

CONCORD CITY COUNCIL
WORK SESSION
FEBRUARY 9, 2021

The City Council for the City of Concord, North Carolina, held a work session on February 9, 2021, at 4:00 p.m. with Mayor William C. Dusch presiding.

In order to maintain the safety of City residents, City Council, and staff, this meeting was conducted electronically via Zoom.

Council members were present as follows:

Members Present:

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

Others Present:

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

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Mayor Dusch stated it was requested to remove Consent Agenda Item P and add it to Presentation of Petitions and Requests (item #11) and also to add an additional item to consider approving a spending plan as proposed by the City Manager for non-profits utilizing CARES Act funding (item #12).

A motion was made by Council Member McKenzie and seconded by Council Member Small to remove Consent Agenda Item P and add it to Presentation of Petitions and Requests (item #11) and also to add an additional item to consider approving a spending plan as proposed by the City Manager for non-profits utilizing CARES Act funding (item #12)—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

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The following agenda was presented for discussion:

Presentations:

Presentation of the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada.

Unfinished Business:

Consider approving the establishment of the Concord United Committee.

Council Member Langford thanked the Mayor and Council for their support of the establishment of the Committee.

Public Hearings: (public hearings were opened at the February 9, 2021 Work Session and continued to the February 11, 2021 City Council meeting, unless otherwise noted, to allow for the required 24 hour written comment period for virtual hearings).

Conduct a public hearing to consider adopting an ordinance amending Articles 4, 8, 9, 10, and 11 of the Concord Development Ordinance (CDO) relative to Group Two text changes.

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

The Deputy Planning and Neighborhood Development Director, Kevin Ashley, presented and explained the proposed text amendments.

There were no speakers signed up to speak in favor or in opposition to this request. Therefore, a motion was made by Council Member Sweat and seconded by Council Member Crawford to continue the public hearing until the February 11, 2021 City Council meeting—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

Conduct a public hearing to consider adopting an ordinance amending Article 9, Section 9.1, of the Concord Development Ordinance (CDO) relative to Planned Unit Development (PUD) zoning district.

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

The Deputy Planning and Neighborhood Development Director presented and explained the proposed text amendments.

There were no speakers signed up to speak in favor or in opposition to this request. Therefore, a motion was made by Mayor Pro-Tem King and seconded by Council Member Crawford to continue the public hearing until the February 11, 2021 City Council meeting—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

Conduct a public hearing to consider adopting an amendment to Section 50 of the City Code of Ordinances and to Article VIII of the Technical Standards Manual (TSM) to institute minimum Traffic Impact Analysis (TIA) requirements.

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

The Transportation Director, Phillips Graham, and Deputy Transportation Director, Devin Houston, presented and explained the proposed text amendments.

There were no speakers signed up to speak in favor or in opposition to this request. Therefore, a motion was made by Council Member Crawford and seconded by Council Member Small to continue the public hearing until the February 11, 2021 City Council meeting—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

Presentations of Petitions and Requests:

Consider approving a foundation support easement to Novi Flats, LLC.

The Planning and Neighborhood Development Director, Steve Osborne, stated LMG has requested the foundation support easement for the purposes of building maintaining, and repairing the future site of Novi Flats (25 Barbrick Ave). The easement will allow for the foundation to run below a portion of the sidewalk.

Consider adopting a budget ordinance amendment to fund a Fallen Officer Memorial.

The Police Chief, Gary Gacek, stated the City of Concord currently does not have a

memorial to honor fallen police officers. If approved, the memorial will be a permanent fixture placed in the outdoor rotunda at Police Headquarters near the corner of Cabarrus Avenue and Spring Street.

Consider approving the new benefit plan rates for the City of Concord for FY2021-2022 and authorize the City Manager to negotiate, conclude, and execute contracts with plan providers.

The Human Resources Director, Chantel Thompson, stated the City's medical plans are running slightly below budget. Therefore, no increase is requested for FY22. In addition, a new high performance plan has been identified which will provide a third plan option designed to address the need for a more affordable option for family coverage. The HPN plan is a low cost premium plan that mirrors the basic plan, but only offers in-network benefits using the BCBSNC High Performance Network (HPN) affiliated with Atrium Health and Wake Forest Baptist Hospital. The HRA plan and the basic plan would remain in place with no recommended changes.

Jeff Ries, a representative with the City's brokerage firm, was in attendance to answer any questions the Mayor and Council may have had.

Consider authorizing the City Manager to negotiate and execute a contract for the acquisition of 5.944 acres along Branchview Drive, NE in the amount of \$90,225, owned by William G. Kluttz, Jr. (PIN 5621-94-0032), for the future expansion of the McEachern Greenway, Hospital Phase (total of .30 miles).

The Parks and Recreation Director, Bob Dowless, stated the funding for the acquisition would be utilizing the \$0.01 allocation from the Parks and Recreation Capital Reserve Fund.

Consider a Preliminary Application from Stanley Martin Companies, LLC.

The Engineering Director, Sue Hyde, stated the property is located at 7785 Rocky River Rd, 8041 and 8063 Lower Rocky River Road (4 parcels totaling 56.83 acres). The applicant is proposing to develop a residential subdivision with 106 proposed lots. She stated staff's recommendation is to deny the preliminary application based on previous denial of the annexation petitions

Consider approving a modification to the Interlocal Agreement with Cabarrus County administering the Central Area Plan.

The Engineering Director stated Rich Garretson has requested an exception to the Interlocal Agreement in order to obtain water service for a proposed single-family home at 3519 Katrina Ave (PIN 5641-70-5535).

Consider authorizing the City Manager to negotiate and execute a contract with Metcon, Inc for design build services for the Electric Operations Center.

The Electric Systems Director, Bob Pate, stated the Center will be constructed adjacent to the existing Alfred M. Brown Operations Center and has met the criteria for design build project delivery. The contract will consist of two phases; preconstruction services and construction services. The contract will be a fixed fee for pre-construction services and a Guaranteed maximum Price (GMP) for construction services. The Center will include approximately 30,000 square feet for administration offices, 19,200 square feet for construction crew offices, 48,000 square feet for equipment sheds, laydown area, visitor and employee parking area and the cost is preliminary estimated at \$19,380,500.

Consider authorizing the City Manager to negotiate and execute a contract with North State Water & Sewer, Inc for the installation of the Poplar Tent Rd Sewer Extension.

The Water Resources Director, Jeff Corley, stated the project consists of the installation of approximately 1,123 linear feet of 8 inch sewer main along the south side of Poplar Tent Road, in the intersection with Cobblestone Lane, NW, to provide service to seven properties that are presently without service. He stated bids were taken on January 28,

2021 with six bids being received. The lowest responsible bidder was North State Water & Sewer, Inc in the amount of \$224,763, which is within budget.

Consider authorizing the City Manager to negotiate and execute a contract with Kemp Sigmon Construction, Co, Inc for the replacement of the culvert on Glen Eagles Lane, SW.

The Water Resources Director stated the project consists of the removal of the existing culvert, the construction of a double-barrel culvert and associated services that will include the installation of a temporary bridge to provide access to residents, relocation of water mains, relocation of gravity sewer mains, coordination with existing utilities, roadway pavement reconstruction, and other appurtenances. Bids were taken on January 28, 2021 with 7 bids being received. Kemp Sigmon Construction Co, Inc submitted the lowest responsive bid in the amount of \$767,849.50.

Consider approving a Statement of Collaboration between the City of Concord and Barber Scotia College.

Council Member McKenzie stated it has been requested to adopted a Statement of Collaboration between the City and Barber Scotia College to work together toward a successful path forward for the college. He stated, if approved, the Statement will be presented to the Barber Scotia Board of Trustees for their consideration.

Consent Agenda:

There were no comments regarding the Consent Agenda.

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A motion was made by Council Member Sweat and seconded by Council Member Crawford 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 and to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action; 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 roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

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

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Upon reconvening in open session, a motion was made by Council Member Crawford and seconded by Council Member Small to adopt the following eminent domain resolutions needed for a sewer easement—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

**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 property interest identified and defined, as follows:

Property Descriptions:

30' Wide Permanent Utility Easement:

Lying and Being in Township Number Two (2), City of Concord, Cabarrus County, North Carolina and being a 30-foot Utility Easement Area, approximately 4,260 Square Feet or 0.098 Acres,” as shown on map titled, “Easement Plat Crossing Part of the Property of Cascades, LLC,” dated December 2, 2020 by the City of Concord Engineering Department as is shown on Exhibit A.

WHEREAS, the parcel of property affected by the easement is Parcel ID No. 5519-21-3491 (Tax ID No. 02-036-0028.10), currently owned by the Cascades, LLC and is being acquired to construct and maintain new sanitary sewer utility lines; 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 9th day of February, 2021.

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 property interest identified and defined, as follows:

Property Descriptions:

30' Wide Permanent Utility Easement:

Lying and Being in Township Number Two (2), City of Concord, Cabarrus County, North Carolina and being a 30-foot Utility Easement Area, approximately 17,488 Square Feet or 0.401 Acres," as shown on map titled, "Easement Plat, Part of the Property of Concord Pointe Limited Partnership," dated December 2, 2020 by the City of Concord Engineering Department as is shown on Exhibit A.

Variable Width Temporary Construction Easements:

Lying and Being in Township Number Two (2), City of Concord, Cabarrus County, North Carolina and being two (2) Variable Width Temporary Construction Easement Areas labeled as follows: (1) "Temporary Construction Easement Area, approximately 1,183 square feet or 0.027 acres" and (2) Temporary Construction Easement Area, approximately 625 square feet or 0.014 acres "Easement Plat, Part of the Property of Concord Pointe Limited Partnership," dated December 2, 2020 by the City of Concord Engineering Department as is shown on Exhibit A.

WHEREAS, the parcel of property affected by the easements is PIN 5519-21-4980 (Tax ID No. 02-036-0029.80), is currently owned by Concord Pointe Limited Partnership, and is being acquired to construct and maintain new sanitary sewer utility lines; 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 9th day of February, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim 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 property interest identified and defined, as follows:

Property Descriptions:

30' Wide Permanent Utility Easement:

Lying and Being in Township Number Two (2), City of Concord, Cabarrus County, North Carolina and being a 30-foot Utility Easement Area, approximately 10,541 square feet or 0.242 acres," as shown on map titled, "Easement Plat Crossing Part of the Property of Roberta Woods Homeowners Association," dated December 2, 2020 by the City of Concord Engineering Department as is shown on Exhibit A.

Variable Width Temporary Construction Easements:

Lying and Being in Township Number Two (2), City of Concord, Cabarrus County, North Carolina and being four (4) Variable Width Temporary Construction Easement Areas labeled as follows: (1) "Temporary Construction Easement Area, approximately 286 square feet or 0.007 acres," (2) Temporary Construction Easement Area, approximately 124 square feet or 0.003 acres," (3) Temporary Construction Easement Area, approximately 3,352 square feet or 0.077 acres", and (4) "Temporary Construction Easement Area, approximately 6,033 square feet or 0.130 acres," as shown on map titled, "Easement Plat Crossing Part of the Property of Roberta Woods Homeowners Association," dated December 2, 2020 by the City of Concord Engineering Department as is shown on Exhibit A.

WHEREAS, the parcel of property affected by the easements is Tax ID No. 02-036-0029.80, currently owned by the Roberta Woods Homeowners Association. and is being acquired to construct and maintain new sanitary sewer utility lines; 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 9th day of February, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

A motion was made by Council Member McKenzie and seconded by Council Member Langford to adopt the following eminent domain resolution needed for Parks and Recreation purposes—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

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 property interest identified and defined, as follows:

Property Description:

(OLD DESCRIPTION)

Lying and being in No. 2 Township, Cabarrus County, North Carolina on the North side of Poplar Tent Road adjoining the property of Lloyd J. Burris/Stewart W. Burris and Rocky River and described by metes and bounds as follows:

BEGINNING at a new iron pin in Poplar Tent Road, same being the Southeast corner of Stewart Burris, and runs thence with the line of Burris, N. 67-40 E. (passing an iron stake on line at 20.2 feet and another on line at 1507.73 feet) 1,542.73 feet to a point in said Rocky River; thence with Rocky River, S. 36-41-13 E. 295.76 feet to a point in Rocky River, being the Northwest corner of Lloyd J. Burris; thence with the line of Burris, S. 66-35-30 W. (passing an iron stake on the line at 38.08 feet) 1441.3 feet to a point in Poplar Tent Road, the Southwest corner of Lloyd J. Burris; thence with Poplar Tent Road, N. 51-30 W. 359.11 feet to the POINT OF BEGINNING, containing 10.31 acres, as surveyed and platted by Zackie L. Moore, NC RLS on the 20th day of April 1983.

BEING the same parcel conveyed by Cleatus E. Burris and wife, Bessie L. Burris to Orval Clifford Cox and wife, Garlene B. Cox by deed recorded 05/17/1983 in Deed Book 558, Page 564 of the Cabarrus County Registry; PIN 4680-39-2552, Tax ID No. 02-001-0008.10. Garlene Burris Cox died October 24, 2006 and Orval Clifford Cox, Sr. died December 16, 2014.

WHEREAS, the parcel is currently owned by all heirs, known and unknown of Orval Clifford Cox, Sr. and is being acquired to expand the Hector Henry Greenway; 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 for Parks and Recreation purposes.

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 9th day of February, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA


/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

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


Kim J. Deason, City Clerk


William C. Dusch, Mayor