal value; and

The City Council finds that the areas to be exchanged are equal in area; and

The Mayor and the City Clerk are hereby authorized to execute the necessary documents in order to affect an exchange of the easement to real property perpetually leased by the City of Concord described below for parking and access easements of real property of the Central United Methodist Church described below, and to deliver and receive the appropriate documents:

1. Property of Central United Methodist Church
Parking Easement

Lying and being in the City of Concord, No. 2 Township, Cabarrus County, North Carolina, adjoining the property of the City of Concord (PIN No. 56208886130000) and being a part of the property of Central United Methodist Church (PIN No. 56208884060000) and being more particularly described as follows:

BEGINNING at a computed point on the northeast side of the right-of-way of Killarney Avenue, and being a common corner with the property of the City of Concord (PIN No. 56208886130000); thence with the line of the City of Concord S. 40-16-32 E. 113.78 feet to a computed point; thence leaving the line of the City of Concord S. 49-39-54 W. 24.00 feet to a computed point; thence N. 40-16-32 W. 113.78 feet to a computed point in the northeast side of Killarney Avenue; thence with Killarney Avenue N. 49-39-54 E. 24.00 feet to the point and place of BEGINNING, containing 2,731 sq. feet as shown on survey by Samuel L. King, Jr. PLS, King Engineering of Concord, Inc. dated February 6, 2020, reference to which survey being hereby made for a more particular description and attached as Exhibit A.

2. City of Concord, Easement:

Lying and being in the City of Concord, No. 2 Township, Cabarrus County, North Carolina, on the southwest side of the right-of-way (variable width) of Church Street, adjoining the property of the City of Concord (PIN No. 5620-88-8613) and First Charter Real Estate Holdings, LLC ["First Charter" PIN No. 5620-88-8387]), and being a part of the property of

Central United Methodist Church (PIN No. 5620-88-8406), and being more particularly described as follows:

BEGINNING at a computed point on the southwest side of the right-of-way of Church Street (said computed point being located S. 43-19-09 E. 24.01 feet from a tack in a lead-filled hole, corner of the City of Concord in the southern line of a 12' right-of-way described in Deed Book 87, Page 1), and runs thence with the southwest side of the right-of-way of Church Street S. 43-19-09 E. 90.99 feet to a #5 rebar set in the northwestern line of a 10' right-of-way (Deed Book 128, Page 131, and Deed Book 350, Page 495), a corner of First Charter; thence with the northwestern line of said 10' right-of-way, and of First Charter, S. 47-03-59 W. 22.61 feet to a computed point; thence two (2) new lines through the property of Central United Methodist Church, as follows: (1) N. 43-03-39 W. 90.84 feet to a computed point; and thence (2) N. 46-40-51 E. 22.20 feet to the point of BEGINNING, containing 0.047 acre, more or less, as shown on that survey by James E. Davis, PLS, Concord Engineering and Surveying, Inc., dated July 30, 2008, and attached as Exhibit B.

Adopted this 9th day of July, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

6. Consider authorizing the City manager to negotiate and execute a contract with Queen City Engineering for Rider Transit Driver Protection Barriers.

As part of our response to the COVID-19 Public Health Emergency, Rider Transit is proposing procurement of Driver Protection Barriers to help ensure the health and safety of our Fixed Route bus and Demand Response Operators. These barriers would provide twofold protection for our vehicle Operators; a physical barrier for enhanced protection from Coronavirus transmission, as well as a security barrier to protect Operators from any unwanted physical contact from passengers or the general public.

Rider Transit is required to spend a minimum of 1% of our FTA 5307 grant funding allocations on security related items, for which these barriers would be an eligible item. Transit currently has 17 vehicles, 4 different vehicles types, each requiring a different size and shaped barrier system. Rider Transit staff recommended awarding Queen City Engineering a contract in the amount of \$57,500 to design, build and install protection barriers on our 17 buses, vans and Light Transit Vehicles. Under new authorizations from FTA related to the Coronavirus Pandemic, Rider Transit will be able to use Federal grant funds to pay 100% of the cost of this project. This recommendation was approved by the Concord Kannapolis Transit Commission at their June 24, 2020 meeting.

A motion was made by Council Member Crawford and seconded by Council Member King to authorize the City Manager to negotiate and execute a contract with Queen City Engineering for Rider Transit Driver Protection Barriers—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

7. Consider approving the Concord Kannapolis Area Transit Public Transportation Agency Safety Plan.

New this year, FTA is requiring all federally funded public transit systems to develop and maintain an Agency Safety Plan. Rider Transit, considered a Small Agency (under 100 buses) by FTA, will be participating under NCDOT's Statewide System Safety Program Plan.

FTA program requires approval of the new plan by the Concord Kannapolis Transit Commission, the Cabarrus Rowan MPO, and Concord City Council be included within the plan document itself before submission to NCDOT and FTA for their final approval. The new plan was approved by the Concord Kannapolis Transit Commission at their June 24, 2020 meeting.

A motion was made by Council Member Small and seconded by Council Member McKenzie to accept and approve the Concord Kannapolis Area Transit FTA Public Transportation Agency Safety Plan —the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

8. Consider approving the Master Plan and Conceptual Design for a 6.97 acre neighborhood park located at 106 Wilson Street, NE, trailhead parking for the McEachern Greenway.

The property is approximately 6.97 acres, and current serves as trailhead parking for the McEachern Greenway. The gravel parking area was developed in 2017 with the construction of the McEachern Greenway Extension and has since been cleared and maintained as open space. Based on recent revisions to FEMA Flood maps, much of the area that was formerly within the 100-year floodplain was removed in 2016, which will allow the City to pave the parking and add a new restroom building for the McEachern Greenway Extension. In addition to and based on recommendations from the Comprehensive Parks and Recreation Master Plan and the Open Space Connectivity Analysis, the transformation of this space into a new, and unique neighborhood park experience along the greenway became a top priority for the Department.

Parks and Recreation contracted with the firm, Viz Design, to create a vision for the space that incorporates several thematic elements including a nature and themed playground

area, outdoor classroom space, pollinator garden, enchanted fairy door path, labyrinth maze, and many other areas for kids and families to relax, enjoy nature and enjoy the greenway. This park site also offers the opportunity to increase program offerings for children of all ages with the addition of the restroom and outdoor classroom. Situated along the McEachern Greenway, it will be one of five (5) connected park sites, which include Les Myers Park, McGee Park, Wilson Street, Beverly Hills and the David Phillips Activity Center recently opened, and the surrounding properties.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member King to approve the Master Plan for Wilson Street Park—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

9. Consider authorizing the City Manager to negotiate and execute a contract with Woolpert, North Carolina, PLLC to complete the master plan, public input, and conceptual design for the Northwest Park.

The property at 1252 Cox Mill Road in Concord, which totals approximately 28.6 acres and is adjacent to Cox Mill Elementary School, was recently purchased by the City to serve as the site of Concord's first Community Park in the Northwest.

Parks and Recreation submitted an RFQ seeking professional design firms in March. A total of 19 firms submitted Statements of Qualification, and through the selection process, the firm Woolpert, North Carolina, PLLC was selected. The contract amount is for \$83,820, which will include meetings with stakeholders, public workshops and public participation including a needs assessment survey, master planning, conceptual design, and other reimbursable expenses including presentations to Council once the master plan document is complete. Funding was identified in the FY21 budget for master planning.

Development of a park in the Northwest region of Concord is a City Council Goal, and top priority goal of the Comprehensive Parks and Recreation Master Plan. Amenities in this park may include a recreation center, community room, meeting space, sport fields and/or courts (tennis, pickleball, etc.), open space, splash pad, dog park, disc golf, playgrounds, shelters and greenways and/or trails for connectivity.

A motion was made by Council Member Crawford and seconded by Council Member Parsley to authorize the City Manager to negotiate and execute a contract with Woolpert, North Carolina, PLLC for master plan development for the property under consideration for a Northwest Park—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

10. Consider authorizing the City Manager to negotiate and execute a contract with TELICS, Inc. for on-call Real Estate Services to assist with the land acquisition process for greenway development.

Parks and Recreation with assistance from Legal and Engineering, submitted an RFQ for Real Estate Acquisition Services for park and greenway projects, and has selected the firm TELICS (Telecommunication & Industrial Consulting Services).

TELICS has experience with several components of the land acquisition process, including property research, right-of-way/fee simple/easement acquisitions, property negotiations, appraisals, and survey work on a parcel by parcel basis. TELICS also has experience working with NCDOT on right-of-way acquisitions for future road projects, and experience working with Mecklenburg County on Greenway acquisitions. TELICS Scope will include acquisition services for four (4) primary greenway corridors as referenced in the Open Space Connectivity Analysis, and the City's Capital Improvement Plan, including McEachern Greenway, Hector Henry Greenway, Clarke Creek Greenway (Cox Mill Loop), and Irish Buffalo Creek Greenway. On average, a typical greenway project could have anywhere from only a few easements to acquire to as much as 15 individual parcels depending on the corridor location. TELICS fee will be anywhere from \$3,000 to \$8,700 per parcel depending on the service provided

A motion was made by Council Member Langford and seconded by Council Member Parsley to authorize the City Manager to negotiate and execute a contract with TELICS,

Inc. for Real Estate Services for greenway development—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

11. Consider adopting a resolution to convey a temporary construction easement to Cabarrus Propco, LLC.

Cabarrus Propco, LLC is developing a site on Drake Mill Lane, SW known as Rocky Mill Manor which is an assisted living facility. The City owns the site adjacent to their parcel which is used for a trail and trail head parking. The property line runs in the middle of an old erosion control measure (sediment pond) that was used during the original site grading. Cabarrus Propco, LLC proposes to fill in the old sediment pond. Engineering and Parks and Recreation staff have met on site to review the grading plan, comments and amendments were proposed back to the developers engineer which has been accepted and incorporated.

A motion was made by Council Member Parsley and seconded by Mayor Pro-Tem Sweat to adopt the following resolution to convey a temporary construction easement to Cabarrus Propco, LLC—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

RESOLUTION GRANTING AN EASEMENT

WHEREAS, the City of Concord is owner of fee simple title to a parcel of land having a parcel identification number of 5527-44-5003-0000; and

WHEREAS, Cabarrus Propco, LLC is proposing to construct Rocky Mill Manor on Drake Mill Lane SW; and

WHEREAS, Cabarrus Propco, LLC needs to acquire a temporary construction easement in order to remove an old sediment and erosion control device that will require grading on the City’s parcel;

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

1. That an easement as shown on Exhibit “A” is hereby ordered granted.
2. The easement shall be conveyed by the City Attorney and other necessary staff or the Mayor to Cabarrus Propco LLC.
3. The City Attorney and other City staff are hereby directed to take all necessary steps to enforce this resolution.

Adopted this 9th day of July, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

12. Consider a Preliminary Application from Land Development Solutions.

In accordance with City Code Chapter 62, Land Development Solutions has submitted a preliminary application to receive water and sewer service outside the City limits. The property is located at 3560 US Hwy 601S and is approximately 173 acres. The parcel is currently zoned LDR and the applicant proposes to develop with a mixed use development.

A motion was made by Council Member Small and seconded by Council Member Langford to accept the preliminary application and have the owner proceed to the final application phase including annexation.

After some discussion, the motion failed due to the lack of a vote.

A motion was then made by Council Member Crawford and seconded by Council Member Parsley to deny the preliminary application—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

Consent Agenda:

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

A motion was made by Council Member Langford, seconded by Council Member King to approve the following consent agenda items—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

CONSENT AGENDA ITEM A

The maintenance agreements were approved and the offers of dedication were accepted on the following properties: Blue Anchor, LLC.

CONSENT AGENDA ITEM B

The offer of dedication was accepted on the following plat and easements: Roberta Ridge Phase 1 Map 7 and Dalton Woods.

CONSENT AGENDA ITEM C

The following ordinance was adopted to correct an error in the HOME budget.

ORD.# 20-89

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 2019 and 2021 Grants.

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>
320-4334606				
320-4334606	Home Grant Revenue 2019	\$43,334	\$0	<u>(\$43,334)</u>
	Total			<u>(\$43,334)</u>

SECTION 4. The following amounts are appropriated for the project

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
3209-5121000				
3209-5121000	Regular	\$31,683	\$0	(\$31,683)
3209-5181000				
3209-5181000	FICA	\$ 2,423	\$0	(\$ 2,423)
3209-5182000				
3209-5182000	Retirement-General	\$ 3,216	\$0	(\$ 3,216)
3209-5183000				
3209-5183000	Group Insurance	\$3,641	\$0	(\$ 3,641)
3209-5187000				
3209-5187000	401K Contribution	\$ 1,109	\$0	(\$ 1,109)
3209-5294000				
3209-5294000	Misc. Pay	\$ 943	\$0	(\$ 943)
3211-5294000				
3211-5294000	Misc. Pay	\$ 319	\$0	<u>(\$ 319)</u>
Total				(\$43,334)

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 9th day of July 9, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM D

The following General Capital Reserve Project ordinance amendment was adopted to close completed transfers for FYE 2020.

ORD.# 20-90

CAPITAL RESERVE FUND ORDINANCE

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 18-22 Chapter 159 of the General Statutes of North Carolina, the following Capital Reserve Fund ordinance is hereby adopted/amended:

SECTION 1. The purpose authorized is to accumulate funds for future projects and capital outlay that are listed in the Capital Improvement Plan Listing or the City's Operating Budget. Funds will be accumulated until such time the City Council designates the funds for projects. The General Fund will serve as the funding source for the Capital Reserve Fund upon City Council approval and withdrawals must be approved by City Council through an ordinance.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the fund.

SECTION 3. The following revenues are anticipated to be available/expenditures anticipated to be expended to the City of Concord for this fund & the following amounts are appropriated for the project:

Fund 285 General Capital Reserve Fund

		<u>Budget</u>	<u>Amended Budget</u>	<u>Inc (Dec)</u>
8150-5987000	To Project			
8150-5987000	Fund	\$3,784,444	\$0	(\$3,784,444)
8150-5989000	To Golf			
8150-5989000	Fund	\$35,200	\$0	(\$35,200)
285-4501100	From			
285-4501100	General Fund	\$31,310,457	\$27,490,813	(\$3,819,644)

SECTION 4. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the capital reserve fund and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 5. Within five (5) days after adopted, copies of this capital reserve fund amendments/adoption shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out the purpose of this fund.

SECTION 6. The Finance Director is directed to report on the financial status of this fund 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 July, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM E

The following Utility Reserve Fund capital project ordinance was adopted to close prior year completed transfers.

ORD.# 20-91

**CAPITAL PROJECT ORDINANCE
Utility Capital Reserve**

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 purpose authorized is to accumulate funds for future projects and capital outlay that are listed in the Capital Improvement Plan Listing or the City's Operating Budget. Funds will be accumulated until such time the City Council designates the funds for projects. The Utility Funds will serve as the funding sources for the Capital Reserve Fund upon City Council approval and withdrawals must be approved by City Council through an ordinance. The project authorized and amended is utility capital project reserves.

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

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

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
282-4501610 282-4501610	From Electric	\$19,299,415	\$15,882,690	(\$3,416,725)
8120-5987000 8120-5987000	Transfer to Electric Projects	\$3,416,725	\$0	(\$3,416,725)

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 9th day of July, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM F

The following Water capital project ordinance was adopted to remove the Roberta Road Line project.

ORD.# 20-92

**CAPITAL PROJECT ORDINANCE
Water 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 and amended are Water Projects-Corban Avenue Pump Station.

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/expenditures are anticipated to be available to the City of Concord for the project:

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8700-5811327				
8700-5811327	Roberta Road Line	\$35,000	\$0	(\$35,000)
8700-5811082				
8700-5811082	Future Water Projects	\$3,562	\$38,562	\$35,000

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 9th day of July, 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 G

The following Wastewater project ordinance was adopted to close projects that are not currently planned.

ORD.# 20-93

**CAPITAL PROJECT ORDINANCE AMENDMENT
Wastewater 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 adopted/amended:

SECTION 1. The projects authorized are the projects included for the Havencrest Outfall 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 completion of the projects:

Revenues

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
----------------	--------------	-----------------------	-----------------------	----------------------------

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

Expenses/Expenditures

8402-5811082	Future Projects	0	2,795,400	2,795,400
8402-5811082				
8402-5801163	Irish Buffalo to Central	100,000	0	(100,000)
8402-5801163				
8402-5801164	Irish Buffalo to Aaron	155,000	0	(155,000)
8402-5801164				
8402-5801150	Havencrest	617,188	74,788	(542,400)
8402-5801150				
8402-5801162	Lincoln to Broad	1,713,000	0	(1,713,000)
8402-5801162				
8402-5801161	Wilshire to Sedgfield	285,000	0	(285,000)
8402-5801161				
Total				0

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the 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 of July, 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 H

The semi-annual debt report for the City of Concord as of July 1, 2020 was accepted.

CONSENT AGENDA ITEM I

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

CONSENT AGENDA ITEM J

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

CONSENT AGENDA ITEM K

The monthly report of investments as of May 31, 2020 was accepted.

* * * * *

Matters not on the Agenda:

Updates:

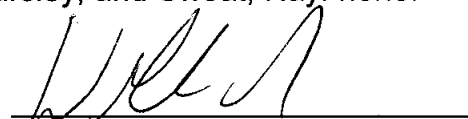
- TAC – update provided
- MTC – no update to report
- Concord/Kannapolis Transit Commission – update provided
- Centralina Council of Government (CCOG) – no update to report
- WSACC – no update to report
- Public Art Advisory Committee – update provided
- Concord Family Enrichment Association – update provided
- PTT Committee – no update to report
- Barber Scotia Task Force Committee – update provided

* * * * *

There being no further business to be discussed, a motion was made by Council Member King and seconded by Mayor Pro-Tem Sweat to adjourn—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.



Kim J. Deason, City Clerk



William C. Dusch, Mayor