

CONCORD CITY COUNCIL  
SECOND WORK SESSION  
JULY 20, 2021

The City Council for the City of Concord, North Carolina, held a second work session on July 20, 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:**

Council Member W. Brian King  
Council Member Ella Mae P. Small  
Council Member JC McKenzie  
Council Member Jennifer H. Parsley  
Council Member John A. Sweat, Jr.

**Members Absent:**

Mayor Pro-Tem Terry L. Crawford  
Council Member Andy Langford

**Others Present:**

City Manager, Lloyd Wm. Payne, Jr.  
City Attorney, VaLerie Kolczynski  
City Clerk, Kim Deason

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**Call to Order:**

Mayor Dusch called the meeting to order.

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**Public Hearings:**

- 1. Conduct a public hearing and consider adopting an ordinance annexing +/- 53.335 acres located at 227 and 233 NC Hwy 49 S., owned by West Land Investments, LLC and West Land Investments II, LLC.**

The petition is for voluntary annexation of +/- 53.335 acres located at 227 and 233 NC Hwy 49 S., in order to develop the property with a +/- 198,500 sf product distribution facility. The property is primarily located within Cabarrus County and Zoned LI (Limited Industrial). A small portion of the property is located within the City's ETJ (Extraterritorial Jurisdiction) and is zoned I-1 (Light Industrial) and RM-1 (Residential Medium Density). If annexed, the petitioner intends to pursue a zoning classification of I-1 (Light Industrial) and a Special Use Permit to allow distribution within I-1 (Light Industrial).

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

The Planning Manager, Starla Rogers, explained the location of the subject property. She stated the proposal of I-1 (Light Industrial) is consistent with the Central Area Plan.

John Carmichael and Ty Sheffer were in attendance to answer any questions the Council may have had regarding the annexation petition.

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

A motion was made by Council Member Parsley and seconded by Council Member McKenzie to adopt the following annexation ordinance and set the effective date for July 20, 2021—the vote: all aye.

ORD. #21-82

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE +/- 53.335 ACRES GENERALLY LOCATED AT 227 AND 233 NC HWY 49 S. CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Ty Shaffer, Robinson Bradshaw & Hinson P.A., on July 20<sup>th</sup>, 2021 to annex the area described below; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petitions; and

WHEREAS, the City Clerk has certified the sufficiency of the petitions and a public hearing on the question of this annexation was held at 35 Cabarrus Avenue, West on July 20<sup>th</sup>, 2021 after due notice by The Independent Tribune on July 4<sup>th</sup>, 2021; and

WHEREAS, the City Council finds that the petitions meet requirements of G.S. 160A-58.1;

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

SECTION 1. By virtue of the authority granted by G.S. 160A-58.1, the following described territory is hereby annexed and made part of the City of Concord, as of the 20<sup>th</sup> day of July 2021:

BEING LOCATED IN NO. 11 TOWNSHIP, CABARRUS COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A IRON ROD SET ON THE SOUTHERN RIGHT OF WAY OF NC HIGHWAY 49, SAID IRON ROD HAVING NORTH CAROLINA GRID COORDINATES OF N 593,585.34 E 1,534,963.36 AND RUNS THENCE FROM SAID POINT OF BEGINNING S 4° 28' 36" E (PASSING AND FOUND IRON ROD AT 158.72', PASSING ANOTHER FOUND IRON ROD AT 710.53', PASSING ANOTHER FOUND IRON ROD AT 763.14') 834.81' TO A FOUND IRON PIPE; THENCE S 4° 27' 03" E (PASSING A FOUND IRON PIPE AT 229.89', A FOUND IRON ROD AT 579.94', AND A IRON ROD SET ON THE NORTHERN BANK OF IRISH BUFFALO CREEK AT 689.82') 756.23' TO A POINT IN THE CENTERLINE OF IRISH BUFFALO CREEK; THENCE WITH THE CENTERLINE OF IRISH BUFFALO CREEK THE FOLLOWING FORTY-TWO (42) CALLS: 1) N 37°01'04" W 66.99'; 2) N 68°28'23" W 92.07'; 3) N 67°54'40" W 72.49'; 4) S 79°12'00" W 46.15'; 5) S 44°03'12" W 77.20'; 6) S 03°04'54" W 65.34'; 7) S 14°51'29" E 81.87'; 8) S 02°01'16" E 54.47'; 9) S 31°00'54" W 194.25'; 10) S 59°48'52" W 79.51'; 11) S 76°35'20" W 70.69'; 12) S 80°59'48" W 106.86'; 13) S 88°50'56" W 44.63'; 14) N 85°25'09" W 97.61'; 15) S 89°35'57" W 58.99'; 16) S 74°39'10" W 87.64'; 17) S 70°15'56" W 97.53'; 18) S 79°18'57" W 51.12'; 19) S 89°11'05" W 67.50'; 20) N 85°52'14" W 77.34'; 21) N 75°57'49" W 40.66'; 22) N 66°41'46" W 105.35'; 23) N 70°08'53" W 77.51'; 24) N 77°42'47" W 212.19'; 25) N 48°44'45" W 49.41'; 26) N 06°59'21" W 37.82'; 27) N 10°19'44" E 203.28'; 28) N 29°09'50" E 66.00'; 29) N 36°46'50" E 109.75'; 30) N 45°51'51" E 166.81'; 31) N 25°41'35" E 109.98'; 32) N 38°28'26" E 124.36'; 33) N 29°38'34" E 122.03'; 34) N 13°38'32" W 160.69'; 35) N 27°20'49" W 265.23'; 36) N 16°05'23" W 62.79'; 37) N 00°23'36" E 56.31'; 38) N 16°04'25" E 28.81'; 39) N 36°38'46" E 161.69'; 40) N 28°26'47" E 72.35'; 41) N 22°53'46" E 77.17'; 42) N 11°33'14" W 38.38' TO A POINT IN THE CENTERLINE OF IRISH BUFFALO CREEK ON THE SOUTHERN RIGHT OF WAY OF NC HIGHWAY 49; THENCE LEAVING THE CENTERLINE OF IRISH BUFFALO CREEK AND RUNNING WITH THE SOUTHERN RIGHT OF WAY OF NC HIGHWAY 49 THE FOLLOWING SEVEN (7) CALLS: 1) S 82° 28' 57" E PASSING A NEW IRON ROD ON THE EASTERN BANK OF IRISH BUFFALO CREEK AT 31.37' FOR A TOTAL OF 87.46' TO AN EXISTING RIGHT OF WAY MONUMENT; 2) THENCE N 76° 53' 36" E 229.76' TO A AN EXISTING RIGHT OF WAY

MONUMENT; 3) N 84° 00' 53" E 132.27' TO AN EXISTING RIGHT OF WAY MONUMENT; 4) N 69° 43' 49" E 132.11 TO AN EXISTING RIGHT OF WAY MONUMENT; 5) N 59° 04' 52" E 153.89' TO A SET IRON ROD; 6) S 89° 10' 57" E 204.35' TO A SET IRON ROD; 7) N 73° 49' 30" E 204.15' TO THE POINT AND PLACE OF BEGINNING. SAID PARCEL CONTAINS 53.355 ACRES, MORE OR LESS.

SECTION 2. Upon and after the 20<sup>th</sup> day of July, 2021 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Concord and shall be entitled to the same privileges and benefits as other parts of the City of Concord. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the City of Concord shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

SECTION 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Concord.

Adopted this 20<sup>th</sup> day of July 2021.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**2. Conduct a public hearing and consider adopting an ordinance annexing +/- 2.23 acres at 1925 Aviation Circle., owned by SL Aviation Corner, LLC.**

The petition is for voluntary annexation of +/- 2.23 acres located at 1925 Aviation Ct., in order to develop the property as a light industrial facility. The property is zoned LI (Limited Industrial) in Cabarrus County and if annexed the petitioner intends to pursue a zoning classification of I-1 (Light Industrial).

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

The Planning Manager explained the location of the subject property.

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

A motion was made by Council Member McKenzie and seconded by Council Member Sweat to adopt the following annexation ordinance and set the effective date for July 20, 2021—the vote: all aye.

ORD. #21-81

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE +/- 2.23 ACRES GENERALLY LOCATED AT 1925 AVIATION CIR., CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Lin Leslie, Osborne Engineering Group, on July 20<sup>th</sup>, 2021 to annex the area described below; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petitions; and

WHEREAS, the City Clerk has certified the sufficiency of the petitions and a public hearing on the question of this annexation was held at 35 Cabarrus Avenue, West on July 20<sup>th</sup>, 2021 after due notice by The Independent Tribune on July 4<sup>th</sup>, 2021; and

WHEREAS, the City Council finds that the petitions meet requirements of G.S. 160A-58.1;

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

SECTION 1. By virtue of the authority granted by G.S. 160A-58.1, the following described territory is hereby annexed and made part of the City of Concord, as of the 20<sup>th</sup> day of July 2021:

Being all of that certain tract or parcel of land located in Township No. 2, Cabarrus County, North Carolina, and being more particularly described as follows:

COMMENCING at a new nail set on the northeast intersection of Derita Road and Aviation Boulevard NW said new iron rod being the western most corner of SL Aviation Blvd LLC property as recorded in DB 11092, Pg 286 and running with the margin of Derita Road along a curve to the left having a radius of 7272.50' an arc length of 173.68' (chord: North 16°15'24" East, 173.67) feet to the true POINT OF BEGINNING; thence continuing with the margin of Derita Rd, a curve to the left having a radius of 7272.50' an arc length of 159.64' (chord: North 14°56'37" East, 159.64') to a new iron rod, thence continuing with the margin a Derita Rd North 14°17'21" East, 236.39' to a new iron rod at the intersection of Derita Rd and Aviation Blvd NW, thence with the r/w of the Aviation Blvd NW the following four course: 1) North 36°02'00" East, 57.13' to a new iron rod, 2) South 77°43'56" East, 156.48' to a new iron rod, 3) a curve to the right having a radius of 25.00' an arc length of 18.69' (chord: South 56°18'56" East, 18.26') to a new iron rod, 4) a curve to the left having a radius of 50.00' an arc length of 34.37' (chord: South 54°35'24" West, 33.70') to an existing iron rod on the northwestern corner of Favoni Corporation Center property as recorded in DB 12752, Pg 72, thence with the western line of Favoni Corporation Center South 15°49'12" West, 419.66' to an existing iron rod on the northern property line of SL Aviation Blvd LLC property as recorded in DB 11092, Pg 286, thence with the aforesaid property North 80°09'49" West, 217.47' feet to the POINT OF BEGINNING, having an area of 96,970 square feet or 2.2261 acres, dated April 26, 2021, Job No. 1005.

SECTION 2. Upon and after the 20<sup>th</sup> day of July, 2021 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Concord and shall be entitled to the same privileges and benefits as other parts of the City of Concord. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the City of Concord shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

SECTION 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Concord.

Adopted this 20<sup>th</sup> day of July 2021.

CITY COUNCIL

CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

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**General Obligation (GO) Bond discussion (continued from June 22<sup>nd</sup> meeting):**

The Parks and Recreation Director, Bob Dowless, and the Deputy Parks and Recreation Director, Sheila Lowry, presented cost estimates regarding the 10 projects that are considered for bond funding.

The Finance Director, Jessica Jones, presented the estimated financial forecasts and estimated financial impacts regarding the issuance of GO Bonds.

Following the presentations, the City Manager stated if the projected dates are maintained for the park projects the bond referendum will need to be on the November 2022 ballot.

Council Member King entered the meeting.

Following the discussion, it was concluded that staff would provide the presentations to the Mayor and Council for their reference and review. The City Manager stated staff will need to know Council's plans by the January 2022 Annual Planning Session.

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**General discussion:**

The City Manager proposed several dates for the City Parking Deck naming ceremony in honor of former City Manager, Brian Hiatt.

It was the consensus of the Council to hold the ceremony at 3:00 p.m. Tuesday, September 7<sup>th</sup>.

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Discussion was held as to contributing funds for a memorial honoring a Concord WWI hero, LTC Parker. LTC Parker is a WWI most decorated Soldier and Medal of Honor recipient who is buried in Oaklawn Cemetery. The American Legion has raised \$4,000 of the \$7,000 needed for the memorial.

It was the consensus of the Council to use contingency funds to donate \$3,000 to the American Legion for the memorial to LTC Parker.

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Discussion was held regarding the type of training that will be provided to the Concord United Committee Co-Chairs.

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Council Member McKenzie provided an update to the Mayor and Council regarding the Barber Scotia Community Task Force Committee.

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**Approval of Minutes:**

A motion was made by Council Member McKenzie and seconded by Council Member Sweat to approve minutes from the June 22, 2021 2<sup>nd</sup> Work Session meeting—the vote: all aye.

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

  
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Kim J. Deason, City Clerk

  
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William C. Dusch, Mayor