

CONCORD CITY COUNCIL
REGULAR MEETING
APRIL 8, 2021

A regular meeting of the City Council for the City of Concord, North Carolina, was held on April 8, 2021, at 6:00 p.m. in the Council Room of City Hall, with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

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

Others Present:

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

* * * * *

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

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

Approval of Minutes:

A motion was made by Council Member Crawford and seconded by Council Member Sweat to approve the minutes for the meetings of March 9 and March 11, 2021—the vote: all aye.

Persons requesting to be heard:

Trenton and Courtney Whalen, 449 Union Street, S, and Brian Floyd, 224 Hillcrest Ave, SE, addressed the Council about a recent event that happened at R. Brown McAllister Elementary School that involved a member of the City Council.

Public Hearings: (public hearing #2 was opened at the April 6, 2021 Work Session and continued to the April 8, 2021 City Council meeting to allow for the required 24 hour written comment period for virtual hearings).

1. **Conduct a public hearing and consider adopting the Five-Year Agency Plan for the Concord Housing Department that updates the Policies that govern the Public Housing Program (Thursday, April 8th).**

The Housing Department is required to submit a Five-Year Agency Plan to the United States Department of Housing and Urban Development (HUD) every five years. This plan must be submitted seventy-five (75) days prior to the beginning of the fiscal year and must be available for public review for forty-five (45) days prior to submission and acceptance by HUD. The plan has been completed and ready for review since Monday, March 10, 2021. The Plan has been revised to include: use a local preference during waiting list selection process for Section 8, adopt a two (2) bedroom voucher minimum for VASH voucher holders, and update Public Housing maintenance charges. A public hearing must be held

prior to adoption for any public comments relative to the proposed changes in the department's Five-Year Plan.

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

The Housing Director, Angela Graham, explained the proposed changes to the Plan.

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

A motion was made by Council Member Crawford and seconded by Council Member Small to adopt the Five-Year Agency Plan for the City of Concord Housing Department—the vote: all aye.

2. Conduct a public hearing and consider adopting an ordinance annexing +/- 28.226 acres at 9411, 9371, 9251 Benjamin Walker Ln and 1050, 1070, 1240, 1200, 1150 Cox Mill Rd and owned by Ava Global, LLC (Tuesday, April 6th and Thursday, April 8th).

This is a voluntary annexation request for +/- 28.226 acres located at 9411, 9371, 9251 Benjamin Walker Ln and 1050, 1070, 1240, 1200, 1150 Cox Mill Rd for the purpose of establishing a mixed-use community consisting of commercial and residential components.

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

The Planning Manager, Starla Rogers, explained the request.

Bridgette Grant, Jeff Brown and Joe Wilson supported the request and were in attendance to answer any questions the Council may have had.

There were no speakers in favor or in opposition to the request. Therefore, a motion was made by Council Member Crawford and seconded by Council Member Small to close the public hearing.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to deny the annexation petition.

Following the motion, discussion was held by the Council.

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

The Council asked the Transportation Director, Phillip Graham, questions regarding the road improvements for the area.

The Planning and Neighborhood Development Director stated the proposed development meets the new PUD standards and also the commercial component.

Following the discussion, a motion was made by Council Member Sweat and seconded by Council Member Parsley to close the public hearing—the vote: all aye.

A vote was then taken on the motion of denial made by Council Member McKenzie and seconded by Council Member Crawford—the vote: aye – McKenzie and Crawford; nay – Langford, King, Small, Parsley and Sweat. Motion failed.

A motion was then made by Council Member Sweat and seconded by Council Member Parsley to adopt the following annexation ordinance and set the effective date for April 8, 2021—the vote: aye – Langford, King, Small, Parsley and Sweat; nay – McKenzie and Crawford. Motion passed.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE +/- 28.226 ACRES AT 9411, 9371, 9251 BENJAMIN WALKER LN AND 1050, 1070, 1240, 1200, 1150 COX MILL RD. CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Anil Kumar Anumkonda, AVA GLOBAL LLC, on April 6th and 8th, 2021 to annex the area described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of the petitions and a public hearing on the question of this annexation was held at via a virtual multimedia platform on April 6th and at 35 Cabarrus Avenue, West on April 8th, 2021 after due notice by The Independent Tribune on March 26th, 2021; and

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

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

SECTION 1. By virtue of the authority granted by G.S. 160A-58.1, the following described territory is hereby annexed and made part of the City of Concord, as of the 8th day of April 2021:

PARCEL#s: 46803486600000, 46803431870000, 46803413150000, 46804405850000, 46804403860000, 46803482300000, 46804319230000, and 46803387080000

BEGINNING at a computed point in the centerline of Cox Mill Road, thence from the point of beginning, N 86-33-33 W 926.11 feet to a square bar found, passing a 1 inch iron pipe on line at 30.36 feet, thence, N 86-34-57 W 179.28 feet to a #4 rebar found, thence, N 86-33-30 W 179.27 feet to a 1 inch iron pipe found, thence, N 10-14-18 W 873.68 feet to a pinch top iron pipe found, thence, N 83-00-25 E 361.48 feet to a #4 rebar found, thence, N 83-02-06 E 336.54 feet to a ¼ inch iron pipe found, thence, S 10-35-05 W 237.70 feet to a 1 inch iron pipe found, thence, N 86-54-02 E 267.49 to a #4 rebar set, thence, N 06-45-13 W 44.81 feet to a #4 rebar set, thence, N 06-53-57 W 200.00 to a #4 rebar set, passing a #5 rebar found, thence, N 83-05-07 E 494.41 feet to a computed point in the centerline of Cox Mill Road, thence with the center line of Cox Mill Road, S 08-46-43 W 283.25 feet to a computed point, thence, S 06-45-47 E 179.16 feet to a computed point, thence, S 09-59-09 E 13.44 feet to a computed point, thence, S 09-59-09 E 212.52 feet to a computed point, thence, S 08-22-00 E 150.99 feet to a computed point, thence, S 05-31-22 93.91 feet to a computed point, thence, S 03-42-22 E 182.13 feet to the point and place of beginning, containing 1,229,510 square feet, 28.226 acres as shown on Physical Survey by Metrolina Land Surveying dated 06/29/2020.

SECTION 2. Upon and after the 8th day of April, 2021 the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Concord and shall be entitled to the same privileges and benefits as other parts of the City of Concord. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

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

Adopted this 8th day of April 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

Presentations of Petitions and Requests

1. Receive a Presentation from Rotary Club of Concord on a new pedestal clock for Downtown Concord as part of the Union Streetscape Revitalization.

Rotary Club of Concord presented a proposal for a new pedestal clock for Downtown Concord. This pedestal clock would be installed as part of the Union Streetscape Project on or around December 2022. City Staff has worked with the Rotary Club and McGill Associates in selecting the location for the Clock. McGill Associates has included power to this location on the Union Streetscape Construction Documents.

As part of the Streetscape Project, the power and base of the clock will be provided. The Rotary Club will work with City staff and the clock vendor to coordinate installation of the pedestal clock. City staff has also confirmed with Purchasing that outdoor storage capacity is available should the clock arrive prior to the site being ready for installation. Once installed, the City would take over yearly maintenance of the pedestal clock, which is approximately \$630 per year.

A motion was made by Council Member Small and seconded by Council Member McKenzie to approve the proposed Pedestal Clock Project by Rotary Club of Concord—the vote: all aye.

2. Consider approving the City Manager to enter into a five-year lease with renewable provisions for +/- .46 acres of City owned land located at 430 Harris Street NW for \$1 to SCUS Head Start Programs, Inc (d/b/a Save the Children Head Start) for the location of Head Start modular buildings.

Head Start approached City Council in the Fall of 2020 about the City supporting their efforts to expand in Concord and serve an additional 32 to 48 children. City Council endorsed the expansion and offered a portion of City owned land on Lincoln Street, SW, as indicated in a letter of support. This parcel did not work out for the use and another site at 430 Harris Road NW was identified as an opportunity.

City staff designed a concept utilizing part of the parcel for the Head Start Team. This concept plan will serve as the template for the Head Start designers to finalize the engineering and building plans. The property was given to the City by Forest Hill Methodist Church in 2019. Forest Hill Methodist provided a letter of support for Head Start locating at the site.

The total parcel is approximately 2.7 acres and the City will continue to maintain the acreage not included in the lease with Head Start. Head Start will have to meet all of the City's development standards for both the site and buildings. A small sewer extension will be necessary to serve the site and will be completed by in-house crews from the City.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to approve the City Manager to enter into a five-year lease with renewable provisions for +/- .46 acres at 430 Harris Street NW for \$1 to SCUS Head Start Programs, Inc (d/b/a Save the Children Head Start)—the vote: all aye.

3. Consider adopting a resolution to sale 1,497 square feet of 13 Powder Street, NW to Terry Heilig for \$2,500 to allow construction of an outbuilding and direct the City Clerk to publish a notice of proposed sale of the property.

In early 2020, staff was contacted by Terry Heilig about purchasing a 1,497 square foot area at the rear of 13 Powder Street, NW, which adjoins the rear of his property at 315 Howerton Avenue. The subject area is currently being maintained by Mr. Heilig and he plans to construct an outbuilding. This will not impact staff efforts of constructing a home on 13 Powder Street, NW.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to adopt the following resolution to sale 1,497 square feet of 13 Powder Street, NW to Terry Heilig in the amount of \$2,500 to allow construction of an outbuilding and direct the City Clerk to publish a notice of proposed sale of the property—the vote: all aye.

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

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

WHEREAS, the City of Concord (“City”) acquired the real property parcel located at 13 Powder Street NW (PIN 5620-65-0663, Tax ID No. 12-028-0032.00) (“City Parcel”) by Deed recorded in Deed Book 10032, at Page 212; and

WHEREAS Terry Lee Heilig, Jr. owns the neighboring parcel identified as 315 Howerton Avenue, PIN 5620-55-9671, Tax ID No. 12-028-0033.20; and

WHEREAS, the subject area is currently being maintained by Terry Lee Heilig, Jr.; and

WHEREAS, Terry Lee Heilig, Jr. desires to purchase a small portion of the Parent Parcel owned by the City for the purpose of having fee simple ownership and is further described as follows:

Lying and being in Cabarrus County, City of Concord, Township Number, twelve (12) and BEING a 0.03 Acres or 1,496 Square Foot portion of the real property identified as PIN 5620-65-0663, Tax ID No. 12-028-0032.00 as shown on map titled as “Conveyance Plat, Property of the City of Concord” dated May 22, 2020 by the City of Concord Engineering Department and is attached as Exhibit A; and

WHEREAS, on March 15, 2021, the City received an Offer to Purchase the Property from Terry Lee Heilig, Jr. for two thousand five hundred dollars and no cents (\$2,500.00); and

WHEREAS, the Buyer have deposited a 10% deposit of \$250.00 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 two hundred fifty dollars and zero cents (\$250.00) 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, Lying and being in Cabarrus County, City of Concord, Township Number, Twelve (12) and BEING a 0.03 Acres or 1,496 Square Foot portion of the real property identified as PIN 5620-65-0663, Tax ID No. 12-028-0032.00 as shown on map titled as “Conveyance Plat, Property of the City of Concord” dated May 22, 2020 by the City of Concord Engineering Department and is attached as Exhibit A,” 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 0.03 Acres or 1,496 Square Foot portion of the real property identified as PIN 5620-65-0663, Tax ID No. 12-028-0032.00 to the Highest Bidder, as stated in the Agreement for Purchase and Sale of Real Property.
 - b. 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.
 - c. The closing shall take place on or before April 30, 2021.
9. The City reserves the right to withdraw the property from sale at any time, before the final high bid is accepted and reserves the right to reject, at any time, all bids.
10. The City Attorney is directed to take all necessary steps to complete the sale in the event no upset bids are received. The City Manager is authorized to execute the necessary instruments to effectuate the sale of 0.03 Acres or 1,496 Square Foot portion of the real property identified as PIN 5620-65-0663, Tax ID No. 12-028-0032.00 in accordance with this resolution.

Adopted this 8th day of April, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

4. Consider adopting a resolution waiving the right to annex property owned by Steven G. and Myra W. Billings and Myra's Dream, LLC to allow annexation by the Town of Huntersville.

For several months, Skybrook, LLC has been discussing the potential expansion of the Skybrook development with City Planning staff. The Skybrook development lies within the City of Concord, the Town of Huntersville/Mecklenburg County and Cabarrus County. Skybrook is considering development of land to be annexed into the Town of Huntersville that would connect to approximately 11.47 acres of land in Cabarrus County which lies within Concord's "Area of Consideration" for annexation. This land in Cabarrus County is landlocked and has future street access only through Mecklenburg County.

The property is identified by two parcels (4670-46-0288 and 4670-35-8966) and consists of vacant land and a cell phone tower. In discussion with the developer and Town of

Huntersville staff, it appears that the most reasonable and efficient option for the development of this property would be through a unified approach with the property in both Mecklenburg and Cabarrus Counties being annexed by Huntersville.

The City of Concord entered into an annexation agreement with the Town of Huntersville in February 2006. This agreement allows either party to annex within the "Area of Consideration" of the other. In order for this type of annexation to occur, the annexing municipality is required to send an official notice to the other municipality, stating that they have received an annexation petition within their defined area. The governing board of the municipality receiving the notice must then waive their right to annex the property in order to allow the other to annex. On March 10, 2021, the Huntersville Town Attorney notified the City of Concord Legal Department of Huntersville's intent to annex the 11.47 acres owned by Steven G. and Myra W. Billings and Myra's Dream, LLC in accordance with the provision of the Annexation Agreement.

A motion was made by Council Member Parsley and seconded by Council Member Sweat to adopt the following resolution to waive the right to annex PINs 4670-46-0288 and 4670-35-8966 to allow consideration of annexation by the Town of Huntersville—the vote: all aye.

RESOLUTION WAIVING THE CITY OF CONCORD'S RIGHTS TO ANNEXATION

WHEREAS, the City of Concord, North Carolina, and the Town of Huntersville, North Carolina entered into an annexation agreement dated February 20, 2006; and

WHEREAS the agreement allows each City to consider voluntary annexations within the other party's "area of consideration"; and

WHEREAS Section 5.b of the agreement allows the governing board of either municipality to waive their right to annex property within their "area of consideration" after notice of annexation by the other party; and

WHEREAS on March 10, 2021 the Town of Huntersville provided notice to the City of Concord of their intent to annex lands owned by Steven G. and Myra W, Billings, and Myra's Dream, LLC identified by Cabarrus County PINs as 4670-46-0288 and 4670-35-8966; being further described as follows:

Property Description:

All that certain parcel of land, situated, lying and being in Township #3, Cabarrus County, State of North Carolina, and more particularly described as follows:

Cabarrus County Tax Parcel #4670-46-0288

Beginning at (POINT OF BEGINNING) at a point on the Westerly boundary of land owned Now or Formerly by Skybrook Signature Townhomes Owners Association INC. as described in Deed Book 9013, page 137 of the Cabarrus County Register of Deeds, being further located N02-29-44W 460.48' distant of a found rebar being located on the margin of Harris Road (SR# 1449) also on the Eastern line of land owned Now or Formerly by Ethan & Austin Properties LLC as recorded in Deed Book 11939, page 240 of the Cabarrus County Register of Deeds all as shown on a map drawn by Yarbrough-Williams & Houle, dated 03/02/21, titled: Proposed Annexation: Billings Parcels Eastfield Road Property & Harris Road Property, thence with the Skybrook Signature Townhomes Owners Association INC. Western line N02-29-44W 706.37' to a found rebar located in a 200' Duke Power Company Right of Way, thence N58-07-25W 68.66' to a found rebar in the center of said 200' Duke Power Company Right of Way (more or less), thence with the center line of 200' Duke Power right of Way (more or less) S73-24-55W 413.24' to a found rebar, thence S73-27-48W 98.15' to the dividing line of land owned Now or Formerly by Steven G. Billings & Myra W. Billings (Tax ID #4670-46-0288) as recorded in Deed Book 6524, page 119 of the Cabarrus County Register of Deeds and land owned Now or Formerly by Myra's Dream LLC as recorded in Deed Book 19975, page 677 of the Cabarrus County Register of Deeds S13-26-43W 758.92' to a point, thence S52-48-17E 346.13' to a point on the Easterly line of a ingress & egress easement as recorded in Deed Book 765, page 117 of the Cabarrus County Register of Deeds, thence with the Easterly line of said ingress &

egress easement N00-21-27E 288.93' to a point on the Southerly line of land owned Now or Formerly by Steven G. Billings & Myra W. Billings (Tax ID #4670-35-8966) as recorded in Deed Book 6524, page 119 of the Cabarrus County Register of Deeds, thence with the line of Steven G. Billings & Myra W. Billings (Tax ID #4670-35-8966) for five (5) calls and distances, 1) N72-00-41W 233.50' to found rebar, 2) N18-03-03E 285.47' to a found rebar, 3) S69-01-09E 315.00' to a found rebar, 4) S17-47-01W 269.03' in total to a found rebar (crossing the Northern line of the Ethan & Austin Properties LLC land at 194.25' of this line), 5) N72-00-41W 82.34' to the initial point of the preceding five (5) calls and distances, thence retracing this line two (2) calls and distances, 1) S72-00-41E 82.34' to a point, 2) N17-47-01E 74.78' to a point on the Northern line of the Ethan & Austin Properties LLC land, thence with the Ethan & Austin Properties LLC line N87-28-43E 377.34' to the POINT AND PLACE OF BEGINNING.

Containing 9.463 acres.

Cabarrus County Tax Parcel #4670-35-8966

Beginning (POINT OF BEGINNING) a point on the Northern line of land owned Now or Formerly by Ethan & Austin Properties LLC as recorded in Deed Book 11939, page 240 of the Cabarrus County Register of Deeds, being further located two (2) calls and distances distant of a found rebar located on the margin of Harris Road (SR #1449) as shown on a map drawn by Yarbrough-Williams & Houle, dated 03/02/21, titled: Proposed Annexation: Billings Parcels Eastfield Road Property & Harris Road Property, 1) N02-29-44W 46.48' to a point, 2) S87-28-43W 377.34' to the true Point of Beginning, thence five (5) calls and distances to points with the line of land owned Now or Formerly by Steven G. Billings & Myra W. Billings (Tax ID #4670-46-0288) as recorded in Deed Book 6524, page 119 of the Cabarrus County Register of Deeds , 1) N17-47-01E 194.25' to a found rebar, 2) N69-01-09W 315.00' to a found rebar, 3) S18-03-03W 285.47' to a found rebar, 4) S72-00-41E 315.84' to a found rebar (crossing the terminus of an ingress and egress easement as recorded in Deed Book 765, page 117 of the Cabarrus County register of Deeds), 5) N17-47-01E 74.78' to the POINT AND PLACE OF BEGINNING.

Containing 2.006 acres.

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

The City of Concord will waive its rights to annexation of the property described above in the Resolution.

Adopted this 8th day of April 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

5. Consider adopting a resolution in support of naming the bridge on Bruton Smith Blvd and I-85 in honor of Officer Jason Shuping.

A preliminary application has been filed with NCDOT requesting that the Bruton Smith Blvd. bridge at I-85 be named in honor of Officer Jason Shuping. NCDOT requires a resolution of support from the City of Concord as the bridge is located within the City limits. NCDOT also requires that the local government sponsor commit to participating financially by paying a \$2,000 administrative fee.

A motion was made by Council Member Sweat and seconded by Council Member Crawford to adopt the following resolution supporting the naming of the bridge on Bruton Smith Blvd. in honor of Officer Jason Shuping and commit to paying NCDOT a \$2,000 administrative fee—the vote: all aye.

RESOLUTION SUPPORTING
THE NAMING OF A BRIDGE IN HONOR OF JASON SHUPING

WHEREAS, Jason N. Shuping was born in Rowan County, attended public schools, was a graduate of East Rowan High School, and was a resident of North Carolina for the duration of his life; and

WHEREAS, Jason N. Shuping earned a Criminal Justice degree from UNC-Pembroke and completed Basic Law Enforcement Training at Rowan Cabarrus Community College; and

WHEREAS, Jason N. Shuping was an athlete and academic scholar, former Boy Scout with Troop 351 who achieved the rank of Eagle Scout, and an active member of Shiloh Reformed Church of Faith, where he volunteered with vacation Bible school, mission trips, and the handbell choir; and

WHEREAS, Jason N. Shuping began his career as a police officer with the City of Concord in 2019; and

WHEREAS, Jason N. Shuping served the community honorably for a period of 1 year and 6 months; and

WHEREAS, Jason N. Shuping earned and received multiple commendations for exceptional service and bravery to include the police department's highest award, The Medal of Valor, as well as The Purple Heart, coworker of the month for December 2020, and coworker of the year for 2020; and

WHEREAS, Jason N. Shuping made the ultimate sacrifice by giving his life selflessly in service to his community, being mortally wounded in the line of duty on December 16, 2020 in the area of Bruton Smith Boulevard and Interstate 85.

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

The City Council of the City Concord wishes to express their appreciation for the public service given and sacrifice made by Officer Jason N. Shuping by naming the bridge on Bruton Smith Boulevard at Interstate 85 as the Officer Jason N. Shuping Bridge.

Adopted this 8th day of April 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

6. Consider adopting a Municipal Ordinance declaring NO PARKING ANY TIME along both sides of Josephine LN., SW from Juanita Dr., SW to Yvonne Dr., SW (a distance of approximately 821 ft.), per Chapter 58, Section 303 of the Concord City Code of Ordinances.

A request was made to staff to consider posting No Parking signs on Josephine LN., SW due to concerns that emergency vehicles, deliveries, and school buses would not be able to fit between cars. Josephine LN., SW is currently designated as allowing unrestricted on-street parking in its entirety under Schedule IV of the City Street Control Schedule. Residents along the street have requested that both sides of the roadway be posted NO PARKING ANY TIME and have completed the Parking Restrictions Petition. Fifteen of the twenty property owners, that would be impacted by this change, have signed their support, thus meeting the required 75% support outlined in the City's Parking Restrictions Policy.

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem King to adopt the following Municipal Ordinance declaring NO PARKING ANY TIME along both

sides of Josephine LN., SW from Juanita Dr., SW to Yvonne Dr., SW (a distance of approximately 821 ft.), per Chapter 58, Section 303 of the City Code—the vote: all aye.

ORD. # 21-26

AN ORDINANCE TO AMEND CHAPTER 58, SECTION 58-303, SCHEDULE IV
OF THE CODE OF ORDINANCES CITY OF CONCORD, NORTH CAROLINA
PURSUANT TO PARKING

WHEREAS, the City Council of the City of Concord, North Carolina has adopted a Code of Ordinances relative to the administration of governing regulations; and

WHEREAS, Chapter 58, Traffic and Vehicles, of the Code of Ordinances City of Concord, North Carolina regulates the enforcement of traffic and related street concerns within the City of Concord; and

WHEREAS, Josephine Ln., SW is currently designated as allowing unrestricted on-street parking in its entirety under Schedule IV of the City Street Control Schedule.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina, that after due consideration, and in the best interest of all the citizens of Concord, Chapter 58, Section 58-303 - Parking prohibited at all times on certain streets, of the Code of Ordinances is hereby amended as follows:

Section 1. That the designation of being unrestricted parking for Josephine Ln., SW be amended to indicate that Josephine Ln., SW from Juanita Dr., SW to Yvonne Dr., SW be listed as "NO PARKING ANY TIME" in Schedule IV under the Street Control Schedule.

Section 2. That this amendment shall become effective at the time NO PARKING ANY TIME postings are erected giving notice thereof.

Adopted this 8th day of April, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

7. Consider authorizing the City Manager to execute Work Authorization 2203-2005 for Talbert, Bright and Ellington, Inc. and approve budget amendment.

Work Authorization 2203- 2005 is for Talbert, Bright & Ellington Inc. (TBE) to provide special services for the preparation of an environmental assessment for the commercial services terminal development area at the Concord-Padgett Regional Airport. (JQF). The Work authorization shall not exceed \$254,557 without additional authorization. The FAA has reviewed and approved the agreement. The funding will come from the Federal Aviation Administration (AIP) grant which will fund 90% and the match will be covered through an North Carolina Department of Transportation Division of Aviation Grant.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to authorize the City Manager to execute work authorization 2203-2005 to Talbert, Bright & Ellington, Inc. and adopt the following budget amendment—the vote: all aye.

ORD.# 21-27

CAPITAL PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized is the Environmental Assessment for South Apron and Terminal Expansion.

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

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

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
451-4357000	State Aid	2,924,687	2,950,162	25,475
451-4357000				
451-4357300	Federal Aid	24,356,556	24,585,658	229,102
451-4357300				
Total				254,557

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
6301-5800448				
6301-5800448	EA S Apron & Term Expans.	0	254,557	254,557
Total				254,557

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 8th day of April, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

8. Consider authorizing the City Manager to negotiate and execute a contract with Bio-Nomic Services, Inc. for the Coddle Creek Water Treatment Plant Lagoons Sludge Removal.

This contract is for the removal of the waste from the lagoons and delivering the waste to the landfill. The project was bid under the formal bidding process, bids were received on March 11, 2021 and two bids were received. The bids were returned unopened to the bidders and the project was re-advertised as required by NCGS 143-132. Bids were received a second time on March 18, 2021. Again, two bids were received, which staff was able to open them as allowed by NCGS 143-132. The lowest responsible bidder was Bio-Nomic Services, Inc. in the amount of \$261,635.

A motion was made by Council Member Parsley and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with Bio-Nomic Services, Inc in the amount of \$261,635 for the Coddle Creek Water Treatment Plant Lagoons Sludge Removal—the vote: all aye.

9. Consider authorizing the City Manager to negotiate and enter into an agreement with Republic Services, Inc, for the disposal of the Coddle Creek Water Treatment Plant Lagoons Sludge.

Republic Services, Inc. is keeping the cost of disposal the same as last year at \$80 per ton. It is estimated, approximately 3,350 tons will be removed at a cost of \$268,000.

A motion was made by Council Member Small and seconded by Mayor Pro-Tem King to authorize the City Manager to enter into an agreement with Republic Services, Inc. for the disposal of the Coddle Creek Water Treatment Plant Lagoons Sludge at \$80.00 per ton to a maximum of 3,350 tons—the vote: all aye.

10. Consider appointing a voting delegate for the NCLM CityVision 2021 conference.

CityVision 2021 is a virtual event being held from April 20 - April 22, 2021. During CityVision, League members can attend the annual business meeting where the new Board of Directors will be announced. Each member municipality shall designate one voting delegate who is eligible to cast a single vote for the 2021-2022 League Board of Directors in advance of the annual business meeting.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to appoint Mayor Dusch as the voting delegate for the CityVision 2021 business meeting—the vote: all aye.

11. Consider a Preliminary Application from Tommy Fisher.

In accordance with City Code Chapter 62, Tommy Fisher submitted a preliminary application to receive water service outside the City limits. The property is located at 7417 Untz Road. The lot size is approximately 2 acres, zoned CR, and developed with a single family house. Sewer service is not available to the parcel.

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

Consent Agenda:

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

A motion was made by Mayor Pro-Tem King and seconded by Council Member Crawford to approve the following consent agenda items—the vote: all aye.

CONSENT AGENDA ITEM A

The amended 2021 Schedule of City Council Regular Meetings and Work Sessions was adopted.

CONSENT AGENDA ITEM B

The City Manager was authorized to enter into a 50-year lease with Cabarrus County for the 6.88 acre public park property (Winecoff Elementary Athletic Fields) located at 375 Winecoff School Rd.

CONSENT AGENDA ITEM C

The City Manager was authorized to enter into a 50-year lease with Cabarrus County for the 8.23 acre public park property (Pitts Elementary Athletic Fields) located at 720 Pitts School Rd, SW.

CONSENT AGENDA ITEM D

The City Manager was authorized to negotiate and execute an amendment to the contract with Atrium Hotels Management, LLC to provide management services for the City's public golf course, Rocky River.

CONSENT AGENDA ITEM E

Staff was authorized to submit an application for the Lowe's Hometown Grant in the amount of \$18,538 for the creation of a Spray and Brush park beside of Clearwater Arts Center.

CONSENT AGENDA ITEM F

Fire Department staff was authorized to apply for the Cabarrus County First Responder matching grant.

CONSENT AGENDA ITEM G

Transit staff was authorized to pursue grant funding through the DHS/FEMA Transportation Grants FY21 Program for Rider Transit.

CONSENT AGENDA ITEM H

The maintenance agreement was approved and the offer of dedication was accepted on the following property: C4 CStore Holdings II, LLC.

CONSENT AGENDA ITEM I

The offer of dedication on the following plat and easements were accepted: Heritage Ridge at Moss Creek, The Villas at Tuckers Walk, Phase 2 Map 1, Campbell Farms Maps 3 and 4, Poplar Tent Phase 2, McKinnon Avenue Townhomes, and Kensley North.

CONSENT AGENDA ITEM J

The offer of infrastructure was accepted in the following subdivisions and sites: Cypress Village Subdivision Phase 1 Map 1, Beechwood Apartments, Frank Liske Park, Pleasant Oaks Subdivision Phase 1 and Phase 2, and Park View Estates Subdivision Phase 3 Map 2A.

CONSENT AGENDA ITEM K

The following ordinance was adopted to amend the FY 2020/2021 Budget Ordinance for the General Fund to appropriate revenues received for the purchase of two knuckleboom trucks.

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:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100- 4351000	Sale of fixed assets	\$0	\$320,000	\$320,000
Total				\$320,000

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4520-5540000	Vehicles - Capital	\$238,000	\$558,000	\$320,000
Total				\$320,000

Reason: To allocate funds to purchase two Knuckle boom trucks.

Adopted this 8th day of April, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM L

The following ordinance was adopted to amend the General Fund project ordinance for the Streetscape project.

General Capital Projects

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 projects authorized are General Capital Projects for the Streetscape 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:

Revenues

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
Total				

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

Expenses/Expenditures

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8804-5811283				
8804-5811283	Airport Signage	100,000	10,086	(89,914)
8804-5811272				
8804-5811272	Streetscape Project	3,805,500	3,895,414	89,914
Total				0

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

SECTION 6. Within five (5) days after adopted, copies of this 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 8th day of April, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM M

The following ordinance was adopted to amend the FY2020/2021 budget ordinance for the Golf Fund to appropriate excess revenue received.

ORD.# 21-30

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

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
650-4401201	Green Fees	\$754,498	\$779,498	\$25,000
Total				\$25,000

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
7501-5550000	Equipment - Capital	\$0	\$25,000	\$25,000
Total				\$25,000

Reason: To appropriate excess revenues to cover the purchase of a tractor for the golf course.

Adopted this 8th day of April, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM N

The 2021 Capital Fund Grant award from HUD in the amount of \$377,668 was accepted the following ordinance was adopted to appropriate the funds.

ORD.# 21-31

**GRANT PROJECT ORDINANCE FY 2021 CAPITAL FUND GRANT
PROJECT NC19P00850121**

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

SECTION 1. The project authorized is the Capital Fund grant, which is a program to assist the Housing Department in carrying out development, capital and management activities in order to ensure that the program continues to service low-income families.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation of the project within terms of a grant agreement with the U.S. Department of Housing and Urban Development.

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

2021CFP Revenue	692-4703309	\$ 377,668
	692-4703309	

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

General Capital Activity	9213-5800290	\$ 305,543
	9213-5800290	
Operations	9213-5800250	\$72,125
	9213-5800250	
Total		\$ 377,668

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 8th day of April 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM O

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

CONSENT AGENDA ITEM P

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

CONSENT AGENDA ITEM Q

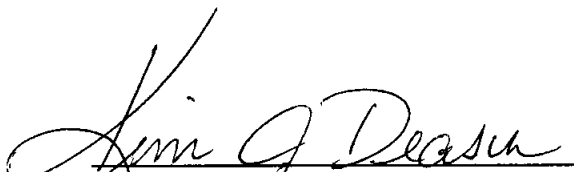
The monthly report on status of investments as of February 28, 2021 was received.

* * * * *

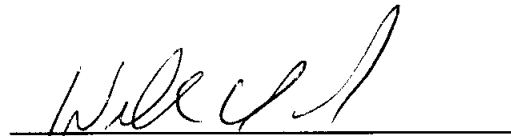
A motion was made by Council Member McKenzie and seconded by Council Member Sweat to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(2) to prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award; N.C. General Statute 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by this body; N.C. General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, and conditions of appointment of an individual public employee—the vote: all aye.

* * * * *

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



Kim J. Deason, City Clerk



William C. Dusch, Mayor