

CONCORD CITY COUNCIL
REGULAR MEETING
MAY 13, 2021

A regular meeting of the City Council for the City of Concord, North Carolina, was held on May 13, 2021, at 6:00 p.m. in the Council Room of City Hall, with Mayor William C. Dusch presiding.

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
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 Crawford and seconded by Council Member Sweat to approve the minutes for the meetings of April 6, April 8, and April 20, 2021—the vote: all aye.

Presentations:

1. Police Chief Gacek presented the Medal of Valor award and Purple Heart award to Ms. Haylee Shuping on behalf of her husband, fallen Police Officer Jason Shuping. He also presented other awards to citizens, city staff, and police department staff for their contributions following Officer Shuping's tragic death.

The Medal of Valor is the highest commendation bestowed upon a Concord Police Department coworker and is awarded for exceptional bravery at the imminent risk of death or serious bodily injury that goes beyond the call of duty. The Purple Heart is awarded for serious bodily injury or death while confronting a criminal element during the course of police interaction with the public. Officers Jason Shuping and Kaleb Robinson earned both the Medal of Valor and Purple Heart. Officers Kyle Baker and Paul Stackenwaldt earned the Medal of Valor.

Officer Shuping was also awarded Coworker of the Month for December 2020 and Coworker of the Year for 2020. Furthermore, a number of citizens and city staff will be awarded a Distinguished Service Award for their contributions following Officer Shuping's line of duty death.

Select department coworkers also earned the department's Excellence in Police Service award for their contributions as well.

2 Mayor Dusch presented a Proclamation to Transportation Director, Phillip Graham, recognizing May 16 - 22, 2021 as National Public Works Week.

3 Mayor Dusch presented a Certificate of Appreciation to Bob Pate for over 37 years of loyal and dedicated service to the City of Concord Electric Systems Department.

4 Mayor Dusch presented a Retirement Plaque to Danny Williamson recognizing his 38 years of loyal and dedicated service to the City of Concord Water Resources Department.

5 The City Manager presented the 2021 Jo Atwater Continuous Core Values Award to Electric Systems Underground Supervisor, Larry Barbee.

The Jo Atwater Continuous Core Values Award is the highest award presented to a City of Concord Coworker. This award continues Jo's vibrant spirit and valued legacy by annually recognizing one coworker that best embodies our organizational core values and commitment to serving others in the community.

Departmental Reports:

The Mayor and Council received an update on the George W. Liles Pkwy Small Area Plan at the Tuesday, May 11, 2021, Work Session.

Public Hearings:

1. Conduct a public hearing and consider granting a franchise to US Tire Recycling Partners, L.P. for a Scrap Tire Collection & Processing Operation and Scrap Tire Disposal Facility.

The City last granted a franchise to US Tire Recycling Partners, L.P. in 2016 and that franchise expires on August 11, 2021. Due to a change in the state laws and regulations, US Tire Recycling Partners, L.P. is now eligible for a franchise for a "life-of-site" permit, defined as 60 years from initial receipt of waste at the site in 1998. This franchise will expire on August 12, 2058. The granting of this franchise requires two readings of the proposed franchise ordinance at two separate public hearings.

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

The City Attorney explained the request.

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

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem King to adopt the first reading of a franchise to be granted to US Tire Recycling Partners, L.P. for a Scrap Tire Collection & Processing Operation and Scrap Tire Disposal Facility—the vote: all aye.

2. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a Level 2 Infrastructure Grant to Project Spring to develop four small-bay industrial speculative buildings totaling approximately 119,400 SF located at 560 Pitts School Road NW, Concord, NC.

Under the North Carolina General Statutes, City Council may offer incentives in order to stimulate private sector expansion of new facilities. Phase 1 of the proposed Springs Business Park would include Building A (22,950 SF), Building B (27,000 SF), and Building C (22,950 SF). Phase 1 represents an approximate \$9,500,000 investment in real property. Phase 2 would include a fourth building totaling 46,500 SF and represent an approximate

\$3,500,000 investment in real property. Required infrastructure improvements include road improvements at Pitts School Road and Weddington Road and an entry road to serve the proposed business park that represent a total estimated cost of \$1,056,967.

The City would make a one-time \$159,120 reimbursement payment to the Project to assist with a portion of that infrastructure cost after the infrastructure is installed. The grant amount was calculated based on 85% of new City property taxes generated over three years from the project's total estimated \$13,000,000 investment.

A motion was made by Council Member Sweat and seconded by Council Member Parsley to open the public hearing—the vote: all aye.

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

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem King to offer a contract for Level 2 Infrastructure Grant to Project Spring to develop four small-bay industrial speculative buildings totaling approximately 119,400 SF located at 560 Pitts School Road NW, Concord, NC, pursuant to NC General Statutes Sec. 158-7.1—the vote: all aye.

3. Conduct a public hearing and consider adopting an ordinance annexing +/- 4.757 acres, located at 2183 and 2315 Heglar Rd., owned by Randy and Sherry Walter and Niblock Homes LLC.

The applicant requested this item be tabled.

A motion was made Council Member Sweat and seconded Council Member Small to table the request until the June 10, 2021 City Council meeting—the vote: all aye.

Presentations of Petitions and Requests

1. Consider adopting a resolution authorizing the sale of 101 Georgia Street.

The City acquired this property on May 17, 2006. All City departments have confirmed that the property is not needed for any purpose. On or about April 7, 2021, the City received an Offer to Purchase the Property from Young Circle Cottages, LLC for \$5,000. The buyer wishes to use the property to construct a driveway access for the neighboring lot. The tax value of the property is \$9,000; however, there is a sewer line crossing the property in such a way as to make it unbuildable for any purpose other than access. An easement for the sewer line will be reserved.

A motion was made by Mayor Pro-Tem King and seconded by Council Member Crawford to adopt the following resolution authorizing the sale of 101 Georgia Street, directing the City Clerk to advertise for upset bids and directing the City Attorney to take all necessary actions to complete the sale in the event no upset bids are received—the vote: all aye.

RESOLUTION AUTHORIZING CONSIDERATION of NEGOTIATED OFFER, ADVERTISEMENT, AND UPSET BID

WHEREAS, North Carolina General Statute § 160A-269 permits the City to sell real property by upset bid after the receipt of an Offer to Purchase Property; and

WHEREAS, the City of Concord acquired real property at 101 Georgia Street SW by Commissioner's Deeds as recorded on May 16, 2006 in Deed Book 6749, at Page 333 of the Cabarrus County Registry; and

WHEREAS, 101 Georgia Street SW ("Property") is further described as follows:

BEGINNING at a point in the Western margin of Georgia Avenue SE, said point lying N. 34-05-35 W. 90.37 feet from the intersection of Georgia Avenue SW and Young Avenue SW; thence with said margin S. 34-02-35 W. 45.99 feet to point; thence N. 54-50-57 E.

105.13 feet to an existing $\frac{3}{4}$ iron rod, a corner of L.B. McEachern and the Community Development Property; thence with two lines of McEachern, N. 55-03-49 E. 37.87 feet to a bent $\frac{3}{4}$ " iron pipe; thence S. 33-47-07 E. 46.00 feet to a point; thence with another line of McEachern and Calvin Junior Hillie, S. 54-50-57 W. 142.64 feet to the POINT OF BEGINNING, having an area of 6580 square feet.

BEING the same property conveyed to the City of Concord by Quitclaim Deed as recorded 05/16/2006 in Deed Book 6749, at Page 333 of the Cabarrus County Registry.

Property is to be conveyed SUBJECT TO a reserved 30-foot utility easement to the City of Concord.

WHEREAS, on April 7, 2021, the City received an Offer to Purchase the Property from Young Circle Cottages, LLC ("Buyer") for \$ 5,000.00; and

WHEREAS, the Buyer have deposited a 5% deposit of \$250.00 with the City Clerk; and
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONCORD, THAT:

1. The City Council intends to accept the offer described above through the upset bid procedure outlined in North Carolina General Statute § 160A-269.
2. The Offeror shall submit four hundred seventy-five dollars and no cents (\$250.00) as a deposit to be held by the City Clerk; and
3. The City Clerk shall cause to be published a notice of the proposed sale of the Property, that being further described as a parcel of land, 101 Georgia Street SW ("Property") is further described as follows: BEGINNING at a point in the Western margin of Georgia Avenue SE, said point lying N. 34-05-35 W. 90.37 feet from the intersection of Georgia Avenue SW and Young Avenue SW; thence with said margin S. 34-02-35 W. 45.99 feet to point; thence N. 54-50-57 E. 105.13 feet to an existing $\frac{3}{4}$ iron rod, a corner of L.B. McEachern and the Community Development Property; thence with two lines of McEachern, N. 55-03-49 E. 37.87 feet to a bent $\frac{3}{4}$ " iron pipe; thence S. 33-47-07 E. 46.00 feet to a point; thence with another line of McEachern and Calvin Junior Hillie, S. 54-50-57 W. 142.64 feet to the POINT OF BEGINNING, having an area of 6580 square feet and BEING the same property conveyed to the City of Concord by Quitclaim Deed as recorded 05/16/2006 in Deed Book 6749, at Page 333 of the Cabarrus County Registry. This Property is to be conveyed SUBJECT TO a reserved 30-foot utility easement to the City of Concord. The notice shall describe the property, the amount of the offer, the terms under which the sale is to be made, and the terms under which the offer may be upset.
4. Any persons wishing to upset the offer shall submit a sealed bid along with their offer and deposit to the office of the City Clerk within 10 days after the notice of the proposed sale is published. At the conclusion of the 10-day period, the City Clerk shall open the bids, if any, and the highest bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
5. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
6. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
7. All bids, including the qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the total bid; the deposit may be made in cash, cashier's check, or certified check to the City Clerk. The City will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received.
8. The final sale shall include the following terms:

- a. The City will convey 101 Georgia Street SW the Highest Bidder, as stated in the Agreement for Purchase and Sale of Real Property.
 - b. The City will convey the property subject to a reserved 30-foot utility easement to the City of Concord, along with any and all existing public utility easements, restrictions, rights-of-way, protective covenants, zoning laws, conditions, and any ordinance of record.
 - c. The closing shall take place on or before June 28, 2021.
9. The City reserves the right to withdraw the property from sale at any time, before the final high bid is accepted and reserves the right to reject, at any time, all bids.
 10. The City Attorney is directed to take all necessary steps to complete the sale in the event no upset bids are received. The City Manager is authorized to execute the necessary instruments to effectuate the sale of 101 Georgia Street, SW in accordance with this resolution.

Adopted this 13 day of May, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

2. Consider adopting a resolution to sell .81 acres of vacant land located at 39 Woodsdale Place SE (PIN # 5630-08-3942) to Concord Greenway Townhomes, LLC for \$33,000 and the construction of the road connecting Patterson Avenue to Woodsdale Place valued at \$90,000.

The parcel located at 39 Woodsdale Place was acquired by the City for the purpose of extending Patterson Avenue to Woodsdale to provide access for emergency services and garbage to Woodsdale Place, which is very narrow and has a tight intersection at Cabarrus Avenue further making turning movements difficult for large trucks.

In October 2020, City Council approved a temporary construction easement to Concord Greenway Townhomes, LLC to construct a temporary access to Woodsdale Place to facilitate the site work for twenty-two townhomes that are approved on Woodsdale Place. Concord Greenway Townhomes is now desiring to acquire the parcel for further townhome development and, as part of the acquisition, will construct the road connecting Patterson to Woodsdale.

The offer, if accepted by Council, will fulfill a goal of staff to improve the access to Woodsdale as well as create additional homeownership opportunities adjacent to Downtown. The developer has coordinated with the City's Transportation Department on the road alignment, right-of-way, and the installation of a sidewalk on one side of the road. The estimated value for the road and corresponding improvements is \$90,000.

A motion was made by Council Member Small and seconded by Council Member Sweat to adopt the following resolution to sell .81 acres at 39 Woodsdale Place SE for \$33,000 and the construction of the connecting road with curb and gutter and sidewalk valued at \$90,000 and direct the City Clerk to publish a notice of proposed sale of the property—the vote: all aye.

**RESOLUTION AUTHORIZING CONSIDERATION of NEGOTIATED OFFER,
ADVERTISEMENT, AND UPSET BID**

WHEREAS, North Carolina General Statute § 160A-269 permits the City to sell real property by upset bid after the receipt of an Offer to Purchase Property; and

WHEREAS, the City of Concord ("City") acquired the real property parcel located at 39 Woodsdale (PIN 5630-08-3942) ("City Parcel") by Deed recorded in Deed Book 1442, at Page 0194; and

WHEREAS, Concord Greenway Townhomes, LLC desires to purchase the parcel owned by the City for the purpose of having fee simple ownership and to construct a connecting road is further described as follows:

Lying and being in Cabarrus County, City of Concord, Township Number, twelve (12) and BEING a .81 Acres identified as PIN 5630-08-3942, Tax ID No. 12-025-0110.00; and

WHEREAS, on March 15, 2021, the City received an Offer to Purchase the Property from Concord Greenway Townhomes, thirty-three thousand dollars and no cents; and

Whereas, Concord Greenway Townhomes, LLC pledges to construct a road connecting Patterson Avenue to Woodsdale Place at an estimated value of \$90,000; and

WHEREAS, the Buyer have deposited a 10% deposit of \$3,300.00 with the City Clerk; and
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONCORD, THAT:

1. The City Council intends to accept the offer described above through the upset bid procedure outlined in North Carolina General Statute § 160A-269.
2. The Offeror shall submit three thousand three hundred dollars and zero cents (\$3,300) as a deposit to be held by the City Clerk; and
3. The City Clerk shall cause to be published a notice of the proposed sale of the Property, Lying and being in Cabarrus County, City of Concord, Township Number, twelve (12) and BEING a 0.81 Acres identified as PIN 56-30-08-3942, Tax ID No. 12-025-0110.00, the terms under which the sale is to be made, and the terms under which the offer may be upset.
4. Any persons wishing to upset the offer shall submit a sealed bid along with their offer and deposit to the office of the City Clerk within 10 days after the notice of the proposed sale is published. At the conclusion of the 10-day period, the City Clerk shall open the bids, if any, and the highest bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
5. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
6. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
7. All bids, including the qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the total bid; the deposit may be made in cash, cashier's check, or certified check to the City Clerk. The City will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received.
8. The final sale shall include the following terms:
 - a. The City will convey 0.81 Acres identified as PIN 56-30-08-3942, Tax ID No. 12-025-0110.00 to the Highest Bidder, as stated in the Agreement for Purchase and Sale of Real Property.
 - b. The City will convey the property subject to any and all existing public utility easements, restrictions, rights-of-way, protective covenants, zoning laws, conditions, and any ordinance of record.
 - c. The closing shall take place on or before June 30, 2021.

9. The City reserves the right to withdraw the property from sale at any time, before the final high bid is accepted and reserves the right to reject, at any time, all bids.
10. The City Attorney is directed to take all necessary steps to complete the sale in the event no upset bids are received. The City Manager is authorized to execute the necessary instruments to effectuate the sale of 0.81 Acres of real property identified as PIN 56-30-08-3942, Tax ID No. 12-025-0010.00 in accordance with this resolution.

Adopted this 13th day of May 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

3. Consider adopting a resolution of intent to schedule a public hearing on the matter of abandoning a portion of a public right of way easement for 2' of an 8' public alley between Spring St. and Market Street.

As part of the 30 Market Street Lansing Melbourne Group (LMG) project, aka Novi Rise, the developer's design team has uncovered the need to move the building two feet from where it was reflected on the initial site plan because of a structural design issue regarding the building and the retaining wall adjacent to the City's alley between 30 Market Street and City Hall.

The proposal includes the abandonment of a two-foot portion of the right-of-way easement between 30 Market Street and CESI to accommodate the new proposed building location. The developer has indicated that their design team will ensure that the alley will be an enticing thoroughfare that pulls the user through. Design elements could include fixed lighting on the building, overhead string lighting, and public art.

A motion was made by Council Member Crawford and seconded by Council Member McKenzie to adopt the following resolution of intent to set a public hearing for June 10, 2021 on the matter of abandoning a portion of a public right of way easement for 2' of an 8' public alley between Spring St. and Market Street—the vote: all aye.

RESOLUTION OF INTENT

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 an alley between Spring St. SW and Market St. SW.

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

A meeting will be held at 6:00 p.m. on the 10th day of June, 2021 at the City Hall Council Chambers to consider a resolution on the closure of a 2-foot-wide portion of a public alley between Spring St. and Market St. as depicted on a survey entitled "Exhibit Plat: Partial Abandonment of the Public Alley Owned by The City of Concord crossing Deed Book 14774 Page 76" dated May 4, 2021, and as further described below:

PART OF THE PROPERTY OF:
THE CITY OF CONCORD

A 2' WIDE (STRIP) PORTION OF AN EXISTING 8' WIDE ALLEY CROSSING
TRACT 'B' OF MINOR SUBDIVISION PLAT OF THE CITY OF CONCORD PROPERTY
(Map Book 67 Page 76)

(Deed Book 14774, Page 76) (PIN: 5620-87-7591) (Real ID: 12-031-0004.00)

Lying and being in the City of Concord, No. 12 Township, Cabarrus County, North Carolina, crossing TRACT 'B' OF MINOR SUBDIVISION PLAT OF THE CITY OF CONCORD PROPERTY (Map Book 67 Page 76) (PIN: 5620-87-7591) (Real ID: 12-031-0004.00) as recorded among the Cabarrus County Register of Deeds; and being more particularly described as follows:

A 2' WIDE (STRIP) PORTION OF AN EXISTING 8' WIDE ALLEY

Commencing from an existing BENT IRON FOUND located on the east side Public Right of Way line of Spring Street, SW (a variable width Public Right of Way) (Map Book 67 Page 76) at the common corner of the property of the aforesaid TRACT 'B' and the property of CESI, LLC. (now or formerly) Deed Book 3680 Page 196 (PIN: 5620-87-9426; Real ID: 12-031-0008.00); said BENT IRON FOUND being further described as being the southwest corner of the existing 8' Wide Public Alley, a portion of which is being described herein and also having NC (NAD 83/2011) Grid Coordinates of N: 607,453.31', E: 1,528,809.27' and being located North 09°16'33" West 7,616.38 feet (ground) from NCGS Monument "PENNEY"; thence running a Tie Line of North 53°04'50" West 6.13 feet along the common line of the west side of the aforesaid Alley and the aforesaid TRACT 'B' to a MAGNETIC NAIL SET on said common line, said MAGNETIC NAIL SET being further described as being the POINT OF BEGINNING (P.O.B.) of the 2' Wide (Strip) Portion of the existing 8' Wide Public Alley being abandoned; thence leaving the Point of Beginning (P.O.B.) and continuing along said common line.

1. North 53°04'50" West 2.04 feet to a COMPUTED POINT, said COMPUTED POINT being further described as being as the northwest corner of the aforesaid Alley; thence leaving the east side Public Right of Way line of Spring Street, SW and running along the northern line of said Alley
2. North 48°47'03" East 176.09 feet to a COMPUTED POINT on the common line of the west side Public Right of Way line of Market Street, SW (a variable width Public Right of Way) (Map Book 67 Page 76) and the aforesaid TRACT 'B', said COMPUTED POINT being further described as being as the northeast corner of the aforesaid Alley; thence running along the common line of the east side of said Alley and TRACT 'B'
3. South 40°09'38" East 2.00 feet to a MAGNETIC NAIL SET on said common line; thence leaving said common line and running a NEW LINE through said Alley
4. South 48°47'03" West 175.64 feet to the Point of Beginning and containing 352 square feet or 0.008 acres of land, more or less.
 - a. 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.
 - b. 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.
 - c. 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.

Adopted this 13th day of May, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

4. Consider approving a mural to be installed on the ClearWater campus.

Over the past few years, staff has received community comments noting the exterior of the buildings does not accurately reflect the creative activities housed inside. Suggestions have been received to use murals to help energize the campus.

Sarah Gay, Coordinator of ClearWater, reached out to area muralist for possible designs to capture the idea. The designs were presented to the resident artist at ClearWater for their thoughts and recommendations. The ClearWater Coordinator worked with the Gibson Village Neighborhood President to solicit input of the proposed selection. A total of over 82 persons viewed with 14 providing positive feedback and 3 provided negative feedback.

The design by muralist/artist, Owl, captures the weaving of cultural backgrounds, neighborhood change and the mill heritage with colorful undulating fabric-like geometric shapes. The Public Art Committee also reviewed the design and voted to recommend City Council approve the mural and commission Owl to complete the work. The mural cost will be \$5,000 paid with revenue generated from ClearWater rentals.

A motion was made by Council Member Small and seconded by Council Member Langford to approve a mural to be installed on the ClearWater campus—the vote: all aye.

5. Consider authorizing the City Manager to negotiate and execute a contract with J.D. Goodrum Company, Inc. for the Obstruction Removal Project at Concord-Padgett Regional Airport.

Bids were opened on March 31, 2021. Only one bid was received so the project was re-advertised in accordance with NC General Statutes. The second bid opening was held on April 8, 2021 and again only one bid was received. J.D. Goodrum Company Inc. submitted the low responsive base bid in the amount of \$387,855. Talbert, Bright and Ellington reviewed the bid and concurred all bid requirements of the specifications were met. This project will be 90% funded using funds from the Federal Aviation Administration (FAA) AIP Grant and the 10% match will come from the North Carolina Department of Transportation Division of Aviation.

A motion was made by Council Member Sweat and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute a contract with J.D. Goodrum Company Inc. in the amount of \$387,855 for the Obstruction Removal Project at Concord-Padgett Regional Airport—the vote: all aye.

6. Consider authorizing the City Manager to negotiate and execute a contract with Talbert, Bright and Ellington, Inc (TBE) to perform engineering services for the North Apron Expansion - Work Authorization 1905.

The City's Aviation Department in conjunction with the Federal Aviation Administration is developing a 300' x 300' sq. ft. general apron expansion north of Hendrick Motor Sports hangar. FAA has approved the funding for the Category Exclusion phase, CAT (X). In order to compete in next year's funding cycle for discretionary funds, staff is requesting approval to proceed with the design and bidding for the apron expansion. The project will include a bituminous asphalt pavement, erosion control devices, perimeter security fence relocation and airfield taxiway lighting adjustments. Total cost for engineering services will be \$197,591.40 and will be funded by the North Carolina Department of Transportation Division of Aviation.

A motion was made by Mayor Pro-Tem King and seconded by Council Member Parsley to authorize the City Manager to negotiate and execute contract with TBE - Work Authorization 1905—the vote: all aye.

7. Consider authorizing the City Manager to negotiate and execute a contract with Wolen, LLC for the Air Traffic Control Tower Equipment Replacement Project at Concord-Padgett Regional Airport.

Bids were opened on April 7, 2021. Only one bid was received so the project was re-advertised in accordance with NC General Statutes. The second bid opening was held on April 15, 2021 and again only one bid was received. Wolen, LLC submitted the low responsive base bid in the amount of \$267,826. Talbert, Bright and Ellington reviewed the bid and concurred all bid requirements of the specifications were met. This project will be 90% funded using funds from the Federal Aviation Administration (FAA) AIP Grant and the 10% match will come from the North Carolina Department of Transportation Division of Aviation.

A motion was made by Council Member Parsley and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with Wolen, LLC in the amount of \$267,826 for the Air Traffic Control Tower Equipment Replacement Project at the Concord-Padgett Regional Airport—the vote: all aye.

8. Consider awarding bids for electric equipment and materials for the Union Cemetery Rd. Delivery Station #4 to: Dis-Tran Packaged Substation Engineering, PLLC, Siemens Energy Inc., SPX Transformer Solutions Inc., Virginia Transformer Corporation, S&C Electric Company, ABB Inc., Birmingham Control Systems and VFP Inc.

Electric Systems staff received bids on April 14, 2021 for electric equipment and materials required for the construction of a new delivery point and substation located South of Union Cemetery Road.

The bids were arranged into the following nine schedules of equipment: Schedule I – Substation steel and structures- Dis-Tran Packaged Substation Engineering, \$1,066,835; Schedule II - Three 48KV circuit breakers- Siemens Energy, Inc., \$100,350; Schedule III – Six 100KV circuit breakers- Siemens Energy, Inc., \$269,650; Schedule IV —One 84 MVA power transformers, SPX Transformer Solutions Inc., \$823,783 (Lowest responsive bidder when factoring in Total Ownership Cost analysis.); Schedule V - Two 27 MVA Power transformers, Virginia Transformer Corporation, \$1,489,612 (Lowest responsive bidder when factoring in Total Ownership Cost analysis.); Schedule VI – Two 100KV circuit switchers, S&C Electric Company, \$111,506; Schedule VII – Ten 15KV circuit breakers, ABB Inc., \$156,860; Schedule VIII – Relay Panels, Birmingham Control Systems, \$207,947; and Schedule IX – Two Control equipment houses, VFP, Inc., \$156,522.

All schedules combined total \$4,383,065. Funding will be from the existing Delivery 4 project account with standing balance of \$15,675,166.

A motion was made by Mayor Pro-Tem King and seconded by Council Member Crawford to award bids for electric equipment and materials for the Union Cemetery Rd. Delivery Station #4 to: Dis-Tran Packaged Substation Engineering, PLLC, Siemens Energy Inc., SPX Transformer Solutions Inc., Virginia Transformer Corporation, S&C Electric Company, ABB Inc., Birmingham Control Systems and VFP Inc—the vote: all aye.

9. Consider authorizing the City Manager to negotiate and execute a contract with Litman Excavating, Inc. for the replacement of the culvert on Duval St. NW.

The Duval St. NW Culvert replacement project consists of the removal of the existing of culvert, the construction of a double-barrel culvert, and associated services that will include roadway pavement reconstruction and other appurtenances. The project was bid under the formal bidding process. Bids were taken on April 29, 2021 and five (5) bids were received. The lowest responsible bidder was Litman Excavating, Inc. in the amount of \$600,616.50, which is under the budgeted amount.

A motion was made by Council Member Parsley and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with Litman Excavating, Inc., in the amount of \$600,616.50, for the replacement of the stormwater culverts on Duval St. NW—the vote: all aye.

10. Consider eliminating the temporary suspension of fare collection and resume collection of fares on Rider Transit.

Staff proposes to eliminate the temporary suspension of fare collection on Rider Transit currently in place due to the COVID-19 pandemic and resuming regular fare collection and operations on July 1, 2021. This action is a part of the current proposed FY22 Rider Transit budget and was approved unanimously by the Concord Kannapolis Transit Commission at their April 21, 2021 meeting.

A motion was made by Council Member Small and seconded by Council Member Sweat to resume Rider Transit fare collection on July 1, 2021—the vote: all aye.

11. Consider awarding the total bid for the City of Concord's annual street preservation program to Ferebee Corporation and approve the attached budget ordinance to appropriate funds from reserve funds.

One of Council's continuing goals is to improve the service levels and delivery of the City's annual street preservation program. Formal bids for this work were opened on April 22, 2021 with Ferebee Corporation submitting the lowest total bid in the amount of \$3,824,006.90. Work such as patching, leveling, milling, resurfacing, re-striping, re-marking, and re-installation of permanent raised pavement markings work on approximately 28 lane miles of designated streets and 10,000 Tons of patching on other City infrastructure will be performed. Powell Bill receipts and General Fund revenues are being used to fund this work by contracted forces. Contract Final Completion date is 180 days from the Notice to Proceed.

A motion was made by Council Member Sweat and seconded by Council Member Parsley to award the total bid and authorize the City manager to negotiate and execute a contract with Ferebee Corporation, in the amount of \$3,824,006.90, for the City of Concord's annual streets preservation program and adopt the following budget ordinance to appropriate funds from reserve funds—the vote: all aye.

ORD.# 21-34

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:

Revenues

Account	Title		Current Budget	Amended Budget	(Decrease) Increase
100-4370000	Appropriated Fund		\$9,920,634	\$11,002,302	\$1,081,668
	Balance-Powell Bill				
	Total				<u>\$1,081,668</u>

Expenses/Expenditures

Account	Title		Current Budget	Amended Budget	(Decrease) Increase
4511-5241000	Powell Bill-Resurfacing		\$4,881,162	\$5,962,830	\$1,081,668
	Total				<u>\$1,081,668</u>

Reason: To transfer Powell Bill reserves for the resurfacing contract.

Adopted this 13th day of May, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

12. Consider authorizing the City Manager to negotiate and execute a contract with Hall Contracting for construction of the Coddle Creek Raw Water Supply Improvements.

This project will install a new parallel raw water line to the Coddle Creek Water Treatment Plant. When the plant was built, only one raw water line was installed. This 36" second line will provide much needed backup and redundancy to assure uninterrupted raw water flow to the plant.

This project was formally bid with five bids received on April 1, 2021. Hall Contracting was the lowest responsible bidder in the amount of \$3,640,747 and is within the project budget. Hall Contracting has a long history of successful projects with the City of Concord.

A motion was made by Council Member Sweat and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute a contract with Hall Contracting for construction of the Coddle Creek Raw Water Supply Improvements—the vote: all aye.

13. Consider authorizing the City Manager to negotiate and execute a contract with HDR Engineering Inc. for design and engineering services for the settling basin repair and plate settler installation project at the Hillgrove Water Treatment Plant in the amount of \$299,900.

This project will design repairs for existing settling basins at the Hillgrove Water Treatment Plant. In addition, the scope includes design of plate settlers at Hillgrove similar to the recent construction at Coddle Creek. This project will result in decreased turbidity leaving the plant which will allow lower levels of disinfectant ultimately reducing disinfection byproducts in the water system. The consultant will also provide bidding and construction services. HDR was selected after a formal RFQ process and the negotiated fee is within the project budget.

A motion was made by Council Member Parsley and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute a contract with HDR Engineering Inc. for design and engineering services for the settling basin repair and plate settler installation project at the Hillgrove Water Treatment Plant in the amount of \$299,900—the vote: all aye.

14. Consider authorizing the City Manager to negotiate and execute a contract with HDR Engineering Inc. for design and engineering services for the granular activated carbon (GAC) contactor project at the Hillgrove Water Treatment Plant in the amount of \$774,900.

This project will design GAC contactors at the Hillgrove Water Treatment Plant. GAC will provide increase defense against taste and odor compounds and offer increase removal of organic materials. HDR was selected after a formal RFQ process and the negotiated fee is within the project budget.

A motion was made by Mayor Pro-Tem King and seconded by Council Member Parsley to authorize the City Manager to negotiate and execute a contract with HDR Engineering Inc. for design and engineering services for the granular activated carbon (GAC) contactor

project at the Hillgrove Water Treatment Plant in the amount of \$774,900—the vote: all aye.

15. Consider adopting an ordinance amending the Concord City Code of Ordinances, Chapter 30, Environment, Article IV.

City staff have been working to develop a comprehensive approach to combating litter within the City. The objectives that have been identified include four main components: physical deployment of staff for litter abatement, enhanced public outreach and communication efforts, measuring outcomes and a review of current litter ordinances/enforcement coordination.

After completing a review of the litter ordinances with the Legal Department, the following revisions are recommended: (1) Placing the litter ordinances in one specific section (Chapter 30 Environment), (2) Include separate language for general littering (Sec. 30-165) and littering from vehicles (Sec. 30-166), (3) Increasing the civil penalty from \$10 - \$150, (3.) Adding a late fee civil penalty of \$100, (4) Include appeal procedures.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to adopt the following ordinance amending the Concord City Code of Ordinances, Chapter 30, Environment, Article IV—the vote: all aye.

ORD.# 21-35

ORDINANCE AMENDING CHAPTER 30 ARTICLE IV, SECTION 30-165 AND SECTION 30-166 OF THE CITY OF CONCORD CODE OF ORDINANCES

WHEREAS, the City desires to revise the City's litter ordinance;

WHEREAS, the Council of the City of Concord has approved the revision of the City Ordinance Chapter 30, Article IV, Sec. 30-165 and Sec. 30-166;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord, that Chapter 30, Article IV, Sec. 30-165 and Sec. 166 be revised as follows:

1. Sec. 30-165 - Littering Upon Streets and Rights-of -Way

(a) *Prohibited.* It shall be unlawful for any person to throw, scatter, drop, deposit or otherwise dispose of any litter, garbage, refuse grass, shrubbery, tree clippings, yard waste, land clearing debris, bottles, cans or containers of any kind, cigarette butts, cigars, drink containers, gum or candy wrappers or plastic products, discarded fruit, construction debris, residential, commercial or industrial solid waste, white goods, hazardous waste, scrap tires, medical waste or other similar items upon any sidewalk, median strip, alleyway, street or street right-of-way, or grass strip of the city or upon any public halls, theaters, auditoriums or arenas, or public transportation vehicles or any portion of the public transportation system.

(b) *Citation and civil penalty.* A citation for a civil penalty of \$150.00 shall be issued for the first violation of this section as provided in section 1-6 of this Code and G.S. 160A-175 and 14-4. If such civil penalty is not paid within 30 calendar days from the date of issuance of the citation or appealed within 15 calendar days from the date of issuance, an additional late fee civil penalty in the amount of \$100.00 shall apply. The second and all subsequent violations of this section shall be punishable by a \$500.00 civil penalty. A violation enforced through the issuance of a civil penalty may be appealed pursuant to section 2-5.

2. Sec. 30-166 -Littering from a vehicle

(a) *Prohibited.* It shall be unlawful for any person to throw, scatter, drop, or otherwise dispose of any cigarette butts, cigars, drink containers or containers of any kind, gum or candy wrapper, paper or plastic products, discarded fruit, or other similar items from a vehicle or any other mode of transportation upon any public street, public property, public median, or private property not owned by that person.

(b) *Presumption.* When any such item is thrown, scattered, spilled, dropped or otherwise disposed of from a vehicle, the operator thereof shall be presumed to have committed such offense.

(c) *Citation and civil penalty.* A citation for a civil penalty of \$150.00 shall be issued for the first violation of this section as provided in section 1-6 of this Code and G.S. 160A-175 and 14-4. If such civil penalty is not paid within 30 calendar days from the date of issuance of the citation or appealed within 15 calendar days from the date of issuance, an additional late fee civil penalty in the amount of \$100.00 shall apply. The second and all subsequent violations of this section shall be punishable by a \$500.00 civil penalty. A violation enforced through the issuance of a civil penalty may be appealed pursuant to section 2-5.

(d) Subsection (a) of this section does not apply to the accidental blowing, scattering, or spilling of an insignificant amount of municipal solid waste, as defined in G.S. 130A-290(18a), during the automated loading of a vehicle designed and constructed to transport municipal solid waste if the vehicle is operated in a reasonable manner and according to manufacturer specifications.

This Ordinance shall be effective upon passage.

Adopted this 13th day of May, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

16. Consider adoption of a Title VI Plan and Policy Resolution to prohibit discrimination in programs and services receiving federal financial assistance.

Currently, the City has no formal policy in place for defining and preventing discrimination in the activities and for the entities Title VI affects. CK Rider has a Title VI Plan for Transit but the plan does not cover the City's operation. This plan establishes a policy and procedures for reporting violations and provides guidelines for the City, City Departments, private persons and companies doing business with the City and receiving federal financial assistance to follow. Adoption of this plan will ensure that Concord is in compliance with the Civil Rights provisions.

A motion was made by Council Member McKenzie and seconded by Council Member Parsley to adopt the Title VI Plan and Policy Resolution to prohibit discrimination in programs and services receiving federal financial assistance—the vote: all aye.

**RESOLUTION TO ADOPT A TITLE VI POLICY
TO PROHIBIT DISCRIMINATION IN PROGRAMS AND SERVICES
AND IN ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

WHEREAS, in 1964, Congress enacted the Civil Rights Act of 1964, which included that section labeled Title VI which prohibits discrimination in any activity which is financed by federal funds or receives federal financial assistance; and

WHEREAS, since the adoption of Title VI, additional federal regulations and court decisions have further refined the definition of "federal financial assistance" and what entities are affected and controlled by Title VI; and

WHEREAS, the City of Concord has no formal policy in place for defining and preventing discrimination in the activities and for the entities Title VI affects; and

WHEREAS, the interpretation and application are not intuitive or readily understood, requiring an understanding of what "federal financial assistance" might be in any particular situation and what persons or entities must comply with Title VI; and

WHEREAS, a policy and procedure for reporting violations will provide guidelines for the City, City Departments and private persons and companies doing business with the City and receiving federal financial assistance.

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

1. The attached "Title VI Plan", including its policies and procedures, is hereby adopted as the official policy of the City of Concord for applying, reporting and enforcing Title VI of the Civil Rights Act of 1964.

2. The Title VI Coordinator is authorized to approve this policy on a yearly basis if no changes are made to it.

Adopted this 13th day of May, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

17. Consider making appointments to the Concord United Committee.

At the February 11, 2021 City Council meeting, the Council approved the establishment of the Concord United Committee. Applications were received by the City Clerk and reviewed by the selection committee comprised of Mayor Dusch, Council Members Small, McKenzie, and Parsley, and the City Manager. Members shall have three-year appointments following initial appointments. In order to stagger the terms of office, one-third of initial appointments will be for 1 year, one-third of initial appointments will be for 2 years, and the one-third of initial appointments will be for 3 years.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to appoint the following members (with terms noted) to the Concord United Committee—the vote: all aye.

Bertram Hinton, Jr.	5/21/21 – 4/30/22 – Co-Chair
Ann Fleming	5/21/21 – 4/30/23 – Co-Chair
Robert Kirk	5/21/21 – 4/30/24 – Co-Chair

Aimy Steele	5/21/21 – 4/30/22
Betty Stocks	5/21/21 – 4/30/22
Caroline Overcash	5/21/21 – 4/30/22
Greg Mills	5/21/21 – 4/30/22
Lamarie Austin-Stripling	5/21/21 – 4/30/22
Mandy Jones	5/21/21 – 4/30/22
Quinton Locklear	5/21/21 – 4/30/22

Amos McClorey	5/21/21 – 4/30/23
Chris Bowe	5/21/21 – 4/30/23
Cindy Hanson	5/21/21 – 4/30/23
Douglas Carroll	5/21/21 – 4/30/23
Gracie Galloway	5/21/21 – 4/30/23
Ingrid Nurse	5/21/21 – 4/30/23
Lisa Matthews	5/21/21 – 4/30/23

Jennifer Terris	5/21/21 – 4/30/24
Joe DeJesus	5/21/21 – 4/30/24
Kiran Patel	5/21/21 – 4/30/24

Lyndia Gabriel	5/21/21 – 4/30/24
Rayshion Sashington	5/21/21 – 4/30/24
Sandra Torres	5/21/21 – 4/30/24
Theresa Scott-Stills	5/21/21 – 4/30/24

* * * * *

Additional Item:

1. Consider preserving the last standing African-American school in Cabarrus County; the Meadowview School.

Ashley Propst, Historic Cabarrus Association Executive Director and Curator, was in attendance for the discussion.

A motion was made by Council Member Crawford and seconded by Council Member McKenzie to suspend the City Council Rules of Procedure to allow Ms. Propst to comment on the proposed issue—the vote: all aye.

Ms. Propst stated that the entire structure may not be able to be preserved but some components of the structure could be. She stated she and the Association are very interested in the preservation of some of this school because it is the last standing African-American school in Cabarrus County.

Assistant City Manager Josh Smith stated Parks and Recreation staff received a couple of quotes for the removal of the structure and the cataloging of salvageable pieces. The estimated cost is between \$40,000 - \$46,000. He also stated 60% of the structure is salvageable.

The Assistant City Manager stated the developer of the property the structure is located on, Ken Orndorff, has agreed to donate to the City \$10,000 if the City will agree to salvage a portion of the structure and Mr. Orndorff also stated the City could store the salvageable pieces on his property at no charge for a period of three-years. The Assistant City Manager stated a formal agreement would be drafted should this be approved by Council.

After some discussion, a motion was made by Council Member McKenzie and seconded by Council Member Langford to authorize the City Manager to negotiate an amount up to \$37,000 for the removal and cataloging of the structure and to negotiate and execute an agreement with Ken Orndorff for the storage of said structure on his property free of charge for a period of three-years—the vote: all aye.

Council Member Parsley stated she supported the motion to contract with Mr. Orndorff for the storing of the structure but wanted to note for the record that she does not agree with and will not support the City stepping outside it's purview of services such as preservation efforts or cataloging efforts for the Meadowview School.

Council Member McKenzie agreed with Council Member Parsley.

2. Consider amending the 2021 Schedule of Meetings for City Council.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to amend the 2021 Schedule of Meetings for City Council to reflect the 2nd Work Session be held two weeks following the 1st Work Session—the vote: all aye.

* * * * *

Consent Agenda:

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

A motion was made by Council Member Parsley and seconded by Council Member Sweat to approve the following consent agenda items—the vote: all aye.

CONSENT AGENDA ITEM A

A License to Attach Banners to City of Concord Property was approved to allow Conder Flag to place temporary race banners on Bruton Smith Blvd and Hwy 29 to promote the Coke 600 Memorial Weekend.

CONSENT AGENDA ITEM B

A \$500 contribution from the Mayor's Golf Tournament Fund to Samaritan's Feet was approved and the following budget ordinance was adopted.

ORD.# 21-36

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:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4370000	Fund Balance Approp	\$9,920,634	\$9,921,134	\$500
Total				\$500

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4190-5470043	Golf Tournaments	\$350	\$850	\$500
Total				\$500

Reason: To appropriate reserves from the Mayor's Golf Tournament to Samaritan's Feet.

Adopted this 13th day of May, 2021.

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 C

The 2021 municipal election filing fees were approved to be \$176 for the Mayor's seat and

\$102 for the Council Member seats.

CONSENT AGENDA ITEM D

The Police Chief was authorized to enter into the 2021 Regional Law Enforcement Mutual Aid Agreement.

CONSENT AGENDA ITEM E

The updated 2021 Rider Transit Public Transportation Agency Safety Plan was approved.

CONSENT AGENDA ITEM F

The offers of infrastructure were accepted in the following subdivisions and sites: Wyntree-Bethel Park Subdivision, International Business Park Lot 12, Pendleton Subdivision PH 2, Edenton at Cox Mill PH 1 MP 1 and MP 2, Courtyards at Poplar Tent PH 2, Hallstead Subdivision PH 2, Rocky Mill Manor.

CONSENT AGENDA ITEM G

The offers of dedication on the following plat and easements were accepted: The Haven at Rocky River Map 4 and Oaklawn Development Phase 1.

CONSENT AGENDA ITEM H

The maintenance agreements were approved and the offers of dedication were accepted on the following property: Cabarrus County, Cabarrus Propco, LLC. and Forestar Real Estate Group, Inc.

CONSENT AGENDA ITEM I

The following ordinances were adopted to amend the operating budgets for the General Fund and Internal Service Fund to fund the City's OPEB liability.

ORD.# 21-37

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:

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
Total				

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
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4200-5182500	OPEB Contributions	\$18,909	\$74,647	\$55,738
4215-5182500	OPEB Contributions	\$53,510	\$276,463	\$222,953
4220-5182500	OPEB Contributions	\$94,061	\$442,424	\$348,363
4230-5182500	OPEB Contributions	\$97,984	\$460,282	\$362,298
4250-5182500	OPEB Contributions	\$26,369	\$123,911	\$97,542
4270-5182500	OPEB Contributions	\$182,976	\$865,768	\$682,792
4200-5906000	Cost Alloc - Collections	(\$524,899)	(\$580,637)	(\$55,738)
4215-5911000	Cost Alloc - Billing	(\$1,898,228)	(\$2,121,181)	(\$222,953)
4220-5909000	Cost Alloc - Cust Service	(\$2,089,881)	(\$2,438,244)	(\$348,363)
4230-5907000	Cost Alloc - Engineering	(\$2,870,761)	(\$3,233,059)	(\$362,298)
4250-5916000	Cost Alloc - Purchasing	(\$597,795)	(\$695,337)	(\$97,542)
4270-5912000	Cost Alloc - Build & Grnds	(\$4,929,968)	(\$5,612,760)	(\$682,792)
Total				<u>\$0</u>

Reason: To adjust cost allocations to cover the additional OPEB contribution for the current year.

Adopted this 13th day of May, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 21-38

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:

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
100-4370000	Appropriated Fund Balance	\$9,920,634	\$11,690,320	\$1,769,686
Total				<u>\$1,769,686</u>

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4520-5909000	Cost Alloc - Cust Service	\$72,089	\$100,541	\$28,452
4190-5916000	Cost Alloc - Purchasing	\$83,103	\$110,682	\$27,579

4120-5907000	Cost Alloc - Engineering	\$0	\$19,097	\$19,097
4340-5907000	Cost Alloc - Engineering	\$50,503	\$71,722	\$21,219
4510-5907000	Cost Alloc - Engineering	\$546,641	\$612,786	\$66,145
4910-5907000	Cost Alloc - Engineering	\$1,083,238	\$1,323,818	\$240,580
6120-5907000	Cost Alloc - Engineering	\$251,656	\$320,216	\$68,560
4190-5907000	Cost Alloc - Engineering	\$21,808	\$28,174	\$6,366
4190-5912000	Cost Alloc - Build & Grnds	\$1,569,970	\$2,027,526	\$457,556
4310-5912000	Cost Alloc - Build & Grnds	\$284,277	\$366,463	\$82,186
4315-5912000	Cost Alloc - Build & Grnds	\$44,836	\$57,798	\$12,962
6120-5912000	Cost Alloc - Build & Grnds	\$2,098,692	\$2,705,434	\$606,742
4340-5912000	Cost Alloc - Build & Grnds	\$457,420	\$589,662	\$132,242
Total				<u>\$1,769,686</u>

Reason: To appropriate fund balance reserves to cover the general fund's portion of the internal service fund OPEB contribution.

Adopted this 13th day of May, 2021.

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 ordinances were adopted to amend the General Fund, the Streetscape project fund, and the First Concord 2014 LOBS project fund.

ORD.# 21-39

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:

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
100-4323100	1% Local Gvt Opt Sales Tax	\$7,572,000	\$8,197,847	\$625,847
Total				<u>\$625,847</u>

Expenses/Expenditures

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

Total

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

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
6990-5987000				
6990-5987000				
6990-5811249	Transfer to Project Fund	0	700,000	700,000
6990-5811249	Market St. Lot Redevelopment	1,828,176	1,128,176	(700,000)
Total				0

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4190-5987000	Transfer to Project Fund	\$0	\$625,847	\$625,847
Total				\$625,847

Reason: To appropriate additional revenues received to cover a transfer to the project fund for increased streetscape costs.

Adopted this 13th day of May, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 21-40

CAPITAL PROJECT ORDINANCE
FIRST CONCORD

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 authorized/amended:

SECTION 1. The project authorized/amended is First Concord – 2014 LOBS – Market Street Lot Redevelopment and Generator Relocation.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation/amendment of the projects.

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

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 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 13th day of May, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 21-41

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			
430-4501100	From General Fund	2,669,020	3,294,867	625,847
430-4501500	From First Concord			
430-4501500	From First Concord	0	700,000	<u>700,000</u>
	Total			<u>1,325,847</u>

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8804-5811272	Streetscape	3,805,500	5,131,347	1,325,847
8804-5811272				
Total				<u>1,325,847</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 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 13th day of May, 2021.

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 following ordinance was adopted to amend the Fire Stations project fund to appropriate additional loan proceeds to cover costs of issuance and construction costs.

ORD.# 21-42

**CAPITAL PROJECT ORDINANCE
Fire Station #12**

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 Fire Station #12.

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>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
426-4602000				
426-4602000	Financing Proceeds	\$5,950,000	\$6,200,000	\$250,000

\$250,000

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>
8670-5811062				
8670-5811062	Cost of Issuance	\$0	\$51,650	\$51,650
8670-5811027				
8670-5811027	Fire Station #12	\$6,540,000	\$6,738,350	<u>\$198,350</u>
				\$250,000

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 13th day of May, 2021.

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 first quarter water and wastewater extension report for the 2021 was accepted.

CONSENT AGENDA ITEM M

The following resolution on the administration of small underpayments and overpayments of ad valorem taxes was adopted.

Resolution on the Administration of Small Underpayments and Overpayments of Ad Valorem Taxes

WHEREAS, the administrative costs associated with the collecting and refunding of small ad valorem tax overpayments and underpayments exceeds the value of the overpayments and underpayments; and

WHEREAS, G.S. 105-357(c) authorizes a local government to adopt a resolution that eliminates the need to collect small underpayments of \$1.00 or less and that eliminates the need to refund small overpayments of \$1.00 or less unless the taxpayer requests a refund of the overpayment before the end of the fiscal year in which the such overpayment is

made; and

WHEREAS, G.S. 105-321(g) provides that upon adoption of a resolution authorizing the tax collector not to make a refund of an overpayment if the refund is less than \$15, the tax collector shall make a report of the amount of these refunds to the Concord City Council, implement a system by which payment of the refund may be made to a taxpayer who comes into the office of the Tax Administrator seeking the refund, and as to refunds that are not requested in person by the end of the fiscal year, implement a system to apply the minimal refund as a credit against the tax liability of the taxpayer for taxes due for the next succeeding year; and

WHEREAS, the City Council previously adopted by Resolution on March 9, 2006, which directs the Tax Collector to not bill or otherwise collect ad valorem taxes when the original principal amount due is \$5.00 or less pursuant to G.S. 105-321(f).

Now, therefore it be resolved as follows:

- (1) Pursuant to G.S. 105-357(c), the City Council directs the Cabarrus County Tax Administrator to treat small underpayments of \$1.00 or less as fully paid and not to refund small overpayments of \$1.00 or less unless the taxpayer requests a refund of the overpayment before the end of the fiscal year in which the small overpayment is made. The Tax Administrator must implement processes required by G.S. 105-357(c).
- (2) Pursuant to G.S. 105-321(g), the City Council authorizes the Cabarrus County Tax Administrator not to mail a refund of any overpayment if the refund is less than \$15. The Tax Administrator must implement processes required by G.S. 105-321(g).

BE IT FURTHER RESOLVED that this resolution shall be in effect with respect to Fiscal Year 2022 and shall remain in effect until amended or repealed by resolution of the Concord City Council.

Adopted this 13th day of May, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

CONSENT AGENDA ITEM N

The Tax Office collection reports for the month of March 2021 were accepted.

CONSENT AGENDA ITEM O

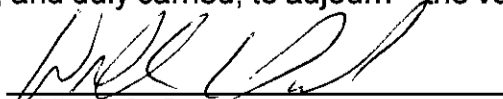
The Tax releases/refunds for the month of March 2021 were approved.

CONSENT AGENDA ITEM P


The monthly report on status of investments as of March 31, 2021 was received.

* * * * *

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



William C. Dusch, Mayor



Kim J. Deason, City Clerk

CONCORD CITY COUNCIL
SECOND WORK SESSION
MAY 25, 2021

The City Council for the City of Concord, North Carolina, held a second work session on May 25, 2021, at 11:00 a.m. in the Council Room of City Hall, with Mayor William C. Dusch presiding.

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

Members Absent:

Council Member John A. Sweat, Jr.

Others Present:

City Manager, Lloyd Wm. Payne, Jr.
City Clerk, Kim J. Deason

* * * * *

Call to Order:

Mayor Dusch called the meeting to order.

* * * * *

The City Manager introduced the Diversity, Equity and Inclusion Coordinator, Emma Sellers. The City Manager stated she will be the City's liaison to the Concord United Committee.

Concord United Committee:

Discussion was held about the education component to be provided to the Concord United Committee at their first meeting.

It was the consensus of the Council to have Mayor Dusch, Council Members Small, McKenzie, and Parsley, the City Manager, the City Attorney and the DEI Coordinator meet with the three Co-Chairs of the Committee prior to the Committee's first meeting.

Open Discussion by Council:

Discussion regarding zoning classifications and growth within the City of Concord continued.

It was suggested the City Council conduct a joint meeting with the Planning and Zoning Commission to discuss the Land Use Plan, the Concord Development Ordinance, and annexation as it relates to growth within the City.

The City Manager stated he would work with the Planning and Neighborhood Services Director to draft a presentation based on the discussion and present to the Council at their June 22nd meeting.

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