

CONCORD CITY COUNCIL  
REGULAR MEETING  
MAY 11, 2023

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 May 11, 2023, at 6:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

**Members Present:**

- Mayor Pro-Tem JC McKenzie
- Council Member Andy Langford
- Council Member W. Brian King
- Council Member Betty M. Stocks
- Council Member Terry L. Crawford
- 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 Council Member Crawford and seconded by Council Member Sweat to approve the minutes for the meetings of March 21, April 11, and April 13, 2023—the vote: all aye.

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**Presentations:**

1. Mayor Dusch presented a retirement plaque to Travis Wilmot recognizing over 31 years of faithful, loyal and dedicated service to the City of Concord Buildings and Grounds Department.
2. Mayor Dusch presented a Proclamation recognizing May 21 - 27, 2023 as National Public Works Week at the Tuesday, May 9, 2023 Work Session.
3. Mayor Dusch presented a Proclamation recognizing May 6, 2023 as Social Action Day in honor of the Concord Alumnae Chapter of Delta Sigma Theta Sorority, Inc.
4. Mayor Dusch presented a Proclamation recognizing the month of May as Asian Pacific American Heritage Month.

**Departmental Reports:**

1. Downtown Streetscape update

The Planning and Neighborhood Services Department and Concord Downtown Development Corporation staff provided an update on the downtown streetscape project.

- A. Recognition of persons requesting to be heard

Suzanne Morris, 172 Pitts School Rd, addressed the Council in regards to sewer allocation for a project proposed on their property. She is stated a developer is interested in purchasing their property but can't without sewer allocation to the project.

## B. Public Hearings

**1. Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a one-year/85% tax-based economic development grant to Old Dominion Freight, Inc., to locate at 2980 New Town Way SW, Concord, North Carolina 28027 and having an investment of approximately \$18,000,000 in real and personal property.**

Old Dominion Freight, Inc., proposes to develop an approximately 60,000 SF Interstate Motor Freight Terminal to allow for a Less Than Truckload one and two-day deliveries of goods and commodities needed to support local and interstate commerce. These are items consumers need and expect to find at their local grocery, department, retail, home improvement, construction supply, or other types businesses involved in everyday life. Old Dominion Freight, Inc., proposes to invest approximately \$18,000,000 in real and personal property. The facility will include approximately 102 dock doors with trailer, tractor, and employee parking and will be constructed on an approximately 40-acre site. The project expects to create approximately 100 new jobs with full-time average wages of approximately \$ 80,000 for salary workers and hourly wages of approximately \$25-\$30 per hour. The total value of the City's one-year grant is estimated to equal \$73,440 depending on the actual investment. The City would still collect a one-year net revenue of \$12,960 after the incentive payment.

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

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 McKenzie and seconded by Council Member King to deny offering a contract for a one-year/85% tax-based Economic Development Incentive Grant to Old Dominion Freight, Inc., to locate at 2980 New Town Way SW, Concord, North Carolina 28027

Mayor Pro-Tem McKenzie explained why he made the motion to deny and Council Member King explained his opposition to the request also.

Following the discussion, a vote was then taken on the motion to deny—the vote: Aye – Langford, King, McKenzie and Crawford; Nay – Stocks, Parsley-Hubbard, and Sweat. The request was denied.

**2. Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a three-year/85% tax -based center city economic development grant to Norstein Properties, LLC, to redevelop two properties located at 69 and 75 Corban Avenue SE, Concord, North Carolina 28025 and having an investment of approximately \$4,200,000 in real and personal property.**

Norstein Properties, LLC, proposes to develop an approximately 18,192 SF mixed-use development. The first floor will feature five street-level commercial spaces while the second and third floors will feature a combined ten, one and two-bedroom apartments. Norstein Properties, LLC, proposes to invest approximately \$4,200,000 in real and personal property.

The total value of the City's three-year grant is estimated to equal \$51,408 depending on the actual investment. The City would still collect a three-year net revenue of \$9,072 after the incentive payments.

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

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

A motion was made by Council Member Langford and seconded by Council Member Crawford to approve a contract for a three-year /85% tax- based Economic Development Incentive Grant to Norstein Properties, LLC, to redevelop property located at 69 and 75 Corban Ave. SE, Concord, NC 28025—the vote: all aye.

**3. Conduct a public hearing to approve the submission of the FY2023-24 Action Plan for the US Department of Housing and Urban Development's Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) program.**

The City of Concord is required to submit an Action Plan to the US Department of Housing and Urban Development (HUD) outlining proposed projects to be accomplished using the allocated funding. The Action Plan includes CDBG and HOME activities planned for the City of Concord, as well as HOME activities for the members of the HOME consortium. As lead entity, Concord is tasked to complete all reporting for the Consortium members. The City's FY23-24 total CDBG program budget is \$605,948 which includes the CDBG allocation of \$663,654 and \$9,000 in estimated program income. The FY23-24 HOME Consortium allocation is \$1,315,523. Concord is projected to generate \$131,006 in program income. As a result, the total Consortium budget is projected to be \$1,446,529. Of this amount the City's proposed allocation of HOME will be \$440,303.55 which includes; the city's allocation of \$223,529.55 of the project funds, \$85,768 for program administration and lead entity administration, and \$131,006 in estimated program income. The remaining funds will be allocated to other members of the HOME Consortium. Items given in the Action Plan match those in the budget for FY 23-24.

A virtual public hearing was held from April 3<sup>rd</sup> – May 5<sup>th</sup> to receive comments on the proposed 2023/2024 CDBG and HOME program budget/activities. The public hearing notice was advertised in *The Independent Tribune* on April 2<sup>nd</sup>, 5<sup>th</sup>, and 9<sup>th</sup> along with the link being provided on the City website. Staff received 1,424 responses and noted those within the plan. The Action Plan budget matches what was submitted in the City's budget.

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

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

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Crawford to approve the submission of the FY2023-24 Action Plan for the US Department of Housing and Urban Development's Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) program—the vote: all aye.

**4. Conduct a public hearing and consider adopting an ordinance annexing +/- 278.58 acres on Breezy Ln, PINs 5547-06-4548, 5537-98-3213, 5537-98-7403, 5537-98-2315, 5537-99-6094, 5537-88- 5456, 5547- 17-5193, 5537-98-1655, 5547-17-5388, owned by the Water and Sewer Authority of Cabarrus County (WSACC).**

The petition is for voluntary annexation of +/- 278.58 acres of property located on Breezy Ln. The property, the Rocky River Regional Wastewater Treatment Plant, is currently zoned LDR (Low Density Residential) in Cabarrus County. Staff has coordinated with WSACC to proceed with zoning the property to O-I (Office Institutional) after annexation. The subject parcels are located within the Civic-Institutional (CI) Land Use Category of the 2030 Land Use Plan where O-I is listed as a corresponding zoning district.

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

Dylan Reinhardt addressed the Council to ask what is being proposed on the property.

WSACC Attorney, William Isenhour, explained for Mr. Reinhardt what is being proposed.

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

A motion was made by Council Member King and seconded by Council Member Parsley-Hubbard to adopt the following annexation ordinance and set the effective date for May 11, 2023—the vote: all aye.

ORD.# 23-34

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE +/- 278.58 ACRES OF PROPERTY LOCATED AT 6400 BREEZY LANE, CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by the City of Concord, on May 11<sup>th</sup>, 2023 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 May 11, 2023 after due notice by The Independent Tribune on April 30<sup>th</sup>, 2023; 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 11<sup>th</sup> day of May 2023:

*O ARRIVE AT THE TRUE POINT OF BEGINNING, COMMENCE AT GPS NO. 1 (PK NAIL) HAVING NAD 83(2011) COORDINATES OF N: 577,660.84'; E: 1,540,379.15'; THEN RUN N04°46'15"W 1329.65' TO AN EXISTING #4 REBAR HAVING NAD 83(2011) COORDINATES OF N: 578,985.876'; E: 1,540,268.579', BEING THE SOUTHWEST PROPERTY CORNER OF PAUL R. MORGAN & wife, JEAN MORGAN (NOW OR FORMERLY; DB. 483, PG. 136; CABARRUS COUNTY REGISTRY) AND BEING THE TRUE POINT OF BEGINNING; THENCE FROM THE TRUE POINT OF BEGINNING AND RUNNING WITH THE SOUTH LINE OF SAID MORGAN N58°56'52"E 302.78' TO AN EXISTING #4 REBAR BEING THE SOUTHWEST PROPERTY CORNER OF HOMER N. BOST, SR. & wife, JEAN E. BOST (NOW OR FORMERLY; DB. 2762, PG. 340; CABARRUS COUNTY REGISTRY), SAID POINT ALSO BEING LOCATED S13°36'09"E 193.17' OF AN EXISTING #4 REBAR; THENCE WITH THE SOUTH LINE OF SAID BOST S78°31'26"E (PASSING AN EXISTING #5 REBAR AT A DISTANCE OF 1119.32' AND PASSING AN EXISTING 1-1/4" ROD AT A DISTANCE OF 1702.92') FOR A TOTAL DISTANCE OF 1763.92' TO A COMPUTED POINT IN THE CENTERLINE OF IRISH BUFFALO CREEK; THENCE RUNNING WITH THE CENTERLINE OF SAID IRISH BUFFALO CREEK THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) S25°23'52"E 285.49' TO A COMPUTED POINT; AND 2) S13°01'23"E 439.32' TO THE CENTERLINE INTERSECTION OF SAID IRISH BUFFALO CREEK AND ROCKY RIVER; THENCE WITH THE CENTERLINE OF SAID ROCKY RIVER THE FOLLOWING SIXTEEN (16) COURSES AND DISTANCES: 1) S25°34'23"W 668.33' TO A COMPUTED POINT; 2) S21°16'17"W 699.24' TO A COMPUTED POINT; 3) S03°30'46"W 430.13' TO A COMPUTED POINT; 4) S39°11'29"W 238.92' TO A COMPUTED POINT; 5) S67°35'51"W 589.32' TO A COMPUTED POINT; 6) S53°07'10"W 653.06' TO A COMPUTED POINT; 7) S41°39'35"W 432.98' TO A COMPUTED POINT; 8) S69°57'27"W 239.20' TO A COMPUTED POINT; 9) S88°43'31"W 400.25' TO A COMPUTED POINT; 10) N60°42'34"W 542.01' TO A COMPUTED POINT; 11) N30°54'17"W 426.70' TO A COMPUTED POINT; 12) N18°40'07"W 449.85' TO A COMPUTED POINT; 13) N11°56'37"W 598.09' TO A COMPUTED POINT; 14) N26°48'22"W 308.14' TO A COMPUTED POINT; 15) N41°51'24"W 554.57 TO A COMPUTED POINT; AND 16) N73°16'04"W 218.50' TO A COMPUTED POINT; THENCE LEAVING THE CENTERLINE OF SAID ROCKY RIVER N05°58'12"W 58.37' TO A SET #5 REBAR; THENCE RUNNING WITH*

*THE PROPERTY LINES OF THE WATER AND SEWER AUTHORITY OF CABARRUS COUNTY (DB. 1351, PG. 213; CABARRUS COUNTY REGISTRY) THE FOLLOWING TWO COURSES AND DISTANCES: 1) N03°34'49"W 570.84' TO AN EXISTING #5 REBAR, SAID POINT ALSO BEING LOCATED N84°13'00"W 1263.50' OF AN EXISTING 1-1/2" PINCHED PIPE BEING THE SOUTHWEST PROPERTY CORNER OF DONALD T. HILL & wife, TAMARA S. HILL (DB. 849, PG. 431; CABARRUS COUNTY REGISTRY); AND 2) N84°13'00"W 24.31' TO AN EXISTING #4 REBAR BEING ON THE WEST PROPERTY LINE OF ISRAEL LOA*

LUJAN (NOW OR FORMERLY; DB. 8439, PG. 179; CABARRUS COUNTY REGISTRY); THENCE WITH THE WEST LINE OF SAID LUJAN, MICHAEL S. BOTTA and DAWN L. BOTTA (NOW OR FORMERLY; DB. 1220, PG. 279; CABARRUS COUNTY REGISTRY) AND EDWARD ALLEN (NOW OR FORMERLY; DB. 6339, PG. 1; CABARRUS COUNTY REGISTRY) N05°58'12"W (PASSING AND EXISTING NAIL AT A DISTANCE OF 74.98', PASSING AND EXISTING #4 REBAR AT A DISTANCE OF 186.07' AND PASSING AN EXISTING #4 REBAR AT A DISTANCE OF 298.89') FOR A TOTAL DISTANCE OF 312.68' TO A SET #5 REBAR BEING THE SOUTHWEST PROPERTY CORNER OF JEFFREY P. RINEHARDT & wife, KATHERINE P. RINEHARDT (NOW OR FORMERLY; DB. 1226, PG. 25; CABARRUS COUNTY REGISTRY); THENCE WITH THE SOUTH LINE OF SAID RINEHARDT N75°30'39"E 878.88' TO AN EXISTING 5/8" ROD BEING THE SOUTHWEST PROPERTY CORNER OF LARRY W. SHAVER, JR. & wife, KELLY SHAVER (NOW OR FORMERLY; DB. 3025, PG. 313; CABARRUS COUNTY REGISTRY); THENCE WITH THE SOUTH LINE OF SAID SHAVER AND THE WATER AND SEWER AUTHORITY OF CABARRUS COUNTY (NOW OR FORMERLY; DB. 10856, PG. 310; CABARRUS COUNTY REGISTRY) N81°11'13"E (PASSING A SET #5 REBAR AT A DISTANCE OF 185.00' AND PASSING AN EXISTING 5/8" ROD AT A DISTANCE OF 371.27') FOR A TOTAL DISTANCE OF 405.40' TO A COMPUTED POINT IN BREEZY LANE (60' RIGHT-OF-WAY; DB. 422, PG. 326; CABARRUS COUNTY REGISTRY); THENCE RUNNING WITH LINES IN, BUT NOT NECESSARILY IN THE CENTER OF SAID BREEZY LANE, THE FOLLOWING FIVE (5) COURSES AND DISTANCES: 1) N15°54'29"W 93.24' TO A COMPUTED POINT; 2) N08°52'29"W 168.49' TO A COMPUTED POINT; 3) N10°27'29"W 21.19' TO AN EXISTING RAILROAD SPIKE; 4) N11°59'23"W 309.13' TO A COMPUTED POINT; AND 5) N00°13'09"W 139.22' TO AN EXISTING #5 REBAR BEING LOCATED AT OR NEAR THE CENTERLINE INTERSECTION OF SAID BREEZY LANE AND SIMPLICITY ROAD (60' RIGHT-OF-WAY AGREEMENT; DB. 412, PG. 501; CABARRUS COUNTY REGISTRY); THENCE RUNNING WITH LINES IN, BUT NOT NECESSARILY IN THE CENTER OF SAID SIMPLICITY ROAD, THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) S64°49'00"E 402.07' TO AN EXISTING #4 REBAR, SAID POINT BEING LOCATED S62°58'19"W 125.90' OF AN EXISTING 1-1/2" IRON PIPE; AND 2) S87°40'59"E 753.27' TO A COMPUTED POINT ON THE WEST PROPERTY LINE OF PAUL R. MORGAN & wife, JEAN MORGAN (NOW OR FORMERLY), SAID POINT BEING LOCATED S33°53'12"E 66.29' OF AN EXISTING 1/2" IRON ROD; THENCE WITH THE WEST LINE OF SAID MORGAN S02°58'04"E (PASSING AN EXISTING #4 REBAR IN CONCRETE AT A DISTANCE OF 6.16' AND PASSING AN EXISTING 1" SQUARE IRON AT A DISTANCE OF 207.65') FOR A TOTAL DISTANCE OF 353.81' TO A POINT, THE TRUE POINT OF BEGINNING; THE AFORE DESCRIBED LAND CONTAINS A TOTAL OF 281.144 ACRES, MORE OR LESS, LESS AND EXCEPT FROM THIS TOTAL AREA IS 2.563 ACRES, MORE OR LESS, OWNED BY DONALD T. HILL & wife, TAMARA S. HILL (DB. 849, PG. 431; CABARRUS COUNTY REGISTRY) AS DESCRIBED BELOW, YIELDING A NET AREA OF 278.581 ACRES, MORE OR LESS, AS SHOWN ON A CESI SURVEY TITLED "BOUNDARY SURVEY OF: WATER & SEWER AUTHORITY OF CABARRUS COUNTY" (DATED APRIL 9, 2014; LAST REVISED FEBRUARY 12, 2015; JOB NO. 140029.000).

LESS AND EXCEPT PROPERTY OF DONALD T. HILL & wife, TAMARA S. HILL:

TO ARRIVE AT THE TRUE POINT OF BEGINNING, COMMENCE AT AN EXISTING #5 REBAR BEING THE NORTHWEST PROPERTY CORNER OF THE WATER AND SEWER AUTHORITY OF CABARRUS COUNTY (DB. 1351, PG. 213; CABARRUS COUNTY REGISTRY), THEN RUN S84°13'00"E 1263.50' TO AN EXISTING 1-1/2" PINCHED PIPE BEING THE SOUTHWEST PROPERTY CORNER OF DONALD T. HILL & wife, TAMARA S. HILL AND BEING THE TRUE POINT OF BEGINNING; THENCE FROM THE TRUE POINT OF BEGINNING AND RUNNING WITH THE WEST LINE OF SAID HILL N38°48'13"E (PASSING AN EXISTING 3/4" PINCHED PIPE AT A DISTANCE OF 352.56') FOR A TOTAL DISTANCE OF 381.11' TO A COMPUTED POINT IN OR NEAR THE CENTER OF BREEZY LANE (60' RIGHT-OF-WAY; DB. 422, PG. 326; CABARRUS COUNTY REGISTRY); THENCE RUNNING WITH, BUT NOT NECESSARILY IN THE CENTER OF SAID BREEZY LANE S51°27'26"E 585.86' TO AN EXISTING RAILROAD SPIKE; THENCE RUNNING WITH A COMMON PROPERTY LINE OF THE WATER AND SEWER AUTHORITY OF CABARRUS COUNTY N84°25'27"W (PASSING AN EXISTING 5/8" ROD AT A DISTANCE OF 533.87') FOR A TOTAL DISTANCE OF 700.37' TO A POINT, THE TRUE POINT OF BEGINNING, CONTAINING 2.563 ACRES, MORE OR LESS, AS SHOWN ON A CESI SURVEY TITLED "BOUNDARY SURVEY OF: WATER & SEWER AUTHORITY OF CABARRUS COUNTY" (DATED APRIL 9, 2014; LAST REVISED FEBRUARY 12, 2015; JOB NO. 140029.000).

SECTION 2. Upon and after the 11<sup>th</sup> day of May, 2023 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 11<sup>th</sup> day of May 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**5. Conduct a public hearing and consider adopting an ordinance annexing +/- 22.40 acres at 226 Burrage Rd, PIN 5631-14-9836, owned by Eugene F. Brown III, Denise P. Brown, Phyllis Anne Brown, and John Christian Brown, for construction of twenty-five (25) single-family homes.**

The petition is for voluntary annexation of +/- 22.40 acres of property on Burrage Rd. The property is currently zoned RM-1 (Residential Medium Density) in the City of Concord ETJ. The developer has proposed to construct twenty-five (25) single-family detached homes on the site where RM-1 design standards will be utilized. The project was allocated sewer on September 20, 2022.

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

The project Developer, William Niblock, spoke in favor of the request.

Greg Sharen spoke in opposition of the request. He stated he is concerned of increased traffic on Burrage Road should the annexation be approved.

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

A motion was made by Council Member Langford and seconded by Council Member Crawford to adopt the following annexation ordinance and set the effective date for May 11, 2023—the vote: all aye.

ORD.# 23-35

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE +/- 22.40 ACRES OF PROPERTY LOCATED AT 226 BURRAGE RD, CONCORD, NC**

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by the City of Concord, on May 11<sup>th</sup>, 2023 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 May 11, 2023 after due notice by The Independent Tribune on April 30<sup>th</sup>, 2023; 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 11<sup>th</sup> day of May 2023:

All those certain parcels of land, situated, lying and being in Cabarrus County, North Carolina, and more particularly described as follows:

Beginning at Point, said point being a 2" pipe found, said point also being the southwest corner of the MMR Ventures LLC property as shown in Deed:6488-299 and recorded in the Cabarrus County Register of Deeds Office, said point also being the northwest corner of the M.R. Vanderburg Jr property as shown in Deed 934-235 and recorded in the Cabarrus County Registry of Deeds Office;

Thence from said Point of Beginning with the western line of the M.R. Vanderburg Jr property as shown in Deed 934-235 S53-14-45W 621.85' to a point, the southwest corner of the M.R. Vanderburg Jr property, said point also being the northeast corner of the Todd Fornari property as shown in Deed:12842-241 and recorded in the Cabarrus County Register of Deeds Office; Thence 2 calls S71-39-09W 75.27' to a 1" pipe found; 2) S66-31-51W 426.21 to a point, (said point being N66-31-51E 63.00' from a #4 rebar found, said #4 rebar being the Gregory E. Scharding property as shown in Deed:15332-213 and recorded in the Cabarrus County Register of Deeds Office); Thence 3 new lines with the existing City of Concord city limits; 1) N07-45-31W 98.71' to a point; 2) N31-28-37W 273.86' to a point; 3) N62-55-21W 376.79' to a point in the eastern line of the of the ASA Blackwelder property as shown in Deed 16045-94 and recorded in the Cabarrus County Register of Deeds Office; Thence with the eastern line of the ASA Blackwelder property N14-15-20E 230.77' to a point, said point being the southerly corner of the Jeffrey L. Blankenship property as shown in Deed 13059-228 and recorded in the Cabarrus County Register of Deeds Office; Thence 2 calls with the southern lines of the Jeffrey L. Blankenship property, 1) N23-45-25E 197.74' to a ½" iron found; 2) S62-40-12E 82.39' to a ½" iron found, the southwest corner of the Marcus J. Singleton property as shown in Deed:15644-157 and recorded in the Cabarrus County Register of Deeds Office; Thence N74-38-54E 1045.85 to an axle found, said axle being on the western line of the and recorded in the Cabarrus County Register of Deeds Office; Thence with the western line of the MMR Ventures LLC property. Thence with the western line of the MMR Ventures LLC property S21-57-19E 626.39' to a 2" pipe found the Point of Beginning.

Said property containing 22.400 Acres.

SECTION 2. Upon and after the 11<sup>th</sup> day of May, 2023 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 11<sup>th</sup> day of May 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**6. Conduct a public hearing to consider adopting an ordinance amending Article 7 “Base Zoning Districts”, Article 7.8.2 (“Multifamily Design Standards”) to amend the minimum spacing requirements for single story structures within multifamily developments.**

This amendment was a companion change to accompany the “tiny home” standards, which have been referred back to staff for further refinement. At the April 18th work session, Council stated that this portion of the amendment is reasonable and should be considered. This amendment reduces the multifamily building spacing from 20 feet to 10 feet (for single story structures only) and corrects a cross-reference regarding to unit threshold for the multifamily standards. At their February 21<sup>st</sup> meeting, the Planning and Zoning Commission recommended this amendment to Council.

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

There was no one signed in to speak in favor or in opposition to the request. Therefore, a motion was made by Council Member 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 McKenzie and seconded by Council Member Crawford to adopt the following Statement of Reasonableness and Consistency—the vote: all aye.

- The proposal is consistent with the 2030 Land Use Plan in that Section 5.2 (General Land Use Challenges and Opportunities) states that the City should foster infill and redevelopment. Furthermore, Goal 9 contains several policies and objectives relative to affordable housing and infill development options.
- The proposal is reasonable in that it allows for the development of infill housing and provides for affordable housing opportunity.

A motion was made by Mayor Pro-Tem McKenzie and seconded by Council Member Crawford to adopt the following ordinance amending Article 7.8.2 (“Multifamily Design Standards”) of the Concord Development Ordinance (CDO) to adopt regulations to amend the minimum spacing requirements for single story structures within multifamily developments—the vote: all aye.

ORD.# 23-36

**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 7.8 “Standards for Multifamily Development,” Section 7.8.2 “Applicability” be amended to the following:



7.8.2. APPLICABILITY

A. The provisions of this Section shall apply to multi-family residential developments for four (4) or more dwelling units as permitted by Table 8.1 of this Ordinance.

B. Single-family homes, duplexes and triplexes on individual lots are exempt from the standards of this Section, but still must follow Section 7.7.

C. The City may modify bulk and density and/or parking and access standards for multifamily residential developments and single-family attached residential developments in TND, TOD, MX, PRD, PUD and conditional zoning districts, or approve open space and other design standards that result in a product that better achieves the design principles in Figure 7.8-1.

SECTION 2: That the following section of Concord Development Ordinance (CDO) Article 7 “Base Zoning Districts” Section 7.8 “Standards for Multifamily Development,” Section 7.8.9 “Dimensional and Density Standards” be amended to the following:

7.8.9 DIMENSIONAL AND DENSITY STANDARDS

The maximum impervious surface coverage (impervious surface ratio) shall conform to the standards as set forth and described in Article 4 and shown on Table 7.6.2-A for the appropriate zoning district. Multi-family or single-family attached developments that are allowed (by right or as conditional use) in non-residential districts shall use the dimensional and density standards of Table 7.6.2-A and 7.6.2.B as set forth for the RC district. Where a Watershed Overlay District exists, the more restrictive requirements shall apply.

The minimum spacing between multi-story buildings is 20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet. For single story buildings containing one or two units, the minimum spacing shall be ten (10) feet.

SECTION 3: That the following section of Concord Development Ordinance (CDO) Article 7 “Base Zoning Districts” Section 7.8 “Standards for Multifamily Development,” Section 7.8.17, Table 7.8.17 “Multifamily Dimensional and Standards” be amended to the following:

7.8.17 MULTI-FAMILY DIMENSIONAL STANDARDS

Multi-family development shall comply with the standards in Table 7.8.17.

TABLE 7.8.17 - Multifamily Dimensional Standards

Density	See Table 7.6.2 A. * No density limits apply in the Center City (CC) district Multi-family units on the upper floors of commercial structures in B-1, C-1 and C-2 shall not be subject to density limits
Lot Width and Depth	See Table 7.6.2 A. *
Front Setback or	Developments of less than 40 dwelling units: see Table 7.6.2 B. *
Street Side Setback	Developments of 40 or more dwelling units: 50 feet, except that the minimum front setback may be reduced to 20 feet if all required off-street parking is located at the rear of the building(s).
Interior Side Setback	20 feet
Rear Setback	20 feet
Separation Between Buildings	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet for multi-story buildings. 10 feet for single-story buildings containing one (1) or two (2) units.
Common Open Space	See Table (10.5) (Note: multi-family developments allowed in non-residential districts shall comply with the open space standards for residential districts in Table (10.5.13)

Maximum Building Length	180 feet
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**NOTES:**

Multi-family or Single-family attached developments that are allowed (by right or as special use) in non-residential districts shall use the dimensional and density standards of Table 7.6.2 A, except as specified above. Multi-family or single family attached developments in the O-I district shall only be permissible as incidental to an institutional use (such as a church or school). In the B-1, C-1 and C-2 zoning districts, multi-family development shall only be permissible on thirty percent (30%) of the total land area of the parcel (exclusive of special flood hazard area and stream buffers). Density for multifamily development in the B-1, C-1 and C-2 zoning districts shall be calculated on the 30% of the total land area (less special flood hazard area and stream buffers) and not on the entire parcel.

SECTION 4: That all remaining Articles and Sections of this Ordinance be renumbered to include the newly created Articles and Sections.

SECTION 8: That this Ordinance be effective immediately upon adoption.

Adopted in this May 11<sup>th</sup>, 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**7. Conduct a public hearing to consider adopting an ordinance amending Article 8 (“Use Regulations”), Sections 8.4.2 (“Location”) and 8.4.3 (“Height”), to clarify maximum height requirements for accessory structures.**

Staff has been responding to numerous requests from citizens regarding the CDO’s restriction on accessory structures. The provisions are not particularly clear but the CDO appears to limit the structures to a maximum of fifteen (15) feet regardless of where the structure is placed within the yard. The height restriction impairs the development of accessory dwelling units (ADUs) located above a garage, which are permitted in residential zoning districts. The proposed changes are to keep the fifteen foot height restriction when the structure is located at the smaller accessory structure setback, and to allow two (2) story structures to be constructed at the larger principal structure setback.

At their April 18 meeting, the Planning and Zoning Commission discussed some minor language changes to make this section of the CDO clearer. The Commission unanimously recommended the amendment to Council with the minor changes.

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

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

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

- The proposal is consistent with the 2030 Land Use Plan in that Section 5.2 (General Land Use Challenges and Opportunities) states that the City should foster infill and redevelopment. Furthermore, Goal 9 contains several policies and objectives relative to infill development options.
- The proposal is reasonable in that it allows for the development of infill housing and redevelopment.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to adopt the following ordinance amending Article 8 ("Use Regulations"), Sections 8.4.2 ("Location") and 8.4.3 ("Height"), to clarify maximum height requirements for accessory structures—the vote: all aye.

ORD.# 23-37

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 8.4.2 "Location" and Section 8.4.3 "Height" be deleted in its entirety.

SECTION 2: That the following section of Concord Development Ordinance (CDO) Article 8 "Use Regulations," Section 8.4.2 "Location" and Section 8.4.3 "Height" be rewritten as follows:

8.4.2. LOCATION

- A. Accessory structures shall be required meet the setback standards for accessory structures as set forth in Section 7.6.3 Dimensional and Density Standards. Accessory structures may be located within a setback yard for principal structures and shall be regulated in accordance with the standards below. No accessory structure shall be located less than 36 inches from the exterior wall of the principal structure. Structures that are located closer than 36 inches shall be considered as additions to the principal structure and shall conform to all applicable setbacks.
- B. For residential lots not exceeding two (2) acres, detached accessory structures shall not be located in the front yard. Detached accessory structures may be built in the required rear yard but such accessory structures shall not occupy more than thirty (30%) percent of the required rear yard and shall not be closer than five feet to any side or rear lot line or setback line.
- C. For residential lots exceeding two (2) acres, detached accessory structures may be located in the front yard but not closer than seventy-five feet (75') from the front property line/street right-of-way. Detached accessory structures may be closer than the distance specified above if they are not visible from a public street.
- D. The location of permitted non-residential accessory structures shall be governed by the same dimensional regulations as set forth for the principal use structure(s).
- E. Accessory structures on double frontage lots shall not be closer to either street than the required front yard setback.

8.4.3. HEIGHT

- A. Accessory structures shall not exceed fifteen (15) feet in height, where the accessory structure complies with the minimum accessory structure setback as

specified in Table 7.6.2.B. The accessory structure may be two stories in height if the accessory structure complies with the minimum principal structure setback as specified in Table 7.6.2.B.

SECTION 3: That all remaining Articles and Sections of this Ordinance be renumbered to include the newly created Articles and Sections.

SECTION 4: That this Ordinance be effective immediately upon adoption.

Adopted in this May 11, 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**E. Presentations of Petitions and Requests**

**1. Consider adopting a resolution of intent on the matter of closing the right-of-way of an unopened +/- 15-foot wide alley running parallel to Corban Ave SE, including the abandonment of the right-of-way for a +/- 225-foot long alley that runs behind 125 Corban Ave SE.**

This alley was originally part of the M.L. Widenhouse subdivision, which was platted in 1914. The alley was never opened and is unimproved. Charles Stapleton and Stephanie Stapleton are the applicants and owners/developers of Greenway Village Park, an eight-unit single family development proposed on adjacent land at 164 Wilkinson Court, SE. The applicants own a majority of the property adjacent of the alley and each property owner adjacent to the alley will receive half of the portion of the alley being abandoned. However, the General Statutes has a provision to alter the division of the abandoned right-of-way by the filing of a plat signed by all adjacent owners.

The General Statutes require that the City post signs in two (2) places along the right-of-way, send copies of the approved resolution of intent to all neighboring owners after adoption, and advertise in the newspaper once a week for four (4) successive weeks. The notice requirement would allow the hearing to be conducted at the June 8, 2023 meeting.

A motion was made by Council Member Langford and seconded by Council Member Sweat to adopt the following resolution of intent to set a public hearing for June 8th, 2023—the vote: all aye.

**RESOLUTION OF INTENT**

WHEREAS, G.S. 160A-299 authorizes the City Council to close public streets and alleys; and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closure of an unopened portion of an alley parallel to Corban Avenue, SE as more specifically set forth below:

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

(1) A meeting will be held at 6:00 p.m. on the 11<sup>th</sup> day of May, 2023 at the City Hall Council Chambers, 35 Cabarrus Ave. W, Concord, NC to consider a resolution on the closure of the area described as follows:

Lying and being in the City of Concord, Cabarrus County, North Carolina and being more particularly described as follows:

Beginning at #4 rebar at property belonging to Charles Stapleton and wife Stephanie Stapleton Lot 6 MB 1 PG 36 Tract 1 DB 13064 PG 274 5630-17-2806 traveling 226.42

feet N 86° 03' 56" W to #4 rebar, thence traveling 15.27 feet N 03° 27'03" to a stake at the corner of property Charles Stapleton and wife Stephanie Stapleton lots 14-17 MB 1 PG 36 Tracts 3 & 4 DB 13064 Pg 274 5630-180077, 5630-18-2007, thence traveling 225.18 feet S 85°31'42" W to a stake, thence traveling 14.97 feet S 01°48'50" E to the beginning # 4 rebar

(2) The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in The Independent Tribune or other newspaper of general circulation in the area.

(3) The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.

(4) The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted this 11<sup>th</sup> day of May, 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch Mayor

ATTEST: /s/ Kim Deason, City Clerk

**2. Consider amending the allocation of \$385,000 in HOME funds to Jim Sari and Company to \$770,000 to Strategic TC Properties, LLC for the rehabilitation of Coleman Mills which will have a total of 152 units of affordable housing.**

In June of 2020, Council approved the allocation of \$385,000 in HOME funds to Jim Sari & Company for the rehabilitation of the historic Coleman Mill into affordable rental housing units. This allocation would account for seven (7) floating HOME units within the complex. Since that time, COVID related delays and delays from Federal and State agencies have limited movement on the site. As a result, the original investor backed out of the project at the end of 2022. However, a new investment was secured the beginning of 2023. This new investor is the result of partnership changes with the project organization. Caryn Winters, the managing lead for Aventurine One, is now the majority owner and point person for the completion of the project.

With the rise in material costs from the original allocation to now, Strategic TC Properties, LLC have requested to increase the HOME allocation from \$385,000 to \$770,000. This increase will also raise the number of HOME units from seven (7) units to eleven (11) units designated as floating low-rent units by HUD. The eleven (11) units will consist of three (3) studio units, three (3) one-bedroom units, four (4) two-bedroom units, and one (1) three-bedroom unit. Repayment of the funds will be amended to a minimum payment of \$20,000 each year for 15 years and a balloon payment at the end of year 15 for the remainder.

The current time frame is to close the purchase of the property and bond portion in June. Construction would begin within a few weeks of closing. HOME funds would be requested in late 2023 and 2024.

Staff evaluated the impact of the request on funds and determined the request could be provided from program income generated from the sale of the two (2) homes under construction on Sycamore Drive. Thus, there would be no impact to the current funding or proposed use of FY 23/24 funds presented in the budget.

A motion was made by Council Member Crawford and seconded by Council Member Stocks to amend the allocation of \$385,000 in HOME funds to Jim Sari and Company to \$770,000 to Strategic TC Properties, LLC for the rehabilitation of Coleman Mills, which will have a total of 152 units of affordable housing—the vote: all aye.

**3. Consider authorizing the City Manager to negotiate and execute a contract with Bolton & Menk, Inc. in the amount of \$158,870 to complete the Concord Mills/Bruton Smith Blvd Mixed-Use Corridor Plan.**

The 2030 Land Use Implementation Work Plan calls for a Mixed-Use Corridor Plan along Concord Mills/Bruton Smith Blvd (LU-29). It states that the corridor plan should address local land use changes necessary for retail and other uses to remain viable; multi-modal connectivity along the corridor and other challenges identified within the Land Use Plan.

An RFQ for the Corridor Plan was posted on January 9, 2023 with submissions due by February 10, 2023. The City of Concord received five submissions which were reviewed by a selection committee made up of Planning, Transit, Parks & Recreation and Transportation staff and a representative from the Cabarrus Visitors Bureau. Four of the five submissions were invited for interviews and Bolton & Menk, Inc. (formerly Cole Jenest & Stone) was selected from these four firms.

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 Bolton & Menk, Inc. in the amount of \$158,870 to complete the Concord Mills/Bruton Smith Blvd Mixed-Use Corridor Plan—the vote: all aye.

**4. Consider adopting a resolution authorizing eminent domain actions for permanent easements for six parcels located along Zion Church Road.**

The following permanent easements are required by the Water Resources Department in order to construct the Zion Church Road waterline.

Parcel 1. This property is currently owned by Rodney Barrell. The total appraised tax value of the property is listed at \$244,800.00. The Engineering department calculated the value of the 11,658 square foot easements to be \$3368.44. The property owner has executed the deed of easement; however, he has not returned additional required paperwork and the consent of the mortgage lender has not been returned.

Parcel 2. This property is currently owned by Christal T. Layton. The total appraised tax value of the property is listed at \$128,580.00. The Engineering department calculated the value of the 3,502 square foot easements to be \$1808.88. The property owner has executed the deed of easement; however, the consent of the mortgage lender has not been returned.

Parcel 3. This property, consisting of 2 parcels, is currently owned by Brenda Deese. The total appraised tax value of the property is listed at \$19,860.00 for a vacant parcel and \$31,470.00 for an improved parcel. The Engineering department calculated the value of the 3,501 square foot easement and the 10,946 square foot easement combined to be \$4,679.21. The property owner has not engaged in negotiations with city staff.

Parcel 4. This property, consisting of 2 parcels, is currently owned by William Gerald Harvell and wife, Carolyn M. Harvell. The total appraised tax value of the property is listed at \$14,290.00 for a vacant parcel and \$ 121,920.00 for an improved parcel. The Engineering department calculated the value of the 3,388 square foot easement and the 2,416 square foot easement combined to be \$ 2,347.60. The property owner has not responded to any correspondence from city staff.

A motion was made by Council Member Langford and seconded by Council Member Crawford to adopt the following four resolutions authorizing eminent domain actions for permanent easements for six parcels located on Zion Church Road—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 a variable width permanent utility easement on the real property parcel identified and defined, as follows:

Variable Width Permanent Utility Easement:

Lying and being in No. 11 Township, Cabarrus County, North Carolina, crossing Lots 12 thru 15 Block 'C' of the W. E. Litaker Estate (Map Book 10 Page 56) Deed Book 11454, Page 209 (PIN: 5529-94-1370) (Real ID: 11-034-0014.40 as recorded among the Cabarrus County Register of Deeds; and being more particularly described as follows:

Beginning at an PIPE FOUND located on the east side of Public Right of Way line of Zion Church Road (S.R. 1155) at the common corner of Lots 15 and 16 of Block 'C', said PIPE FOUND being further described as having NC (NAD 83/2011) Ground Coordinates of N: 594,337.07', E: 1,529,079.30' and being located South 09°42'05" West 5,681.89 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 line of the aforesaid Lots 15 and 16 of Block 'C'

1. South 89°45'09" East 32.40 feet to a COMPUTED POINT said COMPUTED POINT being further described as being situated on the common line of the aforesaid Lots 15 and 16 and also being the following two (2) calls, from an existing IRON FOUND on the rear line of the aforesaid Lot 15

- North 00°30'55" East 6.26 feet to a COMPUTED POINT at the common rear corner of said Lots 15 and 16 of Block 'C'; thence running along the common line of said Lots 15 and 16 of Block 'C'
- North 89°45'09" West 148.10 feet to the COMPUTED POINT; thence leaving said line and running across the aforesaid Lots 12 thru 15 of Block 'C'

2. South 04°29'43" East 98.92 feet to a COMPUTED POINT situated on the common line of Lots 11 and 12 of Block 'C'; thence running with said common line

3. South 87°56'46" West 37.08 feet to an existing BENT IRON FOUND on the aforesaid east side of Public Right of Way line of Zion Church Road (S.R. 1155); thence running with said Public Right of Way

4. North 02°52'45" West 50.00 feet to a COMPUTED POINT; thence continuing with said Public Right of Way

5. North 00°39'51" West 50.15 feet to the Point of Beginning and containing 3,502 square feet or 0.080 acres of land, more or less, as shown on map titled, "Easement Plat, Crossing the Property of Christal T. Layton," dated April 22, 2022 by the City of Concord Engineering Department and is attached as Exhibit A for further reference.

WHEREAS, the variable width permanent utility easement currently owned by Christal T. Layton, is being acquired for the purpose of the construction of water infrastructure improvements along with all fixtures and appurtenances; and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owner to acquire the above-described property 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 conveyance 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 11<sup>th</sup> day of May, 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE  
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire a variable width permanent utility easement on the real property parcel identified and defined, as follows:

Variable Width Permanent Utility Easement:

Lying and being in the City of Concord, No. 11 Township, Cabarrus County, North Carolina, crossing Lots 5 and 6 and the "Jim Sossman" lot of Block 'B' of the W. E. Litaker Estate (Map Book 10 Page 56) Deed Book 2694, Page 71 (PIN: 5529-93-4505; Real ID: 11-034-0007.00) as recorded among the Cabarrus County Register of Deeds; and being more particularly described as follows:

Beginning at an IRON FOUND on the east side Public Right of Way of Zion Church Road (S.R. 1155) at the intersection of said Public Right of Way and the common corner of Lots 6 and 7 of Block 'B' of the aforesaid W. E. Litaker Estate (Map Book 10 Page 56) said IRON FOUND being further described as having Ground Coordinates of N: 593,776.91', E: 1,529,185.45' and being situated South 07°52'03" West 6,219.34 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 line of the aforesaid Lots 6 and 7

1. South 76°41'23" East 34.34 feet to a COMPUTED POINT on said common line; thence leaving said common line and running across the aforesaid Lots 5 and 6 and the "Jim Sossman" lot; and
2. South 12°38'26" East 374.59 feet to a COMPUTED POINT on the common line of said "Jim Sossman" lot and Lot 4 of Block 'B', said COMPUTED POINT being further described as being situated North 72°05'02" West 212.82 feet from an existing AXLE FOUND at the southeast common corner of the aforesaid "Jim Sossman" lot and Lot 4 of Block 'B'; thence running along the common line of the "Jim Sossman" lot and Lot 4 of Block 'B'; and
3. North 72°05'02" West 36.74 feet to a COMPUTED POINT on the aforesaid east side Public Right of "Way of Zion Church Road (S.R. 1155); thence running along said Public Right of Way; and
4. North 12°31'23" West 370.94 feet to the Point of Beginning and containing 11,658 square feet or 0.268 acres of land, more or less, as shown on map titled, "Easement Plat. Crossing the Property of Rodney P. Barrell," dated April 22, 2022 by the City of concord Engineering Department and is attached as Exhibit A for further reference.

WHEREAS, the variable width permanent utility easement currently owned by Rodney P. Barrell, is being acquired for the purpose of the construction of water infrastructure improvements along with all fixtures and appurtenances; and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owner to acquire the above-described property 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 conveyance 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 11th day of May, 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk



RESOLUTION AUTHORIZING NEGOTIATED PURCHASE  
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire variable width permanent utility easements on the real property parcels identified and defined, as follows:

Variable Width Permanent Utility Easement No. 2 (P/O PIN 5529-94-14-1470):

Lying and being in the City of Concord, No. 11 Township, Cabarrus County, North Carolina, crossing Lots 16 thru 19 Block 'C' of the W. E. Litaker Estate (Map Book 10 Page 56) Deed Book 505, Page 514 (PIN: 5529-94-1470; Real ID: 11-034-0014.20) as recorded among the Cabarrus County Register of Deeds; and being more particularly described as follows:

Beginning at a COMPUTED POINT located on the east side Public Right of Way line of Zion Church Road (S.R. 1155) at the common corner of Lots 19 and 20 of Block 'C', said COMPUTED POINT being further described as having Ground Coordinates of N: 594,440.57' , E: 1,529,081.41' and being located South 09°51'33" West 5,579.53 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 line of the aforesaid Lots 19 and 20 of Block 'C'

1. South 85°51'54" East 35.01 feet to a COMPUTED POINT; thence leaving said common line and running across said Lots 16 thru 19 of Block 'C'
2. South 02°36'50" West 101.22 feet to a COMPUTED POINT situated on the common line of Lots 15 and 16 of Block 'C'; thence running with said common line
3. North 89°45'09" West 32.40 feet to an existing PIPE FOUND on the aforesaid east side Public Right of Way line of Zion Church Road (S.R. 1155) at a common corner of the aforesaid Lots 15 and 16; thence running with said Public Right of Way
4. North 00°01'06" West 49.84 feet to a COMPUTED POINT at the common corner of the aforesaid Lots 17 and 18; thence continuing along said Public Right of Way
5. North 02°15'37" East 53.70 feet to the Point of Beginning and containing 3,501 square feet or 0.080 acres of land, more or less as shown on map titled, "Easement Plat. Crossing the Property of Brenda Deese," dated April 22, 2022 by the City of Concord Engineering Department and is attached as Exhibit A for further reference.

Variable Width Permanent Utility Easement No. 1 (P/O PIN 5529-94-1575):

Lying and being in the City of Concord, No. 11 Township, Cabarrus County, North Carolina, crossing Lots 20 thru 32 Block 'C' of the W. E. Litaker Estate (Map Book 10 Page 56) Deed Book 428, Page 625 (PIN: 5529-94-1575; Real ID: 11-034-0014.00) as recorded among the Cabarrus County Register of Deeds; and being more particularly described as follows:

Beginning at an existing BENT IRON FOUND at the intersection of the east side Public Right of Way line of Zion Church Road (S.R. 1155) with the south side Public Right of Way line of Litaker Lane Drive, said BENT IRON FOUND being further described as being the northwest corner of the aforesaid Lot 32 of Block 'C', having Ground Coordinates of N: 594,816.15' , E: 1,529,141.45' and being located South 09°54'57" West 5,199.22 feet (ground) from NCGS Monument "PENNEY" and also being the POINT OF BEGINNING (POB) of the property to be described herein; thence leaving the POINT OF BEGINNING (POB) and running along the aforesaid south side Public Right of Way line of Litaker Lane Drive

1. South 25°08'20" East 53.43 feet to a COMPUTED POINT situated on said Public Right of Way line; thence leaving said Public Right of Way line and running across the aforesaid Lots 20 thru 32 of Block 'C'; thence
2. South 09°01'06" West 263.04 feet to a COMPUTED POINT; thence
3. South 05°23'04" West 70.26 feet to a COMPUTED POINT situated on the common line of Lots 19 and 20 of Block 'C'; thence running along said common line

4. North 85°51'54" West 35.01 feet to a COMPUTED POINT situated on the aforesaid east side Public Right of Way line of Zion Church Road (S.R. 1155); thence running with said Public Right of Way

5. North 09°04'58" East 380.35 feet to the Point of Beginning and containing 10,946 square feet or 0.251 acres of land, more or less., as shown on map titled, "Easement Plat. Crossing the Property of Brenda Deese," dated April 22, 2022 by the City of Concord Engineering Department and is attached as Exhibit B for further reference.

WHEREAS, the variable width permanent utility easements currently owned by Brenda S. Deese (widow), are being acquired for the purpose of the construction of water infrastructure improvements along with all fixtures and appurtenances; and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owner 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 properties and interests 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 11<sup>th</sup> day of May, 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE  
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire variable width permanent utility easements on the real property parcels identified and defined, as follows:

Variable Width Permanent Utility Easement No. 1 (P/O PIN 5529-93-3929):

Lying and being in the City of Concord, No. 11 Township, Cabarrus County, North Carolina, crossing Lots 1 thru 3, Block 'C' of the W. E. Litaker Estate (Map Book 10 Page 56) Deed Book 9271, Page 298 (PIN: 5529-93-3929; Real ID: 11-034-0011.00) as recorded among the Cabarrus County Register of Deeds; and being more particularly described as follows:

BEGINNING at a COMPUTED POINT situated on the East side of the Public Right of Way line of Zion Church Road (S.R. 1155) at the common corner of Lots 3 and 4 of Block 'C', said COMPUTED POINT being further described as having Ground Coordinates if N: 594,042.23'. E: 1.529,124.95' and being situated South 08°47'31" West 5,965.57 feet (ground) from NCGS Monuments "PENNY" and being the POINT OF BEGINNING (POB) of the property described herein; thence leaving the POINT OF BEGINNING (POB) and running along the common line of the aforesaid Lots 3 and 4 and running across Lots 1 thru 3 of Block 'C'

1. North 86°57'48" East 32.30 feet to a COMPUTED POINT on said common line, said COMPUTED POINT being further described as being South 86°57'48" West 188.065 feet from an existing PIPE FOUND and the common corner of Lots 3,4, 65, and 37 of Block 'C'; thence leaving the common line of Lots 3 and 4 and running across Lots 1 thru 3 of Block 'C'

2. South 12°38'26" East 43.80 feet to a COMPUTED POINT; thence

3. South 14°43'46" East 42.11 feet to a COMPUTED POINT at the line of the aforesaid Lot 1 of Block 'C' on the North side of the Public Right of Way line of Optimist Club Drive (a.k.a. Central Drive – Map Book 10 Page 56); thence running along said Public Right of Way line of Optimist Club Drive

4. North 71°04'02" West 36.04 feet to a COMPUTED POINT at the intersection of the East side of the Public Right of Way line of Zion Church Road (S.R. 155) and the aforesaid North side of the Public Right of Way of Optimist Club Drive (a.k.a. Central Drive – Map Book 10 Page 56); thence running along the aforesaid East side of Public Right of Way line of Zion Church Road (S.R. 155)

5. North 14°45'08" West 72.44 feet to the Point of Beginning and containing 2.416 square feet or 0.055 acres of land, more or less, as shown on map titled, "Easement Plat. Crossing the Property of William Gerald Harvell and wife, Carolyn M. Harvell," dated April 22, 2022 by the City of Concord Engineering Department and is attached as Exhibit A for further reference.

Variable Width Permanent Utility Easement No. 2 (P/O PIN 5529-94-2101):

Lying and being in the City of Concord, No. 11 Township, Cabarrus County, North Carolina, crossing Lots 4 thru 7 Block 'C' of the W. E. Litaker Estate (Map Book 10 Page 56) Deed Book 11750, Page 136 (PIN: 5529-94-2101) (Real ID: 11-034-0014.10) as recorded among the Cabarrus County Register of Deeds; and being more particularly described as follows:

Beginning at an IRON FOUND located on the east side of Public Right of Way line of Zion Church Road (S.R. 1155) at the common corner of Lots 7 and 8 of Block 'C', said IRON FOUND being further described as having Ground Coordinates of N: 594,138.90', E: 1,529,099.50' and being situated South 09°10'53" West 5,874.06 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 said common line of the aforesaid Lots 7 and 8 of Block 'C'

1. North 86°56'15" East 36.92 feet to a COMPUTED POINT, said COMPUTED POINT being further described as being situated South 86°56'15" West 153.47 feet from an existing IRON FOUND at the rear common corner of the aforesaid Lots 7 and 8; thence leaving the aforesaid common line and running across the aforesaid Lots 4 thru 7

2. South 12°07'56" East 99.14 feet to a COMPUTED POINT situated on the common line of Lots 3 and 4 of Block 'C', said COMPUTED POINT being further described as being situated South 86°57'48" West 155.78 feet from an existing PIPE FOUND at the rear common corner of the aforesaid Lots 3, 4, 37 and 65 OF Block 'C'; thence running along the common line of the aforesaid Lots 3 and 4

3. South 86°57'48" West 32.30 feet to a COMPUTED POINT situated on the aforesaid east side of Public Right of Way line of Zion Church Road (S.R. 1155); thence running along said Public Right of Way line

4. North 14°45'08" West 99.96 feet to the Point of Beginning and containing 3,388 square feet or 0.078 acres of land, more or less, as shown on map titled, "Easement Plat. Crossing the Property of William Gerald Harvell and wife, Carolyn M. Harvell," dated April 22, 2022 by the City of Concord Engineering Department and is attached as Exhibit B for further reference.

WHEREAS, the variable width permanent utility easements currently owned by William Gerald Harvell and wife, Carolyn M. Harvell, are being acquired for the purpose of the construction of water infrastructure improvements along with all fixtures and appurtenances; and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owner 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 properties and interests 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 11<sup>th</sup> day of May, 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

**5. Consider approving the Concord Co-Sponsorship application for the Concord-Cabarrus Juneteenth Celebration Festival on June 24, 2023 at Marvin Caldwell Park.**

The Concord-Cabarrus Juneteenth Committee is requesting the use of Marvin Caldwell Park facilities (Dan Pharr Building, Robert Mathis Amphitheater area, and Logan Optimist Shelter, Police Officer(s) to be periodically conduct patrols throughout the time of the event, and the preparation of grounds for the event (Adequate trash containers, access to power).

Action was taken on this item at the May 9, 2023 City Council Work Session.

**6. Consider recognizing the Overbrook Manor Home Owners Association in the City's Partnership for Stronger Neighborhoods program.**

Overbrook Manor is a 21-acre community with 19 homes located in northwest Concord. The first homes within the neighborhood were built in 2017 and the neighborhood was completed in 2020. They are an active neighborhood with various annual social events and community activities. Officers for the Association are President Janet Smith; Vice President Jenny Gettings; and Treasurer Julie Roberts. They have submitted all the required documentation for recognition. By approving their inclusion in the program, the City would have a total of 76 recognized neighborhoods in the Partnership for Stronger Neighborhoods since the program's foundation in 2000.

A motion was made by Council Member Stocks and seconded by Council Member Parsley-Hubbard to approve the acceptance of Overbrook Manor as a recognized neighborhood in the Partnership for Stronger Neighborhoods Program—the vote: all aye.

**7. Consider authorizing the City Manager to negotiate and execute a contract addendum with Woolpert North Carolina PLLC to provide survey and design work for roadway improvements on Cox Mill Road to facilitate an NCDOT-approved entrance into the JE 'Jim' Ramseur Park property.**

The J.E. 'Jim' Ramseur Park located at 1252 Cox Mill Road in Concord, which totals approximately 28.6 acres and is adjacent to Cox Mill Elementary School was purchased by the City in 2020 to serve as the site of Concord's first community park in the northwestern portion of the city. The City of Concord Parks and Recreation selected Woolpert North Carolina, PLLC through the RFQ process to be the design consulting firm for the park, approved by City Council and contract executed in June 2020. The Traffic Impact Analysis was completed during the latter phases of design. The TIA was approved by City Transportation and NCDOT in March, 2023; Woolpert proposes subcontracts with Henson Folie Design Inc.—Dunbar Geomatics Group, PLLC and STV Inc. for surveying and design of the improvements which include utility coordination and roadway improvements creating a park driveway entrance, median modifications and turn lane allowing unrestricted egress into and out of the park.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract addendum with Woolpert North Carolina, PLLC in the amount of \$76,857 for surveying and design services associated with road improvements to Cox Mill Road for the future JE 'Jim' Ramseur Park—the vote: all aye.

**8. Consider authorizing the City Manager to negotiate and execute a contract with Piedmont Asphalt Paving Co., Inc. for the resurfacing of 6 tennis courts at Les Myers Park.**

Tennis courts 3 through 8 (Six courts) of Les Myers Park have developed severe cracks and have become difficult for tennis play and a safety trip hazard. This project will demolish and reconstruct six (6) tennis courts. The project was bid under the informal bidding process and bids were to be open on April 13, 2023, but none were received. As required by NC GS 143-132 the project was re-bid and bids were received on April 24, 2023. This time one bid was received from Piedmont Asphalt Paving Co., Inc. in the amount of \$494,670.

A motion was made by Council Member Stocks and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with Piedmont Asphalt Paving Co., Inc. in the amount of \$494,670 for the replacement of courts 3 through 8 at Les Myers Park—the vote: all aye.

**9. Consider authorizing the City Manager to execute a contract with Creative Bus Sales, utilizing the State of Oklahoma transit vehicle contract for the purchase of three replacement and one new ADA-accessible Ford Transit Lift-Equipped Vans for the Rider Transit ADA Paratransit program.**

Significant supply chain challenges for public transit systems across the United States exist, particularly limiting the availability of new vehicles for purchase in the van and LTV categories. The Community Transportation Association of America estimates that nationwide, more than 25,000 vehicles of this type are well past their useful life and overdue for replacement, with that number increasing constantly. The estimate for normalization of the small transit vehicle supply is currently five to seven years. The three Ford Transit vans Rider Transit currently utilizes are well past their useful life, a burden for maintenance and operations staff, and are eligible for replacement. With the continued growth of Rider Transit's ADA Paratransit program and the maintenance challenges with two other LTV Paratransit vehicles that are not quite ready for replacement, staff is requesting approval for the purchase of one new van in addition to the three replacements, to ensure a safe, reliable, and fully-functional vehicle fleet for service delivery to our passengers.

Recently, Rider staff was made aware of the availability of 100 ADA-accessible, lift-equipped Ford Transit vehicles. They've been built and delivered to Creative Bus Sales, and are awaiting purchase on a first come, first served basis.

Per vehicle cost is not to exceed \$91,550. FTA grant funding in the amount of \$311,270 has been secured in a project fund for these four vehicles and would cover 85% of the cost. The remaining 15% (\$54,930) would be split 50/50 between Concord and Kannapolis at \$27,465 each. The Concord Kannapolis Transit Commission will consider this recommendation at their 5/9/2023 meeting.

A motion was made by Council Member Sweat and seconded by Council Member Stocks to authorize the City Manager to execute a contract with Creative Bus Sales for the purchase of three replacement and one new ADA-accessible Ford Transit Lift-Equipped Vans for the Rider Transit ADA Paratransit program with a not-to-exceed cost per vehicle of \$91,550/van—the vote: all aye.

**10. Consider awarding a bid in the amount of \$1,178,293 to Carolina Power and Signalization for construction of Substation W at 1420 Concord Parkway South.**

Substation W will feed the new Lilly manufacturing facility on Concord Parkway. Bid specifications for construction of the concrete foundations and all above ground facilities were developed and a formal bid process was held on April 18, 2023. Eight construction firms submitted bids, which were evaluated by staff for adherence to specifications. The lowest responsive bidder, at \$1,178,293, was Carolina Power and Signalization. Carolina Power and Signalization was deemed to be a responsive and responsible bidder. Upon a Notice to Proceed letter, Carolina Power and Signalization will have 185 days to perform the work. Substation W remains on schedule for commissioning in the first quarter of 2024. Funding will be derived from existing Substation W project account.

A motion was made by Mayor Pro-Tem McKenzie and seconded by Council Member Crawford to award a bid for \$1,178,293 to Carolina Power and Signalization for construction of Substation W at 1420 Concord Parkway South—the vote: all aye.

**11. 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. Allen Montgomery has requested an exception to the Agreement in order to obtain water service for a proposed single-family home at 3868 Hwy 200 (PIN 5547-87-8632).

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to approve a modification of the Interlocal Agreement regarding the Central Area Plan to allow the provision of water to 3868 Hwy 200—the vote: all aye.

**12. 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. Casey Honeycutt has requested an exception to the Agreement in order to obtain water service for a proposed single-family home at 4040 Mills Circle (PIN 5651-14-2940).

A motion was made by Council Member 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 4040 Mills Circle—the vote: all aye.

**ADDITIONAL ITEM**

**13. Consider making appointments/reappointments to the Concord United Committee**

In April 2021, when the Concord United Committee members were first appointed, they were appointed to staggered terms with a group of members only being appointed to a two (2) year term which expired on April 30, 2023. Therefore, these members are eligible to be reappointed to their first full three (3) year term.

Also, there are currently three (3) vacancies on the Committee due to resignations.

A motion was made by Mayor Pro-Tem McKenzie and seconded by Council Member Sweat to make the following appointments/reappointments to the Concord United Committee—the vote: all aye.

**REAPPOINTMENTS (all terms will expire 4/30/26)**

- Ann Fleming – Co-chair
- Amos McClorey
- Cindy Hanson
- Douglas Carroll
- Gracie Galloway
- Ingrid Nurse
- Jaymond Bryant-Herron

**APPOINTMENTS (terms noted)**

- Kay Tempo – term will expire 4/30/26
- Wendy McConnell – filling an unexpired term until 4/30/24
- Cecilia Plez – filling an unexpired term until 4/30/25

\* \* \* \* \*

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

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

**CONSENT AGENDA ITEM A**

A contribution in the amount of \$2,000 from the Mayor's Golf Tournament Fund to support the Cabarrus Arts Council's Art on the Go initiative for the Logan Recreation Center was approved and the following budget ordinance was adopted appropriating the funds.

ORD. #23-38

## AN ORDINANCE TO AMEND FY 2022-2023 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 9<sup>th</sup> day of June, 2022, adopt a City budget for the fiscal year beginning July 1, 2022 and ending on June 30, 2023, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4370000	Fund Balance Approp	16,140,193	16,142,193	2,000
	<b>Total</b>			<u>2,000</u>

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4190-5470043	Golf Tournaments	6,820	8,820	2,000
	<b>Total</b>			<u>2,000</u>

Reason: To appropriate Mayor Golf Tournament reserves for a donation to Cabarrus Arts Council to fund their Art on the Go initiative.

Adopted this 11th day of May, 2023.

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 B

The City Manager was authorized to negotiate and sign a contract for the purchase of the Oshkosh Striker apparatus using the Houston Galveston Area purchasing cooperative.

### CONSENT AGENDA ITEM C

The donation of three (3) bike repair stations and benches from the Concord Rotary Club were accepted.


### CONSENT AGENDA ITEM D

An offer of infrasture at Ramsgate Subdivision Phase 3 was accepted.

**CONSENT AGENDA ITEM E**

The maintenance agreements were approved and accept the offers of dedication were accepted on the following properties: Skybrook, LLC.

**CONSENT AGENDA ITEM F**

 The offer of dedication was accepted on the following plat and easements: Sherwood Hills Revised and Concord Retail Investment Group, LLC.

**CONSENT AGENDA ITEM G**

The City's Personnel Policies and Procedures manual was amended to add Article 3.14 Standby Pay Policy to the City's Personnel Policies and Procedures manual to establish a consistent policy and procedure as it relates to compensating non-exempt employees who are scheduled for standby duty.

**CONSENT AGENDA ITEM H**

The addition of the Parks & Recreation Program Manager (Grade 111) with a salary range of \$65,952.75 (minimum) - \$87,387.40 (midpoint) - \$108,822.06 (maximum) was approved.

**CONSENT AGENDA ITEM I**

The addition of the Senior Server Engineer (Grade IT06) with a salary range of \$72,696.97 (minimum) - \$95,960.00 (midpoint) - \$119,950.00 (maximum) was approved.

**CONSENT AGENDA ITEM J**

 The first quarter water and wastewater extension report for 2023 was received.

**CONSENT AGENDA ITEM K**

The Tax Office collection reports for the month of March 2023 were accepted.

**CONSENT AGENDA ITEM L**



The Tax releases/refunds for the month of March 2023 were approved.

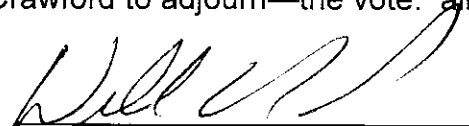
**CONSENT AGENDA ITEM M**

The monthly report on investments as of March 31, 2023 was received.

\* \* \* \* \*

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

   
Kim J. Deason, City Clerk

  
William C. Dusch, Mayor