

CONCORD CITY COUNCIL
REGULAR MEETING
SEPTEMBER 8, 2022

A regular 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, W, on September 8, 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
Assistant City Managers
Department Directors

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

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

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Approval of Minutes:

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to approve the minutes for the meetings of July 19, August 9, and August 11, 2022—the vote: all aye.

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Presentations:

Jeffrey Smythe, CALEA Commissioner and Director of the NC Criminal Justice Training and Standards Division recognized the Concord Police Department for achieving its Law Enforcement Accreditation from the Commission on the Accreditation of Law Enforcement Agencies (CALEA).

Mayor Dusch presented a proclamation recognizing September 16-22, 2022 as Constitution Week.

Mayor Dusch presented a proclamation recognizing October 1, 2022 as International Festival Day in Concord.

The FY23 Annual Budget Video was presented.

Unfinished Business:

1. Continue a public hearing for case Z(CD)-07-21 and consider adopting an ordinance amending the official zoning map for +/- 54.8519 acres located northeast corner of International Drive and Highway 73, generally addressed as 4208 and 4515 Davidson Hwy from MX-CC2 (Mixed-Use Commercial Center Large) to I-1-CD (Light Industrial Conditional District) and C-2 (General Commercial).

This request was tabled from the June 9th City Council meeting and was continued to July. At the July meeting, the hearing was continued in order to allow the developer to meet with neighbors to explore a change to the site plan to address the truck access issue. In August, the developer requested an additional continuance until September in order to continue conversations with the neighbors relative to noise issues and to potentially develop a mutually agreed upon mitigation plan.

The applicant is proposing an office, warehouse, distribution and light industrial business park for the I-1-CD (Light Industrial Conditional District) area of the development and no specific plans have been provided for the C-2 (General Commercial) portion of the site. The Planning and Zoning Commission heard the above referenced petition at their April 19, 2022 public hearing and acted to deny the request.

The applicant requested another continuance until the October 13th City Council meeting.

A motion was made by Council Member Langford and seconded by Council Member Stocks to continue the request until the October 13, 2022 City Council meeting—the vote: all aye.

Informational Items:

1. Receive the annual update from the Concord United Committee.

The Concord United Committee Co-Chairs, Rev. Bertram Hinton, Jr., Ann Fleming and Robert Kirk presented the annual update to the Mayor and City Council.

Recognition of persons requesting to be heard:

Jerry Hill, 3949 Forest Pkwy, Wheatfield, NY, addressed the Council in regards to sewer allocation for a proposed project.

Sean Cullen, 517 Alcove Rd, Mooresville, NC, addressed the Council in regards to sewer allocation for a proposed project.

Scott Moore, 830 Skybrook Dr, Huntersville, NC, addressed the Council in regards to sewer allocation for a proposed project.

Alex Perry, 1141 Nixon Rd, Roberta, GA, addressed the Council in regards to sewer allocation for a proposed project.

Charles Hodge, 6618 Summerlin Place, Charlotte, NC, addressed the Council in regards to sewer allocation for a proposed project.

Johnny Shreaves, 1315 Don Castle Ct, Concord, NC, addressed the Council in regards to several projects that are underway in Concord and asked if the electrical grid can withstand the developments.

Public Hearings:

1. Conduct a public hearing for case Z(CD)-03-22 and consider adopting an ordinance amending the official zoning map for +/-7.66 acres located at 4145 Davidson Hwy from C-2 (General Commercial) to RC-CD (Residential Compact - Conditional District) and consider amending the 2030 Land Use Plan to modify the future land use designation of the parcel from Industrial Employment to Urban Neighborhood.

The developer previously proposed a multi-family development with 117 dwelling units and a 6,000 sf commercial building; however, after the Planning and Zoning Commission

meeting on August 16th, the applicant is seeking to condition the request to 90 units and 4,599 square feet of commercial. The project received sewer allocation on July 19, 2022.

The Planning and Zoning Commission the petition at their August 16, 2022 meeting and unanimously voted to forward the request to City Council with a recommendation that the zoning map NOT be amended from C-2 (General Commercial) to RC-CD (Residential Compact - Conditional District) and to NOT amend the 2030 Land Use Plan to designate the parcel as Urban Neighborhood.

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

The Planning and Neighborhood Development Services Planning Manager, Scott Sherrill, explained the request.

Vamsheedhar Deva and Navin Dundigalle, applicants, spoke in favor of the request.

The following citizens from Oak Park Subdivision spoke in opposition to the request:

Whit Whitaker
Brian Steiger
Kevin Keeter
Joe Fill

Council Member McKenzie asked what could be developed per the current zoning regulations for that site. The Planning Manager explained the uses that would be currently allowed on the site per the zoning classification.

Council Member McKenzie asked what happens to the approved sewer allocation should the rezoning request be denied. The City Attorney stated the developer is entitled to the allocation for a period of one year from the date of allocation approval.

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

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to adopt the following Statement of Consistency for denial—the vote: Aye – Langford, King, Stocks, McKenzie, and Crawford; Nay – Parsley-Hubbard.

- The subject property is approximately +/- 7.66 acres and is currently zoned C-2 (General Commercial).
- The subject property was annexed on June 30, 1992, and is currently occupied by a single-family home, a garage building and 11 mobile homes
- The proposed zoning amendment is not consistent with the City of Concord's 2030 Land Use Plan; however, the property is adjacent to areas developing as single-family attached and single-family detached. The proposed development would be consistent with the City of Concord's Urban Neighborhood designation as RC (Residential Compact) and conditional district variations are considered corresponding zoning classifications to the Urban Neighborhood Land Use Category. The proposed zoning is comparable to existing and proposed surrounding land uses.
- The zoning amendment is not reasonable and not in the public interest due to the existing and proposed vehicular capacity along Davidson Hwy (NC Hwy 73) between International Dr and Central Dr.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to deny the request—the vote: Aye – Langford, King, Stocks, McKenzie, and Crawford; Nay – Parsley-Hubbard.

2. Conduct a public hearing and consider adopting an ordinance annexing +/- 2.029 p/o PIN 5622-65-8770 on Copperfield Blvd. owned by Copperfield, Inc.

The petition is for voluntary annexation petition of +/- 2.029 acres of property as a portion of PIN 5622-65-8770 on Copperfield Blvd. The property is currently zoned General Commercial (C-2) in the City of Concord ETJ. The developer has proposed to build a DairiO on the site, which was allocated sewer on July 19th, 2022.

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 in to speak in favor or in opposition to the request. Therefore, a motion was made by Mayor Pro-Tem Crawford 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 annexation ordinance and set the effective date for September 8th, 2022—the vote: all aye.

ORD.# 22-117

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF
CONCORD, NORTH CAROLINA TO INCLUDE +/- 2.029 ACRES OF PROPERTY
LOCATED AT P/O 1085 COPPERFIELD BLVD NE, CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Craig Craver, Copperfield, Inc., on September 8th, 2022 to annex the area described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of the petitions and a public hearing on the question of this annexation was held at Concord City Hall, 35 Cabarrus Avenue West, on September 8, 2022 after due notice by The Independent Tribune on August 28th, 2022; 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 September 2022:

Site #6

Beginning at a point, said point being located on the northern right-of-way of Copperfield Blvd. (60' Public R/W), thence through the property of now or formerly Copperfield, Inc. (Deed Bk. 4021, Pg. 219), the following three (3) calls: (1) N 72°38'03" W 263.08 feet to a point; (2) N 20°48'20" E 143.75 feet to a point; (3) N 23°18'22" W 90.32 feet to a point, said point being located on the southern right-of-way of Vinehaven Drive NE (60' Public R/W), thence with the southern right-of-way of Vinehaven Drive NE (60' Public R/W) the following three (3) calls: (1) N 66°41'38" E 238.61 feet to a point; (2) S 76°00'34" E 61.53 feet to a point; (3) S 29°55'08" E 69.99 feet to a point, said point being located at the intersection of the southern right-of-way of Vinehaven Drive NE (60' Public R/W) and the northern right-of-way of Copperfield Blvd. (60' Public R/W) thence with the northern right-of-way of Copperfield Blvd. (60' Public R/W), with a curve to the right, having a radius of 1362.70 feet and an arc of 325.00 feet to the POINT AND PLACE OF BEGINNING and containing 2.029 AC.

SECTION 2. Upon and after the 8th day of September, 2022 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 September, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

3. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a one year / 85% tax based Center City Economic Development Incentive Grant to Shelby Company LTD, LLC to locate at 131 - 171 Cabarrus Avenue East, Concord, NC.

Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. Shelby Company LTD, LLC proposes to develop an approximately 220,637 SF mixed use development within the geographic boundary of the Center City Economic Development Grant Program. The proposed project includes approximately 212 residential units (1 bedroom and 2 bedroom) in addition to approximately 11,000 SF of commercial space. Shelby Company LTD, LLC's proposed investment represents a total \$55,000,000 - \$60,000,000 investment in real and personal property within Concord's Center City, which is an area that encompasses several older established residential neighborhoods and five major transportation corridors. The total value of the City's one year grant is estimated to equal \$224,400 based on an estimated investment of \$55,000,000. The actual payment will be based on the actual investment made by the company. The City of Concord would still collect a 1-year net revenue of \$39,600 after the incentive payment. See attached grant analysis for additional details.

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

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

A motion was made by Council Member King and seconded by Council Member McKenzie to offer a contract for a one year / 85% tax based Economic Development Incentive Grant to Shelby Company LTD, LLC to locate at 131 - 171 Cabarrus Avenue East, Concord, NC—the vote: all aye.

4. Conduct a public hearing for case TA-09-22 and consider adopting an ordinance amending the Concord Development Ordinance Section 8.3.5.Q.5. regarding supplementary regulations for Food Trucks

This text amendment is staff initiated. Staff is seeking to clarify the intent of the word "temporary" in the definition of food trucks by requiring that they be removed overnight or from visibility from the right of way. The City was initially reliant on health department regulation of food trucks to require their removal overnight; however, some trailers and other mobile food units do not fall within the scope of these health department regulations. This ordinance change recommends adopting language taken from the City of Asheville

regarding the overnight parking. The text amendment also adds the modifier "Zoning" to Center City District and reduces the maximum allowable signage from 32 square feet to 8 square feet. The Planning and Zoning Commission unanimously recommended the text amendment at their August 16th meeting.

This request was tabled at the Tuesday, September 6, 2022 City Council Work Session.

Presentations of Petitions and Requests:

1. Consider adopting a resolution of intent to schedule a public hearing on the matter of closing the right-of-way of an unopened 50 foot right of way of Davidson Dr. NW contained within the property of 48-50 Beechwood Ave NW.

The proposal includes the abandonment of the approximately 50' right-of-way of Davidson Dr. NW. Concord California Associates, LLC is the applicant and the owner of the property. Davidson Dr. NW terminates into the property. The right of way is not used for public ingress/egress and is not maintained by the City. An easement will need to be retained for electric infrastructure on the site but the City would abandon maintenance of the stormwater pipe on the site.

A motion was made by Council Member Parsley-Hubbard and seconded by Mayor Pro-Tem Crawford to adopt the following resolution of intent to set a public hearing for October 13, 2022 on the matter of closing the right-of-way of an unopened 50 foot right of way of Davidson Dr. NW—the vote: all aye.

RESOLUTION OF INTENT

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

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closure of an unopened portion of Davidson Dr. NW as more specifically set forth below:

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

(1) A meeting will be held at 6:00 p.m. on the 13th day of October, 2022 at the City Hall Council Chambers, 35 Cabarrus Ave. W, Concord, NC to consider a resolution on the closure of the area described as follows:

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

Beginning at a calculated point, said point being located on the northern right-of-way of Beechwood Avenue NW (50' Public R/W), thence through the property of Concord California Associates, LLC (Deed Bk. 5722, Pg. 295) the following five (5) calls (1) N 36°12'09" W 51.58 feet to a calculated point; (2) with a curve to the right, having a radius of 615.00 feet, an arc of 110.56 feet and a chord bearing of N 31°03'09" W 110.41 feet to a calculated point; (3) N 68°10'51" E 50.14 feet to a calculated point; (4) with a curve to the left, having a radius of 565.00 feet, an arc of 98.17 feet and a chord bearing and distance of S 31°14'37" E 98.04 feet to a calculated point; (5) S 36°12'03" E 64.23 feet to a calculated point, said point being located on the northern right-of-way of Beechwood Avenue NW (50' Public R/W); thence with the northern right-of-way of Beechwood Avenue NW (50' Public R/W), S 68°10'51" W 51.62 feet to the POINT AND PLACE OF BEGINNING and containing 0.186 AC.

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

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

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

Adopted this 8th day of September, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

2. Consider reallocating \$109,582.34 in Community Development Block Grant (CDBG) Coronavirus Aid, Relief and Economic Security Act (CARES Act) funding to select public service agencies and organizations responding to community needs related to COVID-19.

In August of 2020, Council approved \$158,368.08 of CARES funds to Prosperity Unlimited to respond to mortgage needs within Concord. Due to the foreclosure moratorium being extended and the North Carolina Housing Finance Agency (NCHFA) American Rescue Plan backed mortgage assistance, Prosperity Unlimited has not expended these funds. As the NCHFA funds allow for more assistance with less documentation, Prosperity Unlimited has requested to return the funds to ensure other community needs can be met.

Staff reached out to agencies who received previous allocations to assess the continued COVID related needs in the area. The following details the proposed funding to the agencies which totals \$109,582.34. 1. Cooperative Christian Ministries, Rental/Utility assistance provided to Concord residents identified as not receiving any other federal or state COVID related assistance. Install an awning to accommodate food distribution at agency food pantry which was moved outside due to COVID - \$44,582.34; 2. Opportunity House, Nurse salary - \$30,000.00; and 3. Salvation Army, continued food requests and cleaning/sanitation needs for COVID safety measures - \$35,000.00. If approved, there will be \$48,785.74 remaining to allocate.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard to approve reallocating \$109,582.43 in Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding to select public service agencies and organizations responding to community needs related to COVID-19—the vote: all aye.

3. Consider adopting a resolution for the City of Concord to declare its intentions to issue tax exempt bonds (secured by and payable solely from private development revenues, not City of Concord revenues) in the new amount not to exceed \$20,500,000 to finance the acquisition, rehabilitation and equipping of mixed income units to be known as Coleman Mill Apartments and for related purposes.

In May 2019, Council approved the issuance of a tax-exempt bond in the amount of \$14,000,000 payable solely from private development revenues to finance the acquisition, rehabilitation and equipping of The Coleman-Franklin-Cannon Mill property. The request was amended to \$18,000,000 in October of 2020. Representatives from the development group Sari and Company are continuing to secure tax-exempt financing from North Carolina Housing Finance Agency (NCHFA) to transform the 10.71 acre site, located at 625 Main St. SW, Concord NC, into approximately 152 units of mixed income housing to be known as the Coleman Mill Apartments.

The Developer is requesting the bond increase due to the rising construction costs. The amended amount of the bond issuance is not to exceed \$20,500,000. These bonds will not be general obligations of the City but will be special obligations secured by and payable solely from the developer's revenues.

Pursuant to Section 160A-456 of the NC General Statutes (NCGS), the municipality has all the power of a housing authority under the NC Housing Authorities Law found in Article 1 of Chapter 157 of the NCGS. This empowers the City to issue its notes and bonds in accordance with the law for the purpose of making loans to assist in housing construction or rehabilitation by private sponsors. The City has determined that providing financing for this development is consistent with the policy and purpose of the law. In order to meet tax code section 42, relating to tax exempt bonds, the Developer must include a resolution from the City which declares the intention to issue bond at the requested amount. Although the adoption of this resolution will declare the City's intent to issue bonds, the resolution is not a binding commitment of the City to issue the bonds. If the Council approves the amended bond issuance, the City will designate a Bond Counsel and the developer will be responsible for all fees associated with the transaction.

A motion was made by Council Member Stocks and seconded by Council Member McKenzie to adopt the following resolution for the City of Concord to declare its intentions to issue tax exempt bonds in the new amount not to exceed \$20,500,000 to finance the acquisition, rehabilitation and equipping of mixed income dwelling units to be known as Coleman Mill Apartments and for related purposes—the vote: all aye.

A RESOLUTION OF THE CITY OF CONCORD, NORTH CAROLINA AMENDING ITS
INTENTION TO ISSUE TAX- EXEMPT MULTIFAMILY HOUSING BONDS

WHEREAS, on May 9, 2019, the City Council (the "City Council") of the City of Concord, North Carolina (the "City") adopted a resolution (the "Inducement Resolution") at the request of Sari and Company (the "Owner") declaring that the City intends to authorize the issuance of its Multifamily Housing Revenue Bonds (the "Bonds") in an aggregate amount not to exceed \$14,000,000, the proceeds of which would be used to finance the acquisition, rehabilitation and equipping of approximately 152 units of multifamily rental housing, to be known as Coleman Mill Apartments (the "Development"), located at 625 Main St SW, Concord, North Carolina 28027;

WHEREAS, the Owner has informed the City that the amount of tax-exempt debt necessary to finance the cost of the Development is more than originally anticipated as a result of increased construction costs caused by supply chain interruptions due to COVID-19, and has requested the City to amend the Inducement Resolution to increase the amount of the Bonds to an amount not to exceed \$20,500,000;

NOW, THEREFORE, BE IT RESOLVED by the City as follows:

1. The City hereby confirms the determination it made in the Inducement Resolution that providing financing for the Development is consistent with the purpose of Section 160D-1311(b) (previously 160A-456(b)) and Chapter 157 of the North Carolina General Statutes (collectively, the "Act") and that therefore the City agrees to assist the Owner in the issuance of the Bonds to finance the acquisition, rehabilitation and equipping of the Development, and, in particular, to undertake the issuance of the Bonds in an amount not to exceed Twenty Million, Five Hundred Thousand Dollars (\$20,500,000) to finance a portion of the cost of the Development.
2. The City intends that the adoption of this resolution be considered as an expression of official intent toward the issuance of the Bonds within the meaning of the regulations issued by the Internal Revenue Service pursuant to Section 1.150-2 of the Treasury Regulations issued pursuant to the Code.
3. All other terms of the Inducement Resolution remain in full force and effect.
4. This resolution shall take effect immediately upon its passage.

Adopted this 8th day of September, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

4. Consider adopting a resolution authorizing an eminent domain action for property located at 400 Kingsport Dr NE, Concord, NC 28025 and commonly known as Crown Point Apartments.

The property is currently owned by Crown Point 51, LLC. Certain easements, both permanent and temporary, are required by the Water Resources Department in order to construct a stormwater culvert. The total appraised tax value of the property is listed at \$4,494,190. The Engineering Department calculated the value of the 0.010 acre temporary and the 0.034 permanent easements to be \$2,074.25. The property owner has not responded to several attempts of contact by the Engineering Department.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Langford to adopt the following resolution authorizing an eminent domain action for property located at 400 Kingsport Dr NE, Concord, NC 28025—all aye.

**RESOLUTION AUTHORIZING NEGOTIATED PURCHASE
OR EMINENT DOMAIN TO ACQUIRE PROPERTY**

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

Variable Width Permanent Utility Easement:

Lying and being in the City of Concord, Number Four (4) Township, Cabarrus County and being all of the Permanent Utility Easement Area, 1,494 Square Feet or 0.034 Acres, more or less as shown on map titled, "Easement Plat, Part of the Property of Crown Point 51, LLC," and is attached as Exhibit A for further reference.

Variable Width Temporary Construction Easement:

Lying and being in the City of Concord, Number Four (4) Township, Cabarrus County and being all of the Temporary Construction Easement Area, 435 Square Feet or 0.010 Acres, more or less as shown on map titled, "Easement Plat, Part of the Property of Crown Point 51, LLC," and is attached as Exhibit A for further reference.

WHEREAS, the variable width permanent utility easement and variable width temporary construction easement, currently owned by Crown Point 51, LLC is being acquired for the purpose of the construction of stormwater infrastructure improvements along with all fixtures and appurtenances; and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owners to acquire the above-described properties by negotiated conveyance.

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

The City of Concord will acquire by condemnation or negotiated conveyances for the purposes stated above the property and interest therein described above to the Resolution.

The City Attorney is authorized and directed to acquire by negotiated offer or, in the alternative, institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes, to acquire the properties described above.

Adopted this 8th day of September, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

5. Consider adopting a resolution authorizing an eminent domain action for property located at 120 Country Club Drive, Concord, NC 28025 and commonly known as the Carolina Mall.

This property is currently owned by Carolina Mall, LLC/Georgia, LLC. Certain easements, both permanent and temporary, are required by the Water Resources Department in order to construct a stormwater culvert. The total appraised tax value of the property is listed at \$11,283,670. The Engineering Department calculated the value of the 0.085 acre temporary and the 0.032 acre permanent easements to be \$3,601.43. The property owner has not responded to several attempts of contact by the Engineering Department.

A motion was made by Council Member Parsley-Hubbard and seconded by Mayor Pro-Tem Crawford to adopt the following resolution authorizing an eminent domain action for property located at 120 Country Club Drive, Concord, NC 28025—the vote: all aye.

**RESOLUTION AUTHORIZING NEGOTIATED PURCHASE
OR EMINENT DOMAIN TO ACQUIRE PROPERTY**

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

Variable Width Permanent Utility Easement:

Lying and being in the City of Concord, Number Four (4) Township, Cabarrus County and being all of the Permanent Utility Easement Area, 1,415 Square Feet or 0.032 Acres, more or less as shown on map titled, "Easement Plat, Part of the Property of Carolina Mall," and is attached as Exhibit A for further reference

Variable Width Temporary Construction Easement:

Lying and being in the City of Concord, Number Four (4) Township, Cabarrus County and being all of the Temporary Construction Easement Area, 3,697 Square Feet or 0.085 Acres, more or less as shown on map titled, "Easement Plat, Part of the Property of Carolina Mall, LLC," and is attached as Exhibit A for further reference.

WHEREAS, the variable width permanent utility easement and variable width temporary construction easement, currently owned by Carolina Mall, LLC, a Georgia limited liability company, is being acquired for the purpose of the construction of stormwater infrastructure improvements along with all fixtures and appurtenances; and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owners to acquire the above-described properties by negotiated conveyance.

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

The City of Concord will acquire by condemnation or negotiated conveyances for the purposes stated above the property and interest therein described above to the Resolution.

The City Attorney is authorized and directed to acquire by negotiated offer or, in the alternative, institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes, to acquire the properties described above.

Adopted this 8th day of September, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

6. Consider awarding a bid for installation of twelve steel transmission poles to Power Grid Services in the amount of \$982,322.92.

Electric Systems staff received bids on August 18, 2022 from three contractors for the Construction of 100 KV Transmission Line at Substation T and Delivery 4. The low bid was submitted by Power Grid Services in the amount of \$982,322.92. Power Grid Services' bid was determined to be a responsible and responsive bid. Construction is expected to take 120 days and will commence October 3, 2022. Funding is coming from the Delivery 4 project account.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to award a bid for installation of twelve steel transmission poles to Power Grid Services in the amount of \$982,322.92—the vote: all aye.

7. Consider awarding bids for electric equipment and materials for Substation W, located at 1420 Concord Parkway S, to Substation Enterprises; Virginia Transformer Corporation; S&C Electric Company; Siemens Industry, Inc; and Myers Controlled Power, LLC.

Electric Systems staff received bids on August 18, 2022 for electric equipment and materials required for the construction of a new substation located at 1420 Concord Parkway South to feed the future Lilly manufacturing plant. The bids were arranged into the following five schedules of equipment: Schedule I - Substation steel and structures, Substation Enterprises, \$356,718; Schedule II - Two 28 MVA power transformers, Virginia Transformer Corporation, \$1,991,982; Schedule III - Two 100KV circuit switchers, S&C Electric Company, \$141,400; Schedule IV - Two 15KV circuit breakers, Siemens Industry, Inc, \$57,626; and Schedule V - One metalclad switchgear, Myers Controlled Power, LLC, \$913,615. All schedules combined total \$3,461,341. Funding will be derived from the existing Substation W project account. Eli Lilly will be invoiced to provide funding for the Substation W project account.

A motion was made by Council Member McKenzie and seconded by Council Member Parsley-Hubbard to award bids for electric equipment and materials for Substation W to: Substation Enterprises; Virginia Transformer Corporation; S&C Electric Company; Siemens Industry, Inc; and Myers Controlled Power, LLC—the vote: all aye.

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

Rider Transit is seeking to purchase one (1) heavy-duty 35' hybrid bus using the PART/Piedmont NC consortium bus procurement contract to replace one existing bus that has met its FTA designated useful life. Once the vehicle is delivered, our bus fleet will be back to a 100% State of Good Repair with none of our buses running in service past their useful life.

In August, Rider Transit was awarded a \$713,813 FTA 5339(c) Low or No Emission Discretionary grant specifically for the purpose of securing this replacement hybrid bus, which has a current cost of \$882,932, including registration. The FTA funds will cover 80.85% of the cost of the vehicle. The remaining 19.15% (\$169,119) will be split 50/50 between Concord and Kannapolis (\$84,559.50 each).

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Langford to authorize the City Manager to sign a contract with Gillig LLC utilizing with a not to exceed maximum cost of \$882,932—the vote: all aye.

9. Consider abandoning a portion of public utility easement across property at 4291 Papa Joe Hendrick Blvd (PIN 4599-10-9019).

There is a public utility easement recorded in Plat Book 65 Page 84 to the City of Concord. As this property has developed a portion of this easement is not necessary.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member King to adopt the following resolution authorizing the Abandonment of Easement—the vote: all aye.

RESOLUTION RELEASING EASEMENT

WHEREAS, a public utility easement was granted on Plat Book 65 Page 84 recorded in the Cabarrus County Registry to the City of Concord for water and sanitary sewer; and

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

WHEREAS, the release of the portion of said easement would not be contrary to the public interest;

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

1. That a portion of the 30' public utility easement recorded on Plat Book 65 Page 84 and more particularly shown on Exhibit "A" is hereby ordered abandoned, and all rights and interest of the City are released.
2. The City's property rights in the released portion easement shall be conveyed by the City Attorney and other necessary staff or the mayor to the property owners of record.
3. The City Attorney and other City staff are hereby directed to take all necessary steps to enforce this resolution.

Adopted this 8th day of September 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

10. Consider approving the Master Plan and Conceptual Design for the Academy-Gibson Park areas.

Withers Ravenel, out of Raleigh, NC, presented the final master plan for the Academy-Gibson Area Parks and facilities for Council's consideration. The plan provides recommendations for new developments and amenities, renovations to aged buildings and facilities, and greenway and connectivity priorities within the Gibson Village neighborhood.

It consists of five (5) sites, totaling approximately 18.36 acres of land broken down as follows: 1-Academy Complex (9.86 acres) including the Academy Recreation Center, McInnis Aquatics Center, Historic Webb Field, McAllister Field, and segments of the Village Greenway; 2-Kerr Street-Cedar Street Properties (2.44 acres) including property from Crowell Drive to the corner of Kerr Street and Cedar Drive; 3-Clearwater Art Studio Open Space (1.42 acres) including the existing open space adjacent to Clearwater along Kerr Street that includes the trailhead of Village Greenway; 4-Academy-Kerr Street (0.49 acres) including four (4) parcels at the corner of Kerr Street and Academy Avenue that feature an old convenience store; and 5-existing Gibson Field (4.16 acres) located at 265 Ballpark Court with parking entrance off of Misenheimer Drive.

Currently, these properties function as separate facilities and do not operate as a traditional neighborhood park manner that is open to the public. The purpose behind this plan is to create a well-connected park and open space plan that removes existing

barriers and suggests development of new park amenities such as playgrounds, extension of trails and greenways, and other features such as a bicycle pump track, skate park, and sculpture garden. It is intended to create an equitable and cohesive park experience for the Gibson Village community and the City of Concord. This plan lays out a vision for development recommendations focusing on connectivity between all park elements and other destinations within this area, prioritizes renovations and new amenities and features, and considers appropriate phasing for park development over the next 5 to 10 years.

City staff secured public input with three separate online surveys, input from stakeholder groups, and with a public workshop in March of 2022. Results from the surveys included 528 participants, 4,136 responses, and 187 comments.

A motion was made by Council Member Langford and seconded by Mayor Pro-Tem Crawford to approve and adopt the master plan for Academy-Gibson Park, Facility & Greenway Development—the vote: all aye.

11. Continue discussion regarding future funding of non-profits with General Fund monies.

Council Member Parsley-Hubbard suggested that current process be continued at this point and to form a Committee to review the current process and report back with recommended changes. She stated she did not want to put additional work on staff so the Committee would be comprised of a few Council Members and the City Manager.

The City Manager stated that it would be good to have a few staff members at the beginning of discussion to go explain the current process. He stated staff typically begins the budget process for the non-profit organizations in January each year.

Mayor Dusch stated that per the City Manager's comments, changes would not be reflected until FY2024. He asked if the Committee could have their recommendation to the City Manager by July 1, 2023. The City Manager confirmed that date would work for staff to implement any recommended changes to the process.

It was the consensus of the Council to have Council Member Parsley-Hubbard chair the Committee and ask a few Council Members to assist her.

A motion was made by Council Member McKenzie and seconded by Council Member Stocks to evaluate and establish the process for non-profit allocations and have recommended changes to the City Manager by July 1, 2023—the vote: all aye.

* * * * *

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

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

CONSENT AGENDA ITEM A

A contribution of \$1,500 from the Mayor's Golf Tournament Fund to Big Brothers Big Sisters was approved and the following budget ordinance appropriating the contribution was adopted.

ORD.# 22-119

AN ORDINANCE TO AMEND FY 2022-2023 BUDGET ORDINANCE

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

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

accounts in the funds listed for the reason stated;

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

<u>Revenues</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
100-4370000	Fund Balance Approp	6,607,145	6,608,645	1,500
	Total			1,500

<u>Expenses/Expenditures</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
4190-5470043	Golf Tournaments	2,500	4,000	1,500
	Total			1,500

Reason: To appropriate Mayor Golf Tournament reserves for a donation to Big Brothers/Big Sisters for a match activity which will support physical health, mental health and well-being.

Adopted this 8th day of September, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM B

The public relations portion of the Nexsen Pruet contract was terminated.

CONSENT AGENDA ITEM C

A License to Attach Banners to City of Concord Property to Conder Flag Company for the placement of temporary race banners on Bruton Smith Blvd and Hwy 29 for the Bank of America Roval 400 was approved

CONSENT AGENDA ITEM D

The City Manager was authorized to negotiate the acquisition of one parcel, totaling 0.25 acres (PIN# 5621-93-5451) from Susan Machiels for future development of McEachern Greenway for \$28,000, and the following ordinances were adopted to amend the Parks and Recreation Capital Reserve Fund and Recreation Capital Project Fund to complete transfers for approved property purchases including due diligences a total of \$33,375.

ORD.# 22-120

PARKS & CAPITAL RESERVE FUND ORDINANCE
AMENDED

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 18-22 Chapter 159 of the General Statutes of North Carolina, the following

Capital Reserve Fund ordinance is hereby amended:

SECTION 1. The purpose authorized is to accumulate funds for future capital projects and capital outlay. Funds will be accumulated until such time the City Council designates the funds for projects or capital outlay. These funds may only be designated for projects that are listed in the City's Capital Improvement Plan or capital outlay approved in the City's operating budget ordinance. The General Fund will serve as the funding source for the Capital Reserve Fund upon City Council approval and withdrawals must be approved by City Council through an ordinance.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the project/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 this fund:

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8100-5987000	Transfer to Project	\$3,699,477	\$3,732,852	\$33,375
8100-5987000	Fund			
8100-5811082				
8100-5811082	Future Projects	\$508,503	\$475,128	\$(33,375)

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 capital reserve fund 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 capital reserve fund amendments/adoption shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out the purpose of this fund.

SECTION 6. The Finance Director is directed to report on the financial status of this fund 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 September, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 22-121

**CAPITAL PROJECT ORDINANCE AMENDMENT
Parks & Recreation Projects-McEachern-Hospital Phase**

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 McEachern-Hospital Phase.

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:

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

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease Increase)
420-501280				
420-501280	Transfer from P&R Reserve	\$3,922,333	\$3,955,708	\$33,375
8300-5811018				
8300-5811018	McEachern-Hospital Phase	\$1,189,804	\$1,223,179	\$33,375

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 8th day September, 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 E

The property transfer of PID # 5621-86-8122 the 1.566-acre property along Branchview Drive and Three-Mile Branch for the future development of McEachern Greenway was accepted.

CONSENT AGENDA ITEM F

The Parks and Recreation Department was authorized to apply for the 2022 Regional Trail Implementation Grant from Carolina Thread Trail for the development of Irish Buffalo Creek Greenway.

CONSENT AGENDA ITEM G

Grant funds in the amount of \$2,760,225 from the Division of Aviation NCDOT was accepted and the following budget ordinance to amend the Airport Operations was adopted.

ORD.# 22-122

**GRANT PROJECT ORDINANCE
FY23 State Aid to Airports**

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 **State Aid to Airport Projects**.

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:

		<u>Revenues</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
451-4357000	State Aid	5,745,868	8,506,093	2,760,225
451-4357000				
451-4603400				
451-4603400	Future Grants	1,506,968	0	(1,506,968)
		Total		1,253,257

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>
6300-5986000				
6300-5986000	TRANSFER TO AVIATION	1,158,273	0	(1,158,273)
6309-5986000				
6309-5986000	TRANSFER TO AVIATION	0	1,158,273	1,158,273
6309-5811082				
6309-5811082	FUTURE GRANT PROJECTS	0	1,253,257	1,253,257
		Total		1,253,257

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 September, 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 City Manager to negotiate and execute a contract with TBE for design/bid services for the North Apron Access Road and the following budget amendment was adopted.

ORD.# 22-124

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 **North Apron Roadway Project**.

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:

Account	Title	<u>Revenues</u>		
		Current Budget	Amended Budget	(Decrease) Increase
451-4603400	Future Grants	1,158,273	1,506,968	348,695
451-4603400				
Total				<u>348,695</u>

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

Account	Title	<u>Expenses/Expenditures</u>		
		Current Budget	Amended Budget	(Decrease) Increase
6300-5800454				
6300-5800454	North Apron Roadway	4,036,643	4,385,338	348,695
Total				<u>348,695</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 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 September, 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 I

The maintenance agreement was approved and the offer of dedication on the following property was accepted: Cabarrus County.

CONSENT AGENDA ITEM J

The offer of dedication was accepted on the following plats and easements: Spring Meadow Phase 4 Map 1, Red Hill Phase 1, 464 Amhurst Street SW, 1.425 ac – Burrage Road, and Red Hill Greenway Dedication.

CONSENT AGENDA ITEM K

The offers of infrastructure were accepted in the following subdivisions and sites, Settlers Landing Office Building 2, Union Street Mini Storage, Spring Meadow Subdivision PH 3 MP 1.

CONSENT AGENDA ITEM L

The following American Rescue Plan Fund grant project budget amendment was adopted.

ORD.# 22-123

**GRANT PROJECT ORDINANCE
American Rescue Plan Fund**

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 project authorized is various projects funded by the American Rescue Plan Funds.

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

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>
3300-5836000	UV Lighting	79,000	64,465	(14,535)
3300-5832000	Collections Area Renov	20,000	34,535	14,535
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 adoption, copies of this grant 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 8th day of September, 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

- B. Consider adopting an Aviation Project Fund budget amendment for the North Apron Expansion project at the Concord-Padgett Regional Airport.** This budget amendment is to transfer funds for the North Apron Expansion project to the appropriate accounts for the project to allow tracking of the funds.
Recommendation: Motion to adopt an Aviation Project Fund budget amendment for the North Apron Expansion project at the Concord-Padgett Regional Airport.

ORD. #22-124

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 **North Apron Expansion Project**.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation of the project within terms of a grant agreement with the Federal Aviation Administration.

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
451-4603400				
451-4603400	Future Grants	2,045,945	1,158,273	(887,672)
451-4501680				
451-4501680	Transfer From Aviation	458,391	459,891	1,500
451-4357300				
451-4357300	Federal Aid	10,853,921	14,566,963	3,713,042
Total				2,826,870

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

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
6300-5800441				
6300-5800441	North Apron Expansion	00.00	4,036,643	4,036,643
6302-5800441				
6302-5800441	North Apron Expansion	1,211,273	0	(1,211,273)
6307-5800453				
6307-5800453	Runway Widening	887,672	889,172	1,500
Total				2,,826,870

1) 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 September, 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

Article 3.12, Race Pay in the Personnel Policy was amended to clarify the procedures for the payment of both non-exempt and exempt employees working eligible events at Charlotte Motor Speedway and the Zmax Dragway that are sanctioned by NASCAR and NHRA respectively.

CONSENT AGENDA ITEM O

The Tax Office collection reports for the month of July 2022 were accepted.

CONSENT AGENDA ITEM P

The Tax releases/refunds for the month of July 2022 were approved.

CONSENT AGENDA ITEM Q

The monthly report on status of investments as of July 31, 2022 was received.

* * * * *

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Langford to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(2) to prevent the disclosure of an honorary degree, scholarship, prize or similar award; N.C. General Statute 143-318.11(a)(4) to discuss the location or expansion of industries or other businesses in the area served by this public body; and 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 officer or employee—the vote: all aye.

* * * * *

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

William C. Dusch, Mayor

Kim J. Deason, City Clerk