

CONCORD CITY COUNCIL
REGULAR MEETING
JANUARY 13, 2022

A regular meeting of the City Council for the City of Concord, North Carolina, was held on January 13, 2022, at 6:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

Mayor Pro-Tem Terry L. Crawford
Council Member Andy Langford
Council Member W. Brian King
Council Member Betty M. Stocks
Council Member JC McKenzie
Council Member Jennifer Parsley-Hubbard

Members Absent:

Council Member John A. Sweat, Jr.

Others Present:

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

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

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

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Approval of Minutes:

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to approve the minutes for the meetings of November 23, December 7, and December 9, 2021—the vote: all aye.

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Presentations:

1. Mayor Dusch presented a Proclamation recognizing January 17, 2022 as Dr. Martin Luther King, Jr. Day.
2. Mayor Dusch presented a retirement plaque to Sheila Almond for over 20 years of service with the City of Concord Purchasing Department.
3. Mayor Dusch presented a retirement plaque to Captain Dexter Barlowe for over 28 years of loyal and dedicated service to the City of Concord Police Department.
4. Mayor Dusch presented the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada to the Budget Team.

Informational Items:

1. Presentation from Peter Marsh with Cabarrus Center/Flywheel.

Mr. Marsh made a presentation to the Mayor and Council at the January 11, 2022 Work Session.

Persons Requesting to be heard:

Mr. Dan Marshall addressed the Council in regards to the local unit of Capital Ministries that he volunteers with. He explained the services the ministry provides.

Public Hearings:

1. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a three year / 85% tax based Economic Development Incentive Grant to Kroger Fulfillment Network, LLC to locate at 227 NC HWY 49 S. in Concord, NC.

Kroger Fulfillment Network, in strategic partnership with Ocado Solutions USA, Inc., proposes to develop an approximately 200,000 SF robotically automated customer fulfillment center located at 227 NC HWY 49 South. Kroger's proposed investment represents a total \$89,000,000 investment in real and personal property. Kroger plans to create 692 full time jobs with an average wage of \$42,107. The total value of the City's three year grant is estimated to equal \$791,846 dependent on the actual investment. The City of Concord would still collect a 3-year net revenue of \$139,738 after the incentive payments.

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

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

A motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Crawford to offer a contract for a three year / 85% Economic Development Incentive Grant to Kroger Fulfillment Network, LLC to locate at 227 NC HWY 49 S. in Concord, NC, pursuant to NC General Statutes Sec. 158-7.1—the vote: all aye.

2. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a three year / 85% tax based Economic Development Incentive Grant to Ocado Solutions USA, Inc. to locate at 227 NC HWY 49 S. in Concord, NC

Ocado Solutions USA, Inc. will provide proprietary robotic software and partner with Kroger to construct a robotically automated customer fulfillment center located at 227 NC HWY 49 South. Ocado's proposed investment represents an estimated total \$48,000,000 investment in personal property. Ocado plans to create 30 full time jobs with an average wage of \$60,000. The total value of the City's three year grant is estimated to equal \$348,024 dependent on the actual investment. The City of Concord would still collect a 3-year net revenue of \$61,416 after the incentive payments.

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

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

A motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Crawford to offer a contract for a three year / 85% Economic Development Incentive Grant to Ocado Solutions USA, Inc. to locate at 227 NC HWY 49 S. in Concord, NC, pursuant to NC General Statutes Sec. 158-7.1—the vote: all aye.

3. Conduct a public hearing to consider adopting a resolution on the matter of closing the right-of-way of an unopened portion of Lucky Dr. NW.

The proposal includes the abandonment of unopened, unimproved right-of-way of Lucky Dr. NW as requested by Niblock Homes, LLC. A new alignment of right of way will be dedicated as part of the Red Hill subdivision.

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

Mr. William Niblock spoke in favor of the request.

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

A motion was made by Mayor Pro-Tem Crawford seconded by Council Member McKenzie to adopt the following resolution to abandon the right of way of an unopened portion of Lucky Dr. NW.

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF LUCKY DRIVE NW

WHEREAS, on the 9th day of December, 2021, the City Council for the City of Concord directed the City Clerk to publish the Resolution of Intent of the City Council to consider the closing a portion of Lucky Dr. NW in the Independent Tribune newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the City Hall at 35 Cabarrus Avenue, West, Concord, N.C., on January 13, 2022.

WHEREAS, the City Council on the 9th day of December, 2021, ordered the City Clerk to notify all persons owning property abutting on that portion of the right-of-way, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the City Clerk has advised the City Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing that portion of the alley would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the City Clerk has advised the City Council that adequate notices were posted on the applicable street(s) as required by G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on the 13th day of January, 2022; and

WHEREAS, it now appears to be to the satisfaction of the City Council that the closing of said portion of street is not contrary to the public interest and that no individual owning property, either abutting the street or in the vicinity of the street, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his property;

NOW, THEREFORE, the area described below is hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owner in accordance with the provisions of N.C.G.S. §160A-299;

Beginning at a calculated point said point being located on the southern right-of-way of Lucky Drive (40' Public R/W), said point having NC Grid Coordinates of N 611678.92 and E 1517230.18, said point also being located N 31°23'43" W 784.55 feet from NC Grid Control Point #1 (Grid Coordinates of N 611009.23 and E 1517638.89), said point being located N 53°08'58" E 8.90 feet from a ½" rebar, said point also being a common corner

with Lot #1, Westover Map No. 3 (Map Bk. 12, Pg. 38), thence with the southern right-of-way of Lucky Drive (40' Public R/W) the following nine (9) calls: (1) N 23°33'10" W 119.45 feet to a bent 5/8" rebar; (2) N 32°58'02" W 124.29 feet to a RR Spike; (3) N 68°48'17" W 394.38 feet to a 5/8" rebar; (4) N 47°46'49" W 209.63 feet to a 5/8" rebar; (5) N 41°10'40" W 1025.73 feet to a 5/8" rebar; (6) N 78°57'28" W 82.86 feet to a 5/8" rebar; (7) N 89°23'36" W 39.09 feet to a 5/8" rebar; (8) S 69°34'05" W 244.66 feet to a bent 5/8" rebar; (9) S 66°20'30" W 398.69 feet to a calculated point, said point being located 22°56'11" W 28.33 feet from a ½" rebar; thence N 22°56'11" W 40.03 feet to a calculated point, said point being located on the northern right-of-way of Lucky Dr (40' Public R/W); thence with the northern right-of-way of Lucky Dr. (40' Public R/W) the following nine (9) calls: (1) N 66°24'53" E 397.15 feet to a 5/8" rebar; (2) N 69°28'21" E 255.38 feet to a 5/8" rebar; (3) S 89°08'00" E 49.85 feet to a 5/8" rebar; (4) S 78°49'10" E 100.04 feet to a 2" pipe; (5) S 41°13'02" E 1036.97 feet to a calculated point; (6) S 47°46'49" E 199.90 feet to a calculated point; (7) S 68°48'17" E 399.89 feet to a calculated point; (8) S 32°58'02" E 140.51 feet to a calculated point; (9) S 23°33'10" E 122.12 feet to a calculated point; thence crossing said road S 65°33'36" W 40.01 feet to the POINT AND PLACE OF BEGINNING and containing 2.438 acres.

The Mayor and the City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street (with provision for reservation of easements to the City of Concord for utility purposes) in accordance with the provision of G.S. 160A-299(c).

The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Cabarrus County a certified copy of this resolution and order.

This the 13th day of January, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

4. Conduct a public hearing to consider adopting an ordinance amending Historic Handbook Chapter 3, Working With the Historic Preservation Commission, relative to the amended meeting time of 6:00 pm.

The Historic Handbook is incorporated into the Concord Development Ordinance by reference and as such, amendments require City Council approval. The Historic Preservation Commission unanimously voted on November 10th to change their regularly scheduled meeting time. Previously, the meetings had been held on the second Wednesday of the month at 6:30 p.m. The Commission voted to keep the meeting day but to reschedule the time to 6:00 p.m. Because the meeting day and time are listed in the Historic Handbook, the Handbook must be revised to reflect the Commission's action.

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

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

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

- The amendment is consistent with the 2030 Land Use Plan and is reasonable and in the public interest as it aligns the published and adopted text within the Historic Handbook with the newly adopted regularly scheduled meeting time.

A motion was made by Council Member Stocks and seconded by Council Member Parsley-Hubbard to adopt the following ordinance amending Historic Handbook Chapter 3, Working With the Historic Preservation Commission—the vote: all aye.

ORD.# 22-01

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 §§160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951, may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

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

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

SECTION 1: That the following subsection of “Historic Handbook Chapter 3, Section A” be amended to the following:

- The Commission meets the second Wednesday of each month at 6:00 p.m. in the City Council Chambers of City Hall (35 Cabarrus Avenue West). Since the Commission is a quasi-judicial body under North Carolina law, certain rules of procedure must be followed. These procedures include official notification of adjacent property owners, public advertisement in the newspaper, and placement of a public hearing sign on the property.

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

SECTION 3: That this Ordinance be effective immediately upon adoption.
Adopted in this January 13th, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

5. Conduct a public hearing to consider adopting an ordinance amending Article 7 (Section 7.7.4.E) of the Concord Development Ordinance (CDO) relative to townhouse (townhome) development requirements.

This request was withdrawn from the agenda.

Presentations of Petitions and Requests:**1. Consider authorizing the City Manager to negotiate and execute a contract with Rite Lite Signs, Inc. for the construction and installation of wayfinding signs at Concord-Padgett Regional Airport.**

The project involves the construction of new and updated 64 wayfinding signs through the airport campus. These signs are a part of the overall strategy when Council renamed the airport. Furthermore, the improvements to Derita Road are near completion allowing staff to finalize location of the gateway signs. The project was bid under the formal bidding process. Bids were taken on December 1st, 2021 and four bids were received. Rite Lite Signs, Inc. was the low bid in the amount of \$221,616.93. The budget for the wayfinding project was \$135,000. The funding for these improvements is through a NCDOT Aviation Airport Improvement Program grant. The grant amount for FY22 is \$2,056,051

A motion was made by Council Member Langford and seconded by Council Member King to authorize the City Manager to negotiate and execute a contract with Rite Lite Signs, INC in the amount of \$221,616.93. for the wayfinding project at Concord-Padgett Regional Airport—the vote: all aye.

2. Consider authorizing the City Manager to negotiate and execute a contract with EST Building Systems for the replacement of roofing materials on Hartsell Recreation Center.

Three roofing companies submitted quotes and EST Building Systems was the low bidder at \$111,500 (Baker Roofing quoted the work at \$139,500 and Statesville Roofing quoted the work at \$185,760). Payment and performance bonds are required bringing the total amount quoted by EST Building Systems to \$117,075. The Parks and Recreation Department budgeted for this work and it was approved in the FY21/22 budget. Work will begin with a complete tear off of the existing roof consisting of two layers of roofing materials. Repairs to the deck will be made, if needed, prior to installing 2 layers of ISO board and a .060 mill TPO membrane. Additionally, metal edging, coping and walk pads will be installed with roof drains being replaced as needed.

A motion was made by Council Member Parsley-Hubbard and seconded by Mayor Pro-Tem Crawford to authorize the City Manager to negotiate and execute a contract with EST Building Systems for the replacement of roofing materials on Hartsell Recreation Center—the vote: all aye.

3. Motion to readopt a franchise ordinance for US Tire Recycling Partners, L.P.

City Council granted a franchise to US Tire Recycling Partners, L.P. on June 10, 2021 for a "life-of-site" term, and said franchise included a clerical error in that it references the incorrect date and Document ID Number for approval of the Facility Plan for the Scrap Tire Disposal Facility by NCDEQ.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Langford to adopt the following amended franchise ordinance for US Tire Recycling Partners, L.P. for a "life-of-site" term—the vote: all aye.

ORD.# 22-03

**ORDINANCE CORRECTING PRIOR ORDINANCE GRANTING A FRANCHISE FOR A
SCRAP TIRE DISPOSAL FACILITY TO US TIRE RECYCLING PARTNERS, L. P.**

WHEREAS, the Cabarrus County Board of Adjustment approved on January 27, 1988 a request allowing operation of a scrap tire recycling and disposal facility at the present location operated by US Tire Recycling Partners, L. P.; and

WHEREAS, US Tire Recycling Partners, L.P. is currently operating a Scrap Tire Collection & Processing Operation and Scrap Tire Disposal Facility within the jurisdiction of the City of Concord following annexation of their location on Poplar Tent Road; and

WHEREAS, the City Council for the City of Concord granted a franchise to US Tire Recycling Partners, L.P. on August 11, 2016 and that franchise expires on August 11, 2021; and

WHEREAS, US Tire Recycling Partners, L.P. seeks to obtain a franchise from the City of Concord by a change in state law and regulations; and

WHEREAS, US Tire Recycling Partners, L.P. has vested rights to operate as approved by Cabarrus County; and

WHEREAS, due to a change in the state laws and regulations, US Tire Recycling Partners, L.P. is now eligible for a franchise for a "life-of-site" permit, defined as 60 years from initial receipt of waste at the site in 1998; and

WHEREAS, the City Council for the City of Concord granted a franchise to US Tire Recycling Partners, L.P. on June 10, 2021 for a "life-of-site" term, and said franchise included a clerical error in that it references the incorrect date and Document ID Number for approval of the Facility Plan for the Scrap Tire Disposal Facility by NCDEQ, and this Ordinance corrects that error.

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

SECTION 1. The Scrap Tire Disposal Facility will serve the geographical area and population including the State of North Carolina, State of South Carolina, State of Virginia, State of West Virginia, State of Georgia, State of Tennessee, and State of Florida.

SECTION 2. The waste stream consists of up to approximately 100,000 tons per year scrap tire portions and waste derived from processing scrap rubber vehicle tires.

SECTION 3. The useful life of the scrap tire disposal facility is projected to be up to 50 years to beyond August 11, 2021, depending on the varying annual disposal rates to the scrap tire disposal facility.

SECTION 4. The Scrap Tire Collection & Processing Operation and Scrap Tire Disposal Facility will be permitted and regulated by NC Department of Environmental Quality (NCDEQ). There are no fees and rates to be charged by the facilities subject to the franchise for waste generated in the jurisdiction of the franchising entity.

SECTION 5. A Facility Plan for the Scrap Tire Disposal Facility was included in the Application for Permit Amendment for the U.S. Tire Scrap Tire Disposal Facility approved by NCDEQ on September 28, 2016 (Document ID No. 26773) and showed the boundaries of the facility, proposed development of the facility site, the boundaries of all waste disposal units, final elevations and capacity of all waste disposal units, the total waste disposal capacity, a description of environmental controls, and a description of any other waste management activities conducted at the facility, including ingress and egress to the facility.

SECTION 6. The U.S. Tire Recycling Facility is consistent with the Cabarrus County Solid Waste Management Plan, the City of Concord Solid Waste Plan, and N.C.G.S. 130A-309.09A, including the provisions for waste reduction, reuse, and recycling.

SECTION 7. US Tire Recycling Partners, L.P. has provided to the City financial security in the amount of \$150,000.00 to cover potential environmental problems, closure of the landfill and any possible financial problems incurred by US Tire Recycling Partners, L.P. using a mechanism satisfactory to both the City and US Tire Recycling Partners, L.P. throughout the life of the landfill. The requirement for financial security will terminate and/or be returned to US Tire Recycling Partners, L.P. either five years after the landfill is closed or when closure is approved by the State of North Carolina, whichever occurs first.

SECTION 8. US Tire Recycling Partners, L.P. will instruct all haulers accessing the

Facility to comply with the N.C.G.S. 20.116(g).

SECTION 9. Pursuant to N.C.G.S. 130A-294, US Tire Recycling Partners, L.P. is hereby granted a franchise to operate its current Scrap Tire Processing and Disposal Facility located at 6322 Poplar Tent Road in the City of Concord. This franchise shall have a "life-of-site" term, defined as a maximum of 60 years from initial receipt of waste in 1998, beginning on August 12, 2021 and expiring on August 12, 2058.

SECTION 10. This franchise may not be transferred without the specific approval of the City Council of the City of Concord.

SECTION 11. This Ordinance shall be effective immediately upon adoption at second reading.

Adopted on this 13th day of January 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

4. Consider adopting a resolution confirming a lien assessment.

In 2013, Code Enforcement prosecuted an unsafe buildings case against Barber Scotia College, Inc. That case resulted in the demolition and removal of the two dormitories formerly located on Crowell Drive at a cost to the City of \$380,640. The North Carolina General Statutes require confirmation of the amount of the lien by the City Council and publication in a newspaper of local circulation prior to any attempt to collect a lien of this kind.

A motion was made by Council Member McKenzie and seconded by Council Member King to adopt the following resolution confirming the amount of the lien and directing appropriate City staff to cause the advertisement to be published—the vote: all aye.

RESOLUTION CONFIRMING ASSESSMENT OF LIEN

WHEREAS, North Carolina General Statute § 160D-1117, et. sec. (current reference), permits the City to inspect buildings and condemn unsafe buildings; and

WHEREAS, in 2013 the City, by and through the Code Enforcement Department did inspect the dormitories located on Crowell Drive and having PINs 5620-76-8060 and 5620-75-7950; and

WHEREAS, both buildings were found to be unsafe and a code enforcement case was prosecuted; and

WHEREAS, the property owner was unable or unwilling to bring the unsafe buildings into compliance with the building code; and

WHEREAS, Code Enforcement, pursuant to N.C.G.S. 160D-1125 (current reference), caused the unsafe buildings to be demolished and removed; and

WHEREAS, the cost of such demolition and removal totaled \$380,640.00; and

WHEREAS, N.C.G.S. 160D-1125 (current reference) establishes a lien for the amount of the cost of the demolition and removal, in favor of the City of Concord, against the specific

properties referenced above and on all other real property owned by Barber Scotia College, Inc. located within the planning and development jurisdiction of the City of Concord; and

WHEREAS, N.C.G.S. 160D-1125 directs that code enforcement liens are collected in the same manner as special assessments and N.C.G.S. 160A-233 provides that "Any portion of an assessment that is not paid within 30 days after publication of the notice that the assessment roll has been confirmed shall bear interest until paid at a rate to be fixed in the assessment resolution but not more than eight percent (8%) per annum."

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

1. The City Council of the City of Concord hereby confirms the assessment in the form of a lien in the amount of \$380,640.00 against all real property owned by Barber Scotia College, Inc. located within the planning and development jurisdiction of the City of Concord; and
2. Confirmation of this lien shall be published in a newspaper of general circulation; and
3. Thirty days from the date of publication, any portion of the assessment that has not been paid in full shall bear interest at a rate of eight percent (8%) per annum.

Adopted this 13th day of January, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

5. Consider amending a development agreement with Addison Concord, LLC regarding construction of a sewer line near the intersection of Old Holland Road and Weddington Road Ext.

The City conducted a public hearing and approved an agreement with Ford Commercial LLC in April 2019. The agreement outlined the City's assistance in acquiring a necessary easement and the developer's agreement to conditions related to construction of their proposed development project. The current developer wishes to amend the agreement to allow for a different alignment to the proposed sewer line. The developer will be required to obtain any necessary easements.

A motion was made by Council Member Parsley-Hubbard and seconded by Mayor Pro-Tem Crawford to amend a development agreement with Addison Concord, LLC—the vote: all aye.

6. Consider accepting a revised Preliminary Application from Thornridge Investment Group, LLC.

In accordance with City Code Chapter 62, Thornridge Investment Group, LLC has submitted a revised preliminary application for water service outside the City limits. The property is located at 10799 and 10825 Poplar Tent Road. The property is currently zoned LDR and developed with an abandoned single family home. The owner now intends to construct a new residential structure and renovate the existing structure to a residential use. Water is available in the Poplar Tent Road area.

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

CONSENT AGENDA ITEM A

The City Manager was authorized to enter into a modified five-year lease with renewable provisions for the entire +/- 2.7 acres at 430 Harris Street NW for \$1 to SCUS Head Start Programs, Inc, d/b/a Save the Children Head Start.

CONSENT AGENDA ITEM B

The Carolina Thread Trail Implementation Grant award was accepted and the City Manager was authorized to execute the grant agreement with the Carolina Thread Trail in the amount of \$30,000. The following budget ordinance was adopted to appropriate the funds.

ORD.# 22-04

**CAPITAL PROJECT ORDINANCE AMENDMENT
Parks & Recreation Projects-Caldwell Park**

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

SECTION 1. The projects authorized are the projects included for Caldwell Park.

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

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

Revenues

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
420-603000				
420-603000	Grant Proceeds	\$968,960	\$998,960	\$30,000
				\$30,000

Expenses/Expenditures

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8300-5811002				
8300-5811002	Caldwell Park	\$1,708,960	\$1,738,960	\$30,000
	Total			\$30,000

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

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the project

agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 13th day of January 2022.

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 C

The LWCF award was accepted and the City Manager was authorized to execute the agreement and the Mayor to sign a grant agreement with National Park Service through the North Carolina Park and Recreation Division. The following project amendment was adopted to appropriate the funds.

ORD.# 22-05

**CAPITAL PROJECT ORDINANCE AMENDMENT
Parks & Recreation Projects-Caldwell Park**

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

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

<u>Account</u>	<u>Title</u>	<u>Revenues</u>		
		<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
420- 4603000				
420- 4603000	Grant Proceeds	\$965,000	\$968,960	\$3,960
				\$3,960

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

Expenses/Expenditures

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8300-5811002				
8300-5811002	Caldwell Park	\$1,705,000	\$1,708,960	\$3,960
	Total			\$3,960

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 13th day of January 2022.

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 D

The Police Department was authorized to apply for grant funding from the NC Governor's Highway Safety Administration aimed at preventing traffic related deaths and injuries on streets and highways in the City of Concord.

CONSENT AGENDA ITEM E

The offers of dedication on the following plats and easements were accepted: Piper Landing Phase 1 Map 1, Annsborough Park Phase 1A Map 1, and Odell Townhomes Right of Way Dedication.

CONSENT AGENDA ITEM F

The offer of infrastructure was accepted in the following subdivisions and sites: 7-Eleven Coddle Market, Cannon Office PH 2 Buildings 3 and 4, Haven at Rocky River Subdivision PH 1 MP 1 Modification, Campbell Farms Subdivision PH 1 MP 3, Spring Meadow Subdivision PH 1 MP 1, Oaklawn Townhomes Subdivision PH 1.

CONSENT AGENDA ITEM G

The following ordinance was adopted to amend the FY 2021/2022 Budget Ordinance for the Aviation Fund to appropriate additional fuel revenue.

ORD.# 22-06

AN ORDINANCE TO AMEND FY 2021-2022 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 10th day of

June, 2021, adopt a City budget for the fiscal year beginning July 1, 2021 and ending on June 30, 2022, 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	Revenues		(Decrease) Increase
		Current Budget	Amended Budget	
680-4401305	Fuel Sales/Avgas	1,284,500	1,844,500	560,000
680-4401309	Fuel Sales/Jet A	3,785,000	6,497,000	2,712,000
Total				3,272,000

Account	Title	Expenses/Expenditures		(Decrease) Increase
		Current Budget	Amended Budget	
4530-5271000	Purchases-Fuel/Avgas	717,601	1,277,601	560,000
4530-5272000	Purchases-Fuel/Jet A	2,017,091	4,729,091	2,712,000
Total				3,272,000

Reason: To allocate fuel sales in excess of original budget to cover fuel expense related to the higher than anticipated sales.

Adopted this 13th day of January, 2022.

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 Capital Project ordinance amendment was adopted for the First Concord 2014 LOBS - Generator Relocation Project.

CONSENT AGENDA ITEM I

The following ordinance was adopted to amend the FY 2021/2022 Budget Ordinance for the General Fund to provide funding for the new Fiber Network Management department.

ORD.# 22-08

AN ORDINANCE TO AMEND FY 2021-2022 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 10th day of June, 2021, adopt a City budget for the fiscal year beginning July 1, 2021 and ending on June 30, 2022, 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
100-4351000	Sale of Fixed Assets	0	48,532	48,532
Total				48,532

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4320-5121000	Fiber - Regular Salaries	0	26,867	26,867
4320-5183000	Fiber - Group Insurance	0	2,882	2,882
4320-5181000	Fiber - FICA	0	2,056	2,056
4320-5182000	Fiber - Retirement- General	0	3,345	3,345
4320-5187000	Fiber - 401K Contribution	0	940	940
4320-5260000	Fiber - Supplies-Office	0	12,442	12,442
Total				48,532

Reason: To appropriate proceeds from the sale of fixed assets to cover initial costs of new Fiber Network Management department and hiring of Fiber Manager.

Adopted this 13th day of January, 2022.

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 ordinance was adopted to amend the FY 2021/2022 Budget Ordinance for the Golf Fund.

ORD.# 22-09

AN ORDINANCE TO AMEND FY 2021-2022 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 10th day of June, 2021, adopt a City budget for the fiscal year beginning July 1, 2021 and ending on June 30, 2022, 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>
Total				

<u>Expenses/Expenditures</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
7501-5210010	RRGC Operating Exp	841,000	846,000	5,000
7501-5558000	Bldgs & Imprv - Capital	0	30,000	30,000
7501-5990001	Approp to Ret Earnings	103,387	68,387	(35,000)
Total				0

Reason: To appropriate funds to cover additional improvements needed at the golf course.

Adopted this 13th day of January, 2022.

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

The following project ordinance amendment was adopted for the Surface Transportation Block Grant from Cabarrus Rowan MPO.

ORD.# 22-10

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 grant project ordinance is hereby amended:

SECTION 1. The projects authorized and amended are the projects included for CK Rider Transit System.

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

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

Revenues				(Decrease)
Account	Title	Current Budget	Amended Budget	Increase
630-4357300			14,072,273	
630-4357300	Federal Aid	13,500,638		571,635
630-4337000				
630-4337000	Local Shared Revenue	4,704,417	4,847,326	142,909
				714,544

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

Exp. Account	Title	Current Budget	Amended Budget	(Decrease) Increase
7690-5540000				
7690-5540000	Vehicles – Capital	767,849	1,482,393	714,544
				714,544

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

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

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. 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 13th day of January, 2022.

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 capital project ordinance was adopted to amend the Wastewater Projects Fund.

ORD.# 22-11

CAPITAL PROJECT ORDINANCE AMENDMENT
Wastewater 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 adopted/amended:

SECTION 1. The projects authorized are the projects included for the Coldwater Creek Outfall to 49 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 completion of the projects:

<u>Revenues</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
421-4601000	Bond Proceeds	8,734,000	0	(8,734,000)
				<u>(8,734,000)</u>

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

<u>Expenses/Expenditures</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8402-5801177	Coldwater Creek Outfall to 49	8,734,000	0	(8,734,000)
	Total			<u>(8,734,000)</u>

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 13th day January, 2022.

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 capital project ordinance was adopted to amend the Water Projects Fund.

**CAPITAL PROJECT ORDINANCE
Water 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 and amended are Water Projects-US29 RR Bridge Line Relocate.

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/expenditures are anticipated to be available to the City of Concord for the project:

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8700-5811315				
8700-5811315	US29 RR Bridge Line	\$45,000	\$99,300	\$54,300
8700-5811082				
8700-5811082	Future Projects	\$188,340	\$134,040	\$(54,300)

SECTION 4. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the 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 5. 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 6. 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 13th day of January, 2022.

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

A change to the classification/compensation system was approved to include the following classification: Network Manager (Grade 112) with a salary range of \$70,434.99 (minimum) - \$93,326.34 (midpoint) - \$116,217.71 (maximum).

CONSENT AGENDA ITEM O

The transfer of the following delinquent utility accounts to collection losses was approved: Electric \$453,330.81; Water \$139,318.86; Wastewater \$121,299.57; Stormwater \$75,395.87; and Environmental Services \$7,757.26.

CONSENT AGENDA ITEM P

The City's semiannual debt status report as of December 31, 2021 was accepted.

CONSENT AGENDA ITEM Q

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

CONSENT AGENDA ITEM R

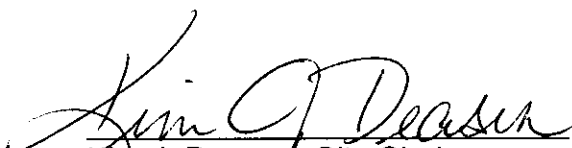
The Tax releases/refunds for the month of November 2021 were approved.

CONSENT AGENDA ITEM S

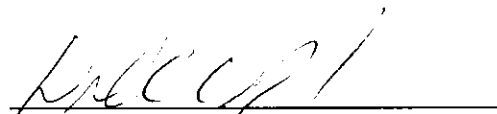
The monthly report on investments as of November 30, 2021 was received.

* * * * *

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



Kim J. Deason, City Clerk



William C. Dusch, Mayor

CONCORD CITY COUNCIL
ANNUAL PLANNING SESSION
JANUARY 28, 2022

A special meeting of the City Council for the City of Concord, North Carolina, was held in the 3rd floor City Hall Council Chambers located at 35 Cabarrus Ave, West, on January 28, 2022 beginning at 8:00 a.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

- Mayor Pro-Tem Terry L. Crawford
- Council Member Andy Langford
- Council Member W. Brian King via cell phone
- Council Member Betty M. Stocks via cell phone
- Council Member JC McKenzie via cell phone
- Council Member Jennifer Parsley-Hubbard
- Council Member John A. Sweat, Jr.

Others Present:

- City Manager, Lloyd Wm. Payne, Jr.
- Assistant City Manager, Joshua Smith
- Assistant City Manager, LeDerick Blackburn
- Assistant City Manager, Pam Hinson
- City Attorney, Valerie Kolczynski
- City Clerk, Kim J. Deason
- Department Directors

* * * * *

Mayor Dusch called the meeting to order and welcomed everyone. The following was discussed:

* * * * *

Financial Analysis - Comprehensive Financial update for FY 21-22 and FY 22-23 projections

The Finance Director, Jessica Jones, summarized the local economic conditions including unemployment rate, new construction of single family homes, residential home sales, and average home sales price. The top ten taxpayers represent 11.75% of the City's revenues.

General Fund

Operating revenues will continue to outpace operating expenditures in 2021.

In 2022, total operating expenditures are estimated to increase 3% and no growth estimated for operating revenues. Local option sales tax increased 8.03% in FY ending 2021. No growth is estimated for FYE 2022 and a 2% growth is estimated for 2023.

The Finance Director stated assessed values increased 20.72% in FY2021 due to the property reevaluation. A growth of 2% is estimated for FY2023.

Utility Sales Tax collection in FY22 is estimated at \$4.7 million. In 2021, there was no growth in the beer and wine distribution. FY22 collections are estimated at \$400,000.

The Powell Bill collection had no growth for FY2021. Development fees collected in FY21 was \$350,000. FY22 estimates are lower at \$300,000.