

CONCORD CITY COUNCIL
REGULAR MEETING
OCTOBER 14, 2021

A regular meeting of the City Council for the City of Concord, North Carolina, was held on October 14, 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 Terry L. Crawford
Council Member Andy Langford
Council Member W. Brian King
Council Member Ella Mae P. Small
Council Member JC McKenzie
Council Member Jennifer Parsley-Hubbard
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 Sweat and seconded by Council Member Small to approve the minutes for the meetings of August 24, September 7, and September 9, 2021—the vote: all aye.

Presentations:

1. Mayor Dusch presented a Proclamation to Electric Systems Director, Alex Burris, recognizing the week of October 3-9 as Public Power Week.
2. Mayor Dusch presented a Proclamation recognizing 30 years of the Concord Sister Cities Association.
3. Glenda Steele, and members of the Concord Wildlife Alliance, recognized Concord for receiving the Chapter of the Year award from the NC Wildlife Federation.
4. Mayor Dusch presented a Proclamation recognizing the 65th anniversary of Logan Daycare.
5. Mayor Dusch presented former Electric Systems Director, Bob Pate, the Order of the Long Leaf Pine.
6. Mayor Dusch presented the Award for Outstanding Achievement in Popular Financial Reporting and Triple Crown Award from the Government Finance Officers Association of the United States and Canada to Budget Manager, Lesley Reder.
7. The FY21-22 budget video was presented.

Persons Requesting to be Heard:

Mr. Norman McCullough addressed the City Council and thanked Ms. Small for her contributions to the City, expressed his support of Concord 101, and expressed his thoughts of the Eastern Cabarrus Historical Society Museum.

Public Hearings:

- 1. Conduct a public hearing and consider adopting an ordinance annexing one (1) parcel located at 789 Bartram Ave, owned by Elmin Joel Reyes Perez and Juan Jose Reyes Perez.**

The subject property consists of approximately 0.1492 acres at 789 Bartram Ave, in the Hallstead Subdivision, on the northeast side of the Zion Church Rd and Zion Church Rd East intersection. The purpose of annexation is for the property owner to receive access to City of Concord Solid Waste Services, for which annexation is required.

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

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

A motion as made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard to adopt the following annexation ordinance and set the effective date October 14, 2021—the vote: all aye.

ORD.# 21-102

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE +/- 0.1492 ACRES LOCATED 789 BARTRAM AVE, CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Elmin Joel Reyes Perez and Juan Jose Reyes Perez, on October 14th, 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 Concord City Hall, 35 Cabarrus Avenue West, on October 14, 2021 after due notice by The Independent Tribune on October 3rd, 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 14th day of October 2021:

BEING all of Lot 131 in Final Plat of HALLSTEAD Phase 1, Map 2 recorded in Map Book 54 at Page 6 in the Cabarrus County, North Carolina Public Registry.

SECTION 2. Upon and after the 14th day of October, 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 14th day of October 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 to consider adopting an ordinance amending Article 7 (Section 7.9.4.H.) of the Concord Development Ordinance (CDO) relative to Center City Design Standards.

In 2007, as part of a larger re-write of Article 7 of the Concord Development Ordinance, a standard was imposed that prohibited aluminum colored windows or door frames unless they are trimmed in such a way as to give the appearance of wood. This language has not changed since its adoption; however, this building standard has changed with regard to aluminum windows and door frames. City staff is proposing to revise the language to be more permissible of aluminum.

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

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

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to adopt the following Statement of Consistency—the vote: all aye.

- The proposal is not inconsistent with the 2030 Land Use Plan; the topic is not specifically addressed.
- The proposal is reasonable in that it aligns regulations with practice.

A motion was made by Council Member McKenzie and seconded by Council Member Sweat to adopt the following ordinance amending Article 7.9.4.H of the CDO—the vote: all aye.

ORD.# 21-103

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF CONCORD, NORTH CAROLINA

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by the North Carolina General Statute §160A-364 enacted an Official Zoning Ordinance for

the City of Concord, North Carolina and the Area of Extraterritorial Jurisdiction on July 28, 1977; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute §160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951, may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute 160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951 does hereby recognize a need to amend the text of certain articles of the City of Concord Development Ordinance.

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

SECTION 1: That the following section of Concord Development Ordinance (CDO) Article 7 “Base Zoning Districts”, Section 7.9.4. “General Design Standards” as it relates to the Center City Zoning District, be amended in relevant part:

~~H. Window glass shall be recessed a minimum of two (2) inches from the building face rather than flush. Aluminum-colored windows or door frames are not permitted. Metal and/or aluminum window or door frames are permitted if trimmed in such a way as to give the appearance of wood. Synthetic material that gives the appearance of wood (i.e., Fiberglass with a wood grain pattern) is permitted. Vinyl windows are not permissible on the first floor of any building in the CC district, nor on any commercial space nor on contributing or pivotal structures in the CC National Register Districts. All materials shall be identified on the architectural drawings submitted for review.~~

SECTION 2: That this Ordinance be effective immediately upon adoption.

Adopted in this October 14th, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

3. Conduct a public hearing to consider adopting an ordinance amending Article 8 (Sections 8.1.8. and 8.3.5.Q.) of the Concord Development Ordinance (CDO) relative to Food Trucks.

Food Truck standards were developed for the use on a temporary basis in the Center City Zoning District. Other Food Trucks would ostensibly be considered as mobile food vendors under Temporary Use Permit guidelines from 8.8.3.B., which would restrict operation to a business or commercial zone, outside of the public right of way, for a period of not more than twenty-one (21) consecutive days, which could be renewed once during a calendar year, for a maximum of forty-two calendar days per year. Temporary Use Permits have a fee of \$100 plus a \$5 technology fee.

The proposed amendment to the Use Table and Section 8.3.5.Q. establishes a new regulatory structure for food trucks: it requires a COC for property owners to establish food truck service areas subject to a variety of supplementary standards. The Planning

and Zoning Commission recommended that the COC be subject to annual renewal. For sites not wishing to establish a food truck service area or food trucks, but have food trucks in conjunction with an event, a temporary use permit would still be the method of processing the request. Simple site plans would be required for either approach.

The ordinance imposes some separation requirements from single family residential uses and bricks and mortar restaurants during regular service hours, but removes the time restrictions that were imposed for the Center City District. The draft ordinance does limit the number of food trucks on a site at one time, restricts them to designated parking spaces, requires two parking spaces for the use, establishes that clean up responsibility rests with the food truck operators, prohibits amplified music in conjunction with the food truck operation, and places limits on signage. These regulations were drafted after reviewing requirements from Durham, Carrboro, Asheville, Charlotte, and Wilmington. The system proposed most closely resembles that of Charlotte.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Small to open the public hearing—the vote: all aye.

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

A motion was made by Council Member Small and seconded by Council Member Sweat to adopt the following Statement of Consistency—the vote: all aye.

- The proposal is not inconsistent with the 2030 Land Use Plan; the topic is not specifically addressed.
- The proposal is reasonable establishing an equitable framework for the regulation of food trucks. The proposed framework is easier to administer than the existing temporary use permit process, but fairer to brick and mortar business than allowing food trucks to operate without any local permit.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard to adopt the following ordinance amending Article 8 (Sections 8.1.8. and 8.3.5.Q.) of the Concord Development Ordinance (CDO) relative to Food Trucks—the vote: all aye.

ORD.# 21-104

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF CONCORD, NORTH CAROLINA

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by the North Carolina General Statute §160A-364 enacted an Official Zoning Ordinance for the City of Concord, North Carolina and the Area of Extraterritorial Jurisdiction on July 28, 1977; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute §§160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951, may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute 160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951 does hereby recognize a need to amend the text of certain articles of the City of Concord Development Ordinance.

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

SECTION 1: That the following section of Concord Development Ordinance (CDO) Article 8 “Use Regulations”, Section 8.1.8. “Use Table”, be amended in relevant part:

SECTION 2: That Section 8.3.5.Q. be amended to read as follows:

Q. FOOD TRUCK VENDORS

Food truck vendors may operate within all commercial, industrial, and mixed-use zoning districts provided that they adhere to the conditions of applicable conditional zoning approval or the standards set forth below. They may also operate within multi-family developments where parking is provided.

1. Food Truck Service Areas:

- A. Food Truck Service Areas are defined as sites permitted for the operation of food trucks on a permanent or semi-permanent basis. Accessory Food Truck Service Areas are secondary to the primary nonresidential use on the subject property and may contain a food truck use multiple times throughout the week over the course of a year.
- B. For locations outside the Center City Zoning District, where food trucks are not specifically addressed by conditional zoning, property owners may apply for a Certificate of Compliance to locate up to two Food Trucks on an existing site on a regular basis. This would permit up to two food trucks to operate on the site, daily, throughout the year. The COC is subject to annual renewal.
- C. For special events, a Temporary Use Permit, described in Section 8.8, may be acquired to allow more than 2 food trucks on a permitted site. Time limits for

	AG	RESIDENTIAL						COMMERCIAL					IND		
	AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards
Food Truck, <u>Temporary</u>						PS	PS	PS	PS	PS	PS	PS	PS	PS	8.3.5.Q

temporary food trucks apply in accordance with Section 8.8.

- D. Certificate of Compliance and Temporary Use Permit applications for Food Truck Service Areas shall include a site plan indicating the location of each food truck, seating, allocated parking for both the food truck and the primary non-residential use so that:
 - Parking standards for principle use of the site are not reduced below minimum required standards;
 - Vehicle circulation in parking lots and drive isles are not obstructed;
 - Fire lanes or pedestrian walkways are not encroached upon or blocked;
- All operations associated with the food truck are a minimum of ten feet from all public rights-of-way.

2. Temporary Food Truck Operations:

- A. For sites wishing to allow Food Trucks on a more intermittent basis, a Temporary Use Permit under the terms of Article 8 must be obtained. A site plan, as detailed under section (REFERENCE SECTION C ABOVE) must be obtained by either the property owner or the food truck vendor. If the Temporary Use Permit is applied for by the vendor, written permission from the property owner must be provided in addition to the required site plan.
- B. Food trucks hired by firms or individuals for private events are not required to receive a temporary use permit from the City, but are not authorized to use public right of way for service.

3. Special Standards for the Center City Zoning District:

- A. All food trucks shall be located within a surface parking lot or within a designated parking space or spaces on public streets. However, no Food truck shall be located within designated parking on Union Street.

4. Special Standards for Mixed-Use or Conditional District Zoning Districts:

- A. Special Standards for Mixed-use or conditional commercial zoning districts: Food trucks shall adhere to specific conditions set forth in the approved rezoning documents. If food trucks are not specifically addressed in the approved rezoning documents, they shall adhere to the standards of the commercial district regulations.

5. Other Regulations Applying to All Food Truck operations:

- A. All food trucks shall be located within a surface parking lot or within a designated parking space or spaces on public streets.
- B. Food Truck Vendors outside the Center City District shall not locate within 50ft of an existing single-family use.
- C. Foot truck vendors shall have a minimum of 2 dedicated parking spaces per operation.
- D. Food truck operators are responsible for the proper disposal of waste and trash associated with the operation.
- E. No amplified music, microphones or bullhorns shall be permitted as part of the food truck operation.
- F. The only signage permitted for food trucks shall be a menu board, measuring no larger than 32sf, and placed no further than 10ft from the wall of the food truck. Menu boards shall not be illuminated.
- G. Pennants, balloons, facsimile signage, or other items barred by Article 12 are expressly prohibited.
- H. 75' of separation is required from the main entrance of the nearest restaurant during the restaurant's posted hours of operation.

SECTION 3: That this Ordinance be effective immediately upon adoption.

Adopted in this October 14th, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

Presentations of Petitions and Requests

1. Consider approving the City of Concord's Downtown Municipal Service District Facade Grant Program.

The City of Concord's Municipal Service District Facade Grant Program is designed to encourage business and property owners within the municipal service district to make exterior improvements to their property. The Program acknowledges that facade improvements are critical to maintaining the uniqueness of the Municipal Service District (MSD) while supporting creative placemaking within the Center City District. It is designed to encourage private investment along with the City's downtown streetscape improvements. Areas that are highly impacted by streetscape construction during a given

year would be eligible for greater funding. The program provides a framework for use of the \$50,000 allocated to Facade Grant Improvements within the MSD.

The Planning and Neighborhood Development Services Director, Steve Osborne, presented amended verbiage based on comments from the Work Session. The amended verbiage states "In multi-tenant buildings, the tenants may apply for individual façade projects provided the owner consents to the improvements. Buildings that front more than one street are eligible for grants on each street."

A motion was made by Council Member McKenzie and seconded by Council Member King to approve the City of Concord's Downtown Municipal Service District Facade Grant Program—the vote: all aye.

2. Receive a presentation on the Norcott Mill-Cannon Mills Company Plant No. 10, concerning the property owner's request to list the property on the National Register of Historic Places.

The applicant submitted an application to the United States Department of Interior National Park Service through the North Carolina State Historic Preservation Office, for designation of the site on the National Register of Historic Places. Because the City of Concord is a Certified Local Government with the State Historic Preservation Office, both the Historic Preservation Commission and the City Council must provide a response to the State, either supporting or declining support of the property owner's request to list the property on the National Register of Historic Places.

Action was taken on this item at the October 12, 2021 Work Session.

3. Consider adopting a resolution authorizing the sale of a 0.08 Acres parcel off of Melrose Drive SW.

The City acquired this property on September 30, 1966. All City departments have confirmed that the property is not needed for any purpose with the exception of a stormwater easement, which will be reserved.

On or about September 30, 2021, the City received an Offer to Purchase the Property from Clarence and Betty Davis ("Buyers") for \$1,125. The buyer wishes to use a small portion of the property to construct an addition to their home on the neighboring lot in order to accommodate their care of their two grandchildren. The tax value of the property is \$2,250; however, the stormwater easement over the majority of the property makes it unbuildable other than the small sliver carved out to accommodate the addition to the home.

The proposed resolution directs the City Clerk to publish the required notice under NC General Statute 160A-269 and begin the upset bid process. In the event one or more upset bids are received, this matter will be placed back on the Council agenda for approval of the final bid. In the event no upset bids are received, the proposed resolution directs the City Attorney and City staff to take all necessary steps to convey the property.

A motion was made by Council Member King and seconded by Mayor Pro-Tem Crawford to adopt the following resolution authorizing the sale of a 0.08 Acres parcel off of Melrose Drive SW, 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 a parcel of real property parcel being approximately 0.08 acres, located off of Melrose Drive SW by deed recorded on August 25, 1966 in Deed Book 313, at Page 276 of the Cabarrus County Registry; and

WHEREAS, the 0.08 Acres parcel off of Melrose Drive SW ("Property") is further described as follows:

Lying and being in the City of Concord, No. 12 Township, Cabarrus County, North Carolina, being all of the property described in Deed Book 313, Page 276 (PIN: 5620-72-8920; Real ID: 12-038-0018.00) and also known as being a part of Lot 26 Block "F" of HARTSELL ACRES as recorded in Map Book 6, Page 89 among the Cabarrus County Register of Deeds; and being more particularly described as follows:

Beginning at an existing IRON FOUND on the south side Public Right of Way of Melrose Drive, SW (aka Fourth Street) (variable width) at the common corner of Lots 25 and 26 of Block "F" of the aforesaid HARTSELL ACRES said IRON FOUND being further described as having NC (NAD 83/2011) Ground Coordinates of N: 602,956.17', E: 1,527,884.16' and being located North 35°29'42" West 3,707.46 feet (ground) from NCGS Monument "PENNEY" and being the POINT OF BEGINNING (POB) of the property to be described herein; thence leaving the POINT OF BEGINNING (POB) and running along the common lot line of the aforesaid Lots 25 and 26 Block "F"

1. South 38°55'58" West 148.92 feet to an IRON SET at the common corner of Lots 25 and 26 of Block "F", in the line of the property of the CITY OF CONCORD (Deed Book 444, Page 662) (PIN: 5620-87-1226; REAL ID: 12-038-0018.00); thence running along the common line of said Lot 26 and the CITY OF CONCORD property (Deed Book 444, Page 662)
2. North 50°50'45" West 25.00 feet to an existing BENT IRON FOUND in the line of the CITY OF CONCORD property at the common corner of Lots 26 and 27 of Block "F"; thence running along the common line of Lots 26 and 27 of Block "F"
3. North 39°02'58" East 67.86 feet to an existing IRON FOUND in said common line; thence leaving said common line and running across Lot 26 along the common deed lines of Deed Book 313, Page 276 and the property of Clarence Davis (now or formerly) Deed Book 14313, Page 89 (PIN: 5620-72-7992; REAL ID: 12-037-0192.00)
4. South 51°02'07" East 2.92 feet to an IRON SET; thence continuing along the common line of Deed Book 313, Page 276 and Deed Book 14313, Page 89
5. North 38°55'58" East 81.02 feet to an existing BENT IRON FOUND on the south side Public Right of Way of Melrose Drive, SW (aka Fourth Street); thence running along said Public Right of Way of Melrose Drive, SW
6. South 50°55'14" East 21.94 feet to the Point of Beginning and containing 3,470 square feet or 0.08 acres of land, more or less, as shown on map titled, "Conveyance Plat, Property of City of Concord, 0.08 Acre Tract" dated May 11, 2021 by the City of Concord Engineering Department as shown on Exhibit A.

BEING the same property conveyed to the City of Concord by Deed recorded August 25 1966 in Deed Book 313, at Page 276 of the Cabarrus County Registry. This Property is to be conveyed SUBJECT TO a variable width storm drainage easement to the City of Concord.

WHEREAS, on September 30, 2021, the City received an Offer to Purchase the Property from Clarence J. Davis and wife, Betty D. Davis ("Buyer") for \$ 1,125.00; and

WHEREAS, the Buyer have deposited a 5% deposit of \$56.25 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 Fifty-Six Dollars and Twenty-Five Cents (\$56.25) 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, 0.08 Acre located off of Melrose Drive SW ("Property") is further described as follows: Lying and being in the City of Concord, No. 12 Township, Cabarrus County, North Carolina, being all of the property described in Deed Book 313, Page 276 (PIN: 5620-72-8920; Real ID: 12-038-0018.00) and also known as being a part of Lot 26 Block "F" of HARTSELL ACRES as recorded in Map Book 6, Page 89 among the Cabarrus County Register of Deeds; and being more particularly described as follows: Beginning at an existing IRON FOUND on the south side Public Right of Way of Melrose Drive, SW (aka Fourth Street) (variable width) at the common corner of Lots 25 and 26 of Block "F" of the aforesaid HARTSELL ACRES said IRON FOUND being further described as having NC (NAD 83/2011) Ground Coordinates of N: 602,956.17', E: 1,527,884.16' and being located North 35°29'42" West 3,707.46 feet (ground) from NCGS Monument "PENNEY" and being the POINT OF BEGINNING (POB) of the property to be described herein; thence leaving the POINT OF BEGINNING (POB) and running along the common lot line of the aforesaid Lots 25 and 26 Block "F"; thence South 38°55'58" West 148.92 feet to an IRON SET at the common corner of Lots 25 and 26 of Block "F", in the line of the property of the CITY OF CONCORD (Deed Book 444, Page 662) (PIN: 5620-87-1226; REAL ID: 12-038-0018.00); thence running along the common line of said Lot 26 and the CITY OF CONCORD property (Deed Book 444, Page 662); thence North 50°50'45" West 25.00 feet to an existing BENT IRON FOUND in the line of the CITY OF CONCORD property at the common corner of Lots 26 and 27 of Block "F"; thence running along the common line of Lots 26 and 27 of Block "F"; thence North 39°02'58" East 67.86 feet to an existing IRON FOUND in said common line; thence leaving said common line and running across Lot 26 along the common deed lines of Deed Book 313, Page 276 and the property of Clarence Davis (now or formerly) Deed Book 14313, Page 89 (PIN: 5620-72-7992; REAL ID: 12-037-0192.00); thence South 51°02'07" East 2.92 feet to an IRON SET; thence continuing along the common line of Deed Book 313, Page 276 and Deed Book 14313, Page 89; thence North 38°55'58" East 81.02 feet to an existing BENT IRON FOUND on the south side Public Right of Way of Melrose Drive, SW (aka Fourth Street); thence running along said Public Right of Way of Melrose Drive, SW; thence South 50°55'14" East 21.94 feet to the Point of Beginning and containing 3,470 square feet or 0.08 acres of land, more or less, as shown on map titled, "Conveyance Plat, Property of City of Concord, 0.08 Acre Tract" dated May 11, 2021 by the City of Concord Engineering Department.

BEING the same property conveyed to the City of Concord by Deed recorded August 25 1966 in Deed Book 313, at Page 276 of the Cabarrus County Registry. This Property is to be conveyed SUBJECT TO a variable width storm drainage 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 a 0.08-acre real property parcel located off of Melrose Drive SW, subject to a variable width storm drainage easement to the City of Concord, 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 variable width storm drainage 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 November 30th, 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 a 0.08-acre real property parcel located off of Melrose Drive SW in accordance with this resolution.

Adopted this 14th day of October, 2021.

CITY COUNCIL
 CITY OF CONCORD
 NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

4. Consider adopting a resolution authorizing an eminent domain action for certain easements on property located on parcel PIN 5519-21-4980, 4400 Concord Pointe Ln SW.

Title to this property is held by Concord Pointe Harmony Housing, Delaware Limited Liability Company. Certain easements are necessary in order to construct and maintain a sanitary sewer line. The value of the easements is appraised at a total of \$80,575.

A motion was made by Council Member McKenzie and seconded by Council Member Parsley-Hubbard to adopt the following resolution authorizing an eminent domain action for easements as depicted on the attached plat—the vote: all aye.

**RESOLUTION AUTHORIZING NEGOTIATED PURCHASE
 OR EMINENT DOMAIN TO ACQUIRE PROPERTY**

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire 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 17,485 Square Feet or 0.401 Acres,” as shown on as shown on the “Easement Plat, Part of the Property of Concord Pointe Limited Partnership,” dated December 21, 2020 and revised March 30, 2021 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 as shown on the “Easement Plat, Part of the Property of Concord Pointe Limited Partnership,” dated December 21, 2020 and revised March 30, 2021 by the City of Concord Engineering Department as is shown on Exhibit A.

Access Easement:

Lying and being in Township Number Two (2), City of Concord, Cabarrus County, North Carolina and being a Variable Width Permanent Utility Access Easement Area, approximately 7,215 Square Fee or 0.166 Acres as shown on the “Easement Plat, Part of the Property of Concord Pointe Limited Partnership,” dated December 21, 2020 and revised March 30, 2021 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 Harmony Housing, Delaware Limited Liability Company, 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 14th day of October, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

5. Consider accepting a donation of an easement from Epworth United Methodist Church of 0.854 acres (approximately 37,220 sq. feet) for future McEachern Greenway development along Three Mile Branch.

The easement is located adjacent to the David Phillips Activity Center along Three Mile Branch, where a future phase of McEachern Greenway is planned to connect the David Phillips Activity Center to the Atrium Hospital. The greenway will connect to existing sidewalks on Burrage and Lake Concord Roads, thereby creating a future one-mile loop.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member King to accept an easement of 0.854 acres (approximately 37,220 sq. feet) for future greenway development along Three Mile Branch from Epworth United Methodist Church—the vote: all aye.

6. Consider accepting the conveyance of 13.733 acres located at 385 Transport Place NW Concord from Cabarrus County. (PIN) 5620-45-9496-0000.

The 13.733-acre property under consideration for conveyance would be developed as part of the Irish Buffalo Creek Greenway, approximately .25 miles of greenway, potential for future restrooms and trailhead parking. This property will provide connectivity to Cabarrus Ave with future connectivity to the Downtown Loop and area neighborhoods. Parks & Recreation would explore the potential to provide connectivity to the existing Brown Mill Mountain Bike Trail and the future Irish Buffalo Creek Greenway connecting to Gibson Mill.

A motion was made by Council Member Small and seconded by Council Member Sweat to accept the conveyance of 13.733 acres located at 385 Transport Plan NW, from Cabarrus County (PIN) 5620-45-9496-0000—the vote: all aye.

7. Consider approval for the acquisition of 2 parcels from Murdock Holdings LLC for the future development of Irish Buffalo Creek Greenway.

The two parcels for consideration to purchase are critical needs for the future development of Irish Buffalo Creek Greenway. The first parcel (PIN# 5620-63-8212-0000) has a purchase price of \$34,500. This parcel is 13.0749 acres and is located near Glen Rae Street to the northwest (diagonally) from Caldwell Park across Irish Buffalo Creek.

The second parcel (PIN# 5620-37-7325-0000) has a purchase price of \$99,810. This parcel is 16.0055 acres and is directly south and adjacent to Gibson Mill and properties owned by Southpaw Investors and Fig Tree Development LLC. Once developed, this greenway corridor will provide connectivity to Cabarrus Ave, the Martin Luther King Plaza, Caldwell Park, and Gibson Mill. It is also part of a key linkage via Cabarrus Avenue to the Brown Mill Mountain Bike Trail, Barber Scotia and Downtown Concord. The total cost for acquisition of the 29 acres (2 parcels) including due diligence is \$141,255.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard to approve the acquisition of 2 parcels (PIN#'s 5620-63-8212-0000 and 5620-37-7325-0000) for a total of 29.0804 acres from Murdock Holdings LLC along the Irish Buffalo Creek Greenway for \$134,310, and to adopt the following ordinances to amend the Parks and Recreation Capital Reserve Fund and Recreation Capital Project Fund to complete transfers for approved property purchases including due diligence a total of \$141,255—the vote: all aye.

ORD. # 21-105

**CAPITAL PROJECT ORDINANCE AMENDMENT
Parks & Recreation Projects-Irish Buffalo Creek Greenway**

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

SECTION 1. The projects authorized are the projects included for the Irish Buffalo Creek Greenway.

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

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

for the completion of the projects:

Revenues

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
420- 501280				
420- 501280	Transfer from P&R Reserve	\$985,561	\$1,126,816	\$141,255
				<u>\$141,255</u>

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

Expenses/Expenditures

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8300-581101				
8300-581101	McEachern-Hospital Phase	\$0	\$141,255	<u>\$141,255</u>
Total				<u>\$141,255</u>

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the project agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 6. Within five (5) days after adoption, copies of this capital projects ordinance shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy, and shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 14th day October, 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.# 21-106

PARKS & CAPITAL RESERVE FUND ORDINANCE AMENDED

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

SECTION 1. The purpose authorized is to accumulate funds for future capital projects and capital outlay. Funds will be accumulated until such time the City Council designates the funds for projects or capital outlay. These funds may only be designated for projects that are listed in the City's Capital Improvement Plan or capital outlay approved in the City's operating budget ordinance. The General Fund will serve as the funding source

for the Capital Reserve Fund upon City Council approval and withdrawals must be approved by City Council through an ordinance.

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

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

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8100-5987000	Transfer to Project	\$762,705	\$903,960	\$141,255
8100-5987000	Fund			
8100-5811082				
8100-5811082	Future Projects	\$2,002,977	\$1,861,722	\$(141,255)

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 14th day of October, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

8. Consider authorizing the City Manager to negotiate and execute a contract with C Design for pre-design services of the new Fleet Services Facility.

Request for Qualifications (RFQ's) was advertised for architectural and engineering design firms for work on a new Fleet Services facility. The Fleet Services facility design was approved in the current fiscal year capital improvement plan. C Design was selected, via committee, based on their proposed project team and project experience relative to Fleet Service operations. The architects have submitted a proposal for pre-design work consisting of surveys, locates, space needs verification, conceptual plans and cost estimating. The contract with C Design would be a fixed fee not to exceed \$131,900.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with C Design for pre-design services on the new Fleet Services Facility—the vote: all aye.

9. Consider authorizing the City Manager to negotiate a contract with Stewart Engineering Inc. for Construction Materials Testing and Special Inspections related to the new Electrical Operations Center.

The new Electrical Operations Center site-work and building construction will require Materials Testing and Special Inspections. City staff developed a Request for Qualifications (RFQ) and solicited qualifications-based proposals. After reviewing all proposals, Stewart Engineering was deemed to be the most qualified firm for this project. City and Stewart Engineering staff both reviewed the project plans and developed a not to exceed estimate of \$160,000 for the services. Testing and inspections is historically performed on a per hour basis, as the exact quantity of hours is adjusted as field conditions change. The budgetary estimate was based on comparable projects of similar nature and complexity.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with Stewart Engineering Inc. for Construction Materials Testing and Special Inspections related to the new Electrical Operations Center—the vote: all aye.

10. Consider awarding bid for twelve (12) steel transmission poles, and 100 Kv switches and miscellaneous hardware to Klute Inc and WESCO Distribution, Inc.

Electric Systems staff received bids on September 23, 2021 for twelve (12) steel transmission poles, 100 kV switches and miscellaneous hardware required for interconnection of Delivery Point #4 (Bootsmead property) and Substation T (Concord Parkway S.). The poles are required to extend current 100KV transmission facilities to the new sites and for interconnection to Duke Energy supply lines. Eight bids were received and evaluated for responsiveness.

Electric Staff determined that the two lowest bidders, CHM Industries and WESCO High Voltage, for Schedule I (12 steel transmission poles) were non-compliant with the specifications. Electric staff determined the third lowest bidder, Klute Inc, was responsive and compliant in meeting the required specifications. Klute, Inc submitted a bid in the amount of \$452,963.95. The lowest bidder for Schedule II, (100 kV switches and miscellaneous hardware), WESCO Distribution, Inc, was responsive and compliant. They submitted a bid in the amount of \$162,831.02. The two Schedules combined total \$615,794.97. Funding will be derived from the existing Delivery 4 project account with a standing balance of \$15,675,166.

A motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Crawford to award a bid for twelve (12) steel transmission poles and 100 Kv switches and miscellaneous hardware to Klute Inc and WESCO Distribution, Inc—the vote: all aye.

11. Consider awarding a bid to Blythe Brothers Asphalt Co LLC in the amount of \$332,237.00 to make emergency repairs to the Runway at Concord-Padgett Regional Airport, authorize the City Manager to negotiate and execute a contract and adopt the capital project ordinance amendment.

During a routine runway inspection in September, it was discovered that approximately 1,650 square yards of asphalt is showing signs of distress. This area of pavement is at the touchdown zone for our commercial airline operations. In addition, at the intersection of Taxiway A and Runway 20 the pavement is also showing signs of distress. The project will consist of milling, paving, grooving of runway and taxiway pavement. With upcoming winter months approaching the repairs cannot be delayed.

The engineers estimate for the project was \$492,810. Bids were received on 9/31/21 and a total of three bidders submitted bids on the project. Blythe Brothers Asphalt Co, LLC submitted the low bid in the amount of \$332,237. The project will be funded using funds from the Aviation Department Budget.

A motion was made by Council Member King and seconded by Council Member Sweat to accept the bid, to authorize the City Manager to negotiate and execute a contract with Blythe Brothers Asphalt Co, LLC, and to adopt the following approve the capital project

ordinance amendment—the vote: all aye.

ORD.# 21-107

CAPITAL PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized is the **Runway Repairs**.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation of the project.

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>
451-4501680	Transfer from Aviation	482,906	815,143	332,237
451-4501680				
Total				332,237

SECTION 4. The following amounts are appropriated

		<u>Expenses/Expenditures</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
6300-5800450	Runway Repairs	0	332,237	332,237
6300-5800450				
Total				332,237

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 14th day of October, 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 Ike's Construction, Inc for the renovation of the former Cabarrus County Maintenance building located at 242 General Services Dr S.W., Concord, NC to become the new Administrative offices of the Transportation Department.

The project involves the demolition of existing plumbing and walls and new installation of new plumbing, walls, electrical, HVAC, insulation, fixtures, sheetrock, ceiling tiles, flooring, and paint. The project was bid under the formal bidding process. Bids were taken on September 30, 2021 and three (3) bids were received. Ratzlaff Construction Company, LLC was the low bid in the amount of \$694,357. Within seventy-two (72) hours of the bid opening, Ratzlaff Construction Company, LLC notified the City that a substantial mathematical error existed in the calculation of the bid amount and requested to withdraw their bid as permitted in G.S. 143-129.1.

The second low bid was Ike's Construction, Inc in the amount of \$815,850. This amount was over the available funds and the City value engineered the project and negotiated with the contractor to reduce the bid amount to \$708,015. The largest reductions were the elimination of sliding glass doors and replacing them with standard doors, replacing the HVAC controls with standard thermostats, replacing the bathrooms partitions with standard partitions, and performing all the exterior concrete work with City forces. Additional funding for the difference between the budgeted amount and the actual project cost will be taken from unspent funds associated with the Traffic Management Center (TMC). A project amendment is needed to appropriate the additional amount of \$125,746.

A motion was made by Council Member McKenzie and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with Ike's Construction, Inc. in the amount of \$708,015 for the renovation of the former Cabarrus County Maintenance building and to adopt the following Transportation Project amendment—the vote: all aye.

ORD.# 21-108

**CAPITAL PROJECT ORDINANCE
Upfit Cabarrus County Facility**

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 Upfit Cabarrus County Facility.

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>

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>
8600-5811279		1,167,232		

8600-5811279	Upfit Cab Co Facility		1,292,978	125,746
8600-5811228		3,797,500		
8600-5811228	Traffic Mgmt. Center		3,671,754	<u>(125,746)</u>
				0

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the 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 14th day of October, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

13. Consider authorizing the City Manager to negotiate and execute a contract with McKim & Creed for Design Services for the Hwy 29 Pump Station Project.

McKim & Creed was selected from three total responses to a recent design RFQ. McKim & Creed has a history of successful projects with the City of Concord. The total fee for the scope of services is \$348,948 which is below the \$450,000 in design funding already in place. This project is a traditionally design/bid/build project and will come back to council for construction contract approval after bidding.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with McKim & Creed for Design Services for the Hwy 29 Pump Station Project in the amount of \$348,948—the vote: all aye.

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

The City entered into an Interlocal Agreement with Cabarrus County administering the Central Area Plan. Under the Agreement, the City agreed not to extend utilities into certain areas east of the then exiting City limits except under certain limited circumstances. Michael Smith has requested an exception to the Agreement in order to obtain water service for a proposed single-family home at 7121 Hwy 601S (PIN 5547-84-7683-0000).

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard to approve a modification of the Interlocal Agreement regarding the Central Area Plan to allow the provision of water to 7121 Hwy 601 S—the vote: all aye.

15. Consider a Preliminary Application from Mark Schroeder.

In accordance with City Code Chapter 62, Mark Schroeder has submitted a preliminary application to receive sewer service outside the City limits. The property is located at 78 Scalybark Trail. The parcel is approximately 5.11 acres, zoned LDR and is currently developed with a single family home. The applicant in the future wants to divide the property to create two new lots. Public sewer is not currently available to this parcel however it may be available in the future due to a sewer extension to be installed by the developer of Annsborough Park. There is not City water available to the parcel.

A motion was made by Council Member Small and seconded by Council Member McKenzie to accept the preliminary application and have the owner proceed to the final application phase excluding annexation—the vote: all aye.

16. Consider a Preliminary Application from Thornridge Investment Group, LLC.

In accordance with City Code Chapter 62, Thornridge Investment Group, LLC has submitted a preliminary application for water and sewer service outside the City limits. The property is located at 10799 and 10825 Poplar Tent Road. The property is currently zoned LDR and developed with an abandoned single family home but the owner intends to construct a new residential structure and renovate existing structure to a non-residential use. Water is available in Poplar Tent Road and developer would have to extend sewer from the Skybrook subdivision approximately 200'.

A motion was made by Council Member Parsley-Hubbard and seconded by Mayor Pro-Tem Crawford to accept the preliminary application and have the owner proceed to the final application phase including annexation—the vote: all aye.

17. Consider approving a reduction in the ABC Board's pay.

Since the recent Board Member pay increase approved in June 2021, one Board Member has retired and one Board Member has resigned. The remaining ABC Board Members feel the pay increase approved in June was too much and are requesting approval of the following reduction: Chairman to \$275 from \$325 and Member to \$225 from \$275. This amount is still an increase from the original rate and is more in line with other appointed boards by the City.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard to approve the following pay rate change for the ABC Board: \$275 for the Chairman and \$225 for each Member—the vote: all aye.

18. Consider making appointments to the Historic Preservation Commission (HPC).

A subcommittee of the City Council met and reviewed applications on file in the City Clerk's office.

A motion was made by Council Member King and seconded by Council Member McKenzie to reassign Anna Marshall from alternate member to regular member, to appoint Mary Margaret Upchurch as a regular member and to appoint Meredith Barbee as an alternate member to the HPC—the vote: all aye. to make appointments to the Historic Preservation Commission.

19. Consider making an appointment to the WSACC Board effective January 1, 2022.

WSACC Board Member, Dave Phillips, has submitted his resignation from the Board effective December 31, 2021.

A motion was made by Council Member Sweat and seconded by Mayor Pro-Tem Crawford to appoint Council Member Parsley-Hubbard to fill the unexpired term of Dave Phillips on the WSACC Board effective January 1, 2022—the vote: all aye.

Consent Agenda:

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

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

CONSENT AGENDA ITEM A

An additional one personal day off was approved to be including in the United Way raffle as a benefit to one employee, to be used by June 30, 2022.

CONSENT AGENDA ITEM B

The following NCDOT Ordinance No. 1077179 was adopted and the Mayor and City Clerk were authorized to execute the Certificate of Municipal Ordinance Declaring Speed Limit Modification and Request for Concurring Ordinance by the Department of Transportation.

CONSENT AGENDA ITEM C

The maintenance agreements were approved and the offers of dedication on the following properties were accepted: Niblock Homes, LLC and Concord Greenway Townhomes, LLC.

CONSENT AGENDA ITEM D

The offers of dedication on the following plat and easements were accepted: Odell Corners Outparcel 3, Spring Meadow Phase 2 Map 1, and 129 Arizona Place Townhomes.

CONSENT AGENDA ITEM E

The offers of infrastructure acceptance in the following subdivisions and sites were accepted: Popeye’s-US 29. Heritage a Moss Creek Subdivision Phase 1, Concord Medical Office at Afton Village.

CONSENT AGENDA ITEM F

The Housing Department was authorized to submit an application for the Family Self-Sufficiency Program grant.

CONSENT AGENDA ITEM G

The North Carolina Department of Transportation - Division of Aviation (NCDOT) grant award was accepted and the following budget ordinance was adopted to amend the FY2021/2022 budget for the Airport capital projects to appropriate NCDOT grant funds received.

ORD.# 21-110

CAPITAL PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized is the **State Aid to Airport Projects**.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation of the project within terms of a grant agreement with the N.C. Department of Transportation – Division of Aviation.

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

Revenues

471

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
451-4357000	State Aid	1,991,256	4,047,307	2,056,051
451-4357000				
Total				<u>2,056,051</u>

SECTION 4. The following amounts are appropriated:

<u>Expenses/Expenditures</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
6300-5800449	Long Term Parking			
6300-5800449	Upgrade	162,000	2,218,051	2,056,051
Total				<u>2,056,051</u>

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 6. Within five (5) days after adopted, copies of this grant project amendment shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 14th day of October, 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 H

The following project ordinance amendment was adopted to amend the CDBG 2021 grant to reflect actual grant awarded.

ORD.# 21-111

GRANT PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized and amended are the projects included in the CDBG 2021 Grant.

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

projects.

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

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
310-4334558				
310-4334558	CDBG 2021	\$675,769	\$685,728	\$9,959
Total				\$9,959

SECTION 4. The following amounts are appropriated

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
3116-5483200				
3116-5483200	Clearwater Artist Studio	\$343,866	\$353,825	\$9,959
Total				\$9,959

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the project agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 6. Within five (5) days after adoption, copies of this grant projects ordinance shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 14th day of October, 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 I

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

CONSENT AGENDA ITEM J

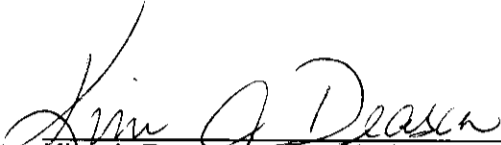
The Tax releases/refunds for the month of August 2021 were approved.

CONSENT AGENDA ITEM K

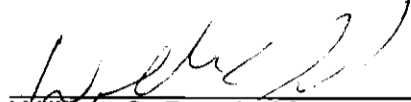
The monthly report on investments as of August 31, 2021 was accepted.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Small to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by this body; and N.C. General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee—the vote: all aye.

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



Kim J. Deason, City Clerk



William C. Dusch, Mayor