

CONCORD CITY COUNCIL
REGULAR MEETING
JANUARY 9, 2025

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 January 9, 2025, at 6:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

Mayor Pro-Tem Andy Langford
Council Member Lori A. Clay
Council Member Betty M. Stocks
Council Member Terry L. Crawford
Council Member Jennifer Hubbard
Council Member John A. Sweat, Jr.

Others Present:

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

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

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

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Approval of Minutes:

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem Langford to approve the minutes for the meetings of November 26, December 10, and December 12, 2024—the vote: all aye.

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Presentation:

1. Mayor Dusch presented a proclamation recognizing Monday, January 20, 2025 as Dr. Martin Luther King, Jr. Day.
2. At the Tuesday, January 7th Work Session, Mayor Dusch presented a proclamation recognizing the week of January 18-February 2, 2025 as Health for Humanity-Yogathon.
3. Mayor Dusch presented a retirement plaque recognizing Captain Warren Hatley for 29 years of service with the City of Concord.
4. At the Tuesday, January 7th Work Session, Mayor Dusch presented the Distinguished Budget Award and the PAFR Award from the Government Finance Officers Association of the United States and Canada to the City's Budget team.

Departmental Reports:

1. Parks and Recreation Bond update

The Parks and Recreation Director, Sheila Lowry, provided the monthly update on the Parks and Recreation Bond projects.

2. Downtown Streetscape update

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

Council Member Clay asked when the string lights would be lit continuously. The Planning Neighborhood Development Services Design Manager stated it would be in late February.

Public Hearings:

1. Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a three-year/50% tax-based economic development grant to Custom Ingredients, Inc. DBA Custom Flavors to locate at 7955 & 7975 West Winds Blvd NW, Concord, North Carolina 28027. The project will have an investment of approximately \$7,750,000 in real and personal property.

Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. Custom Ingredients, Inc. proposes to develop a food flavoring manufacturing facility and proposes to invest approximately \$7,750,000 in real and personal property. The company will create a minimum of 42 jobs within 3 years. The total value of the City's three-year/50% grant is estimated to equal \$34,078 depending on the actual investment. The City of Concord would still collect a three-year net revenue of \$34,078 after the incentive payments.

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

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

A motion was made by Council Member Stocks and seconded by Council Member Crawford to offer a contract for a three-year/50% tax-based Economic Development Grant to Custom Ingredients, Inc. DBA Custom Flavors to locate at 7955 & 7975 West Winds Blvd NW, Concord, North Carolina 28027—the vote: all aye.

2. Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a one-year/85% tax-based economic development industrial spec grant to HSREI, LLC, to locate at 4295 Defender Way NW, Concord, North Carolina 28027. The project will have an investment of approximately \$35,000,000 in real property.

Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. HSREI, LLC, proposes to develop an Advanced Manufacturing Center (AMC) on 27 acres adjacent to Hendrick Motorsports Campus. This building design, to be constructed with tilt-up concrete walls and glass and metal accents, will be an approximately 260,000 SF advanced manufacturing facility and will attract a premier advanced manufacturing tenant. It will be among the finest facilities of its type in the region and create a place where high-quality careers expand for decades. HSREI, LLC, proposes to invest approximately \$35,000,000 in real property. The total value of the City's one-year/85% grant is estimated to equal \$124,950 depending on the actual investment. The City of Concord would still collect a one-year net revenue of \$22,050 after the incentive payments.

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

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

A motion was made by Council Member Crawford and seconded by Council Member Hubbard to offer a contract for a one-year/85% tax-based Economic Development Industrial Spec Grant to HSREI, LLC, to locate at 4295 Defender Way NW, Concord, North Carolina 28027—the vote: all aye.

3. Conduct a public hearing to consider adopting an ordinance amending Article 5“ Subdivisions, Site Plans, Construction Plans,” Sections 5.2 and 5.3 and Article 8 “Use Regulations,” Table 8.1.8, Use Table,” of the Concord Development Ordinance (CDO) relative to on-site water and wastewater systems.

This item is the CDO change related to the Code amendment regarding on-site water and wastewater systems as mandated by HB 628. The proposed amendment includes allowing private sewage treatment facilities by right and requires that the private systems be shown on both preliminary and final subdivision plats. At their December 17th meeting, the Planning and Zoning Commission unanimously recommended the amendment to Council.

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

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

A motion was made by Council Member McKenzie and seconded by Council Member Sweat to adopt the following Statement of Consistency—the vote: all aye.

- The proposal is consistent with the 2030 Land Use Plan as under Part 10 Infrastructure, Objective 15.1 states the City should “provide adequate water resources and wastewater treatment capacity to serve the needs of the citizens of Concord both now and in the future.”
- The proposal is reasonable in that it ensures that the ordinance is consistent with HB 628 and the resultant General Statute 160A-317.

A motion was made by Council Member McKenzie and seconded by Council Member Hubbard to adopt the following ordinance amending Articles 5 & 8 of the CDO to adopt changes related to on-site water and sewer systems—the vote: all aye.

ORD. # 25-01

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF CONCORD, NORTH CAROLINA

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by the North Carolina General Statute §160A-364 enacted an Official Zoning Ordinance for the City of Concord, North Carolina and the Area of Extraterritorial Jurisdiction on July 28, 1977; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute §160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951, may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

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

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

SECTION 1: That Article 5, Subdivisions, Site Plans, Construction Plans, Section 5.2 Preliminary Plat, , Section 5.2.2 Contents, Section 5.2.2.C Right-of-Way and Easement Information, be amended to the following:

C. Right-of-Way and Easement Information.

1. Proposed streets, sidewalks, and pedestrian ways, including vehicular access points, sidewalks, street names, right-of-way widths, pavement widths, centerline curve radii, proposed functional classifications for streets, sight triangle easements and typical cross-sections,
2. Existing streets, sidewalks, and pedestrian ways on subject and adjacent properties, including vehicular access points, sidewalks, right-of-way widths and pavement widths,
3. Proposed and existing utility easements, such as water, sanitary sewer, storm sewer, electric, natural gas, telephone, cable, etc., including labels for easement types and widths,
4. Proposed private sewer easements and facilities,
5. Labeled proposed and existing public and/or private drainage and stormwater controls, including labels for easement types and widths,
6. Proposed and existing buffers, such as undisturbed buffers, vegetative buffers, buffer yards, etc., including labels for easement types and widths, and
6. Proposed open spaces, including labels for easement types and widths, and details.

SECTION 2: That Article 5, Subdivisions, Site Plans, Construction Plans, Section 5.3 Final Plats, , Section 5.3.2 Contents, Section 5.3.2.C Right-of-Way and Easement Information, be amended to the following:

C. Right-of-Way and Easement Information.

1. Proposed and existing streets, sidewalks, and pedestrian rights-of-way and easements, including street names and right-of-way widths on subject and adjacent properties,
2. Site triangle easements meeting the standards shown in the *Manual*,
3. Proposed and existing utility easements, such as water, sanitary sewer, storm sewer, electric, natural gas, telephone, cable, etc., including labels for easement types and widths,
4. Proposed private sewer easements and facilities,
5. Labeled proposed and existing public and/or private drainage and stormwater controls, including labels for easement types and widths,
6. Proposed and existing buffers, such as undisturbed buffers, vegetative buffers, buffer yards, etc., including labels for easement types and widths, and
7. Proposed open spaces, including labels for easement types and widths.

SECTION 3: That Article 8 Use Regulations, Table 8.1.8 Use Table, Use Category, Utilities, be amended to the following:

Utilities	All utilities, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Electric Generating Facility	S												S	P	
	Natural Gas Distribution Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Pipeline, Petroleum and Natural or Manufactured Gases	S	S	S	S	S	S	S	S	S	S	S	S	P	P	
	Sewage Treatment Facility, Private as permitted by NCDENR	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Water Treatment Facility	P											P		P	
	Solar Farm	S														

SECTION 5: That this Ordinance be effective immediately upon adoption.

Adopted on this 9th of January 2025.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

A. Presentations of Petitions and Requests

1. Consider adopting an ordinance amending Chapter 62 Water and Wastewater Utilities Section 62-31 “Required Connection” of the City Code to address statutory changes related to the use of on-site water and wastewater systems.

The General Assembly recently passed House Bill 628 (codified as G.S. 160A-317) which mandated that municipalities allow the use of on-site water and sewer systems in certain situations. The Statute require that a jurisdiction cannot impose a sewer connection mandate if 1) there is no capacity or 2) the cost of connection exceeds the cost of developing a private system. The Statute also states that connection to water cannot be required and a well may be used if the jurisdiction cannot provide adequate water pressure.

City Council gave staff guidance at their October Work Session relative to statutory compliance and the quarterly sewer allocation process. Council’s direction was to amend the City Code to require applicants to pursue allocation (provided there is physical capacity at the plant). The proposed amendment also clarifies that an applicant may pursue the private system based on the cost issue and adds the provision about water service. The amendment has been a collaborative effort with Legal, Water Resources, and Engineering. The amendment includes a requirement for a pre-application meeting with the Development Review Committee (DRC) to ensure that staff is aware of proposed on-site systems.

Although Planning Commission’s review of City Code changes is not required, staff presented this item as a companion to the related Concord Development Ordinance (CDO) changes.

A motion was made by Council Member Hubbard and seconded by Council Member Crawford to adopt the following ordinance amending Section 62-31 of the City Code relative to on-site water and wastewater systems—the vote: all aye.

ORD. # 25-02

AN ORDINANCE TO AMEND CHAPTER 62 WATER AND WASTEWATER UTILITIES

WHEREAS, the City Council of the City of Concord, North Carolina, has adopted a Code of Ordinances; and

WHEREAS, the City desires to amend the ordinance regarding on-site utility systems as mandated by G.S. 160A-317.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina, after due consideration and in the best interests of its citizens and property of Concord, that the Concord Code of Ordinances be amended as follows:

SECTION 1. Chapter 62 “Water and Wastewater Utilities,” Subsection 62-31 “Required connection” be amended to read as follows:

Sec. 62-31. - Required connection.

(a) Except as provided in subsection (e) on developed property, it shall be unlawful to use or maintain any residential buildings or nonresidential establishments in the city that are located on a lot abutting on the city water line, such residences or establishments being not more than 200 feet from the water line, unless such residences or establishments are connected with the water line.

(b) On developed property, it shall be unlawful to use or maintain any residential buildings or nonresidential establishments in the city that are located on a lot abutting on the city sewer line, such residences or establishments being not more than 200 feet from the sewer line, unless such building is provided with plumbing connected with the sewer, provided that water is available from the city mains within 200 feet of the residences or establishments. In accordance with G.S. 160A-317(a-b), an establishment may be exempt from this requirement if either inadequate sewer capacity exists, or if the cost of the connection exceeds the cost of installing an on-site wastewater system authorized pursuant to Article 11 of Chapter 130A of the North Carolina General Statutes.

1. Applicants for connection to public sewer shall follow the City’s most recent policy on public sewer allocation as applicable. If City Council does not allocate public sewer to the project, the applicant may pursue the private system option in accordance with subsection (b) above.
2. In the event that an applicant wishes to pursue an on-site sewer option as provided under subsection (b) above, a pre-application meeting shall be required with the Development Review Committee (DRC) as set forth in Section 2.6 of the Concord Development Ordinance (CDO).

(c) Applicants requesting sewer service shall be required to connect to both the wastewater collection system and the water distribution system if water service is available, except where connection to the city sewer line is required by subsection (b) but not required by subsection (a).

(d) All properties in the city not included under this subsection shall be governed by the requirements of the state departments of health and human services and environmental quality.

(e) Effective August 1, 2016, any property owner receiving a permit pursuant to G.S. 87-97.2(a) or (b) shall not be required to connect to the public water system for so long as the permitted private drinking water well remains compliant and in use, except that subsection (a) may apply in any of the following situations:

- (1) The private drinking water well serving the property has failed and cannot be repaired.
- (2) The property is located in an area where the drinking water removed by the private drinking water well is contaminated or likely to become contaminated due to nearby contamination.
- (3) The city is being assisted by the local government commission.
- (4) The city is in the process of expanding or repairing the public water system and is actively making progress to having water lines installed directly available to provide water

service to that property within the 24 months of the time the property owner applies for the private drinking water well permit.

(5) The city cannot provide adequate water pressure as defined by 160A-317(a)2.

(f) Nothing in this [section 62-31](#) shall be construed to prevent any owner of developed or undeveloped property from voluntarily requesting connection to a city water or sewer line.

SECTION 2. That all remaining Sections of Chapter 62 remain as written.

SECTION 3. This Ordinance be effective immediately upon adoption.

Adopted on this 9th day of January 2025.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

2. Consider renaming private street Stowe Lane to Team Hendrick Way.

According to the Code of Ordinances, the City Council assigns official street names to public and private streets. Hendrick Motorsports is requesting that a private street on the Hendrick Motorsports campus be renamed. The street is entirely on the Hendrick property and will not affect other property owners.

Cabarrus County has confirmed that the name of Team Hendrick Way will not cause a conflict with other street names in the County. The City would not incur any cost associated with this change, as the property owner will pay for the street signs.

A motion was made by Council Member Crawford and seconded by Council Member Langford to approve adopting the name change from Stowe Lane to Team Hendrick Way—the vote: all aye.

3. Consider entering into an agreement with the City of Kannapolis to construct structural signage and landscaping at designated interchanges along I-85.

The North Carolina Department of Transportation (NCDOT) completed a multi-year project for the widening and enhancement of the Interstate 85 highway through Cabarrus County including a substantial portion of the corridor lying between the municipal jurisdictions of Concord and Kannapolis. The cities of Concord and Kannapolis received consent from NCDOT to use the Exits as branded gateways consisting of structural signage and landscaping in a comprehensive and collaborative system for welcoming visitors and shepherding residents into the jurisdictions in an aesthetic and informative manner consistent with the Cabarrus County county-wide Wayfinding System.

The attached interlocal agreement outlines the responsibilities and cost share between Concord and Kannapolis. The interchanges noted in the agreement are Exits 58 (US 29), 60 (Copperfield/Dale Earnhardt), and 63 (Lane Street). Exits 58 and 60 will be a 50% split between the cities and Exit 63 will be solely the City of Kannapolis. Based on the latest estimates, Concord will be responsible for \$364,000 and Kannapolis will be responsible for \$787,576.

A motion was made by Mayor Pro-Tem Langford and seconded by Council Member Hubbard to into an agreement with the City of Kannapolis to construct structural signage and landscaping at designated interchanges along I-85—the vote: all aye.

4. Consider awarding two bids in the amount of \$876,962 to WESCO and Siemens Energy for switching station equipment and 121kV circuit breakers for Delivery 3.

Delivery 3, located at 4550 Pitts School Rd., is being upgraded to include a new main breaker, replacement feeder breakers, and new GOAB switches. Siemens will supply the 121kV breakers for a total cost of \$ 765,860. WESCO will supply the 121kV GOAB switches and other related equipment for a total cost of \$111,102.

Bid specifications were developed for Delivery 3's upgraded equipment, and a formal bid opening was held on December 12, 2024. Four manufacturers submitted bids which were evaluated by staff for adherence to specifications. WESCO was the lowest responsive bidder for Schedule I. Siemens Energy was the lowest responsive bidder for Schedule II.

A motion was made by Council Member Clay and seconded by Council Member Crawford to award two bids in the amount of \$876,962 to WESCO and Siemens Energy for switching station equipment and 121kV circuit breakers for Delivery 3—the vote: all aye.

5. Consider awarding a bid to Virginia Transformer Corporation in the amount of \$1,430,800 for a new station power transformer at Sub H.

The existing station power transformer at Sub H no longer has a full range of voltage regulating abilities and needs to be replaced. Bid specifications were developed, and a formal bid opening was held on December 12, 2024. Four manufacturers submitted bids, which were evaluated by Staff for adherence to specifications. Virginia Transformer Corporation was the lowest responsive bidder with the best lead times. The City of Concord Electric Department currently uses VTC's transformers in several substations.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to award a bid to Virginia Transformer Corporation in the amount of \$1,430,800 for a new station power transformer at Sub H—the vote: all aye.

6. Consider accepting a preliminary application from James Weston Carey.

In accordance with City Code Chapter 62, James Weston Carey has submitted a preliminary application to receive water service outside the City limits. The property is located at 7 Mary Circle, Concord NC. This .62 acre parcel is zoned county LDR, is located within Area B, and is currently undeveloped. The applicant is planning on constructing a single family home. Sewer is not available to the parcel.

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

7. Consider accepting preliminary application from James Weston Carey.

In accordance with City Code Chapter 62, James Weston Carey has submitted a preliminary application to receive water service outside the City limits. The property is located at 5321 Zion Church Road, Concord NC. This .58 acre parcel is zoned county LDR, is located within Area B, and is currently undeveloped. The applicant is planning on constructing a single family home. Sewer is not available to the parcel.

A motion was made by Mayor Pro-Tem Langford and seconded by Council Member Hubbard to accept the preliminary application and have the owner proceed to the final application phase excluding annexation—the vote: all aye.

8. Consider accepting preliminary application from Robert Capo & Staci Comer.

In accordance with City Code Chapter 62, Robert Capo & Staci Comer, joint tenants, have submitted a preliminary application to receive sewer service outside the City limits. The property is located at 5170 Almond Dr, Concord NC. This 11 acre parcel is zoned county LDR, is located within Area B, and the owners wish to build one new single family home. Water is not available to the parcel.

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

9. Consider authorizing the City Manager to negotiate and execute a replacement and upgrade contract with ClarkPowell in the amount of \$116,165 for the Council Dais, camera, and sound system upgrades in the City Council Meeting Chambers.

Bids were received on December 19, 2024 for system replacement and upgrade of the City Council Meeting Chambers. ClarkPowell was the low bidder with a total bid of \$116,165. These upgrades will address goals 1 and 6 of our new Goals, Strategies, & Tactics replacing outdated and unsupported equipment in the Council Meeting Chambers. These essential upgrades will ensure the City's ability to provide reliable, effective, and accessible government information for all. It will also establish sustainable technologies that will enhance communications and provide

opportunities for community input with our city residents and staff. Unspent ARPA project funds will be used to cover the cost of these upgrades.

The IT Director, Mike Hausler, explained the request. He stated there would be upgrades made to the audio and video systems.

Council Member Stocks asked when the upgrades would be implemented. The IT Director stated the project would take six weeks from the start date and training would follow. He stated a start date has not been set at this time.

A motion was made by Council Member McKenzie and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with ClarkPowell in the amount of \$116,165 for the replacement and upgrade of our essential sound and video equipment in our City Council Meeting Chambers—the vote: all aye.

Consent Agenda:

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

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

CONSENT AGENDA ITEM A

Grant funds in the amount of \$5,000 for the 2024 Energy Saving Trees program were accepted.

CONSENT AGENDA ITEM B

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 C

The Parks & Recreation Department was authorized to accept a \$5,000 grant from the NC Amateur Sports Association through its Youth Sports Grants for Non-Traditional Sports Equipment and the following budget ordinance was adopted.

ORD. # 25-03

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, 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>(Decrease)</u> <u>Increase</u>
<u>Account</u>	<u>Title</u>	<u>Current</u> <u>Budget</u>	<u>Amended</u> <u>Budget</u>	
100-4603000	Grant Proceeds	195,713	200,713	\$ 5,000
Total				<u>\$5,000</u>

		<u>Expenses/Expenditures</u>		<u>(Decrease)</u> <u>Increase</u>
<u>Account</u>	<u>Title</u>	<u>Current</u> <u>Budget</u>	<u>Amended</u> <u>Budget</u>	
6120-5800429	Grant Expenditures	\$0	\$5,000	<u>\$5,000</u>

Total

\$5,000

Reason: To appropriate the 2024 North Carolina General Assembly Amateur Sports Grant Award

Adopted this 9th day of January 2025.

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 following resolution was adopted to designate allowed depositories for the City.

R E S O L U T I O N

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

Section 1. All pooling financial institutions (list attached), the *Financial Institutions*, are designated as a depository for the funds of the City, *the Corporation*, and to provide other financial accommodations indicated in this resolution.

Section 2. This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Corporation and certified to the Financial Institution as governing the operation of this Corporation's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.

Section 3. The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation. Any Agent, so long as they act in a representative capacity as an Agent of the Corporation, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.

Section 4. All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of the resolution are hereby ratified, approved and confirmed.

Section 5. The Corporation agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Corporation. The Corporation authorizes the Financial Institution, at any time, to charge the Corporation for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.

Section 6. The Corporation acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Corporation to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.

Section 7. The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Corporation with the Financial Institution from

time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Corporation authorizes each Agent to have custody of the Corporation’s private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

Section 8. Corporation Agents.

<u>NAME</u>	<u>TITLE</u>
Jessica Jones	Finance Director
Kristin Roe	Deputy Finance Director
Madison Forte	Accounting Operations Manager

Section 9. This resolution shall be effective as of adopted date.

Adopted this 9th day of January 2025.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

CONSENT AGENDA ITEM E

The following resolution was adopted to advertise for upset bids on three (3) surplus transformers.

RESOLUTION AUTHORIZING CONSIDERATION of NEGOTIATED OFFER,
ADVERTISEMENT, AND UPSET BID FOR SURPLUS PERSONAL PROPERTY

WHEREAS, North Carolina General Statute § 160A-266(b) and 269 permit the City to sell surplus personal property thru the negotiation of an offer to purchase; and

WHEREAS, the City hereby declares the following personal property: one (1) ABB Transformer S/N: HCQ1136-0101Oil Filled, <1 PPM PCB and two (2) Kuhlman Transformers S/N: 272801-87-1 & S/N: 242802-1Oil Filled, <1 PPM PCB are surplus property (“Property”); and

WHEREAS, on February 16, 2023, the City received an Offer to Purchase the Property from Sunbelt Solomon Services, LLC, a Texas limited liability company (“Buyer”) for \$104,314.00; and

WHEREAS, City staff desire to sell the Property to the Buyer, as is, where is, without warranty, or guarantee of condition.

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

1. The City Council declares that one (1) ABB Transformer S/N: HCQ1136-0101Oil Filled, <1 PPM PCB and two (2) Kuhlman Transformers S/N: 272801-87-1 & S/N: 242802-1Oil Filled, <1 PPM PCB, are Surplus Property.
2. The City Council intends to accept the offer described above through the upset bid procedure outlined in North Carolina General Statute § 160A-266(b) and 269.
3. The City Clerk shall cause to be published a notice of the proposed sale of the Surplus Property, being further described as one (1) ABB Transformer S/N: HCQ1136-0101Oil Filled, <1 PPM PCB and the two (2) Kuhlman Transformers S/N: 272801-87-1 & S/N: 242802-1Oil Filled, <1 PPM PCB. The notice shall describe the property, the amount of the offer, the terms under which the sale is to be made, and the terms under which the offer may be upset.

- 4. Any persons wishing to upset the offer shall submit a bid along with their offer to the office of the City Clerk within 10 days after the notice of the proposed sale is published.
- 5. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
- 6. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
- 7. The final sale shall include the following terms:
 - a. The City will convey one (1) ABB Transformer S/N: HCQ1136-0101Oil Filled, <1 PPM PCB and the two (2) Kuhlman Transformers S/N: 272801-87-1 & S/N: 242802-1Oil Filled, <1 PPM PCB, to the Highest Bidder, by Bill of Sale.
 - b. The City will convey the surplus property as is, where is, without warranty or guarantee of condition. The closing shall take place within five (5) business days after the conclusion of the advertising or upon the confirmation of the highest bidder.
- 8. The City reserves the right to withdraw the surplus property from sale at any time, before the final high bid is accepted and reserves the right to reject, at any time, all bids.
- 9. The City Attorney is directed to take all necessary steps to complete the sale in the event no upset bids are received. The City Manager is authorized to execute the necessary instruments to effectuate the sale of one (1) ABB Transformer S/N: HCQ1136-0101Oil Filled, <1 PPM PCB and the two (2) Kuhlman Transformers S/N: 272801-87-1 & S/N: 242802-1Oil Filled, <1 PPM PCB, in accordance with this resolution.

Adopted on this 9th day of January 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

CONSENT AGENDA ITEM F

The maintenance agreements were approved and the offers of dedication were accepted to the following properties: Penske Truck Leasing Co., LP.

CONSENT AGENDA ITEM G

The offers of infrastructure in the following subdivisions and sites were accepted: Annsborough Park (Phase 2 Map 1- Lots: 163-300, and Amenity), Townhomes at Cannon Run (lots: 1-140), Buffalo Terrace Apartments, Kannapolis Parkway MSD (Mini-Storage-US29A).

CONSENT AGENDA ITEM H

A \$2,500 donation from the Mayor's Golf Tournament Fund to Cabarrus County Education Foundation (CCEF) was approved and the following budget amendment was adopted to appropriate the donation.

ORD. # 25-04

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, 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>					
Account	Title		Current Budget	Amended Budget	(Decrease) Increase
100-4370000	Fund	Balance	6,075,830	6,078,330	2,500
	Appropriated				
Total					2,500

<u>Expenses/Expenditures</u>					
Account	Title		Current Budget	Amended Budget	(Decrease) Increase
4190-5470043	Golf Tournaments		7,885	10,385	2,500
Total					2,500

Reason: To appropriate Mayor Golf Tournament reserves for a donation to the Cabarrus County Education Foundation.

Adopted on this 9th day of January 2025.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM I

The following ordinance was adopted to amend the FY2024/2025 Budget Ordinance for the General Fund to appropriate contingency funds to cover the cost of installing bullet proof glass in the HR reception window.

ORD. # 25-05

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, 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>					
Account	Title		Current Budget	Amended Budget	(Decrease) Increase

Total					
Expenses/Expenditures					
Account	Title	Current Budget	Amended Budget	(Decrease) Increase	
4125-5260000	Supplies-Office	30,842	38,142	7,300	
4190-5992000	Contingency	939,225	931,925	(7,300)	
Total				0	

Reason: To appropriate contingency funds for the purchase of bullet proof glass for the HR reception window.

Adopted on this 9th day of January 2025.

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 Transportation Project Fund budget.

ORD. # 25-06

CAPITAL PROJECT ORDINANCE
US601/Flowes Store Improvements

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 US601/Flowes Store Improvements.

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

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

Revenues					
Account	Title	Current Budget	Amended Budget	(Decrease) Increase	
423-4338600					
423-4338600	CMAQ Grant	1,521,368	4,510,114	2,988,746	
				2,988,746	

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

Expenses/Expenditures					
Account	Title	Current Budget	Amended Budget	(Decrease) Increase	
8600-5811257		2,349,333	6,085,266		
8600-5811257	US601/Flowes Store				

8600-5811073	Future Transp Projects	5,173,727	4,426,540	3,735,933
8600-5811073				(747,187)
				<u>2,988,746</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 9th day of January 2025.

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 Wastewater Fund budget amendment and Wastewater Project Fund project amendment were adopted.

ORD. # 25-07

CAPITAL PROJECT ORDINANCE AMENDMENT
Sewer Lining/Manhole Rehab

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 Sewer Lining/Manhole Rehab 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:

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
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8402-5801175	Swr Lining/Manhole Rehab	0	1,200,000	1,200,000
8402-5985000	Transfer to Sewer Fund	1,200,000	0	(1,200,000)
Total				<u>0</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 9th day January 2025.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD. # 25-08

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, as amended; and

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

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

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
640-4501400	Transfer from Cap Proj	1,200,000	0	(1,200,000)
Total				<u>(1,200,000)</u>

<u>Expenses/Expenditures</u>				
Account	Title			(Decrease) Increase
		Current Budget	Amended Budget	
7420-5359000	Maintenance-System (In)	2,808,074	1,608,074	(1,200,000)
Total				<u>(1,200,000)</u>

Reason: To remove the transfer budgeted from the sewer capital project fund.

Adopted this 9th day of January 2025.

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 2026 Holiday Schedule was approved.

CONSENT AGENDA ITEM M

A revision to Article 6.11, Paid Parental Bonding Leave Policy, of the City’s Personnel Policies and Procedures was approved.

CONSENT AGENDA ITEM N

The transfer of delinquent utility accounts to collection losses was approved.

CONSENT AGENDA ITEM O

The semiannual debt status report as of December 31, 2024 was accepted.

CONSENT AGENDA ITEM P

The Tax Office collection reports for the month of November 2024 were accepted.

CONSENT AGENDA ITEM Q

The Tax releases/refunds for the month of November 2024 were approved.

CONSENT AGENDA ITEM R

The monthly report on investments as of November 30, 2024 was received.

* * * * *

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

William C. Dusch, Mayor

Kim J. Deason, City Clerk