

CONCORD CITY COUNCIL
REGULAR MEETING
NOVEMBER 12, 2020

A regular meeting of the City Council for the City of Concord, North Carolina, was held on November 12, 2020, at 6:00 p.m. with Mayor William C. Dusch presiding.

Due to COVID-19 and the 6 foot separation requirement, the meeting was conducted electronically via Zoom.

Council members were present as follows:

Members Present:

Mayor Pro-Tem John A. Sweat, Jr.
Council Member Andy Langford
Council Member W. Brian King
Council Member Ella Mae P. Small
Council Member JC McKenzie
Council Member Terry L. Crawford
Council Member Jennifer H. Parsley

Others Present:

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

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Call to Order, Pledge of Allegiance, and Moment of Silent Prayer:

The meeting was called to order by Mayor Dusch followed by the Pledge of Allegiance and a moment of silent prayer.

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Approval of Minutes:

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem Sweat to approve the minutes for the meetings of October 6 and October 8, 2020—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

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Presentations:

1. During the Tuesday, November 10th, City Council Work Session, Mayor Dusch read a Proclamation recognizing Wednesday, November 11, 2020 as Veteran's Day. A video presentation was also presented honoring City of Concord employees that have served or are currently serving in the military.
2. Customer Service Advancement Team Co-Facilitators, Lesley Reder and Desmond Miller, presented the 2020 Jo Atwater Continuous Core Values Award to Deputy Aviation Director, Susan Green.

Public Hearings: the public hearings were opened at the November 10, 2020 Work Session and continued to the November 12, 2020 City Council meeting to allow for the required 24 hour written comment period for virtual hearings.

1. Conduct a public hearing and consider adopting a resolution authorizing the negotiation of an installment financing contract and a deed of trust for the construction of a fire station at 3300 Roberta Road.

Staff requested approval for the Finance Director and the City Manager to negotiate an installment financing contract, not to exceed \$6,000,000, for the site preparation, construction and furnishings of a fire station located at 3300 Roberta Road. Staff will accept bids for the financing and bring those terms back to City Council. Staff will ask the City Council to award the contract once all bids are received. Currently the closing will be held in or near February of 2021. The fire station was approved as part of the Capital Improvement Ordinance for fiscal year ending 2021.

A motion was made by Council Member Langford and seconded by Council Member Small to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

There were no speakers signed up to speak in favor or in opposition to this request and no written comments were received. Therefore, a motion was made by Council Member McKenzie and seconded by Council Member Crawford to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made to adopt the following resolution authorizing the negotiation of an installment financing contract and a deed of trust for the construction of a fire station at 3300 Roberta Road—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

**Resolution of the City Council of the City of Concord, North Carolina
Authorizing the Negotiation of an Installment Financing Contract and
Providing for Certain Other Related Matters Thereto**

WHEREAS, the City of Concord, North Carolina (the “City”) is a municipal corporation duly created and validly existing under the Constitution, statutes and laws of the State (the “State”);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the City Council of the City (the “City Council”) hereby determines that it is in the best interest of the City to (1) enter into an installment financing contract (the “Contract”) with a financial institution to be determined (the “Bank”) in order to pay the costs of clearing/grading the site of a new fire station and construction of the facility and associated furnishings (the “Project”) and (2) in order to provide security for the City’s obligations under the Contract, grant to the Bank a security interest under a deed of trust, security agreement and fixture filing (the “Deed of Trust”) on the site of the Project;

WHEREAS, the City staff has retained (1) Parker Poe Adams & Bernstein LLP, as special counsel (“Special Counsel”) and (2) First Tryon Advisors, as financial advisor, in connection with the proposed installment financing;

WHEREAS, the City Council hereby determines that the Project is essential to the City’s proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Project will provide an essential use and will permit the City to carry out public functions that it is authorized by law to perform; and that entering into the Contract and Deed of Trust is necessary and expedient for the City by virtue of the findings presented herein;

WHEREAS, the City Council hereby determines that such cost of the Project exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of financing the Project pursuant to the Contract and the Deed of Trust is expected to exceed the cost of financing the Project pursuant to a bond

financing for the same undertaking, the City hereby determines that the cost of financing the Project pursuant to the Contract and Deed of Trust and the obligations of the City thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of the Project; and (3) insufficient revenues are produced by the Project so as to permit a revenue bond financing;

WHEREAS, the City Council hereby determines that the estimated cost of financing the Project pursuant to the Contract and the Deed of Trust allows the City to finance the Project at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the City and reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

WHEREAS, the increase in taxes, if any, necessary to service the installment payments falling due under the Contract will not be excessive;

WHEREAS, Special Counsel will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law;

WHEREAS, no deficiency judgment may be rendered against the City in any action for its breach of the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any money due under the Contract;

WHEREAS, the City is not in default under any of its debt service obligations;

WHEREAS, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the City has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget Ordinance;

WHEREAS, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the Local Government Commission of North Carolina (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

WHEREAS, a public hearing on the Contract, the Deed of Trust and the Project, after publication of a notice with respect to such public hearing, was held on November 12, 2020 and approval of the LGC with respect to entering the Contract must be received; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONCORD, NORTH CAROLINA, AS FOLLOWS:

Section 1. Authorization to Negotiate the Contract and the Deed of Trust

That the City Manager and the Finance Director, with advice from the City Attorney, Special Counsel and the City's financial advisor, are hereby authorized and directed to negotiate on behalf of the City (1) the financing of the Project for a principal amount of approximately \$6,000,000 under the Contract to be entered into with the Bank in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina, as amended, and (2) the provision of a security interest under the Deed of Trust in the City's fee simple interest in the site of the Project, together with all improvements and fixtures located thereon, as may be required by the Bank providing the funds to the City under the Contract to secure the City's obligations thereunder.

Section 2. Application to LGC. The Finance Director or her designee is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state

in such application such facts and to attach thereto such exhibits regarding the City and its financial condition as may be required by the LGC.

Section 3. Approval of the Financing Team. Parker Poe Adams & Bernstein LLP has been retained by the City to serve as special counsel and First Tryon Advisors been retained to serve as financial advisor. The City Manager and the Finance Director, with advice from the City Attorney, are hereby authorized to retain the assistance of other professionals as they deem necessary and desirable to carry out the intention of this Resolution.

Section 4. Ratification. All actions of the City and its officials, whether previously or hereafter taken in effectuating the proposed financing as described herein, are hereby ratified, authorized and approved.

Section 5. Repealer. All motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 6. Effective Date. This Resolution is effective on the date of its adoption.

Approved and adopted this 12th day of November, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim J. Deason, City Clerk

2. Conduct a public hearing to consider adopting an ordinance amending Section 7.7.4.E of the Concord Development Ordinance (CDO) to prohibit front-load townhomes on higher classification streets, and Section 7.8.18.A to correct a typographical error.

Currently, the CDO provides little guidance on the development of townhomes (attached single family residential) and most of the dwelling units that are in process for development in the City are not traditional single-family detached units but front-load townhomes (units with individual driveways that open onto the main street). Furthermore, front-load townhomes pose challenges with driveway spacing, parking, landscaping/tree canopy and utility/service provision.

Planning staff coordinated with members of the Development Review Committee (DRC) to develop a draft set of standards for townhome development that would address the interests of the individual departments. After posting the draft standards on the website for comment, staff received numerous comments about the proposal with offers from several townhome developers to host tours of their products. Staff will schedule site visits to these neighborhoods with members of DRC in order to refine the townhome standards.

One of the components on the draft standards that received no comment was a proposed prohibition of front-load townhome units on collector (or higher) streets. Staff is proposing to move ahead with this amendment until such time as the final regulations can be developed, as it would address safety concerns on heavily travelled streets and major entrance roads in new subdivisions. Rear load townhomes and single family detached homes would still be permitted on collector (or higher) streets.

Also proposed is a revision to the multifamily design standards in Section 7.8.18.A. This section was adopted with the maximum length of multifamily buildings being 160 feet instead of the intended 180 feet, and this revision would correct that typographical error.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member McKenzie to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

There were no speakers signed up to speak in favor or in opposition to this request and no written comments were received. Therefore, a motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Sweat to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Council Member McKenzie and seconded by Council Member Parsley to adopt the following ordinance amending Sections 7.7.4.E relative to front-load townhomes and Section 7.8.18.A relative to multifamily design standards—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

ORD.# 20-115

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 §§160A-364 through §§160A-366 and 160A-381 through 160A-392 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 160A-381 through 160A-394 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 7.7 “Single Family Site Design Standards”, Subsection 7.7.4.E, “Site Elements – Special Standards for a Townhouse” be amended to the following:

Special Standards for a Townhouse

Side yards are not required for interior townhouses, but street and rear yards shall be provided, and building separation requirements shall be maintained for all townhouse structures.

- 1. The maximum number of units allowed in a single building is eight (8).
- 2. Front loaded townhomes are prohibited on streets which are classified (or proposed to be classified) as collector or higher. Front loaded townhomes are defined as units which provide a vehicular access point to a street, on the same side as the front façade.

SECTION 2: That the following section of Concord Development Ordinance (CDO) Article 7 “Base Zoning Districts,” Section 7.8 “Standards for Multifamily Developments”, Subsection 7.8.18.A, “Building Length” be amended to the following:

- A. Building Length. In attached multi-family projects, buildings shall not exceed 180 feet in length. Building facades should be broken up to give the appearance of a collection of smaller buildings. Long, unbroken building facades and simple box forms are prohibited.

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 November 12th, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

3. Conduct a public hearing to consider adopting an ordinance amending the Historic Handbook Chapter 5, Section 6, Porches.

The Historic Preservation Commission proposed a modification to the Historic Handbook to allow the use of composite materials on porch/deck floors of Pivotal and Contributing structures on a case by case basis if certain criteria are met.

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem Sweat to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

There were no speakers signed up to speak in favor or in opposition to this request and no written comments were received. Therefore, a motion was made by Council Member Langford and seconded by Council Member Small to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Council Member Parsley and seconded by Council Member King to adopt the following ordinance amending the Historic Handbook Chapter 5, Section 6, Porches—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

ORD.# 20-116

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND HISTORIC HANDBOOK 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 §§160A-364 through §§160A-366 and 160A-381 through 160A-392 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 160A-381 through 160A-394 does hereby recognize a need to amend the text of certain articles of the City of Concord zoning Ordinance.

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

SECTION 1: That the Historic Handbook Historic Handbook “Chapter 5 – Section 6: “Porches,” incorporated into the Concord Development Ordinance by reference (CDO Article 9.8), be repealed and adopted in the form of the attached document.

SECTION 2: That all remaining Articles and Sections of this Ordinance be re-numbered to include the newly created Articles and Sections.

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

Adopted in this 12th day of November 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

4. Conduct a public hearing and consider adopting an ordinance for annexation of four (4) parcels located on the northeast side of the Rocky River Road and Lower Rocky River Road intersection.

The authorized petitioner for the annexation is Bob Bennett, Stanley Martin Homes. The subject property consists of +/- 56.83 acres on the northeast corner of Rocky River Road and Lower Rocky River Road. The property is also adjacent to the southwest corner of The Mills at Rocky River project, and west of CC Griffin Middle School. The applicant has proposed to annex the subject property for the development of an age restricted single-family residential detached subdivision.

The petitioner requested this item be tabled until the regularly scheduled December 8th City Council Work Session.

Action was taken at the November 10th City Council Work Session to table the request until December 8th.

5. Conduct a public hearing and consider adopting an ordinance annexing +/- 0.214 acres located at 10515 Poplar Tent Rd and owned by Larry and Myra Stinson.

A voluntary annexation petition for +/- 0.214 acres located at 10515 Poplar Tent Rd was received for the purpose of establishing a public street.

A motion was made by Council Member Langford and seconded by Council Member McKenzie to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

Scott Moore spoke in favor of the request. Mr. Moore addressed a question posed by Council Member King at the November 10th Work Session regarding the existing structure on the subject property. He stated the property owners, Mr. and Mrs. Stinson, have stated the structure is vacant and will be demolished and also stated they (the Stinson's) have no plans for development of the property.

There were no further speakers signed up to speak in favor or in opposition to this request and no written comments were received. Therefore, a motion was made by Council Member Small and seconded by Council Member Crawford to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Council Member King and seconded by Council Member Crawford to adopt the following ordinance and set the effective date for November 12, 2020—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, and Sweat; Nay - Parsley.

ORD.# 20-117

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE +/- 0.214 ACRES LOCATED AT 10515 POPLAR TENT ROAD

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Scott Moore, Skybrook LLC, on November 10th and 12th, 2020 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 via a virtual multimedia platform, on November 10th and 12th, 2020 after due notice by The Independent Tribune on October 23rd, 2020; 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 12th day of November 2020:

Commencing at a Bolt found, the northwest corner of the Larry E. Stinson and Myra A. Stinson as recorded in Deed:1868-258 In the Cabarrus County Register of Deeds Office; Said Bolt also being the southern corner of Lot 14 of Parkside at Skybrook North as recorded in Map Book 50 Page 759 in the Mecklenburg County Register of Deeds Office, and being the Justin Zimmerman & Susan Zimmerman property as recorded in Deed: 32258-923 in the Mecklenburg County Register of Deeds Office. Thence from said Bolt with the northern line of the Larry E. Stinson and Myra A. Stinson property N55-58-03E 343.51' to a rebar set, the Point of Beginning, said rebar set also being on the southern line of the Skybrook LLC, property as recorded in Deed:7075-32 in the Cabarrus County Register of Deeds Office. Thence from said Point of Beginning with the northern line of the Larry E. Stinson and Myra A. Stinson property and the southern line of the Skybrook LLC property N55-58-03E 50.10' to a rebar set; Thence a new line in the Larry E. Stinson and Myra A. Stinson property S37-39-12E 185.63' to a rebar found on the southern line of the Larry E. Stinson and Myra A. Stinson property, said rebar found also being the northwest corner of Lot 110 of Parkside at Skybrook North as recorded in Map Book 70 Page 64 in the Cabarrus County Register of Deeds Office and being the Erich N. Muhammad and Michella Muhammad property as recorded in Deed: 13333-348 in the Cabarrus County Register of Deeds Office; Thence with the southern line of the Larry E. Stinson and Myra A. Stinson property S52-20-48W 50.00' to a rebar found, the northeast corner of Lot 109 of Parkside at Skybrook North as recorded in Map Book 70 Page 64 in the Cabarrus County Register of Deeds Office and being the Denise M. Lohbauer and James A. Lohbauer property as recorded in Deed: 12579-278 in the Cabarrus County Register of Deeds Office; Thence a new line in the Larry E. Stinson and Myra A. Stinson property N37-39-12W 188.79' to a rebar found, the Point of Beginning.

Said property being a 0.214-acre portion of the Larry E. Stinson and Myra A. Stinson property as shown on the Annexation Plat of the Larry E. Stinson and Myra A. Stinson property dated 9-03-20 by Yarbrough-Williams & Houle Inc.

SECTION 2. Upon and after the 12th day of November, 2020 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 12th day of November 2020.

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 and consider adopting an ordinance annexing +/- 28.6 acres located at 1252 and 1260 Cox Mill Rd, and an unaddressed parcel, owned by the City of Concord.

A voluntary annexation petition of +/- 28.6 acres located on Cox Mill Rd, owned by the City of Concord, has been received for the purpose of developing a municipal park. PINs: 4680-23-8327, 4680-43-2410, & 4680-33-2486.

A motion was made by Council Member Parsley and seconded by Council Member Crawford to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

There were no speakers signed up to speak in favor or in opposition to this request and no written comments were received. Therefore, a motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Sweat to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Council Member Crawford and seconded by Council Member Parsley to adopt the following ordinance and set the effective date for November 12, 2020 Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

ORD.# 20-118

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE +/- 28.6 ACRES AT 1252 AND 1260 COX MILL RD, AND AN UNADDRESSED PARCEL ON COX MILL RD, CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Jason Pauling and Lloyd Payne, The City of Concord, on November 10th and 12th, 2020 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 via a virtual multimedia platform, on November 10th and 12th, 2020 after due notice by The Independent Tribune on October 23rd, 2020; 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 12th day of November 2020:

Parcel One:

27.21 Acre Parcel (A portion of Map Book 39, Page 41)

(Deed Book 14010, Page 249) (PIN: 4680-23-8327; Real ID: 02-001-0017.10)

Lying and being in Township No. Two (2), Cabarrus County, North Carolina and being to the west of Cox Mill Road (SR# 1448) and being a 27.21 acres Parcel of land as shown on a map and survey by Jack R. Christian, R.L.S., dated June 29, 2001, to which map and survey reference is hereby made and a copy of which is found in Map Book 39, Page 41 (PIN: 4680-23-8327; Real ID: 02-001-0017.10), Cabarrus County Registry, and is more specifically described as follows:

Begin at a RAILROAD SPIKE, being the Northeast corner of said Parcel One as shown on said map and lying within the Right-of-Way of said Cox Mill Road as shown on said map; thence $S01^{\circ}30'00''W$, 24.97 feet at the easterly boundary of said Parcel One to a set IRON PIN, as shown on said map and described by NOTES #2 on said map; thence $S01^{\circ}30'00''W$, 69.89 feet along the easterly boundary of said Parcel One to a set IRON PIN, as shown and described on said map, also being the Northeast corner of Parcel Four as shown on said map; thence $S86^{\circ}26'53''W$ (labeled $N86^{\circ}26'53''E$), 175.78 feet along the southerly boundary of said Parcel One and the northerly boundary of said Parcel Four, passing a set IRON PIN, 34.36 feet at the westerly Right-of-Way of said Cox Mill Road as shown and described on said map, to a set IRON PIN as shown and described on said map along the easterly boundary of said Parcel One, also being the Northwest corner of said Parcel Four; thence $S03^{\circ}35'20''E$ (labeled $N03^{\circ}35'20''W$), 264.51 feet along said easterly boundary of said Parcel One and the westerly boundary of said Parcel Four and the westerly boundary of Parcel Three as shown on said map, to a set IRON PIN as shown and described on said map, being the Southeast corner of said Parcel One and the Southwest corner of said Parcel Three; thence $S78^{\circ}00'00''W$, 2027.01 feet along the southerly boundary of said Parcel One, passing a set IRON PIN, 1626.98 feet along said southerly boundary line as shown and described on said map, to a set IRON PIN as shown and described on said map, along the centerline of CLARKE CREEK as described on NOTES #3 on said map, also being the Southwest corner of said Parcel One; thence along the centerline of said CLARKE CREEK as shown and described on said map the following fifteen (15) calls: (1) $N05^{\circ}19'20''E$, 56.69 feet to a set IRON PIN as shown and described on said map; (2) $N54^{\circ}41'10''E$, 193.11 feet to a set IRON PIN as shown and described on said map; (3) $N38^{\circ}06'21''W$, 71.02 feet to a set IRON PIN as shown and described on said map; (4) $N18^{\circ}21'41''W$, 99.93 feet to a set IRON PIN as shown and described on said map; (5) $N85^{\circ}22'47''E$, 107.86 feet to a set IRON PIN as shown and described on said map; (6) $N23^{\circ}05'38''E$, 102.15 feet to a set IRON PIN as shown and described on said map; (7) $N34^{\circ}35'39''E$, 44.20 feet to a set IRON PIN as shown and described on said map; (8) $N20^{\circ}46'06''W$, 90.75 feet to a set IRON PIN as shown and described on said map; (9) $S68^{\circ}01'27''W$, 30.32 feet to a set IRON PIN as shown and described on said map; (10) $N43^{\circ}23'59''W$, 69.75 feet to a set IRON PIN as shown and described on said map; (11) $N69^{\circ}03'29''W$, 95.64 feet to a set IRON PIN as shown and described on said map; (12) $N85^{\circ}53'04''W$, 101.30 feet to a set IRON PIN as shown and described on said map; (13) $N51^{\circ}01'20''W$, 98.79 feet to a set IRON PIN as shown and described on said map; (14) $N54^{\circ}39'43''E$, 93.42 feet to a set IRON PIN as shown and described on said map; (15) $N43^{\circ}11'50''W$, 243.97 feet to a set IRON PIN as shown and described on said map, also being the Northwest corner of said Parcel One; thence $S86^{\circ}54'41''E$, 1056.43 along the northerly boundary line of said Parcel One to an EXISTING IRON PIPE as shown and described by NOTES #2 on said map; thence $S86^{\circ}55'52''E$ (labeled $N86^{\circ}55'52''W$), 1297.03 feet, passing a set IRON PIN, 1253.97 feet along the westerly Right-of-Way of said Cox Mill Road, as shown and described on said map to said RAILROAD SPIKE at the Northeast corner of said Parcel One, being the POINT OF BEGINNING and containing 1,185,367 square feet or 27.21 acres, more or less, as shown on said map.

Together with Parcel Two:

1.00 Acre Parcel (A portion of Map Book 39, Page 41)

(Deed Book 14010, Page 249) (PIN: 4680-33-2486; Real ID: 02-001-0017.20)

Lying and being in Township No. Two (2), Cabarrus County, North Carolina and being a 1.00 acres Parcel of land as shown on said Map Book 39, Page 41 (PIN: 4680-33-2486; Real ID: 02-001-0017.20), Cabarrus County Registry, and is more specifically described as follows:

Commence at a RAILROAD SPIKE, being the Northeast corner of said Parcel One as shown on said map and lying within the Right-of-Way of said Cox Mill Road as shown on said map; thence S01°30'00"W, 24.97 feet along the easterly boundary of said Parcel One to a set IRON PIN as shown and described on said map; thence along the centerline labeled as a 20' ACCESS EASEMENT as shown on said map the following seven (7) calls: (1) S86°36'05"W, 144.24 feet to a set IRON PIN as shown and described on said map; (2) N84°51'54"W, 214.04 feet to a set IRON PIN as shown and described on said map; (3) S89°47'24"W, 84.28 feet to a set IRON PIN as shown and described on said map, being the beginning of a curve; (4) thence 126.16 feet westerly, along said curve concave to the Southeast, having a radius of 129.48 feet (chord bearing S61°52'42"W, chord length 121.23 feet) to a set IRON PIN as shown and described on said map; (5) S33°58'00"W, 102.41 feet to a set IRON PIN as shown and described on said map, being the beginning of a curve; (6) thence 60.67 feet westerly, along said curve concave to the Northwest, having a radius of 458.44 feet (chord bearing S44°56'10"W, chord length 60.30 feet) to a set IRON PIN as shown and described on said map, beginning a compound curve; (7) thence 253.06 feet westerly, along said curve concave to the North having a radius of 336.05 feet (chord bearing S81°33'04"W, chord length 247.12 feet) to a set IRON PIN as shown and described on said map along the easterly boundary of Parcel Two, also being the POINT OF BEGINNING; thence S06°56'52"E, 10.00 feet to a set IRON PIN as shown and described on said map, being the Southeast corner of said Parcel Two; thence S83°03'08"W, 217.80 feet to a set IRON PIN as shown and described on said map, being the Southwest corner of said Parcel Two; thence N06°56'52"W, 200.00 feet to a set IRON PIN as shown and described on said map, being the Northwest corner of said Parcel Two; thence N83°03'08"E, 217.80 feet to a set IRON PIN as shown and described on said map, being the Northeast corner of said Parcel Two; thence S06°56'52"E, 190.00 feet to a set IRON PIN as shown and described on said map, to the POINT OF BEGINNING and containing 43,560 square feet or 1.00 acre, more or less, as shown on said map.

Together with Parcel Four:

0.39 Acre Parcel (A portion of Map Book 39, Page 41)
(Deed Book 14010, Page 249) (PIN: 4680-43-2510; Real ID: 02-001-0017.40)

Lying and being in Township No. Two (2), Cabarrus County, North Carolina and being a 0.39 acres Parcel of land as shown on said Map Book 39, Page 41 (PIN: 4680-43-2510; Real ID: 02-001-0017.40), Cabarrus County Registry, and is more specifically described as follows:

Commence at a RAILROAD SPIKE, being the Northeast corner of said Parcel One as shown on said map and lying within the Right-of-Way of said Cox Mill Road as shown and described on said map; thence S01°30'00"W, 24.97 feet along the easterly boundary of said Parcel One to a set IRON PIN, as shown on said map and described by NOTES #2 on said map; thence S01°30'00"W, 69.89 feet along the easterly boundary of said Parcel One to a set IRON PIN, as shown and described on said map, also being the Northeast corner of Parcel Four as shown on said map; and being the POINT OF BEGINNING; thence S01°30'00"W, 100.39 feet along the easterly boundary of said Parcel Four to a set IRON PIN, as shown and described on said map, being the Southeast corner of said Parcel Four and the Northeast corner of said Parcel Three; thence S86°26'53"W (labeled N86°26'53"E), 166.87 feet along the southerly boundary of said Parcel Four and the northerly boundary of said Parcel Three, passing a set IRON PIN, 25.45 feet at the westerly Right-of-Way of said Cox Mill Road, as shown and described on said map, to a set IRON PIN as shown and described on said map along the easterly boundary of said Parcel One, being the Southwest corner of said Parcel Four; thence N03°35'20"W, 100.00 feet along the westerly boundary of said Parcel Four and the easterly boundary of said Parcel One to a set IRON PIN, as shown and described on said map along the southerly boundary of said Parcel One, being the Northwest corner of said Parcel Four; thence N86°26'53"E, 175.78 feet along the northerly boundary of said Parcel Four and the southerly boundary of said Parcel One, passing a set IRON PIN, 141.42 feet at the westerly Right-of-Way of said Cox Mill Road, as shown and described on said map, to a set IRON PIN as shown and described on said map, being the Northeast corner of said Parcel Four, also being the POINT OF BEGINNING and containing 17,132 square feet or 0.39 acres, more or less, as shown on said map..

Parcel One, Parcel Two and Parcel Four contains 1,246,059 square feet or 28.60 acres, more or less, as shown on said map.

SECTION 2. Upon and after the 12th day of November, 2020 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 12th day of November 2020.

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 pursuant to NC General Statutes Sec. 158-7.1 and consider authorizing the City Manager to negotiate and execute a contract for a ten year / Gradually Declining Percentage tax based Downtown MSD Economic Development Incentive Grant based on paid MSD, City, and County taxes to Concord Master Venture, LLC (Lansing Melbourne Group) for the development of three mixed use structures located at 30 Market St. SW., 26 Union St. S., and 25 Barbrick Ave. SW.

The proposed mixed use development represents an estimated \$50,000,000 investment. The proposed incentive is offered under the terms of the approved Master Developer's Agreement between the City of Concord and Concord Master Venture, LLC. The gradually declining percentage is 85% for years 1-5, 75% for year 6, 65% for year 7, 55% for year 8, and 50% for years 9-10.

A motion was made by Council Member Parsley and seconded by Council Member Langford to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

There were no speakers signed up to speak in favor or in opposition to this request and no written comments were received. Therefore, a motion was made by Council Member McKenzie and seconded by Council Member Crawford to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute a contract for a ten year/ Gradually Declining Percentage tax based Downtown MSD Economic Development Incentive Grant based on paid MSD, City, and County taxes to Concord Master Venture, LLC for the development of three mixed use structures located at 30 Market St. SW., 26 Union St. S., and 25 Barbrick Ave. SW—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

8. Conduct a public hearing and consider authorizing the City Manager to negotiate and execute an agreement with Cabarrus County for the City to receive an annual payment from Cabarrus County for the purpose of granting a ten-year/Gradually Declining Percentage tax-based downtown MSD economic development grant to Concord Master Venture, LLC to locate development projects at 30 Market St. SW., 26 Union St. S., and 25 Barbrick Ave. SW. in Concord pursuant to NC General Statutes Sec. 158-7.1

North Carolina General Statutes authorize the City Council to offer incentives for certain purposes, including stimulating private sector expansion of new facilities that increase the population, taxable property, or business prospects of the city. Cabarrus County would agree to make annual payments to the City of Concord for the duration of the incentive agreement with LMG based on the relative grant percentage and taxes paid. The City will use the funds to make the relative grant payments to LMG on an annual basis, acting as a pass through for Cabarrus County, until the termination of the economic development incentive agreement. The proposed interlocal agreement is offered under the terms of the approved Master Developer's Agreement between the City of Concord and Concord Master Venture, LLC.

A motion was made by Council Member King and seconded by Council Member McKenzie to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

There were no speakers signed up to speak in favor or in opposition to this request and no written comments were received. Therefore, a motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Langford to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute an agreement with Cabarrus County for the City to receive an annual payment from Cabarrus County for the purpose of granting a ten-year/Gradually Declining Percentage tax-based downtown MSD economic development grant to Concord Master Venture, LLC to locate development projects at 30 Market St. SW., 26 Union St. S., and 25 Barbrick Ave. SW. in Concord pursuant to NC General Statutes Sec. 158-7.1—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

9 Conduct a public hearing and consider authorizing the City Manager to negotiate and execute a parking garage lease agreement with Cabarrus County and Concord Master Venture, LLC to provide Concord Master Venture, LLC evening and optional paid daytime parking spaces in the Cabarrus County Parking deck.

In September 2020, Council approved a master development agreement with Concord Master Venture, LLC aka Lansing Melbourne Group (LMG) for the development of three mixed use structures at 30 Market St. SW, 26 Union St. S., and 25 Barbrick Ave. SW. The master development agreement calls for the proposed three party parking lease agreement. The Cabarrus County Commission is set to consider approving the parking garage lease agreement at its next regular meeting on November 16, 2020. The City would provide 132 spaces and the County would provide 168 spaces in the County's downtown parking deck during the evenings (5 PM – 8 AM) and all day on Saturdays and Sundays at no cost. The City would offer 80 optional paid passes and the County would offer 120 optional paid passes for daytime parking, should the County ever decide to impose parking restrictions on the downtown County parking deck. See the attached.

A motion was made by Council Member King and seconded by Mayor Pro-Tem Sweat to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

There were no speakers signed up to speak in favor or in opposition to this request and no written comments were received. Therefore, a motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Crawford to close the public hearing—the roll

call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Council Member Langford and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute a parking garage lease agreement with Cabarrus County and Concord Master Venture, LLC to provide Concord Master Venture, LLC evening and optional paid daytime parking spaces in the Cabarrus County Parking deck—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

Presentations of Petitions and Requests

1. Consider approving appropriation of Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding in the amount of \$255,000 to purchase and rehabilitate 570 Vance Drive, NE from Habitat for Humanity Cabarrus; repair The Salvation Army food pantry facility in the amount of \$25,000; and fund select public service agencies responding to immediate community needs related to COVID-19 in the amount of \$349,865.

On September 11, 2020, official notification was issued for the City of Concord in regards to a special allocation of The Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136). Within the notification, Concord was allocated an additional \$604,865 to respond to the growing effects of this historic public health crisis.

Based on guidance provided by HUD, staff received approval for the acquisition and rehabilitation of a facility to safely house persons temporarily who are either waiting for test results or need to quarantine. Staff also received approval to complete a repair in the food storage area of The Salvation Army building. Due to the increase in persons seeking assistance because of COVID-19, HUD approved the request to repair the issue. City staff will oversee the work to ensure compliance with HUD regulations. In addition, staff worked with select public service agencies who are meeting immediate needs for Concord residents, to assess their individual COVID-19 related needs.

A motion was made by Council Member Parsley and seconded by Council Member King to approve appropriation of Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding in the amount of \$255,000 to purchase and rehabilitate 570 Vance Drive NE from Habitat for Humanity Cabarrus, repair The Salvation Army food pantry facility for \$25,000 and fund select public service agencies responding to immediate community needs related to COVID-19 in the amount of \$324,865—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

2. Consider approving the purchase of 487 & 489 Cook Street NW, from Blue Ram Properties, LLC for \$125,000 using City Affordable Housing funds.

As staff was conducting a windshield survey, this property was identified as vacant. After contacting the owner, who stated they were planning to sell the property, staff viewed the unoccupied home to assess condition and found minor renovations will be needed.

Once all work is complete, ownership would be transferred to Concord Family Enrichment Association for continued maintenance and management. Tax value of the home is \$82,790. An offer, contingent on Council approval, has been accepted by the owner for \$125,000. The City's affordable housing allocation will be used for the purchase.

A motion was made by Council Member Small and seconded by Council Member King to approve the purchase of 487 & 489 Cook Street NW, from Blue Ram Properties, LLC for \$125,000 using City Affordable Housing funds—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

3. Consider adopting a resolution to sale 2,949 square feet of 247 Crowell Drive NW to Roenix, LLC for \$500.00 for continued use as a driveway.

In early 2020, staff was contacted by Roenix, LLC, located at 191 Crowell Drive NW, about purchasing a 2,949 square feet area between the campus of ClearWater Arts Center & Studio and parking area of Roenix.

The subject area is currently being used as extended parking for the business and is maintained by Roenix (26 Industries). Due to the location, the area has better access to the neighboring property than ClearWater. The daily operations within the ClearWater campus will not be impacted. Staff recommended selling the portion to Roenix, LLC for continued use as parking.

A motion was made by Council Member King and seconded by Mayor Pro-Tem Sweat to adopt the following resolution to sale 2,949 square feet of 247 Crowell Drive NW to Roenix, LLC for \$500.00 for continued use as a driveway and direct the City Clerk to publish a notice of proposed sale of the property—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

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

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

WHEREAS, the City of Concord (“City”) acquired real property at 247 Crowell Drive, NW, PIN 5620-57-5873, Tax ID No. 12-012-0013.00 (“City Parcel”) by Deed recorded in Deed Book 63, at Page 498 and as further described in Map Book 61, at Page 53 of the Cabarrus County Registry; and

WHEREAS Roenix, LLC, a North Carolina limited liability corporation (“Roenix”) owns the neighboring parcel identified as 191 Crowell Drive NW, PIN 5620-58-7025, Tax ID No. 12-021-0014.00; and

WHEREAS, the subject area is currently being used as extended parking for the business and is maintained by Roenix; and

WHEREAS, Roenix desires to purchase a small portion of the Parent Parcel owned by the City for the purpose of having fee simple ownership of the parking area servicing 191 Crowell Drive NW (“Property”) and is further described as follows:

BEING a 2,949 Sq. Ft portion of the property identified as being PIN 5620-58-7025 (Tax ID No. 12-021-0013.00 as shown on map titled as “Exception Plat, Property of the City of Concord” dated May 6, 2020 and is attached as Exhibit A for further reference.; and

WHEREAS, on October 14, 2020, the City received an Offer to Purchase the Property from Roenix for five hundred dollars and no cents (\$500.00); and

WHEREAS, the Buyer have deposited a 5% deposit of \$ 50.00 with the City Clerk; and

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

1. The City Council intends to accept the offer described above through the upset bid procedure outlined in North Carolina General Statute § 160A-269.
2. The Offeror shall submit fifty dollars and zero cents (\$50.00) as a deposit to be held by the City Clerk; and
3. The City Clerk shall cause to be published a notice of the proposed sale of the Property, that BEING a 2,949 Sq. Ft portion of the property identified as being PIN 5620-58-7025 (Tax ID No. 12-021-0014.00 as shown on map titled as “Exception Plat, Property of the City of Concord” dated May 6, 2020 and is attached as Exhibit A for further reference and the notice shall describe the property, the amount of the offer, the terms under which the sale is to be made, and the terms under which the offer may be upset.
4. Any persons wishing to upset the offer shall submit a sealed bid along with their offer and deposit to the office of the City Clerk within 10 days after the notice of the proposed sale is published. At the conclusion of the 10-day period, the City Clerk shall

open the bids, if any, and the highest bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

5. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.

6. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

7. All bids, including the qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the total bid; the deposit may be made in cash, cashier's check, or certified check to the City Clerk. The City will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received.

8. The final sale shall include the following terms:

- a. The City will convey 2,949 Square Feet off of 247 Crowell Drive NW to the Highest Bidder, stated in the Agreement for Purchase and Sale of Real Property.
- b. The City will convey the property to Roenix, LLC, reserving an easement to be held by the City of Concord for the right, privilege, and easement to enter and install, dig, build, erect, maintain, repair, rebuild, operate, and patrol approximately 217.69 feet of an existing retaining wall located on the above described parcel. The retaining wall will remain clear of obstructions, shrubbery, and all other personal and landscaping fixtures.
- c. The City will convey the property subject to any and all existing public utility easements, restrictions, rights-of-way, protective covenants, zoning laws, conditions, and any ordinance of record.
- d. The closing shall take place on or before December 30, 2019.

9. The City reserves the right to withdraw the property from sale at any time, before the final high bid is accepted and reserves the right to reject, at any time, all bids.

10. The City Attorney is directed to take all necessary steps to complete the sale in the event no upset bids are received. The City Manager is authorized to execute the necessary instruments to effectuate the sale of 2,949 Square Feet off of 247 Crowell Drive NW in accordance with this resolution.

Adopted this 12th day of November, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim J. Deason, City Clerk

4. Consider authorizing the City Manager to negotiate and execute a contract with Talbert Bright and Ellington (TBE) to provide professional engineering, design and bidding service for the hangar's taxilanes rehabilitation project.

The project includes milling 2 inches of existing P-401 bituminous concrete and place back 2 inches of P-401 bituminous concrete over the taxilane pavement between all of the hangars. The Federal Aviation Administration (FAA), Memphis Airport District Office,

has agreed to fund the project in FY21. Total project cost is estimated at \$2,717,875, which includes professional services and construction. Funding will be provided by FAA, NCDOT AVIATION and retained earnings.

A motion was made by Council Member Crawford and seconded by Council Member Parsley to authorize the City Manager to negotiate and execute a contract with Talbert Bright and Ellington (TBE) for the design and bidding services for hangar's taxilanes rehabilitation not to exceed \$194,883—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

5. Consider authorizing the City Manager to negotiate and execute a contract with the Houston Galveston Area Cooperative Purchasing Program for the purchase of 2 Pierce manufactured engine/pumper trucks.

By using the government to government purchasing cooperative for the purchase of the fire apparatus, the City is able to purchase the apparatus for a total cost of \$1,307,368.00 (while providing a chassis with the latest safety features available). Using the pre-pay method along with the duplicate truck purchase will result in a cost savings of \$34,178.00. The apparatus will be a replacement for Engine #7 and Engine #12 and is approved in the FY19-20 budget in the amount of \$1,400,000. The trucks currently have a 10-11 month build time.

A motion was made by Council Member Small and seconded by Mayor Pro-Tem Sweat to authorize the City Manager to negotiate and sign a contract for the purchase of the Pierce apparatus using the Houston Galveston Area purchasing cooperative—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

6. Consider authorizing the City Manager to sign a contract with Gillig LLC utilizing the Piedmont Authority for Regional Transportation (PART) consortium contract for the purchase of one (1) new 35' heavy duty hybrid electric diesel bus for the Rider system.

Concord is a member of the PART consortium bus procurement contract that was established earlier in 2020 for heavy duty 35' and 40' diesel and hybrid diesel electric buses. Rider Transit is seeking to purchase one (1) heavy-duty 35' hybrid bus using this contract.

In June, Rider Transit was awarded a Surface Transportation Block Grant from the Cabarrus Rowan MPO specifically for the purpose securing this spare bus. Those funds (\$580,000) will cover 80% of the cost of this vehicle. The remaining 20% (\$145,670) will be split 50/50 between Concord and Kannapolis (\$72,835 each).

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to authorize the City Manager to sign a contract with Gillig LLC utilizing with a not to exceed maximum cost of \$725,670—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

7. Consider authorizing the City Manager to negotiate and execute a contract with Fuller & CO. Construction, LLC, for the installation of the Spring St., SW Water Line replacement.

The Spring St., SW Water Line replacement project consists of the installation of approximately 1832 linear feet of 8-in water distribution main along Spring St., SW between Miller Ave., SW and Fryling Ave., SW. The project was bid under the formal bidding process. Bids were taken on October 22, 2020 and 3 bids were received. The lowest responsible bidder was Fuller & CO. Construction, LLC, in the amount of \$883,929.10, which is within budget.

A motion was made by Council Member King and seconded by Council Member Langford to authorize the City Manager to negotiate and execute a contract with Fuller & CO. Construction, LLC, in the amount of \$883,929.10 for the installation of the Spring St., SW Water Line replacement—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

8. Consider adopting a resolution to convey a temporary construction easement to TSH Development Company, LLC.

TSH Development Company is developing apartments and townhomes on Weddington Road. The City owns the site adjacent to their parcel on which the existing sewer main is located. TSH Development Company, LLC needs a temporary construction easement in order to connect to the sewer to serve their site.

A motion was made by Council Member Crawford and seconded by Council Member Parsley to adopt the following resolution to convey a temporary construction easement to TSH Development Company, LLC—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

RESOLUTION GRANTING AN EASEMENT

WHEREAS, the City of Concord is owner of fee simple title to a parcel of land having a parcel identification number of 4599-15-4758-0000; and

WHEREAS, TSH Development Company, LLC is proposing to construct Weddington Ridge Apartments and Townhomes on Weddington Road; and

WHEREAS, TSH Development Company, LLC needs to acquire a temporary construction easement in order to connect to existing sewer that will require grading on the City’s parcel;

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

1. That an easement as shown on Exhibit “A” is hereby ordered granted.
2. The easement shall be conveyed by the City Attorney and other necessary staff or the Mayor to TSH Development Company, LLC.
3. The City Attorney and other City staff are hereby directed to take all necessary steps to enforce this resolution.

Adopted this 12th day of November 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

9. Consider adopting a resolution authorizing the Abandonment of Easement across property at 107 Northchase Drive (PIN 4670-99-0483).

There is a permanent easement recorded as Deed Book 13649 Page 229 to the City of Concord for utilities. This easement was acquired by the developer for Wallace Meadows subdivision in order to serve their development with sewer. The developer has requested that this easement be abandoned due to a sewer redesign. A corresponding temporary construction easement is also requested to be abandoned.

A motion was made by Council Member King and seconded by Council Member Crawford to adopt the following resolution authorizing the Abandonment of Easement—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

RESOLUTION RELEASING EASEMENT

WHEREAS, a permanent easement was granted in Deed Book 13649 Page 229 in the Cabarrus County Registry to the City of Concord for public utilities; and

WHEREAS, the developer of the Wallace Meadows subdivision acquired the said easement in order to construct sewer to serve the development; and

WHEREAS, as a result of design changes to the sewer alignment, the developer request that said easement be abandoned; and

WHEREAS, no public utility has been constructed in said easement the release would not be contrary to the public interest;

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

1. That the permanent easement described and recorded in Deed Book 13649 Page 229 and temporary construction easement described and recorded in Deed Book 13649 Page 235 and more particularly shown outlined on Exhibits "A" is hereby ordered abandoned, and all rights and interest of the City are released.
2. The City's property rights in the released portion easement shall be conveyed by the City Attorney and other necessary staff or the Mayor to the property owners of record.
3. The City Attorney and other City staff are hereby directed to take all necessary steps to enforce this resolution

Adopted this 12th day of November 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

10. 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. Julia Walker has requested an exception to the Agreement in order to obtain water service for a proposed single-family home at 2925 Twinfield Drive (PIN 5640 52 1661).

A motion was made by Council Member Small and seconded by Council Member Parsley to approve a modification of the Interlocal Agreement regarding the Central Area Plan to allow the provision of water to 2925 Twinfield Drive—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

11. Consider a Preliminary Application from Joel Corriher.

In accordance with City Code Chapter 62, Joel Corriher submitted a preliminary application to receive sewer service outside the City limits. The property is located at 172 Scalybark Trail. The parcel is approximately 2.28 acres, zoned LDR and is currently vacant. Public sewer is not currently available to this parcel; however, it may be available in the future due to a sewer extension to be installed by the developer of Annsborough Park. There is not City water available to the parcel. Recommendation would be to have the owner proceed to the final application phase excluding annexation with the condition the property owner must connect to the sewer line in a period of one-year from the date the City takes ownership of the sewer line.

A motion was made by Council Member Crawford and seconded by Council Member McKenzie to accept the preliminary application and have the owner proceed to the final

application phase excluding annexation with the condition the property owner must connect to the sewer line in a period of one-year from the date the City takes ownership of the sewer line—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

Consent Agenda:

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

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Small to approve the following consent agenda items—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

CONSENT AGENDA ITEM A

One (1) day (eight-hour period) of paid administrative leave for a raffle or prize was authorized for co-workers participating in the City United Way campaign.

CONSENT AGENDA ITEM B

The Housing Department was authorized to apply for the Emergency Safety Funding Grant.

CONSENT AGENDA ITEM C

The City Manager was authorized to accept a grant award in the amount of \$28,597.50 under the FY 2020 Patrick Leahy Bulletproof Vest Partnership (BVP) solicitation from the US Department of Justice to purchase 93 bulletproof vests over the next two years.

CONSENT AGENDA ITEM D

The City Manager was authorized to enter into a contract with the NC Department of Transportation (NCDOT) to receive Section 5303 Federal Transit Administration (FTA) funds for Metropolitan Planning for Transit.

CONSENT AGENDA ITEM E

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

CONSENT AGENDA ITEM F

The offers of infrastructure were accepted in the following subdivisions and sites: Poplar Point Townhomes Phase 1 Map 1, Crossfit Vitality, Meadows Corporation, Cabarrus Charter Academy, Park View Estates Phase 3 Map 2, Bedford Farms Phase 4, and Ascendum Machinery.

CONSENT AGENDA ITEM G

The following amendment was adopted to amend the Transportation Project fund to recognize developer contributions for the Poplar Tent/Harris Rd project.

ORD.# 20-119

CAPITAL PROJECT ORDINANCE

Poplar Tent & Harris

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

SECTION 1. The project authorized is the Poplar Tent & Harris Project.

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

specifications for the projects.

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

<u>Revenues</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
423-4333150	Payment in Lieu			
423-4333150	Streets	\$0	\$275,000	\$275,000
				\$275,000

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

<u>Expenses/Expenditures</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8600-5811284				
8600-5811284	Poplar Tent/Harris	\$0	\$275,000	<u>\$275,000</u>
				\$275,000

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 12th day of November, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM H

The following budget amendment was adopted for the Housing Capital Fund.

ORD. # 20-120

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts

in the funds listed for the reason stated;

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

		<u>Revenues</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
692-4703307	2020 Capital Fund Program	0	1977.00	1977.00
<i>Total Revenue Increase (Decrease)</i>				1977.00

		<u>Expenses/Expenditures</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
9211-5800290	CFP General Capital Expenditure	0	1977.00	1977.00
<i>Total Exp Increase (Decrease)</i>				1977.00

Reason: To adopt a budget for additional Capital Fund awarded by HUD.

Adopted this 12th day of November, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM I

The following general fund budget ordinance was adopted to recognize a workmen's compensation reimbursement.

ORD. # 20-121

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, as amended; and

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

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

		<u>Revenues</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
100-4354000	Other Income	\$12,000	\$24,500	\$12,500

Total \$12,500

Expenses/Expenditures

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
4310-5186000	PD-Workmen Comp	\$0	\$12,500	\$12,500
Total				<u>\$12,500</u>

Reason: To recognize a \$12,500 workmen's compensation settlement for the police department.

Adopted this 12th day of November, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM J

The following budget ordinance was adopted to correct the additional CARES funding for the Housing Choice Voucher program to reflect actual receipts.

ORD. # 20-122

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, as amended; and

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

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

Revenues

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
210-4357500	CARES Act Funding	88,742	82,742	(6,000)
<i>Total Revenue Increase (Decrease)</i>				<u>(6,000)</u>

Expenses/Expenditures

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
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1500-5800100	CARES Act Expenditure	88,742	82,742	(6,000)
<i>Total Exp Increase</i>				(6,000)
<i>(Decrease)</i>				(6,000)

Reason: To adopt a budget amendment to correct the September 2020 budget approval for additional CARES funds awarded by HUD.

Adopted this 12th day of November, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM K

A change to the classification/compensation system was approved to include the following classification: Grant Specialist (Grade 208) with a salary range of \$40,838.40 (minimum) - \$54,110.86 (midpoint) - \$67,383.37 (maximum).

CONSENT AGENDA ITEM L

The quarterly report on water and wastewater extension permits issued by the Engineering Department in the third quarter of 2020 was received.

CONSENT AGENDA ITEM M

The annual report on the City's Identity Theft Program was accepted.

CONSENT AGENDA ITEM N

The Tax Office collection reports for the month of September 2020 were accepted.

CONSENT AGENDA ITEM O

The Tax releases/refunds for the month of September 2020 were approved.

CONSENT AGENDA ITEM P

The monthly report of investments as of September 30, 2020 was accepted.

Matters not on the agenda – Committee updates

- TAC – update provided
- MTC – update provided
- Centralina Regional Council – no update
- Concord/Kannapolis Transit Commission – no update
- WSACC – update provided
- Public Art Advisory Committee – no update
- Concord Family Enrichment Association – update provided
- PTT Committee – update provided
- Barber Scotia Community Task Force Committee – update provided

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Small, to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

A motion was made by Council Member Parsley, seconded by Council Member Crawford, to return to regular session—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

There being no further business to be discussed, a motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Parsley to adjourn—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.



Kim J. Deason, City Clerk



William C. Dusch, Mayor