

There was no discussion regarding the Consent Agenda.

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A motion was made by Council Member Crawford, seconded by Council Member Sweat, and duly carried, to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee—the vote: all aye.

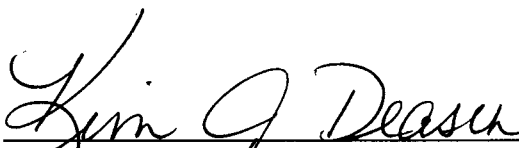
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A motion was made by Council Member McKenzie, seconded by Mayor Pro-Tem King, and duly carried, to return to regular session—the vote: all aye.

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

  
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William C. Dusch, Mayor

  
\_\_\_\_\_  
Kim J. Deason, City Clerk

CONCORD CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 14, 2019

A regular meeting of the City Council for the City of Concord, North Carolina, was held on November 14, 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 Crawford, seconded by Council Member Small, and duly carried, to approve the minutes for the meetings of October 8 and October 10, 2019—the vote: all aye.

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**Presentations:**

1. **Mayor Dusch recognized Mandy Smith-Thompson as the Environmental Educators of North Carolina Outstanding Practitioner of the Year for 2019.**
2. **Mayor Dusch recognized Greg Spears for a Second Place finish in the International SWANA Road-E-O Competition.**
3. **At the November 12<sup>th</sup> Work Session, Mayor Dusch presented an award from the North Carolina Water Works Association to the City of Concord Wastewater Department for their selection as the 2019 Collection System of the Year.**

**Informational Items:**

1. **Presentation by Concord Wildlife Association (CWA) President, Glenda Steele.**

Ms. Steele presented an update on the progress of the CWA since it was founded several years ago. She thanked the Council for their continued support of the CWA.

**Presentations of Petitions and Requests:**

**1. Consider adopting a resolution to sell 445 Cabarrus Avenue W in the amount of \$182,500.**

The City of Concord has continued to focus on housing with the development of the Hawthorne Street, SW area. Previously, the City built and sold ten (10) homes on Hawthorne Street, which have provided much needed affordable housing for low to moderate income households. In December of 2018, Council approved the construction of its eleventh new home on Hawthorne Street, continuing the City efforts of transforming the Hawthorne neighborhood. That home is currently complete and has generated much interest from potential buyers. A purchase price was advertised via flyers on site of \$185,000 and staff received an offer of \$182,500.

A motion was made by Mayor Pro-Tem King, seconded by Council Member Parsley, and duly carried, to adopt the following resolution to sell 445 Cabarrus Avenue W in the amount of \$182,500—the vote: all aye.

**RESOLUTION AUTHORIZING CONSIDERATION of NEGOTIATED OFFER**  
 WHEREAS, North Carolina General Statute § 157-9 permits the City Council of the City of Concord in its role as Housing Authority to sell real property by negotiated offer after the receipt of an Offer to Purchase Property; and

WHEREAS, the City acquired 445 Cabarrus Avenue W by North Carolina General Warranty Deed as recorded on February 7, 2002 in Deed Book 3657, Page 248 and as re-recorded in Deed Book 3771, at Page 95 of the Cabarrus County Registry for the purpose of community redevelopment; and

WHEREAS, 445 Cabarrus Avenue W ("Property") is further described as follows:

Lying and being in the City of Concord, Cabarrus County, North Carolina and being all of Lot Number One (1) of CITY VIEW SUBDIVISION, as shown on plat recorded on Map Book 77 at Page 68 of the Cabarrus County Registry; and

WHEREAS, on Tuesday, October 29th, the City received an Offer to Purchase the Property from Jeannette Sweat-Woodruff ("Buyer") for \$182,500.00.

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

1. The City Council intends to accept the offer described above.
2. The Offeror shall submit one thousand dollars and no cents (\$1,000.00) as a deposit to be held by the City Clerk; and
3. The final sale shall include the following terms:
  - a. The City will convey 445 Cabarrus Avenue W to the Offeror, by North Carolina Warranty Deed.
  - b. The City will convey the property subject to any and all existing public utility easements, restrictions, rights-of-way, protective covenants, zoning laws, conditions, and any ordinance of record.
  - c. The closing shall take place on or before December 30, 2019.
4. The City Attorney is directed to take all necessary steps to complete the sale. The City Manager is authorized to execute the necessary instruments to effectuate the sale of 445 Cabarrus Ave W in accordance with this resolution.

Adopted this 14th day of November, 2019.

CITY COUNCIL  
 CITY OF CONCORD  
 NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

**2. Consider adopting a resolution to sell 135 square feet of 524 Allison Street NW to Bridlewood Properties for \$212 for continued use as a driveway.**

In June of 2019, Council approved construction of a home at 524 Allison Street NW. When the property was surveyed, it was found that the neighboring home, 534 Allison Street NW, was encroaching on the City property with a section of their driveway. The owner of the neighboring property, Brindlewood Properties, explored options of moving the drive, but they determined the lot would not accommodate moving the drive. As the section needed to correct the encroachment is minimal, 135 square feet, Brindlewood Properties requested to purchase the section to rectify. It was staff's recommendation to sell this portion as it will correct the encroachment. Moreover, it will not impact the new home construction or placement, nor will it diminish the lot size to thwart zoning regulations.

A motion was made by Council Member Small, seconded by Council Member Crawford, and duly carried, to adopt the following resolution to sell 135 square feet of 524 Allison Street NW to Bridlewood Properties for \$212 for continued use as a driveway—the vote: all aye.

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

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

WHEREAS, the City of Concord ("City") acquired real property at 524 and 528 Allison Street NW, PIN 5621-31-3610, Tax ID No. 12-012-0006.00 ("City Parcel") by North Carolina General Warranty Deed as recorded on June 25, 2010 in Deed Book 9198, at Page 226 of the Cabarrus County Registry; and

WHEREAS Bridlewood Properties, LLC, a North Carolina limited liability corporation ("Bridlewood") owns the neighboring parcel identified as 534 Allison Street NW, PIN 5621-31-2689, Tax ID No. 12-012-0007.00; and

WHEREAS, upon investigation, it was discovered that a portion of the driveway used by the tenants of 534 Allison Street NW encroaches upon the City Parcel; and

WHEREAS, Bridlewood desires to purchase a small portion of the Parent Parcel owned by the City for the purpose of having fee simple ownership of the driveway servicing 524 Allison Street NW ("Property") and is further described as follows:

BEING a 135 Sq. Ft portion of the property identified as being PIN 5621-31-3610 (Tax ID No. 12-012-0006.00 as shown on map titled as "Exception Plat, Property of the City of Concord" dated July 15, 2019 and is attached as Exhibit A for further reference.; and

WHEREAS, on October 24, 2019, the City received an Offer to Purchase the Property from Bridlewood for two hundred and twelve dollars and no cents (\$212.00); and

WHEREAS, the Buyer have deposited a 5% deposit of \$ 10.60 with the City Clerk; and

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

1. The City Council intends to accept the offer described above through the upset bid procedure outlined in North Carolina General Statute § 160A-269.
2. The Offeror shall submit ten dollars and sixty cents (\$ 10.60) as a deposit to be held by the City Clerk; and
3. The City Clerk shall cause to be published a notice of the proposed sale of the Property, that BEING a 135 Sq. Ft portion of the property identified as being PIN 5621-31-3610 (Tax ID No. 12-012-0006.00 as shown on map titled as "Exception Plat, Property of the City of Concord" dated July 15, 2019 and is attached as Exhibit

A for further reference and the notice shall describe the property, the amount of the offer, the terms under which the sale is to be made, and the terms under which the offer may be upset.

4. Any persons wishing to upset the offer shall submit a sealed bid along with their offer and deposit to the office of the City Clerk within 10 days after the notice of the proposed sale is published. At the conclusion of the 10-day period, the City Clerk shall open the bids, if any, and the highest bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
5. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
6. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
7. All bids, including the qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the total bid; the deposit may be made in cash, cashier's check, or certified check to the City Clerk. The City will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received.
8. The final sale shall include the following terms:
  - a. The City will convey 135 Square Feet off of Allison Street NW to the Highest Bidder, stated in the Agreement for Purchase and Sale of Real Property.
  - b. The City will convey the property subject to any and all existing public utility easements, restrictions, rights-of-way, protective covenants, zoning laws, conditions, and any ordinance of record.
  - c. The closing shall take place on or before November 30, 2019.
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 135 Square Feet off of Allison Street NW in accordance with this resolution.

Adopted this 14th day of November, 2019.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

**3. Consider approving a new logo for Concord-Padgett Regional Airport in conjunction with the 25th Anniversary.**

On April 12, 2018, City Council approved the name change from Concord Regional Airport to Concord-Padgett Regional Airport. In January 2019, the Federal Aviation Administration approved the name change. Staff is recommending a new logo for the Airport to incorporate the name change. The new logo will incorporate the City-wide initiative on branding and be compatible with letterhead, business cards and uniformity on directional signage throughout the airport.

A motion was made by Council Member Phillips, seconded by Council Member Crawford, and duly carried, to approve a new logo for the airport in conjunction with the 25th Anniversary—the vote: all aye.

**4. Consider authorizing the City Manager to negotiate and execute an agreement with NCDOT to overlay 4 signs on I-85 to update the name of Concord-Padgett Regional Airport.**

In April 2018, the City Council unanimously voted to change the name of Concord Regional Airport to Concord-Padgett Regional airport. In January 2019, the FAA approved the naming making this update official. Staff received an estimate of \$10,085.16 to overlay the current signage along I-85, of which \$7,973.76 is for labor and traffic control for the Interstate Maintenance Unit and \$2,111.40 is for materials.

A motion was made by Council Member Sweat, seconded by Mayor Pro-Tem King, and duly carried, to authorize the City manager to negotiate and execute an agreement with NCDOT to overlay 4 signs on I-85 to update the name of Concord-Padgett Regional Airport—the vote: all aye.

**5. Consider recognizing the Bedford Farms Homeowners Association into the City's Partnerships for Stronger Neighborhoods program.**

Bedford farms is a residential development with approximately 95 households located off Heglar Road near Old Farm Road South. The neighborhood boundaries are Old Farm Road, Langley Drive, Fairport Drive SE and Ainsley Place SE. Officers for the Association are: President – Don Tanner, Vice President – Tony Caldwell, Treasurer – Lisa Fay, Secretary – Brittan Williams; and At-Large Member – Richard Dissler. The association hosts monthly meetings at Fire Station #8. Officer elections are held in January or February every two years. The association submitted all the required documentation for recognition.

A motion was made by Council Member Crawford, seconded by Council Member Parsley, and duly carried, to recognize Bedford Farms Homeowners Association into the Partnerships for Stronger Neighborhoods program—the vote: all aye.

**6. Consider recognizing the Parkview Estates Neighborhood Watch Group into the City's Partnerships for Stronger Neighborhoods program.**

Parkview Estates is a residential development with approximately 87 households located off Central Heights drive near WW Flowe Park and adjacent to the Kiser Woods and Hearthwood recognized neighborhoods. Falls Lake Drive, SW is the main drive into the neighborhood from Central Heights Drive, Hollis Circle, SW, New River Drive, SW, and Hearth Lane are also streets within the neighborhood. Officers for the Organization are: President – Tommy Barnes, Vice President – Gamiel Gamble, Treasurer – Doug VanDyke; and Secretary – Alane Hemphil. The group hosts monthly meetings on the third Saturday of each month. The neighborhood organization submitted all the required documentation for recognition.

A motion was made by Council Member Crawford, seconded by Mayor Pro-Tem King, and duly carried, to recognize Parkview Estates Neighborhood Watch Group into the Partnerships for Stronger Neighborhoods program—the vote: all aye.

**7. Consider authorizing the City Manager to negotiate and execute a contract with Sink Tower Erection Co, Inc for the communications tower construction project at Concord Fire Station #5 and the decommission of the current tower and site clearing at 7225 Weddington Road.**

Formal bids were opened Wednesday, November 6, 2019. Three bids were submitted with K-Co Enterprises, Inc. providing the lowest bid, \$248,900. K-Co Enterprises' tower design was submitted to Engineered Tower Solutions (ETS) for review and approval.

On Tuesday, November 12, 2019, Engineered Tower Solutions completed K-Co Enterprises' tower design review and identified deficiencies in design wind speed and incorrect foundation categorization. K-Co Enterprises was unable to meet the set deadline

to submit a revised design for approval. On November 13, 2019, ETS reviewed Sink Tower Erection Co., Inc. tower design and concluded the design follows all applicable codes, design criteria, specified loading, and all components are in accordance with the provisions of the Invitation For Bid. Sink Tower Erection Co., Inc. submitted the second lowest bid \$254,740.

The Communication Director, Bethany Ledwell, explained the amended agenda item. She stated, due to the identified deficiencies in the lowest bid, staff recommended awarding the bid to the second lowest bid; Sink Tower Erection Co., Inc.

A motion was made by Council Member Phillips, seconded by Council Member McKenzie, and duly carried, to authorize the City Manager to negotiate and execute a contract with Sink Tower Erection Co., Inc. for the construction of a new communications tower at Concord Fire Station #5 and the decommission of the current tower side in the amount of \$254,740—the vote: all aye.

**8. Consider authorizing the City Manager to negotiate and execute a contract with Propst Construction Company for the Virginia Street Rehabilitation project.**

This contract consists of the selected Contractor performing all necessary work to remove concrete roadway and curb and existing sidewalk and construct the proposed asphalt roadway, new concrete curb and sidewalk from Hillcrest to Corban, as well as placing new water main and abandoning the existing water main, and performing other associated work as noted in the Virginia Street Rehabilitation construction plans. Transportation and Water Project Funds are being used to fund this project.

No formal bid for this work was received on October 16, 2019. The work was re-advertised and two formal bids were received on October 30, 2019 with Propst Construction Company submitting the lowest bid in the amount of \$1,842,008.30. Contract final completion date is 270 days from the Notice to Proceed.

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 Propst Construction Company in the amount of \$1,842,008.30 for the Virginia Street Rehabilitation project—the vote: all aye.

**9. Consider authorizing the City Manager to negotiate and execute a contract modification with Cellco Partnership, dba Verizon, for the installation of additional communication antennas to their existing installation on the downtown water tank.**

Cellco Partnership, dba Verizon, has requested to modify their existing communication installation on the downtown water tank by adding additional antennas. All new equipment will be housed inside the existing screened area. No additional ground space is needed for this installation.

A motion was made by Council Member McKenzie, seconded by Council Member Parsley, and duly carried, to authorize the City Manager to negotiate and execute a contract modification with Cellco Partnership, dba Verizon, for the installation of additional communication antennas on the downtown tank—the vote: all aye.

**10. Consider authorizing the City Manager to negotiate and execute a contract with Recreational Ventures, Inc., dba Court One, for the resurfacing of the tennis courts at Les Myers, Caldwell, Dorton, and Beverly Hills Parks.**

As part of the regular maintenance program of the City's tennis courts, the Parks and Recreation department resurfaces the courts every four years. A bid package for the resurfacing of fourteen (14) courts was send out to four companies that specialize in this type of work. Bids were received on October 24, 2019 and one bid was received from Recreational Ventures, Inc., dba Court One, in the amount of \$110,951, which is lower than the approved budget amount. Under the informal bidding procedure, contracts may be awarded even if only one bid is received.

A motion was made by Council Member Phillips, seconded by Mayor Pro-Tem King, and duly carried, to authorize the City Manager to negotiate and execute a contract with Recreational Ventures, Inc., dba Court One, for the resurfacing of fourteen (14) tennis courts—the vote: all aye.

**11. Consider authorizing the City Manager to negotiate and execute a change order with Sealand Contractors Corporation for the construction of intersection improvements for the C-4918A project.**

The City is under contract with Sealand Contractor Corp for the construction of intersection improvements at Concord Parkway, Poplar Tent Road and McGill Avenue. This project is funded by a CMAQ grant with City participation at 20%. The contract proposal was a unit price bid that did not include any contingency per standard NCDOT bid proposals. The contract is paid based upon unit prices and actual quantities used. Several item quantities have extended what was estimated including undercut, milling, borrow, and retaining wall. Total original contract amount was \$2,437,746.61. The requested change order amount is \$219,397 to pay for actual quantities used. The net amount to the City will be \$43,879.40 after reimbursement from NCDOT. There is funding available in the existing capital project account.

A motion was made by Council Member Crawford, seconded by Council Member Parsley, and duly carried, to authorize the City Manager to negotiate and execute a change order with Sealand Contractors Corporation for the construction of intersection improvements for the C-4918A project—the all aye.

**12. Consider providing agreement to the Department of the Army to proceed with award of contract for the Stricker Branch restoration project.**

The City entered into a project partnership agreement in December 2009 with the Department of the Army for the design and construction of Concord's stream restoration. Paragraph A.5 of said agreement requires written agreement before contract award if the total project cost exceeds \$6,280,000.

In April, prior to bidding, the CORP's Rough Order of Magnitude (ROM) estimate for construction was \$3,100,000 which included contingency. The project was advertised and was restricted to Small Businesses only. The CORP received one bid and after evaluation determined that the bidder was responsible and the bid was an awardable bid. The CORP is able to secure their portion of the addition money and is requesting that the City contribute their additional portion.

Options under the agreement include termination of agreement which the City would be responsible for 35% of obligations already incurred (estimated that \$803,567 spent with no constructed project), defer award but to three years (CORP portion goes back into Section 206 program with no guarantee that they can secure the funding again), or agree to the award which would include an estimated additional \$290,000 of funding. The Water Resources Department would include the additional funding in the next CIP year.

A motion was made by Council Member Sweat, seconded by Council Member Parsley, and duly carried, to agree to proceed with construction contract award for the Stricker Branch Stream restoration—the vote: all aye.

**13. Consider supporting the North Carolina Department of Transportation (NCDOT) abandonment and addition of maintenance of a public right-of-way.**

The City of Concord realigned Wilshire Avenue years ago. The North Carolina Department of Transportation (NCDOT) would like to abandon maintenance of the section of right-of-way where the old roadway was located and add maintenance to the realigned section of roadway. The City does have utility infrastructure in that area and would need to have a public utility easement retained if the right-of-way was abandoned in the future.

A motion was made by Council Member McKenzie, seconded by Council Member Sweat, and duly carried, to support the abandonment and the addition of maintenance by the North Carolina Department of Transportation of a public right-of-way—the vote: all aye.



**14. Consider a Preliminary Application from Bradley Palmer.**

In accordance with City Code Chapter 62, Bradley Palmer has submitted a preliminary application for water service outside the City limits. The property is located at 1367 Zion Church Road E. The property is currently zoned LDR and developed with a single family home. There is not sanitary sewer service available to this property.

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

**15. Consider a Preliminary Application from Journey Capital, LLC.**

In accordance with City Code Chapter 62, Journey Capital, LLC has submitted a preliminary application to receive water and sewer service outside the City limits. The property is located at 3044 Fountainview Avenue. The parcel is zoned MDR and the applicant wants to develop with a single family home. Per NCGS 160A-58.1(b)(4), the City may not require annexation since the single lot is part of a subdivision as defined in GS 160A-376.

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

**16. Consider a Preliminary Application from Leslie Duncan.**

In accordance with City Code Chapter 62, Leslie Duncan has submitted a preliminary application to receive water service outside the City limits. The property is located at 5101 US Hwy 601S. The parcel is currently developed with a single family home and zoned LDR.

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

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**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 McKenzie, and duly carried, to approve the following consent agenda items—the vote: all aye.

**CONSENT AGENDA ITEM A**

A License Agreement to Attach Banners to City of Concord Property was approved for Conder Flag, Co. to place temporary banners on Bruton Smith Blvd and Hwy 29.

**CONSENT AGENDA ITEM B**

The following ordinance was adopted to amend the City of Concord Code of Ordinances, Chapter 58 Traffic and Vehicles, Article VII, Parking.

ORD.# 19-108

An Ordinance to Amend Chapter 58. Traffic and Vehicles, Article VII. Parking, By Adding Under Sec. 58-245. Prohibited Parking (a) (1) (q)

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 governing parking of vehicles in bicycle designated areas;

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:

SECTION 1. The Concord Code of Ordinances, Chapter 58, Article VII. Parking, be amended by adding under Section 58-245 (a) (1) to read as follows:

q. a portion of a roadway which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists

SECTION 2. This Ordinance be effective immediately upon adoption.

Adopted this 14th day of November, 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 C**

The conveyance of 4.463 acres located at 419 Kerr Street, from Forest Hill UMC, was accepted

**CONSENT AGENDA ITEM D**

The maintenance agreements were approved and the offers of dedication were accepted on the following properties: DT Retail Properties, LLC.

**CONSENT AGENDA ITEM E**

The offers of dedication on the following plats and easements were accepted: Poplar Point Townhomes and Cypress Village Subdivision.

**CONSENT AGENDA ITEM F**

The offers of infrastructure in the following subdivisions and sites were accepted: Bedford Farms Phase 1 and Phase 2 Map 1, Allen Mills Phase 2 Map 1, Foxcreek Phase 4, Roberta Ridge Phase 1 Map 4, Pitts School Rd water line, Villages at Skybrook N Phase 3-2 Map 3, and Park View Estates Phase 2B Map 3.

**CONSENT AGENDA ITEM G**

The following resolution providing for the issuance, sale and delivery of utilities system revenue refunding bond was adopted and the associated bond order authorizing the issuance of utilities system revenue refunding bonds of the City of Concord was approved and the City Manager was authorized to execute any required financing contract.

CAROLINA, PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF UTILITIES  
SYSTEM REVENUE REFUNDING BOND

WHEREAS, the City of Concord, North Carolina (the "City") is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.*, as amended (the "Act"), to issue, subject to the approval of the Local Government Commission of North Carolina (the "LGC"), at one time or from time to time revenue bonds and revenue refunding bonds of the City for the purposes as specified in the Act; and

WHEREAS, the City has determined to issue its Utilities System Revenue Refunding Bond, Series 2019 (the "2019 Bond") in an aggregate principal amount not to exceed \$7,000,000 to provide funds, together with other available funds, to refund the City's outstanding Utilities Systems Revenue Refunding Bonds, Series 2009B maturing on or after December 1, 2020 (the "Refunded Bonds") in order to achieve debt service savings and to pay costs of issuance of the 2019 Bond; and

WHEREAS, the City, subject to the approval of the LGC, will issue the 2019 Bond under (1) the General Trust Indenture dated as of February 1, 1993, as amended (the "General Indenture"), between the City and NationsBank of North Carolina, N.A., the successor to which is U.S. Bank National Association, as trustee (the "Trustee"), and (2) Series Indenture, Number 11 dated as of December 1, 2019 (the "Eleventh Series Indenture") between the City and the Trustee; and

WHEREAS, the City Council ratifies the selection of (1) Parker Poe Adams & Bernstein LLP, as bond counsel, (2) First Tryon Advisors, as financial advisor, and (3) U.S. Bank National Association, as trustee for the 2019 Bond (collectively, the "Financing Team");

WHEREAS, the City staff, with the assistance of the financial advisor, has solicited requests for proposal from financial institutions to purchase the 2019 Bond and, based on such proposals; the City has selected JPMorgan Chase Bank, N.A. (the "Lender") as the purchaser of the 2019 Bond; and

WHEREAS, the Finance Director of the City has filed with the LGC an application for its approval of the 2019 Bond, requesting that the Commission approve (1) the private sale without advertisement of the 2019 Bond in accordance with Section 159-85 of the General Statutes of North Carolina, as amended, to the Lender and (2) the City's use of the Financing Team in connection with the issuance of the 2019 Bond, and in connection with such application, the Finance Director has provided the LGC with such facts and information in regard to the 2019 Bond and to the City and its financial condition as the LGC may require and necessary for the approval of the 2019 Bond;

WHEREAS, the form of the Eleventh Series Indenture have been filed with the City;

*NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY*, as follows:

**Section 1.** The 2019 Bond is to be issued by the City for the purpose of providing funds (a) to refund the Refunded Bonds and (b) to pay the costs of issuing the 2019 Bond. The use of the proceeds of the 2019 Bond to refund the Refunded Bonds, as described above, is necessary in order to achieve debt service savings for the City.

**Section 2.** The Financing Team is hereby approved in connection with the City's issuance of the 2019 Bond. The Finance Director is authorized to engage other professionals as she deems necessary to consummate the transactions contemplated by this resolution.

**Section 3.** The filing of the application with the LGC for its approval of the issuance of the 2019 Bond is hereby ratified and approved. The Finance Director, with advice from the City Manager, the City Attorney and bond counsel, is hereby authorized, directed and designated to provide such information to the Commission as may be required for the Commission's approval of such application.

**Section 4.** The City Council finds and determines and asks the Commission to find and determine from the City's application and supporting documentation as follows:

- (a) the issuance of the 2019 Bond is necessary or expedient;
- (b) the maximum stated principal amount of the 2019 Bond will be sufficient but is not excessive, when added to other moneys available for such purpose, to refinance the projects refinanced with the Refunded Bonds and achieve debt service savings for the benefit of the users of the City's utilities system;
- (c) the City's utilities system as now constituted is feasible;
- (d) the City's debt management procedures and policies are good; and
- (e) the 2019 Bond can be marketed at a reasonable interest cost to the City.

**Section 5.** The issuance of the 2019 Bond by the City in the principal amount not to exceed \$7,000,000, in substantially the form and content set forth in the Eleventh Series Indenture, subject to appropriate insertions and revisions in order to comply with the provisions of the General Indenture and the Eleventh Series Indenture, be and the same hereby are in all respects approved and confirmed, and the form and content of the 2019 Bond set forth in the Eleventh Series Indenture be and the same hereby are in all respects approved and confirmed, and the provisions of the General Indenture and the Eleventh Series Indenture with respect to the 2019 Bond (including without limitation the maturity date and rate of interest to be inserted in the Series Indenture) be and the same hereby are approved and confirmed and are incorporated herein by reference.

**Section 6.** The City requests that the 2019 Bond be sold at private sale without advertisement to the Lender at such price as the LGC determines to be in the best interest of the City and as set forth in the City's application. The City Council approves the sale of the 2019 Bond to the Lender on the terms set forth in the term sheet provided by the Lender and as set forth in the Eleventh Series Indenture.

The 2019 Bond shall be s special obligations of the City. The principal of, premium, if any, and interest on the 2019 Bond shall not be payable from the general funds of the City, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the General Indenture and the Eleventh Series Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, or interest on the 2019 Bond, and no holder of the 2019 Bond has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

**Section 7.** That the form and content of the Eleventh Series Indenture and the exhibits thereto be and the same hereby are in all respects approved and confirmed, and the Mayor, the City Manager, the Finance Director and City Clerk of the City, or their respective designees (the "Authorized Officers"), be and they hereby are authorized, empowered and directed to execute and deliver the Eleventh Series Indenture for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Eleventh Series Indenture, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the General Indenture and the Eleventh Series Indenture as executed. The Trustee is hereby appointed as Registrar and Paying Agent thereunder.

**Section 8.** The City Manager or the Finance Director of the City is hereby

authorized to execute a no-arbitrage certificate in order to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder.

**Section 9.** No stipulation, obligation or agreement herein contained or contained in the 2019 Bond, the General Indenture, the Eleventh Series Indenture or any other instrument related to the issuance of the 2019 Bond shall be deemed to be a stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity, and no such officer, agent or employee shall be personally liable on the 2019 Bond or be subject to personal liability or accountability by reason of the issuance thereof.

**Section 10.** The Authorized Officers are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by this Resolution, the General Indenture and the Eleventh Series Indenture (collectively, the "Instruments"), except that none of the above shall be authorized or empowered to do anything or execute any document which is in contravention, in any way, of the specific provisions of the Instruments, any agreement to which the City is bound, any rule or regulation of the City or any applicable law, statute, ordinance, rule or regulation of the United States of America or the State of North Carolina.

The Authorized Officers are further authorized, empowered and directed to terminate the Debt Service Reserve Forward Delivery Agreement with Wells Fargo Bank, National Association related to the Refunded Bonds in connection with the issuance of the 2019 Bond.

**Section 11.** All acts and doings of the Authorized Officers that are in conformity with the purposes and intent of this Resolution and in the furtherance of the issuance and on-going administration of the 2019 Bond and the execution, delivery and performance of the Instruments shall be, and the same hereby are, in all respects authorized, approved and confirmed. Any provision in this Resolution that authorizes more than one officer of the City to take certain actions shall be read to permit such officers to take the authorized actions either individually or collectively.

**Section 12.** If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the 2019 Bond authorized hereunder.

**Section 13.** All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

**Section 14.** This Resolution shall take effect upon its adoption.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

**CONSENT AGENDA ITEM H**

The Police Department was authorized to apply for grant funding from the NC Governor's Highway Safety Program.

**CONSENT AGENDA ITEM I**

The following budget ordinance was adopted to amend the Aviation Project Ordinance to adjust the financing proceeds to actual.

ORD.# 19-109

## CAPITAL PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized/amended is the **Buildings-Hangar Project**.

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

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

Account	Title	<u>Revenues</u>		
		Current Budget	Amended Budget	(Decrease) Increase
451-4602000	Financing Proceeds	5,694,000	5,669,000	(25,000)
451-4602000				
451-4361000				
451-4361000	Investment Proceeds	4,486	5,931	1,445
<b>Total</b>				<b>23,555</b>

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

Account	Title	<u>Expenses/Expenditures</u>		
		Current Budget	Amended Budget	(Decrease) Increase
6300-5800710				
6300-5800710	Hangar	875,000	876,589	1,589
6300-5811062				
6300-5811062	Cost of Issuance	60,000	34,856	(25,144)
<b>Total</b>				<b>23,555</b>

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 14th day of November, 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 ordinances were adopted to amend the general fund and the general capital project fund to reclass funding for the Streetscape Project.

ORD.# 19-110

**CAPITAL PROJECT ORDINANCE  
General Capital Projects**

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

SECTION 1. The projects authorized are General Capital Projects for the Streetscape Project.

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

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

<u>Revenues</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
430-4501100	From General Fund	2,064,020	2,264,020	200,000
430-4501100	From General Fund			
<b>Total</b>				<b>200,000</b>

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

<u>Expenses/Expenditures</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8804-5811272	Streetscape	0	200,000	200,000
8804-5811272				
<b>Total</b>				<b>200,000</b>

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

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

project.

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

Duly adopted by the City Council of the City of Concord, North Carolina this 14th day of November, 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.# 19-111

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13<sup>th</sup> 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>		
		Current Budget	Amended Budget	(Decrease) Increase
<b>Total</b>				_____

Account	Title	<u>Expenses/Expenditures</u>		
		Current Budget	Amended Budget	(Decrease) Increase
4920-5194000	Contract Services	210,000	10,000	(200,000)
4920-5987000	Transfer to Project	0	200,000	200,000
<b>Total</b>				<b>0</b>

Reason: To reclass funds budgeted for the streetscape project by placing them in a



project fund.

Adopted this 14th day of November, 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**

Funding for the Concord Family Enrichment Association was approved and the following budget ordinance was adopted.

ORD.# 19-112

**AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE**

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13<sup>th</sup> 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	
100- 4323100	Sales Tax Article 39	8,366,492	8,367,492	1,000
<b>Total</b>				<b>1,000</b>

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4190-5194000	Contract Services	28,847	29,847	1,000
<b>Total</b>				<b>1,000</b>

Reason: To fund costs associated with the initial set up of the Housing Not for Profit, Concord Family Enrichment Association.

Adopted this 14th day of November, 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**

A change to the classification/compensation system was approved to add Clearwater Artist Studio Coordinator (Grade 109) with a salary range of \$50,800.53 (minimum), \$67,310.70 (midpoint), and \$83,820.89 (maximum).

**CONSENT AGENDA ITEM M**

The third quarter water and wastewater extension report for 2019 was received.

**CONSENT AGENDA ITEM N**

The annual report on the City's Identity Theft Program was accepted.

**CONSENT AGENDA ITEM O**

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

**CONSENT AGENDA ITEM P**

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

**CONSENT AGENDA ITEM Q**

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

\* \* \* \* \*

A motion was made by Council Member Sweat, seconded by Council Member Parsley, and duly carried, to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee—the vote: all aye.

A motion was made by Council Member McKenzie, 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 Council Member Sweat, and duly carried, to adjourn—the vote: all aye.

  
Kim J. Deason, City Clerk

  
William C. Dusch, Mayor