

CONCORD CITY COUNCIL
REGULAR MEETING
AUGUST 8, 2019

A regular meeting of the City Council for the City of Concord, North Carolina, was held on August 8, 2019, at 6:00 p.m., in the Council Room of City Hall, with Mayor William C. Dusch presiding. Council members were present as follows:

Members Present:

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

Others Present:

City Manager, Lloyd Wm. Payne, Jr.
City Attorney, Valerie Kolczynski
City Clerk, Kim J. Deason
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 McKenzie, seconded by Council Member Sweat, and duly carried, to approve the minutes for the meetings of July 09 and July 11, 2019—the vote: all aye.

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Presentations:

1. **Mayor Dusch administered the Oath of Office to David W. Phillips to fill the vacant District 1 seat until December 12, 2019.**
2. **Mayor Dusch presented a retirement plaque to James E. “Jim” Sells for over 33 years of loyal and dedicated service with the City of Concord.**
3. **Mayor Dusch welcomed visitors and delegates from Concord’s Sister City Freeport, Bahamas.**

Unfinished Business:

1. **Continue a public hearing and consider renaming a portion (approximately half) of the public street named Melrose Dr, SW to Balknight Dr, SW.**

The City Manager explained the applicant requested the request be tabled to the September 12th meeting to allow additional time to acquire the 80% signature total required for street renaming requests.

Action was taken on this item at the August 6th Work Session.

Person Requesting to be Heard:

Edie Barnhardt, 49 Patton Ct, SE, addressed the Council to publicly recognize Mayor Dusch, Police Chief Gacek, several police officers, Cabarrus Arts Council, and several downtown businesses that assisted her husband with a special surprise birthday flash mob dance for her birthday.

Alex Rankin, 45 Spring St, SW, addressed the Council to show his support of the Union Streetscape Project. He stated he was also representing the CDDC.

The following residents and business owners addressed the Council in support of the Union Streetscape Project:

Holly Sloop, CDDC

Joshua Case, 298 Union St, S

Randy Hopkins, 287 Union St, S

Joanna Sutton, 14 Union St, S (representing Patrick Reily)

Ken Griffin, 5 Union St, S

Justin Mueller, 51 Union St, S

Scott Padgett, 693 Union St, S

Michael Anderson, 38 Union St, S

Public Hearings:

- 1. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a three-year / 85% tax based Economic Development Incentive Grant with a commitment to creating 304 full time jobs with an average wage of \$40,560 to Project Wavy to locate at 2321 Concord Pkwy, S.**

Carvana, LLC (Project Wavy) is an online only dealership that can offer next-day delivery. Carvana's car buying process is off-site. Sales and financing offers are only made online. Cars are delivered straight to buyers. Carvana owns its inventory. The site at 2321 Concord Pkwy S. (PIN 5519-57-5640) would act as the southeastern inspection and recommissioning facility. The facility would be multiline with each line producing up to 6 cars/day. The company proposes a \$35 million investment in real and personal property. Carvana commits to providing 304 jobs with average wages at \$19.50 per hour (\$40,560 average wage) within three years (end of 2022). The company expects to create 469 total jobs at the same average wage within five years. The total value of the City's three year grant is estimated to equal \$428,400.

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

There were no speakers. Therefore, a motion was made by Mayor Pro-Tem King, seconded by Council Member Parsley, and duly carried, to close the public hearing—the vote: all aye.

A motion was made by Council Member McKenzie, seconded by Mayor Pro-Tem King, and duly carried, to offer a contract for a three year / 85% Economic Development Incentive Grant with a commitment to creating 304 full time jobs with an average wage of \$40,560 to Project Wavy to locate at 2321 Concord Pkwy S. in Concord, NC, pursuant to NC General Statutes Sec. 158-7.1—the vote: all aye.

- 2. Conduct a public hearing pursuant to NC General Statutes Sec. 158.7-1 and consider offering a contract for a three year / 85% tax based Economic Development Incentive Grant to Project Cylinder to locate at 4495 Global Avenue, NW.**

The Keith Corporation (TKC CCLXXVIII, LLC) will construct a speculative building for lease to Sonoco-Trident. The building will consist of approximately 80,173 SF and represent an estimated \$7,200,000 - \$8,500,000 investment in real property. The total value of the City's three year grant is estimated to equal \$88,128 - 104,040.

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

There were no speakers. Therefore, a motion was made by Council Member Sweat, seconded by Council Member Small, and duly carried, to close the public hearing—the vote: all aye.

A motion was made by Council Member Parsley, seconded by Council Member Sweat, and duly carried, to offer a contract for a three year / 85% Economic Development Incentive Grant to Project Cylinder to locate at 4495 Global Avenue NW in Concord, NC, pursuant to NC General Statutes Sec. 158-7.1—the vote: all aye.

3. Conduct a public hearing pursuant to NC General Statutes Sec 158.7-1 and consider offering a contract for a three year / 85% tax based Economic Development Incentive Grant to Project Cylinder to locate at 4495 Global Avenue, NW.

Sonoco-Trident (Trident Graphics NA, LLC) manufactures rotogravure tooling. Sonoco-Trident opened its Charlotte facility in 1997, which now produces over 11,000 cylinders a year for over 30 different gravure printers in North America. Due to age of the equipment, they are faced with end of life of their existing manufacturing line/equipment and considering new greenfield sites. The company proposes a \$10,000,000 investment in personal property (\$7.5 million new and \$2.5 million transfer). Sonoco-Trident expects to bring 45 full time jobs to the area (most will be transfers from Mecklenburg County with a few new positions). Averages wages are \$27 per hours (\$56,160 average wage). The total value of the City's three year grant is estimated to equal \$122,400.

A motion was made by Council Member Crawford, seconded by Mayor Pro-Tem King, and duly carried, to open the public hearing.

There were no speakers. Therefore, a motion was made by Council Member Small, seconded by Mayor Pro-Tem King, and duly carried, to close the public hearing—the vote: all aye.

A motion was made by Council Member McKenzie, seconded by Council Member Sweat, and duly carried, to offer a contract for a three year / 85% Economic Development Incentive Grant to Project Cylinder to locate at 4495 Global Avenue NW in Concord, NC, pursuant to NC General Statutes Sec. 158-7.1—the vote: all aye.

4. Conduct a public hearing and consider adopting an ordinance annexing one parcel located at 656 Shellbark owned by Corey Barr.

The subject property consists of approximately 0.17 acres on 656 Shellbark Drive, in the Hallstead Subdivision, north of Zion Church Rd, east of Old Glory Drive and on the south side of NC Hwy 49 S. The property is a satellite annexation. The purpose of annexation is for the property owner to receive access to City of Concord Water, Sewer and Solid Waste Services, for which annexation is required. The 2030 Land Use Plan designates the subject property as Suburban Neighborhood. If annexation is approved, staff intends to administratively petition to rezone the property from Cabarrus County MDR (Medium Density Residential) to R-CO (Residential County Originated).

A motion was made by Council Member Sweat, seconded by Council Member

Parsley, and duly carried, to open the public hearing.

There were no speakers. Therefore, a motion was made by Council Member Parsley, seconded by Council Member Crawford, and duly carried, to close the public hearing—the vote: all aye.

A motion was made by Council Member Crawford, seconded by Council Member Sweat, and duly carried, to adopt the following annexation ordinance and set the effective date for August 8, 2019.

ORD. # 19-79

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF
CONCORD, NORTH CAROLINA TO INCLUDE PROPERTY LOCATED AT 656
SHELLBARK DR. CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Corey Barr on August 8, 2019 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 August 8, 2019 after due notice by The Independent Tribune on July 28, 2019; 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 August 2019:

BEING all of Lot 46 in the Final Plat of Hallstead Phase I, Map 2 recorded in Map Book 54 at Page 6 in the Cabarrus County, North Carolina Registry and previously recorded in Book 9000, page 205.

SECTION 2. Upon and after the 8th day of August 2019 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 August 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ Valerie Kolczynski, City Attorney

5. Conduct a public hearing and consider adopting an ordinance for annexation of three parcels located to the southeast of the Fountainview Ave and Roberta Road intersection.

The subject property consists of approximately 2.0 Acres and is located on the east side of Roberta Road, south of Fountainview Avenue. The property is owned by Journey Capital LLC and the authorized petitioner for the annexation is Josh Collins of PresPro, LLC.

The subject property is depicted by the provided annexation map and is contiguous to the City of Concord's primary corporate limits. If annexation is approved, the applicant intends to pursue a rezoning to RV-CD (Residential Village Conditional District) for the purpose of establishing a 16 single-family attached (townhome) units. A site plan was submitted showing the proposed layout that includes two (2) eight-unit buildings setback approximately 90 to 100 feet from the Roberta Road right-of-way, with a 32 space parking lot in the front of the buildings.

The 2030 Land Use Plan designates the subject property as Suburban Neighborhood. According to the LUP, "Single-family attached dwellings are an option for infill development within the suburban neighborhood future land use category. These neighborhoods are often found in close proximity to suburban commercial, office, and industrial centers, and help provide the consumers and employment base needed to support these centers." Staff's interpretation of the Land Use Plan relative to the proposal is that the proposed use of townhomes are not in close proximity to suburban commercial and therefore may be inconsistent. The current County zoning is MDR (Medium Density Residential). The 2030 Land Use Plan (LUP) designates the subject property as Suburban Neighborhood and RV is a corresponding zoning district to the Land Use Category.

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

The Planning Manager, Starla Rogers, explained the request and the location of the property.

John Sears, PresPro, LLC, stated, in his opinion, this type of project is popular for affordable housing options. He also stated they are requesting annexation so as to connect to City water and sewer utilities.

There were no further speakers. Therefore, a motion was made by Mayor Pro-Tem King, seconded by Council Member Crawford, and duly carried, to close the public hearing.

A motion was made by Mayor Pro-Tem King, seconded by Council Member Crawford, and duly carried, to **deny** the annexation petition—the vote: all aye.

Presentations of Petitions and Requests

1. Consider adopting a resolution to receive an offer to acquire approximately 0.2065 acres of City property located at 66 Union Street, S (PIN 5620-97-2509) from Sherwood Development Group, LLC for \$470,000 and direct the City Clerk to advertise for upset bids pursuant to NC General Statutes 160A-269.

Sherwood Development Group, LLC submitted an offer to purchase approximately 0.2065 acres from the City of Concord for \$470,000 (based on appraisal by Northwest Consulting on April 26, 2019). The property is located at 66 Union St. S.

(PIN 5620-97-2509) and is commonly referred to as the former City Hall Annex.

Sherwood Development provided a Letter of Interest detailing their plans for the property, which represents an additional \$680,000 investment in the property. Sherwood Development requests one hundred twenty (120) calendar days for due diligence beginning with the execution of a Purchase and Sale Agreement should its offer be accepted.

Plans include: façade improvements to match character of downtown Concord, Class A office space similar to those found in Concord, NC, elevator in working order, renovation of basement at \$35 psf, and mural on rear wall nearest the surface parking spaces based on a coordinated design with the City and Cabarrus Arts Council. Sherwood Development would also agree to lease the entirety of the basement to the City and execute a Lease at Closing with these conditions: City must lease the offices exclusively to non-profit organizations, 4,800 SF, 10 year lease, \$6.90 per square foot Modified Gross with City paying its share of utilities, City has option to pay 10 year lease upfront, City has first right of refusal when 10 year lease expires and the City will manage the leases with the non-profits. Sherwood Development will manage the property and lease to for-profits on the first and second floors.

A motion was made by Council Member Parsley, seconded by Council Member Crawford, and duly carried, to adopt the resolution considering an offer of \$470,000 from Sherwood Development Group, LLC to acquire approximately 0.2065 acres of City property located at 66 Union Street South (PIN 5620-97-2509) and direct the City Clerk to advertise for upset bids pursuant to the requirements of G.S. 160A-269—the vote: all aye.

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

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

WHEREAS, the City of Concord acquired a parcel of property, as described as follows:

BEING all a 0.20565 Acres tract located at 66 Union Street South (now or formerly) and also identified as PIN 5620-97-2509, Tax ID No. 12-031-0010.00 of the Cabarrus County Registry.

ALSO, BEING the same property conveyed to the City of Concord, successor in interest to the Commissioners for the Town of Concord as shown in Deed Book 60, at Page 190 and Deed Book 60, at Page 192, of the Cabarrus County Registry; and

WHEREAS, on April 26, 2019, the City received an appraisal of 66 Union Street South from North by Northwest Consulting and the market value of the parcel was valued at \$470,000.00; and

WHEREAS, on June 11, 2019, the City received a Letter of Interest pertaining to the acquisition and rehabilitation of 66 Union Street South by Sherwood Development Group and an Offer to Purchase and Sale of Real Property from Sherwood Development Group for \$470,000.00 for the purpose of acquiring and rehabilitating 66 Union Street South into a Class A Office Building that will attract professional office users including non-profits.

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

1. The City Council intends to accept the offer of \$470,000.00 through the upset bid procedure outlined in NCGS § 160A-269.
2. The Offeror shall submit a 5% bid deposit of Twenty-Three Thousand, Five Hundred Dollars (\$23,500.00), to be held by the City Clerk; and

3. The City Clerk shall cause to be published a notice of the proposed Sale of the Property, being further described as parcels of land, lying and being in Township No. Twelve (12) of the City of Concord, North Carolina BEING all a 0.20565 Acres tract located at 66 Union Street South (now or formerly) and also identified as PIN 5620-97-2509, Tax ID No. 12-031-0010.00 of the Cabarrus County Registry and ALSO, BEING the same property conveyed to the City of Concord, successor in interest to the Commissioners for the Town of Concord as shown in Deed Book 60, at Page 190 and Deed Book 60, at Page 192, of the Cabarrus County Registry and the notice shall describe the properties, 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 their offer and deposit 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. All bids, including the qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the total bid; the deposit may be made in cash, cashier's check, or certified check to the City Clerk. The City will return the deposit on any bid not accepted and will return the deposit on an offer subject to an upset bid if a qualifying higher bid is received.
8. The final sale shall include the following terms:
 - a. The City will convey the properties to the Highest Bidder, by North Carolina General Warranty Deed.
 - b. The City will convey the properties subject to any and all existing and recorded easements, restrictions, conditions, protective covenants, utilities, rights-of-way, greenway rights, access rights, zoning laws, and all ordinances of record.
 - c. The Buyer will construct a Class A Office Building that will include façade improvements to match the character of downtown Concord.
 - d. The Buyer will provide affordable leasing options in the building to non-profit organizations.
 - e. The Buyer will coordinate with the Cabarrus Arts Council and the City of Concord to create a mural on the rear wall of the building, which will embrace the history of Concord.
 - f. The Buyer will take the property subject to any and all existing public utilities located on or within proximity of the public right of ways of the project area.
 - g. The closing shall take place on or before March 10, 2020.
9. The City reserves the right to withdraw the property from sale at any time, before the final high bid is accepted and reserves the right to reject, at any time, all bids.
10. The City Attorney is directed to take all necessary steps to complete the sale in the event no upset bids are received. The City Manager is authorized to execute the necessary instruments to effectuate the sale of the above stated properties to the Highest Bidder in accordance with this resolution.

Adopted this 8th day of August, 2019.

CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

2. Consider authorizing the City to negotiate and execute a contract with Ike's Construction, Inc for the construction of the 1.3 mile Hector Henry Greenway, Riverwalk Phase and to adopt a budget amendment to appropriate the funds.

Ike's Construction, Inc. submitted the lowest bid in the amount of \$2,749,546. The project available balance is \$2,076,622, with the amount of \$20,000 to be held for a material testing contract. The project available balance includes two grants totaling \$470,000. An amount of \$560,907 has been identified as value engineering for a project sub-total amount being \$2,188,639, meaning the project is \$132,017 over the approved budget.

Parks & Recreation staff identified cost savings in the several project accounts to be closed and could be used to fund the project.

A motion was made by Council Member Sweat, seconded by Council Member Crawford, and duly carried, to authorize the City Manager to negotiate and execute a contract with Ike's Construction, Inc. for the construction of the Hector Henry Greenway, Riverwalk Phase and to adopt the following budget amendment to appropriate the funds—the vote: all aye.

ORD. # 19-81

**CAPITAL PROJECT ORDINANCE AMENDMENT
Parks & Recreation Projects**

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

SECTION 1. The projects authorized are the projects included for the Hector Henry Greenway-Riverwalk.

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

8311-				
5811010				
8311-				
5811010				
8300-				
5811068				
8300-				
5811068				
8311-				
5811015				
8311-				
5811015	Hector Henry-Riverwalk Greenway	2,496,585	2,654,507	157,922
8300-				
5811090	Future Project Reserves	26,986	0	(26,986)
8300-				
5811090	HH Dog Park	1,176,552	1,140,906	(35,646)
8311-				
5811014	Burrage House	778,310	763,120	(15,190)
8311-				
5811014	HH Airport Trail	80,500	400	(80,100)
	Total			<u>350,000</u>

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 8th day of August, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

3. Consider authorizing the City Manager to negotiate and execute a contract with Signet Golf Associates II, Inc for bunker renovations at the Rocky River Golf Club.

Informal bids were received for the renovation of fairway bunkers at the Rocky River Golf Course. Signet Golf Associates II, Inc. was the only bidder with a total bid of \$138,800.69 including contingency. Work is to include grading, drainage, lining the bunkers with the Better Billy Bunker liner system, installing new sand and re-sodding as necessary. RRGCC operating funds are supplementing the project budget of \$129,800.

A motion was made by Council Member Crawford, seconded by Council Member

McKenzie, and duly carried, to authorize the City Manager to negotiate and execute a contract with Signet Golf Associates II, Inc. in the amount of \$138,800.69 for Bunker Renovation at the Rocky River Golf Course—the vote: all aye.

4. Consider adopting an ordinance to amend City Ordinances 18-100, 18-101, 18-102, Pawnshops; 18-281 and 18-282, Precious Metals Dealers; and to create a new Chapter 18-104, Currency Converters.

NCGS regulates the Pawn Shop businesses and provides local government with the authority to adopt further rules and regulations. Current City ordinances are insufficient, particularly in terms of their record keeping and how such businesses report their records to law enforcement. NCGS requires Pawnshops, Currency Converters, and Precious Metal dealers to record and submit transaction records to law enforcement via a hardcopy Pawn Ticket. Such businesses may submit such records electronically.

LeadsOnline is a digital, web-based platform used across the state of North Carolina by such businesses to electronically record and share transactions with law enforcement. Concord Police Department has subscribed to LeadsOnline since 2010, and currently pays over \$7,000 per year to access records. Most Pawnshops, Currency Converters, and Precious Metal Dealers in Concord are currently using LeadsOnline. Cities such as: Monroe, Kannapolis, Salisbury, Cary, Burlington, Winston-Salem, and Wilmington have ordinances requiring electronic data submission to law enforcement using LeadsOnline.

A motion was made by Council Member Small, seconded by Council Member Parsley, and duly carried, to adopt the following ordinance to amend City Ordinances 18-100, 18-101, 18-102, Pawnshops; 18-281 and 18-282, Precious Metals Dealers; and to create a new Chapter 18-104, Currency Converters—the vote: all aye.

ORD.# 19-82

**AN ORDINANCE AMENDING AND RESTATING CONCORD CODE OF ORDINANCES
CHAPTER 18, ARTICLE IV ENTITLED "PAWNSHOPS"**

WHEREAS, the City Council of the City of Concord, North Carolina, has adopted the Concord Code or Ordinances (the "CCO"), including Chapter 18, Article IV, entitled "Pawnshops" (Sections 18-100 et. seq.).

WHEREAS, the North Carolina General Assembly has passed the Pawnbrokers and Cash Converters Modernization Act, codified in NCGS § 66-385 et. seq.

WHEREAS, the City Council now wishes to, consistent with state law, amend Chapter 18, Article IV, entitled "Pawnshops", and Chapter 18, Article VI, entitled "Precious Metal Dealers" as stated herein.

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 following be undertaken:

SECTION 1: CCO Chapter 18, Article IV, entitled "Pawnshops" be deleted in its entirety and replaced with the following provisions:

Sec. 18-100. Definitions. Except as otherwise stated, terms used in this Article IV have the meaning assigned in G.S. 66-387, as may be amended, and such definitions are hereby incorporated by reference.

Sec. 18-101. License required.

- (a) It is unlawful for any person, firm or corporation to establish or conduct a business of pawnbroker or to operate a pawnshop within the city unless such person, firm or

corporation has procured a license to conduct such a business in compliance with this article and the provisions of G.S. article 45, part 1 of chapter 66 as amended. As provided by G.S. 66-397, the provisions of G.S. article 45, part 1 of chapter 66 are hereby adopted by reference.

- (b) Every application for a pawnbroker's license shall be on a form approved by the chief of police and shall be filed with the chief of police or his or her designee.

Sec. 18-102. - Issuance of license.

- (a) Prior to issuing a license under this article, the chief of police or his or her designee shall be satisfied that the applicant is of good moral character and has not been convicted of a felony within the last 10 years. The location of the pawnshop must be within the corporate limits of the City of Concord and be in compliance with all provisions of G.S. article 45, part 1 of chapter 66 as amended, including but not limited to G.S. 66-390, and applicable provisions of the ordinances of the city.
- (b) Prior to being issued a pawnbroker's license the applicant shall file with the city police department a bond as required by G.S. 66-399 as amended.
- (c) Upon approval of the application by the chief of police or his or her designee and upon receipt of a license fee as established by the city council and the required bond, a pawnbroker's license shall be issued to the applicant. The pawnbroker's license must be renewed annually at a renewal fee as set by the city council, provided that such renewal fee shall not exceed the limit set forth in G.S. 66-407.
- (d) An applicant licensed as a pawnbroker under this article shall have the authority as set forth in G.S. 66-388 as amended.

Sec. 18-103. - Record-keeping requirements for pawnbrokers.

- (a) Every pawnbroker licensed under this article shall maintain and keep records as required by G.S. 66-391 as amended. Additionally, every pawnbroker shall create and maintain at least one digital photograph of each item of personal property pawned or pledged, and at least one digital photograph of any serial number or identifying mark on each item of personal property pawned or pledged and shall include such digital photographs as part of the electronic data to be provided to the city police department as required under subsection 18-103 (b).
- (b) All pawnbrokers licensed under this article shall utilize LeadsOnline or a similar reporting system of pawn transactions as designated by the chief of police or his or her designee. The electronic data must be uploaded/reported within 48 hours after the pawn transaction record is created. No entry made in such database or other approved reporting system shall be erased, obliterated or defaced. Failure to utilize LeadsOnline or any other designated data transmission system required by this section shall be grounds for revocation of the pawnbroker's license.

Sec. 18-104. - Record-keeping requirements for currency converters.

- (a) Every currency converter, as defined in G.S. 66-387, shall maintain and keep records as required by G.S. 66-392 as amended. Additionally, each currency converter shall create and maintain at least one digital photograph of each item of personal property purchased from the public, and at least one digital photograph of any serial number or identifying mark on each item of personal property purchased from the public and shall include such digital photographs as part of the electronic data to be provided to the city police department as required under subsection 18-104 (b).
- (b) All such currency converters shall utilize LeadsOnline or a similar reporting system of transactions as designated by the chief of police or his or her designee. The electronic data must be provided to the appropriate law enforcement agency as

designated by the city police department within 48 hours after the transaction record is created. No entry made in such database or approved reporting system shall be erased, obliterated or defaced. Failure to utilize an electronic data transmission system required by this section shall subject the offender to the general penalties provided in section G.S. 1-8.

Sec. 18-105. - Revocation of pawnbroker's license.

Any license issued under this article may be revoked by action of the chief of police for substantial abuse of this article or G.S. article 45, part 1 of chapter 66 as amended. Prior to revocation of a pawnbroker's license, written notice shall be sent to the licensee by certified or registered mail, return receipt requested, to the address listed on the licensee's pawnbroker's license application. The notice shall contain a short statement of the allegations supporting revocation and the date, time and location of a hearing before the chief of police or his or her designee. The hearing shall not take place sooner than 15 calendar days following the date of the notice.

SECTION 2: CCO Chapter 18, Article VI, entitled "Precious Metal Dealers" be deleted in its entirety and replaced with the following provisions:

Sec. 18-281. - Definitions. Except as otherwise stated, terms used in this Article VI have the meaning assigned in G.S. 66-406, as may be amended, and such definitions are hereby incorporated by reference.

Sec. 18-282. - Permit required.

- (a) It shall be unlawful for any person, firm or corporation to establish or conduct a business as a precious metal dealer or to engage in any transaction within the city, unless such person, firm or corporation has procured a permit to conduct such business in compliance with this article and the provisions of G.S. article 45, part 2 of chapter 66 as amended.
- (b) Every application for a precious metal dealer's permit shall be on a form approved by the chief of police and shall be filed with the chief of police or his or her designee.
- (c) A separate permit shall be required for each location, place, or premises used for conducting a precious metal business, and each permit shall designate the location, place, or premises for which it applies. No business shall be conducted in any other place than that designated in the permit. This article does not prohibit the storage or safekeeping of any such precious metals off of the permitted premises.

Sec. 18-283. - Issuance of permit.

- (a) Prior to issuing a permit under this article, the chief of police or his or her designee shall be satisfied that the applicant and/or any of its partners, officers or directors have not been convicted of a felony involving a crime of moral turpitude, or larceny, or receiving stolen goods or of similar charges in any federal court or a court of this or any other state, unless the applicant and/or its partner, officer or director has had his/her rights of citizenship restored pursuant to Chapter 13 of the General Statutes for five years or longer immediately preceding the date of application. The premises where the precious metal dealer will conduct business must be within the jurisdiction of the City of Concord Police Department and is in compliance with all provisions of G.S. article 45, part 2 of chapter 66 as amended and applicable provisions of the ordinances of the city.
- (b) Prior to being issued a precious metal dealer's permit under this article, the applicant shall file with the city police department a bond as required by G.S. 66-409 as amended.
- (c) Upon approval of the application by the chief of police or his or her designee and upon receipt of a permit fee as established by the city council and the required bond, a precious metal dealer's permit shall be issued to the applicant. The precious metal dealer's permit must be renewed annually at a renewal fee as set by

the city council, provided that such renewal fee shall not exceed the limit set forth in G.S. 66-407.

Sec. 18-284. – Record-keeping requirements for precious metals dealers.

- (a) Every dealer to whom a permit has been issued under this article shall maintain and keep records as required by G.S. 66-410 as amended. Additionally, every dealer shall create and maintain at least one digital photograph of each item of every precious metal transaction, and at least one digital photograph of any serial number, manufacturer's name, model, model number, any engraved numbers or initials found on the precious metal or any identifying marks, as part of the electronic data to be provided to the city police department as required under subsection 18-284 (b).
- (b) Every dealer to whom a permit has been issued under this article shall utilize LeadsOnline or a similar reporting system of precious metal transactions as designated by the chief of police or his or her designee. The electronic data must be uploaded/reported within 48 hours after the precious metal transaction record is created. No entry made in such database or other approved reporting system shall be erased, obliterated or defaced. Failure to utilize LeadsOnline or any other designated data transmission system required by this section shall be grounds for revocation of the precious metal dealer's permit.

Sec. 18-285. - Revocation or temporary suspension of permit.

Any permit issued under this article may be revoked by action of the chief of police for substantial abuse of this article or G.S. article 45, part 2 of chapter 66 as amended. Prior to revocation of a precious metal dealer's permit, written notice shall be sent to the permittee by certified or registered mail, return receipt requested, to the address listed on the precious metal dealer's permit application. The notice shall contain a short statement of the allegations supporting revocation and the date, time and location of the hearing before the chief of police or his or her designee. The hearing shall not take place sooner than 15 calendar days following the date of notice.

SECTION 3: A new Chapter 18, Article VII entitled SCRAP DEALERS be created as follows:

Sec. 291, Definitions. Except as otherwise stated, terms used in this Article VII have the meaning assigned in G.S. 66-420, as may be amended, and such definitions are hereby incorporated by reference.

Sec. 292, Permits.

- (a) No person, firm or corporation shall establish or conduct a business of nonferrous metals purchaser or a secondary metals recycler or operate a secondary metals recycling facility within the city unless such person, firm or corporation has procured a permit from the sheriff of the county to conduct such a business in compliance with this article and provision of G.S. article 45, part 3 of chapter 66 as amended.
- (b) A separate permit shall be required for each fixed site used for conducting a nonferrous metals business. No business shall be conducted in any other place than that designated in the permit.

Sec. 293, Record-keeping requirements for regulated metals transactions.

- (a) Every secondary metals recycler to whom a permit has been issued under this article shall maintain and keep records as required by G.S. 66-421 as amended. Additionally, every secondary metals recycler shall create and maintain at least one digital photograph of each regulated metals property transaction and at least one digital photograph of any serial number, manufacturer's name, model, model number, any engraved numbers or initials found on the regulated metal or any identifying marks, as

part of the electronic data to be provided to the city police department as required under subsection (b).

- (b) Every secondary metals recycler to whom a permit has been issued under this article shall utilize LeadsOnline or a similar reporting system of regulated metals transactions as designated by the chief of police or his or her designee. The electronic data must be uploaded/reported within 24 hours after the regulated metals transaction record is created. No entry made in such database or other approved reporting system shall be erased, obliterated or defaced. Failure to utilize LeadsOnline or any other designated data transmission system required by this section shall be grounds for revocation of the nonferrous metals purchase permit.

Adopted this 8th day of August 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

- 5. Consider making an appointment pursuant to NC General Statutes 160A-63 to fill the unexpired term of District 1 Council Member until December 12, 2019.**

Action was taken on this item at the August 6th Work Session and Mayor Dusch administered the Oath of Office to Council Member Phillips at the start of the Council meeting.

- 6. Consider making an appointment to the Fireman's Relief Fund Board and consider appointing two members to serve on the Centralina Council of Governments (CCOG) Board of Delegates (1 Board Member and 1 Alternate).**

An appointment was needed on the Fireman's Relief Fund Board to fill the vacancy created with the passing of Sam Leder.

A motion was made by Council Member Sweat, seconded by Mayor Pro-Tem King, and duly carried, to appoint Council Member Parsley to the Fireman's Relief Fund Board—the vote: all aye.

The CCOG Board of Delegates is comprised of elected officials from the counties and municipalities throughout the region. Each member government should appoint an elected official to serve on the Board of Delegates. It is suggested that each member government also appoint at least one other elected official to serve as an Alternate to attend Board of Delegates meetings in the Delegate's absence.

A motion was made by Council Member Parsley, seconded by Council Member McKenzie, and duly carried, to appoint Council Member Crawford as the Board Member to the CCOG Board and to appoint Council Member Sweat as the Alternate Member—the vote: all aye.

- 7. Consider adopting an amendment to the Mayor Pro-Tem (MPT) Rotation Schedule and to amend Section D, Office of Mayor Pro-Tem, of the City Council Rules of Procedure to incorporate the newly adopted Schedule.**

The MPT Rotation Schedule was adopted by City Council December 10, 2015. Currently, the Schedule states "If a Council Member leaves for any reason, their name is removed from the Pending Rotation List and others listed after are moved up".

The proposed amendment clarifies the next Council Member in the pending rotation would be considered to be appointed to fill the unexpired term until the end of the calendar year. The proposed amendment would read as follows: "If a Council Member leaves for any reason, their name is removed from the Pending Rotation List and others listed after are moved up. If a Council Member should leave at any time during his/her term as MPT, the Council shall, at the next scheduled City Council meeting, vote to appoint the next Council Member in the rotation list as MPT to serve the unexpired term until the end of the calendar year. At the next scheduled Organizational Meeting, the Council shall choose to appoint the same Council Member to serve his/her full term as MPT for the next calendar year".

If the proposed MPT Rotation Schedule amendment is approved, the Schedule and the Rotation List will be incorporated into the City Council Rules of Procedure.

A motion was made by Council Member Crawford, seconded by Council Member Parsley, and duly carried, to adopt the updated Mayor Pro-Tem (MPT) Rotation Schedule and to amend Section D, Office of Mayor Pro-Tem, in the City Council Rules of Procedures to incorporate the updated MPT Schedule—the vote: all aye.

8. Consider adopting a reimbursement resolution for expenditures associated with a planned 2021 utility improvements revenue bond.

Staff has determined that it is in the best interest of the City to acquire, construct, equip and furnish an electric operations center, and to acquire, construct and equip certain improvements to its water and wastewater system. It is anticipated that the projects will be funded by a revenue bond in fiscal year 2021. Until the bond is issued, there will be expenditures that are associated with this project that the City will need to be reimbursed for. Once the bonds are issued, the proceeds from that issue will be used to pay the City back for any expenditures that occur before the bonds are issued.

The City presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the City on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The City reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Projects and the maximum principal amount of Obligations expected to be executed and delivered by the City to pay for all or a portion of the costs of the Projects is \$30,000,000.

A motion was made by Council Member McKenzie, seconded by Council Member Crawford, and duly carried, to adopt the following reimbursement resolution for expenditures associated with a planned 2021 utility improvements revenue bond—the vote: all aye.

RESOLUTION DECLARING THE INTENT OF THE CITY OF CONCORD TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION, EQUIPPING AND FURNISHING OF AN ELECTRIC OPERATIONS CENTER AND FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF WATER & WASTEWATER SYSTEM IMPROVEMENTS FROM THE PROCEEDS OF CERTAIN TAX EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIEVERED DURING FISCAL YEAR 2021

WHEREAS, the City Council of the City of Concord, North Carolina (the "City") by resolution adopted on July 13, 2000 has authorized the City's Finance Director to take such action as may be required to declare the intent of the City to reimburse itself for capital expenditures made in anticipation of the execution and delivery of tax-exempt obligations;

WHEREAS, the City hereby finds and determines that it is in the best interests of the City to acquire, construct, equip and furnish an electric operations center; and the City also hereby finds and determines that it is in the best interests of the City to acquire, construct and equip certain improvements to its water and wastewater system (collectively, the "Projects");

WHEREAS, the City reasonably expects to receive the proceeds of the sale of tax-exempt obligations (the "Obligations") during fiscal year 2021 to finance the Projects;

WHEREAS, the City desires to proceed with the Projects and will incur additional capital expenditures (the "Capital Expenditures") in connection therewith before the execution and delivery of the Obligations;

WHEREAS, the City will advance moneys from funds currently on hand to pay for the Capital Expenditures and the City intends, and reasonably expects, to reimburse itself for the Capital Expenditures from a portion of the proceeds of the sale of the Obligations to be issued by the City;

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

Section 1. Official Declaration of Intent. The City presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the City on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The City reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Projects and the maximum principal amount of Obligations expected to be executed and delivered by the City to pay for all or a portion of the costs of the Projects is \$30,000,000.

Section 2. Compliance with Regulations. This Resolution is a declaration of official intent of the City under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the City's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. Itemization of Capital Expenditures. The Finance Director of the City or her designee, with advice from bond counsel, is hereby authorized, directed and designated to act on behalf of the City in determining and itemizing all of the Original Expenditures incurred and paid by the City in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. Effective Date. This Resolution shall become effective immediately upon the date of its adoption.

ADOPTED AND APPROVED this 8th day of August, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

* * * * *

CONSENT AGENDA:

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

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

CONSENT AGENDA ITEM A

A License to Attach Banners to City of Concord Property was approved for Conder Flag Company to place temporary race banners on Bruton Smith Blvd and Hwy 29 in conjunction with the 2019 Bank of America Roval 400.

CONSENT AGENDA ITEM B

The amended 2019-2020 UAS Policy Manual was adopted

CONSENT AGENDA ITEM C

The Housing Department was authorized to apply for the 2019 Mainstream Voucher Program.

CONSENT AGENDA ITEM D

Removed from Consent Agenda

CONSENT AGENDA ITEM E

The offer of dedication on the following plat and easement was approved: Pendleton Phase 2 Map 4.

CONSENT AGENDA ITEM F

The maintenance agreements were approved and the offers of dedication were accepted on the following properties: Concord Mills NC, LLC and Teramore Development, LLC.

CONSENT AGENDA ITEM G

The offers of infrastructure in the following subdivisions and sites were accepted: Park View Estates Phase 2 Map 1, CHSNE Bedtower and U-Haul International

CONSENT AGENDA ITEM H

The following ordinance was adopted to amend the Fees and Charges schedule for the Concord-Padgett Regional Airport.

ORD.# 19-83

AN ORDINANCE AMENDING FY 2019-2020 APPROVED FEES, RATES AND CHARGES SCHEDULE AS ADOPTED IN THE FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1st, 2019 and ending on June 30th, 2020, as amended; and

WHEREAS, the City desires to amend the ordinance as it relates to the Schedule of Fees, Rates and Charges;

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 fees, rates and charges are hereby amended as follows:

UPDATE THE FOLLOWING UNDER AVIATION FEES:

DAILY RATES

Category I Single Engine Piston Remain Over Night (RON): \$15.00; Hangar In Common (HIC): \$35.00; Landing: \$12.00 All Cessna 100/200 Series Models, Tripacer, Colt, Comanche, Cherokee, Pacer, Musketeer, Bonanza, Mooney, Rockwell Commander, Lance, Arrow, Cirrus. Monthly HIC \$255.00. Fuel purchase of 10 gallons will waive the RON.

Category II Multi Engine Piston RON: \$20.00; HIC: \$40.00; Landing: \$20.00 Cessna 310, 335, 336, 337, 401, 402, 411, 414, 421, - All 300's/400's, Aztec, Apache, Navajo, Twin Comanche, Duke, Baron, Duchess, Seminole, Seneca, Aerostar, Saratoga, Malibu. Monthly HIC ~~\$225.00~~ \$353.00. Fuel purchase of 25 gallons will waive the RON.

Category III Twin Turbine RON: \$35.00; HIC: \$75.00; Landing: \$50.00 Kingair, Twin Beech (D-18), Queenair, Aero/Grand Commander, Cheyenne, Turbo-Commander, Conquest, MU-2, Metroliner, Merlin, Caravan, Jetstream, Avanti, Palatus. Monthly HIC ~~\$420.00~~ \$636.00. Fuel purchase of 50 gallons will waive the RON.

This Ordinance amendment shall be effective upon adoption.

Adopted this 8th day of August 2019.

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

A donation from the Mayor's Golf Tournament to Multicultural Community Student Union was approved and the following budget ordinance was adopted.

ORD. # 19-84

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

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

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

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
100-4370000	Approp. Fund Balance	1,130,605	1,135,605	5,000
Total				5,000

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4190-5470043	Mayor's Golf Tournament	0	5,000	5,000
Total				5,000

Reason: To appropriate reserves from the Mayor's Golf Tournament to Multicultural Community Student Union.

Adopted this 8th day of August, 2019.

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 project ordinance was adopted to amend the CDBG 2018 grant to reflect actual program income receipts.

ORD.# 19-85

GRANT PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized and amended are the projects included in the CDBG 2018 Grant

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
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310-4355000	Program Income	\$63,395	\$63,646	\$251
	Total			\$251

4. SECTION The following amounts are appropriated for the project

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
3110-5480012				
3110-5480012	Match/PI Exp	\$44,375	\$44,626	\$251
	Total			\$251

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 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 August, 2019.

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 ordinance was adopted to amend the FY2019/2020 Electric Department operating budget ordinance relating to the sale of generators and the purchase of property.

ORD. # 19-86

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, 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	
610-4351000	Sale of Fixed Assets	0	500,130	500,130
Total				<u>500,130</u>

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
7200-5194000	Contract Services	6,132	10,832	4,700
7200-5570000	Capital - Land	0	495,430	495,430
Total				<u>500,130</u>

Reason: Appropriate funds for the land, environmental assessment and the appraisal associated with the possible purchase of the Krimminger real estate.

Adopted this 8th day of August, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM L

The following budget ordinance amendments were adopted for the Electric Operating Fund and the Utility Capital Reserve Fund.

ORD. # 19-87

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

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

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

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
610-4406000	Approp. Earnings	Retained 0	6,957,467	6,957,467
Total				6,957,467

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
7200-5981500	Transfer to Utility Reserve	0	6,957,467	6,957,467
Total				6,957,467

Reason: Reserve the final Duke Power true up for future electric projects.

Adopted this 8th day of August, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 19-88

CAPITAL PROJECT ORDINANCE ELECTRIC PROJECTS

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

SECTION 1. The project authorized and amended is electric project reserves.

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 the project:

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
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			\$19,299,415	
282-4501610	From Electric	\$12,341.948		\$6,957,467
282-4501610			\$15,882.69	
8120-5811081	Future Elec. Reserves	\$8,925,223	0	\$6,957,467
8120-5811081				

SECTION 4. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

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

SECTION 6. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 8th day of August, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM M

The following Wastewater Project Fund amendment was adopted to recognize developer reimbursements.

ORD.# 19-89

**CAPITAL PROJECT ORDINANCE AMENDMENT
WASTEWATER PROJECTS**

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

SECTION 1. The projects authorized are the projects included for the Havencrest Outfall 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
421-343352	Developer Contribution	0	74,788	74,788
				74,788

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8402-5801150				
8402-5801150	Havencrest Outfall	542,400	617,188	74,788
Total				74,788

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 August, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM N

The Tax Office collection reports were accepted for the month of June 2019.

CONSENT AGENDA ITEM O

The Tax releases/refunds for the month of June 2019 were approved.


CONSENT AGENDA ITEM P

The monthly report of investments as of June 30, 2019 was accepted.


A motion was made by Mayor Pro-Tem King , seconded by Council Member Sweat, and duly carried, to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(3) to consult with the Attorney to protect the attorney-client privilege and; N.C. General Statute 143-318.11(a)(4) to discuss matters relating to the location or expansion of business in the area served by this body—the vote: all aye.

A motion was made by Council Member Parsley, seconded by Council Member Small, and duly carried, to return to regular session—the vote: all aye.

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



Kim J. Deason, City Clerk



William C. Dusch, Mayor