

# 221

CONCORD CITY COUNCIL  
WORK SESSION MEETING  
JUNE 7, 2022

The City Council for the City of Concord, North Carolina, held the scheduled City Council Work Session in the 3<sup>rd</sup> floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on June 7, 2022, at 4:00 p.m. 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 Betty M. Stocks  
Council Member Jennifer Parsley-Hubbard  
Council Member John A. Sweat, Jr.

**Members Absent:**

Council Member JC McKenzie

**Others Present:**

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

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The following agenda was presented for discussion:

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard to hear item #4 under Presentations of Petitions and Requests first.

**Consider approving a request from the Concord ABC Board to accumulate up to \$4.2 million above excess working capital as defined by the NC ABC Commission and to carry over a reserve of an amount up to \$4.2 million across fiscal years.**

The purpose of the request is to provide funds for gradual purchase of land and construction of stores and related warehouse space to address customer needs in a rapidly growing community.

Concord ABC Board Member, Brian Hiatt, explained the request. He stated the formula allows for ABC Boards to keep enough capital to maintain facilities and payroll. He stated the Board cannot keep funds over the allowed amount unless approval is granted from the appointing body (City Council). The Board would like to request reserving \$4.2 million over the allowed amount in order to use the funds for future relocation of two stores and for purchasing property for a new location,

The ABC Board Chair, Scott Padgett, stated the new buildings that are being constructed are very convertible and could be sold easily.

Mr. Hiatt stated one of the strategic goals with the construction of a new store is to capture patrons in the Hwy 49 and Hwy 601 areas.

**Presentations:**

**Presentation of the Best 100 Fleets 2022 award to City of Concord Fleet Services. (Work Session)**

Mayor Dusch presented the award for the Best 100 Fleets of North America for 2022 to the Fleet Services Director, Daniel Nuckolls.

This is the 7th award since 2010 for Concord. This year, Fleet ranked #75 for their efforts in CDL driver training and licensing, along with 12 other factors evaluated each year.

**Presentation of a Proclamation recognizing June 19, 2022 as Juneteenth Day.**

**Public Hearings:**

**Conduct a public hearing pursuant to N.C. General Statutes, Section 159-12 to receive public comments relative to the proposed FY 2022-2023 budget for the City of Concord, following public comments, consider adopting the proposed FY2022-2023 Budget, and consider adopting the Cabarrus Arts Council portion of the External Agencies pursuant to NC General Statutes, Section 14-234.3.**

The City Manager submitted his recommended budget to the City Council for consideration.

**Conduct a public hearing to consider adopting a bond order authorizing the issuance of \$60,000,000 General Obligation Parks and Recreation Bonds of the City of Concord, North Carolina.**

The Finance Director, Jessica Jones, stated the public hearing is required for consideration of the adoption of the bond order. The bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$60,000,000 OF GENERAL OBLIGATION PARKS AND RECREATION BONDS OF THE CITY OF CONCORD, NORTH CAROLINA," which was introduced at a meeting of the City Council on May 12, 2022, was published on May 29, 2022, with notice of the public hearing.

**Conduct a public hearing and consider adopting an ordinance annexing +/- 0.507 acres of property located at p/o 10435 Poplar Tent Rd, owned by Skybrook, LLC.**

The Planning Manager, Starla Rogers, stated the petition is for voluntary annexation of +/- 0.507 acres of property located at a portion of 10435 Poplar Tent Rd, owned by Skybrook, LLC. If annexed, the petitioner intends to apply for the RV-CD (Residential Village Conditional District) zoning classification in order to expand the recently approved Skybrook Corners townhome neighborhood to the north and the Skybrook Corners expansion to the east.

She stated the property is located in Mecklenburg County and within the Town of Huntersville's future growth and annexation area. Per the City's annexation agreement with Huntersville, Concord may annex property within Huntersville's annexation area if Huntersville adopts a resolution to waive the right to annex. Huntersville adopted a resolution to waive the right to annex on February 21, 2022.

She explained the surrounding zoning classifications. If approved, the site plan would include 3 new units on this portion of property.

Council Member Parsley-Hubbard asked if sewer allocation had already been approved for this development. The Planning Manager stated the developer would have to reapply for the additional three new units that are proposed.

**Conduct a public hearing and consider adopting an ordinance amending the official**

**zoning map for +/- 54.8519 acres located northeast corner of International Drive and Highway 73, generally addressed as 4208 and 4515 Davidson Hwy from MX-CC2 (Mixed-Use Commercial Center Large) to I-1-CD (Light Industrial Conditional District) and C-2 (General Commercial).**

Mayor Dusch stated the applicant has requested this request be tabled until the July 14<sup>th</sup> City Council meeting.

A motion was made by Council Member King and seconded by Mayor Pro-Tem Crawford to table the request until the July 14<sup>th</sup> City Council meeting –the vote: all aye.

**Conduct a public hearing to consider adopting an ordinance amending Article 7, Table 7.6.2, Dimensional Standards, of the Concord Development Ordinance (CDO) to amend the maximum permissible height of multifamily structures in the RC and RV zoning districts from thirty-five (35) feet to four (4) stories.**

The Planning and Neighborhood Development Services Deputy Director, Kevin Ashley, explained the proposed amendment. The amendment as proposed would change the height limits on multifamily homes by removing the 35' maximum height limit and regulate the homes by stories with a maximum limit of four stories.

He stated the proposed amendment also has a caveat that this maximum height is not applicable in the C-2 district, in mixed use structures, where residential units are present above retail or commercial. In those cases, the C-2 height restrictions would govern.

He stated the Planning and Zoning Commission unanimously recommended approval of the amendment at their May meeting.

#### **Presentations of Petitions and Requests:**

**Consider approving the purchase of 524 Allison Street NW from the estate of Marquita Macon for \$167,600 using City Affordable Housing funds.**

The Planning and Neighborhood Development Services Director, Steve Osborne, stated Ms. Macon passed away shortly after purchasing the property. Staff reached out to the lender and the lender has agreed to sell the property for the amount that is remaining on the loan. An offer, contingent on Council approval, has been made and accepted by the estate attorney for \$167,600, which is the outstanding loan balance and related fees from the lender.

**Consider adopting a resolution of intent to schedule a public hearing on the matter of closing the right-of-way of an unopened 10-foot alley running parallel to Hawthorne Street SW.**

The Planning and Neighborhood Development Services Director stated the proposed includes the abandonment of the right-of-way for a 10-foot alley that runs behind 29 Hawthorne Street SW. Joseph Maizonet and Marline Maizonet filed the application. Carolina Oil Company of Concord, Inc. owns the land on the other side of the alley. Each property owner will receive half of the portion of the alley being abandoned.

**Consider adopting a resolution authorizing the sale of a portion of 222 Spring Street Southwest to RES-NC Restoration, LLC.**

The City Attorney stated RES-NC Restoration, LLC (Buyer) has submitted an offer to purchase 222 Spring Street for \$1,500. The buyer wishes to use the property to construct a driveway access for the neighboring lot. She stated the City will reserve an easement for the existing electric infrastructure on the street frontage of the property.

**Consider adopting a resolution setting a special bond referendum and directing the publication of notice of a special bond referendum and notification of the boards of elections.**

The Finance Director stated this is the next step in the bond order process. The resolution authorizes and directs the City Clerk to publish a notice of said referendum which shall be entitled "CITY OF CONCORD, NORTH CAROLINA NOTICE OF SPECIAL BOND REFERENDUM."

**Consider recognizing The Courtyards on Poplar Tent Owners Association into the City's Partnership for Stronger Neighborhoods program.**

The Community Outreach Coordinator, Katherine Ramirez, stated The Courtyards on Poplar Tent is a 55+ planned community in Concord. It was designed, developed, and built by Epcon Communities Inc. between 2019 and 2022. There are 87 single family homes, each with a private courtyard. If approved, the City would have a total of 72 recognized neighborhoods in the Partnership for Stronger Neighborhoods since the program's foundation in 2000.

Council Member Sweat entered the meeting.

**Consider approving Neighborhood Matching Grant awards distribution request for FY22-23 applicants.**

The Community Outreach Coordinator stated the following ten recommended projects, if funded, total \$28,230. The following are recommended: 1) Morris Glen - Request \$2,630 in matching grant funds to support their Basketball Court Repairs and Skim Coating Project; 2) Winding Walk - Request \$3,000 to their Rotating Speed Signs Project; 3) Park View Estates - Request \$3,000 in matching grant funds to support their Pool Enhancement project; 4) Christenbury - Request \$3,000 in matching grant funds to their Entrance Beautification Project; 5) Hallstead - Request \$3,000 in matching grant funds to support Common Area Border Improvement Project; 6) Bedford - Request \$2,850 in matching grant funds to support second phase of their Neighborhood Trail Project; 7) Moss Creek - Request \$3,000 in matching grant funds to support their Picnic Tables Project; 8) Highland Creek - Request \$1,750 in matching grant funds to support their Pet Waste Stations Project; 9) Brookvue - Request \$3,000 in matching grant funds for their Playground Expansion and Tree Installation Project; 10) Fairway Ridge – Request \$3,000 in matching grant funds to support the second phase of their Street Sign Replacement Project.

**Consider adopting a resolution for the Logan Community Day Care Association, Inc. Lease Renewal and authorize the City Manager to execute a lease agreement.**

The Buildings and Grounds Director, Susan Sessler, stated the City owns the Logan Community Day Care building located at 185 Rone Avenue, SW, Concord, North Carolina. The Logan Daycare (Lessee) desires to renew the lease for the Premises to continue to operate a day care. The requested term for the lease is 10 years with an annual rent of \$1.00 per year payable on the 10th day of June of each year in advance with an automatic renew for two additional five (5) year renewal terms, unless on or before 30 days prior to the then current expiration date of this Agreement, either party has given notice of such party's intention not to renew for an additional five (5) year renewal term.

**Consider awarding a bid and authorize the City Manager to execute a contract with Xylem Tree Experts Inc. to provide contract labor and equipment for Line Clearance Tree Trimming services.**

The Electric Systems Director, Alex Burriss, stated the contract is for the Line Clearance Tree Trimming services. Formal bids were received on May 22, 2022 for the provision of contract labor and equipment, on an as needed basis, to trim and clear trees around the

Electric Department's infrastructure. Xylem Tree Experts Inc. was determined to be the lowest responsive bidder. The total expected yearly cost of \$275,060 is within the FY23 budgeted allowance of \$310,000.

**Consider adopting an ordinance amending Chapter 46, Solid Waste, of the City's Code of Ordinances, Section 46:1 (Definitions), Section 46:32 (Services Provided by the City), Section 46:33 (Pre-collection practices and public nuisance), Section 46:34 (Prohibited materials not collected by city and handling prohibitions), Section 46:35 (Special conditions, charges and requests), and Section 46:37 (Collection practices and schedule) relative to the collection of solid waste materials in the City of Concord.**

The Solid Waste Director, Robin Barham, stated the proposed amendments to the City of Concord Code of Ordinances in preparation for July 2022 changes in collection practices for bulk and yard waste to be consistent with new collection methods and practices, as well as cleanup of language that might be confusing or outdated.

**Consider authorizing the City Manager to negotiate and execute a contract with Republic Services for weekly Bulk Container Service at City Facilities and Qualified Condominiums.**

The Solid Waste Director stated the City contracts for weekly bulk container/dumpster service at 23 City facility locations and 18 qualified townhome or condominium locations. The previous contract with Republic Services could no longer be extended and the City received proposals for this service contract. After receiving a proposal from Republic Services in the amount of \$1.90 per cubic yard, staff would like to continue the current service offering with Republic Services for a new three year term, beginning in July 2022 and expiring in June 2025. Current pricing is \$1.75 per cubic yard; however, the increase is within the budgeted amount for FY23.

**Consider authorizing staff to move forward with an On Call Transit Planning Task Order with Benesch for the Cabarrus County Transportation Service (CCTS) and Rider Transit Consolidation Implementation Study.**

The Transit Director, LJ Weslowski, stated the study is to combine Cabarrus County Transportation Service and Rider Transit into a single public transportation entity for Cabarrus County. The study will take approximately 9 months to complete, with a do not exceed cost of \$150,000. FTA 5303 Transit Planning Funds from the Cabarrus Rowan MPO will be utilized to pay for this study.

**Consider authorizing the City Manager to negotiate and execute a professional services contract to RL Conrad Associates, LLC to provide Transportation Planning services for the Cabarrus Rowan Metropolitan Planning Organization (CRMPO).**

The Transportation Director, Phillip Graham, stated the current contract for CRMPO administration and transportation planning services will expire June 30<sup>th</sup>. Letters of interest were requested in March from parties interested in providing these professional services. An interview was held with the firms that submitted in May. RL Conrad Associates, LLC was selected by a review committee, including representatives from member jurisdictions (Kannapolis, Mt. Pleasant, China Grove, Concord), as well as NCDOT staff. Negotiations are underway with RL Conrad Associates, LLC on the fees, which will have to be approved by Office of Inspector General's Office at NCDOT. The contract time is for one year with an optional one year renewal.

**Consider authorizing the City Manager to negotiate and execute an addendum to the contract with HDR for engineering services relating to the GAC Contactors at the Hillgrove Water Treatment Plant (WTP).**

The Water Resources Director, Jeff Corley, stated the City is under contract with HDR for design of the GAC Contactors at the Hillgrove WTP. The project is well underway. In April 2022, the City elected to pursue acquisition of adjacent parcel (708 Arbor St NE) to allow for a more desirable location of the GAC system and to provide space for future site uses. This addendum would cover the additional engineering services associated with locating the GAC system on the new parcel and will aid the City in developing the new parcel for future uses. The addendum for the additional scope is \$200,097.

**Consider adopting a resolution to abandon a sanitary sewer easement across property at 346 George W. Liles Parkway (PIN 5600-48-0582).**

The Engineering Director, Sue Hyde, stated this property is being redeveloped with a Harris Teeter Fuel Center and the developer has requested that the recorded easement be abandoned due to a sewer redesign.

**Consider approving the dedication of a Public Right-of-Way and Storm Drainage Easement to NCDOT at 2700 Concord Parkway S.**

The Engineering Director stated the City is being asked to dedicate property for Right-of-Way (ROW) and a Storm Drainage Easement (SDE) to NCDOT for purpose of constructing a U-turn bulb at 2700 Concord Parkway South. The subject area is located on property the Electric Systems Department is currently constructing Substation T. Purpose of the U-turn bulb is to allow North-bound Concord Parkway traffic to reverse direction. Total dedicated area is 2,003 square feet for the ROW and 3,139 square feet for the SDE. Electric Systems staff has evaluated the request and there is no impact to the substation project.

**Consider accepting a Preliminary Application from Arnold Wayne Holder.**

The Engineering Director stated Arnold Wayne Holder submitted a preliminary application for sewer service outside the City limits. The property is located at 214 Litaker Lane. This parcel has an existing single family home and the applicant indicates that the drain field is full and the existing septic tank has been pumped twice in the past year and gray water is seeping from the ground. There is not City water available to this parcel. It is recommended the applicant proceed with the application process excluding annexation.

**Consider accepting a Preliminary Application from Flint McDonald.**

The Engineering Director stated Flint McDonald submitted a preliminary application to receive water and sewer service outside the City limits. The properties are located on Archibald Road. There is a total of 5 lots, which were recently created via a county minor subdivision plat. Three of the lots have access to city water and sewer and two have only access to water. Based upon the applicant's original intent to serve the lots without City utilities and the potential negative impact on treatment plant capacity, it is recommended the application be denied.

**Consider accepting a Preliminary Application from Robert C. Hayes.**

The Engineering Director stated Robert C. Hayes submitted a preliminary application for water service outside the City limits. The property is located at 1245 Odell School Road. The property is currently zoned LDR and has an existing single residence. City sanitary sewer is not available to this parcel. It is recommended the applicant proceed with the application process excluding annexation.

**Consider accepting a Preliminary Application from Nao Kha Vang.**

The Engineering Director stated Nao Vang submitted a preliminary application to receive sewer service outside the City limits. The property is located at 7627 Rocky River Road. This parcel has an existing single family home and the applicant has indicated that the existing septic system has a problem and is backing up a lot. The applicant already has

water. It is recommended the applicant proceed with the application process excluding annexation.

**Consider making appointments / reappointments to various City of Concord Boards and Commissions and making a reappointment to the CDDC Board of Directors.**

Mayor Dusch presented a list of recommended appointments/reappointments.


**Consent Agenda**

There were no comments regarding the consent agenda.

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

  
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William C. Dusch, Mayor

  
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Kim J. Deason, City Clerk

CONCORD CITY COUNCIL  
REGULAR MEETING  
JUNE 9, 2022

A regular meeting of the City Council for the City of Concord, North Carolina, was held in the 3<sup>rd</sup> floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on June 9, 2022, at 6:00 p.m. 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 Betty M. Stocks  
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  
Assistant City Managers  
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.

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**Approval of Minutes:**

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Sweat to approve the minutes for the meetings of May 10 and May 12, 2022—the vote: all aye.

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**Presentations:**

1. Mayor Dusch presented the Best 100 Fleets 2022 award to City of Concord Fleet Services Director, Daniel Nuckolls, during the June 7<sup>th</sup> Work Session.
2. Mayor Dusch presented a Proclamation recognizing June 19, 2022 as Juneteenth Day to several community leaders within the City of Concord.

**Recognition of persons requesting to be heard:**

Andrew McDonald, True Homes, addressed the Council in regards to sewer allocation for their project.

Craig Davis, Craig Davis Properties, addressed the Council in regards to their project.

Ryan Linker and Judd McAdams addressed the Council in regards to sewer allocation for their project.