

CONCORD CITY COUNCIL
REGULAR MEETING
FEBRUARY 11, 2021

A regular meeting of the City Council for the City of Concord, North Carolina, was held on February 11, 2020, at 6:00 p.m. with Mayor William C. Dusch presiding.

Due to COVID-19 and the 6 foot separation requirement, the meeting was conducted electronically via Zoom.

Council members were present as follows:

Members Present:

Mayor Pro-Tem W. Brian King
Council Member Andy Langford
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
Various Department Directors

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

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

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Approval of Minutes:

A motion was made by Council Member Crawford and seconded by Council Member Small to approve the minutes for the meetings of January 12 and 14, 2021—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

Presentations:

1. Mayor Dusch recognized the City of Concord Budget team for receiving the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada for the nineteenth consecutive year.

Unfinished Business:

2. **Consider approving the establishment of the Concord United Committee.**

At their January 14th meeting, the Council received a presentation from Council Member Langford regarding the establishment of the Concord United Committee. The recommendation was to table the request until the February 11th meeting to allow for further discussion at the January Planning Session. Discussion was held and suggested changes have been made to the attached proposal.

A motion was made by Council Member Small and seconded by Council Member Langford to establish the Concord United Committee—the roll call vote: Aye: Langford, King, Small,

McKenzie, Crawford, Parsley, and Sweat; Nay: none.

Public Hearings: (public hearings were opened at the February 9, 2021 Work Session and continued to the February 11, 2021 City Council meeting, unless otherwise noted, to allow for the required 24 hour written comment period for virtual hearings).

1. Conduct a public hearing to consider adopting an ordinance amending Articles 4, 8, 9, 10, and 11 of the Concord Development Ordinance (CDO) relative to Group Two text changes.

This item for the "Group Two" changes was discussed at a Planning Technical Team (PTT) in September 2019 (as a draft) and again in June 2020.

After discussion at the January 19 Planning and Zoning Commission meeting, the Commission unanimously recommended one minor change to the text of the ordinance and voted to forward the "Group Two" changes to Council to consider their adoption.

These changes involve the rewrite of portions of five (5) separate articles of the CDO. Some changes are formatting and clarification only, but the most substantive changes occur to Articles 8, 10, and 11. In summary, the major changes involve: Changes to supplemental standards for certain uses, Change to parking standards for personal service uses, Addition of minimum bicycle parking requirements, Revision of minimum open space requirements, and Adoption of tree save requirements for new residential subdivisions greater than thirty (30) units (tied to open space).

A motion was made by Council Member Crawford and seconded by Council Member Sweat to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

The Deputy Planning and Neighborhood Development Director, Kevin Ashley, presented and explained the proposed text amendments in length at the February 9th Work Session.

There were no speakers signed up to speak in favor or in opposition to this request. Therefore, a motion was made by Council Member Sweat and seconded by Council Member Crawford to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to adopt the attached ordinance (Attachment A) amending Articles 4, 8, 9, 10, and 11 of the CDO relative to "Group Two" changes—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to adopt the following Statement of Consistency and Reasonableness—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

The proposed text amendment is consistent with the 2030 Land Use Plan because it helps further stated goals and objectives identified in one or more of the six (6) plan elements. These goals and/or objectives include:

- Land Use Element Goal 3: Retain Concord's small town atmosphere and continually enhance the quality of life as the City grows.
- Land Use Element Goal 4: Ensure compatibility between neighboring land uses.
- Land Use Element Goal 6: Protect natural resources and retain open spaces for future generations.
- Natural Resources Element Goal 12: Preserve natural resources and open space.

The proposed text amendment is reasonable because it modernizes outdated ordinance requirements and provides for enhanced open space and natural resource preservation.

2. Conduct a public hearing to consider adopting an ordinance amending Article 9, Section 9.1, of the Concord Development Ordinance (CDO) relative to Planned Unit Development (PUD) zoning district.

This item is a staff-prepared amendment to revise the minimum requirement for the Planned Unit Development (PUD) district. The PUD is the most widely used of the CDO's mixed use districts and has been the one that has been the subject of most interpretations and subsequent issues during site development. The PUD is flexible with regards to dimensional requirements and is intended to permit projects that could not be developed under standard zoning requirements. Staff found this current section to be vague and lacking in guidance, which has led to difficulty in administering the ordinance.

After discussion at the January 19, 2021 Planning and Zoning Commission meeting, the Commission unanimously recommended the PUD Planned Unit Development changes to Council to consider their adoption. These changes involve the deletion of the current PUD standards and a complete rewrite to add more detail. Major features include: 1) a requirement that enough information is provided to ensure that the project is viable; More information regarding the requesting deviations, along with justifications; Clarification on mixture of land uses; Clarification on design enhancements, Institution of design principles on which the project will be evaluated; and 2) a requirement for a minimum amount of Low Impact Development (LID) measures within the site.

A motion was made by Council Member Sweat and seconded by Council Member Langford to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

The Deputy Planning and Neighborhood Development Director presented and explained the proposed text amendments in length at the February 9th Work Session.

There were no speakers signed up to speak in favor or in opposition to this request. Therefore, a motion was made by Mayor Pro-Tem King and seconded by Council Member McKenzie to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Council Member Parsley and seconded by Mayor Pro-Tem King to adopt the following ordinance to amend Article 9, Section 9.1, of the Concord Development Ordinance (CDO) relative to Planned Unit Development (PUD) zoning district—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

ORD.# 21-07

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

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

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

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

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

SECTION 1: That the following section of Concord Development Ordinance (CDO) Article 9 “Special Purpose and Overlay Districts”, Section 9.1 “Planned Unit Development (PUD)”, be amended to the following:

9.1 Planned Unit Development (PUD)

9.1.1 Purpose

The purpose of the Planned Unit Development district (PUD) is to provide for the orderly development of land with a mix of land uses and intensities. PUD zoning is intended to permit innovation and flexibility in the design, construction and processing of mixed-use developments in exchange for the developer providing enhanced design elements that exceed CDO requirements. While the conventional zoning districts and the requirements of those districts set forth in the CDO are reasonable in most cases, there are parcels of land that are more appropriate to be developed with a mixed-use zoning district. Furthermore, there may be circumstances in which it is in the community's best interest to allow unique and/or creative designs and techniques that:

- A. promote the most appropriate use of a parcel,
- B. allow diversification of use,
- C. facilitate the adequate and economical provision of streets, parks, open space, schools, storm drainage and sewer and water utilities
- D. incorporate transit access, amenities and/or connectivity,
- E. preserve and utilize open space, tree cover, topography and significant natural features,
- F. offer recreational opportunities close to residential uses,
- G. create physically integrated and interconnected neighborhoods that provide safe cross-access for vehicles, bicycles and pedestrians, and
- H. enhance neighborhood appearance/design.

9.1.2 Processing Procedures and Submission Requirements

A PUD shall be processed as a conditional district zoning map amendment (rezoning) as a special purpose zoning district and shall follow the process outlined in Section 3.2.8.

Prior to submission of an application, the Development Review Committee shall conduct a pre-application meeting with the applicant. Because the PUD is intended to be utilized for innovative and creative design, it is understood that flexibility from certain requirements may be warranted. The purpose of the meeting is to review the proposed development, and to determine the applicable methodology, level of flexibility and standards upon which the development will be reviewed.

Innovative and creative designs will be evaluated with elements contained in the context of other mixed-use zoning regulations (see Sections 9.3 and 9.4) and not just as a means of increasing density or modifying dimensional standards. A high level of connectivity is expected of PUDs and physical barriers, such as fences that are not for screening, will not be permitted.

Each application for a PUD shall include a written narrative explaining why approval of the PUD is in the community's best interest, why it cannot be developed through the conventional zoning process, and how the proposed project complies with 9.1.1 A-H above. The narrative shall also provide justification for any modification from minimum standard or requirement.

The application shall also include a scaled site plan or plans, illustrating the location and extent of all structures, both residential and commercial and uses as required in Section 3.2.8. The plan shall be designed in accordance with Section 5.4.3 and shall include sufficient engineering data to ensure that the project is achievable in the manner proposed.

Such engineering data shall include proposed street cross-sections, stormwater improvement details and utility service information. If the proposed PUD is a multi-phase development, each phase shall be clearly indicated, with site data included for each phase and for the overall project. The design of future phases in a more conceptual basis for projects with longer anticipated buildouts may be considered on a case-by-case basis provided that engineering data is sufficient to ensure that the future phase of the project can be developed in a manner consistent with the initial phase or phases. In the event that it is determined, after approval of the initial phases that these future phases are not consistent, a modification of the approved zoning shall be required.

The plans shall include the size, type and maximum height of all proposed structures. The plans shall also specify minimum setbacks for structures and minimum dimensional

specifications for each proposed use and the type of landscaping buffers separating the uses. The application shall also include architectural renderings of all proposed nonresidential structures (with building type construction) and all residential structures with the exception of single-family residences. A maintenance plan for all spaces in common ownership shall be provided.

9.1.3 Land Use Composition and Permitted Uses A PUD district is considered a mixed-use district and is required to have at least two distinct land uses. PUD districts that are completely residential are not permissible (see the Planned Residential District for mixed residential zoning).

The proposed PUD shall:

- A. contain at least two (2) distinct land uses and, if not within a single building, shall contain two (2) distinct building types;
- B. designate at least 15% of either the land or floor area as nonresidential uses within the first phase of the project (if the project consists of multiple phases). The nonresidential use shall be complete before approval of the permits for the next phase. Article 8 shall be used for guidance for the determination of nonresidential uses; and
- C. be compliant with the densities specified in the 2030 Land Use Plan, except as provided in 9.1.5.B.

9.1.4 Minimum Land Area

No minimum land area is required for rezoning to a PUD district.

9.1.5 Design Standard Flexibility

The proposed PUD shall generally meet dimensional requirements of the Ordinance and the Technical Standards Manual (TSM). However, minor modifications of some non-safety related dimensional standards may be considered where appropriate. The PUD may provide for flexibility in the development of the site and the applicant shall clearly demonstrate that the requested modifications will result in a more innovative design and will be in the community's best interest. These modifications may be considered provided that the project contains enhanced design elements as specified in 9.1.9.F. All requested modifications shall be clearly stated within the application narrative and labeled on the proposed site plan. All dimensional and minimum standards shall be adhered to unless specifically listed as a modification within the narrative and on the site plan.

All densities shall comply with the maximums specified in the applicable land use designation of the 2030 Land Use Plan, except that residences on the upper floors of nonresidential structures shall be exempt from the maximum density limits.

Unless otherwise requested as deviations, minimum dimensional requirements for residential uses shall comply with Residential Compact (RC) minimum requirements and commercial uses shall comply with the General Commercial (C-2) minimum requirements.

A 25-foot-wide Type D buffer shall be maintained around the exterior of the development. In the instances of a PUD district that is an infill project, or when the project lies within a Village Center or a Mixed-Use Activity Center as indicated in the 2030 Land Plan, the buffer may be modified. This modification shall be considered based upon the characteristics of adjacent roadways or adjacent land uses, but in no instances may be less than an 8-foot-wide Type A perimeter buffer. The applicant shall clearly demonstrate that any deviation from the perimeter buffer will result in a more innovative design and will be in the community's best interest. This buffer shall not be counted as part of the required minimum open space for the development, the buffer shall not be located within the lot area of any individual building lot, and no encroachments are permissible within the buffer.

- A. Buffers between individual uses in the proposed PUD shall be provided, and dimensions shall be clearly labeled on the site plan.
- B. In no instances are modifications allowed to State or Federally mandated standards such as Stormwater requirements, Floodplain protection requirements, Building

Code, minimum Fire Code requirements or North Carolina Department of Transportation (NCDOT) or City of Concord minimum safety standards.

9.1.6 Professional Design Team Required

An applicant for a PUD approval shall certify, in writing at the time of application, that a member of one or more of the following professions was used in the planning and design process for the proposed development:

- A. Project planning and design by a licensed North Carolina architect, licensed North Carolina landscape architect or planner certified by the American Institute of Certified Planners (AICP);
- B. Landscaping design by a licensed North Carolina landscape architect; and,
- C. Site engineering by a North Carolina Registered Engineer.

9.1.7 Modification of Approved Final Master Plan

Modification of the approved master plan is permissible in accordance with Section 3.2.8.

9.1.8 Sign Standards

Sign standards for a PUD district shall be governed either by a comprehensive sign package as detailed in Article 12 or through sign standards approved with the PUD district. In no instance may a PUD district be requested solely for the modification of a sign standard.

9.1.9 Design Principles

As indicated in Section 9.1.1, PUD zoning is intended to permit flexibility in the design, construction and processing of residential, commercial, office and/or industrial developments of a quality that could not be achieved under conventional zoning concepts.

However, certain minimal design standards shall apply and the zoning application for each project will be reviewed considering the below items.

- A. When Thirty (30) or more residential units are proposed, the project shall include a variety of housing stock that serves a range of incomes and age groups. Examples may include attached and detached single family, multifamily and dwelling units above commercial. The variety may include differing sizes of the same housing type, such as a mixture of larger and smaller lot sizes to accommodate a variety of single-family home designs.
- B. Uses are compact and well- integrated as opposed to widely separated and buffered.
- C. The project is well integrated into established adjacent areas relative to existing development standards, scale and use, with compatibility being achieved through effective architectural design and site planning.
- D. Open space is a significant element of the project's design. These open spaces shall include active and passive open space with an emphasis on accessible trails and connections to both existing and proposed greenways. The City's Open Space and Connectivity Analysis (OSCA) and other adopted plans shall be consulted for further guidance. All open space shall be specifically labeled and defined on the submitted site plan to include uses and aesthetic design. Additionally, all open spaces shall be accessible by a street, sidewalk, greenway or trail. While environmentally sensitive areas (floodplains, wetlands, etc.) may be within the minimum open space, at least 50% of the open space shall be upland area (non-environmentally sensitive). At least twenty-five percent (25%) of the overall gross land area of the site shall be designated as open space and thirty percent (30%) of the required open space on the site shall consist of active open space, except that this requirement may be modified in the event that the applicant demonstrates that the project is "infill" and is located adjacent to a sidewalk or trail network and is within walkable distance of active open space. Areas designated as "tree save" pursuant to Article 10 shall be considered active open space for the purposes of this section.

- E. The proposed development includes a variety of interconnected street types that are accessible to pedestrian, bicycle and automobile, and residential and non-residential areas shall be connected for both vehicles and pedestrians. The street pattern shall be designed in such a way as to encourage walking and to reduce the number and length of automobile trips. Bicycle lanes shall be provided along at least seventy percent (70%) of all collector streets.
- F. Enhanced design elements may include, but are not limited to
 - a. Increased open space and unique open space designs;
 - b. preservation of heritage trees and significant native tree canopy;
 - c. establishment of habitat preservation measures and/or wildlife sanctuary areas; and
 - d. use of native plants and pollinator gardens within the site.

See Sections 9.3 and 9.4 for enhanced design elements that may be utilized in PUD zoning districts.
- G. The project includes building types that delineate the streets and civic/nonresidential areas to minimize the visibility of parking lots. See Sections 9.3 and 9.4 for designs that accomplish this principle.
- H. Grading and clearing shall be minimized to the extent possible and the natural topography should be integrated into the site design and amenities.
- I. Low Impact Development (LID) stormwater facilities shall be used and integrated into the development. At least twenty five percent (25%) of the stormwater generated by the development shall be addressed by LID measures as specified in Section 9.11. When larger, stand-alone stormwater ponds and basins are proposed, they shall be designed and constructed as amenities in accordance with Article 10 open space standards for the use of stormwater detention basins as open space.
- J. The proposed development shall provide for both current and future transit needs.

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

SECTION 3: That this Ordinance be effective immediately upon adoption.

Adopted in this February 11th, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

A motion was made by Council Member Sweat and seconded by Council Member Crawford to adopt the following Statement of Consistency and Reasonableness—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

The proposed text amendment is consistent with the 2030 Land Use Plan because it helps further stated goals and objectives identified in one or more of the six (6) plan elements. These goals and/or objectives include:

- Land Use Element Goal 2: Enhance mobility for all modes of transportation between the places where people live, work, shop and play.
- Land Use Element Goal 3: Retain Concord’s small town atmosphere and continually enhance the quality of life as the City grows.
- Land Use Element Goal 4: Ensure compatibility between neighboring land uses.
- Housing and Neighborhoods Goal 9: Create sustainable neighborhoods through the provision of an adequate housing supply with diverse housing types and price levels for the growing population.

The proposed text amendment is reasonable because it improves the most utilized mixed-

use zoning district and mixed use neighborhoods are encouraged in the 2030 Land Use Plan.

3. Conduct a public hearing to consider adopting an amendment to Section 50 of the City Code of Ordinances and to Article VIII of the Technical Standards Manual (TSM) to institute minimum Traffic Impact Analysis (TIA) requirements.

A Traffic Impact Analysis (TIA) is a study that is required by a private developer to analyze the impacts that the proposed development would have on the road network. A TIA is intended to identify the necessary improvements (if any) to offset those impacts to the transportation infrastructure.

Currently, TIA's are required at the discretion of the Administrator (with the concurrence of the Transportation Director) during the development review process as specified in Article 5 of the Concord Development Ordinance (CDO). This requirement may create uncertainty among staff and the development community as to the minimum requirements for approval. Transportation impacts are often discussed at length when either the Planning Commission or City Council is considering a development approval.

The proposed TIA Ordinance will create certainty among the development community, citizens and staff as to the minimum requirements for development approvals. These requirements are proposed to be placed in Section 50 of the City Code of Ordinances with technical documents within the newly created Article VIII of the TSM.

A motion was made by Council Member Sweat and seconded by Council Member Crawford to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

The Transportation Director, Phillips Graham, and Deputy Transportation Director, Devin Houston, presented and explained the proposed text amendments in length at the February 9th Work Session.

There were no speakers signed up to speak in favor or in opposition to this request. Therefore, a motion was made by Council Member Crawford and seconded by Council Member McKenzie to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Mayor Pro-Tem King and seconded by Council Member McKenzie to adopt the attached ordinance (Attachment B) to amend Section 50 of the City Code of Ordinances and to Article VIII of the Technical Standards Manual (TSM) to institute minimum Traffic Impact Analysis (TIA) requirements—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

A motion was made by Council Member Sweat and seconded by Council Member Crawford to adopt the following Statement of Consistency and Reasonableness—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

The proposed text amendment is consistent with the 2030 Land Use Plan because it helps further stated goals and objectives identified in one or more of the six (6) plan elements. These goals and/or objectives include:

- Land Use Element Goal 2: Enhance mobility for all modes of transportation between the places where people live, work, shop and play.
- Land Use Element Goal 5: Provide for adequate infrastructure and services for residents and businesses.
- Connectivity and Mobility Element Goal 10: Encourage and promote multimodal connectivity between residential, employment, commercial, and recreational uses.
- Infrastructure Element Goal 14: Ensure community infrastructure is adequate to serve and protect the residents of the City.

The proposed text amendment is reasonable because it sets forth a consistent framework for the development and approval of Traffic Impact Analyses (TIA), which does not exist in the current ordinance.

Presentations of Petitions and Requests:

1. Consider approving a foundation support easement to Novi Flats, LLC.

In September 2020, Council approved a master development agreement with Concord Master Venture, LLC, aka Lansing Melbourne Group (LMG), for the development of three mixed use structures at 30 Market St. SW, 26 Union St. S., and 25 Barbrick Ave. SW. LMG requests a foundation support easement as depicted in Exhibits A (easement area) & B (legal description) of the attached easement agreement for the purposes of building, maintaining, and repairing the project’s foundation 25 Barbrick Ave. SW (future site of Novi Flats). This easement would allow the foundation to run below a portion of the sidewalk. LMG says this accommodation will support the structural integrity of the building. Due to the narrowness of the building and the fact that the county parking garage footers extend well into the site, there is extraordinary cost to the project if LMG tries to build and rest the building on an eccentric footing. In addition, there would be significant time involved. This easement allows LMG to achieve a more efficient design. City Engineering and Transportation departments have no conflicts with the proposed easement.

A motion was made by Council Member Parsley and seconded by Mayor Pro-Tem King to approve a foundation support easement to Novi Flats, LLC—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

2. Consider adopting a budget ordinance amendment to fund a Fallen Officer Memorial.

The City of Concord does not currently have a memorial to honor fallen police officers. Fallen officer memorials offer a place for current and former law enforcement members, family members, and members of the community to remember, reflect upon and honor those police officers who sacrifice their lives while serving our community. The planned memorial will be a permanent fixture placed in the outdoor rotunda at Police headquarters near the corner of Cabarrus Avenue and Spring Street.

A motion was made by Council Member Sweat and seconded by Council Member Crawford to adopt the following budget ordinance amendment to fund a Fallen Officer Memorial—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

ORD.# 21-09

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, as amended; and

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

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

Account	Title	Revenues		(Decrease) Increase
		Current Budget	Amended Budget	
100-4323100	1% Local Govt Opt Sls Tx	\$7,472,000	\$7,572,000	\$100,000

Total

\$100,000

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4190-5558000	Bldgs & Imprv - Capital	\$96,000	\$196,000	\$100,000

Total

\$100,000

Reason: To provide funds to design, construct, and install a Fallen Officer Memorial outside of police headquarters.

Adopted this 11th day of February, 2021.

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 approving the new benefit plan rates for the City of Concord for FY2021-2022 and authorize the City Manager to negotiate, conclude, and execute contracts with plan providers.

The City's medical plans are running slightly below budget. In light of this, no increase is requested for FY22. In addition, a new high performance plan has been identified which will provide a third plan option designed to address the need for a more affordable option for family coverage. The HPN plan is a low cost premium plan that mirrors the basic plan, but only offers in-network benefits using the BCBSNC High Performance Network (HPN) affiliated with Atrium Health and Wake Forest Baptist Hospital. The HRA plan and the basic plan would remain in place with no recommended changes.

A motion was made by Council Member Small and seconded by Council Member Parsley to approve the new benefit plan rates for the FY21-22 and to authorize the City Manager to negotiate and execute contracts with plan providers—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

4. Consider authorizing the City Manager to negotiate and execute a contract for the acquisition of 5.944 acres along Branchview Drive, NE in the amount of \$90,225, owned by William G. Kluttz, Jr. (PIN 5621-94-0032), for the future expansion of the McEachern Greenway, Hospital Phase (total of .30 miles).

In July 2020 Council approved the firm TELICS to assist Parks & Recreation with Real Estate Services for greenway development. Parks & Recreation identified property along the McEachern Greenway as the first priority for TELICS. The priority list for TELICS focused on vacant lots from where the current greenway ends to Miramar Street NE. The funding for the acquisition would be utilizing the \$0.01 allocation from the Parks & Recreation Capital Reserve Fund. The acquisition would address the Council goal to support the connectivity of City parks, neighborhoods and community centers through the enhancement of greenways, sidewalks and multi-use paths. This first priority is to connect the existing McEachern Greenway to Miramar Street and then to Beverly Hills Park.

A motion was made by Mayor Pro-Tem King and seconded by Council Member Crawford to authorize the City Manager to negotiate the acquisition of 5.944 acres in the amount of \$90,225 for the future greenway development of the McEachern Greenway and adopt the

following project ordinance amendments—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

ORD.# 21-10

PARKS & CAPITAL RESERVE FUND ORDINANCE
AMENDED

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 18-22 Chapter 159 of the General Statutes of North Carolina, the following Capital Reserve Fund ordinance is hereby amended:

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

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

SECTION 3. The following revenues & expenditures are anticipated to be available to the City of Concord for this fund:

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8100-5987000	Transfer to Project	\$0	\$90,225	\$90,225
8100-5987000	Fund			
8100-5811082				
8100-5811082	Future Projects	\$1,351,664	\$1,261,439	\$(90,225)

SECTION 4. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the capital reserve fund and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 5. Within five (5) days after adopted, copies of this capital reserve fund amendments/adoption shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out the purpose of this fund.

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

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of February, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

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

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

SECTION 1. The projects authorized are the projects included for the McEachern-Hospital Phase Greenway.

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

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

<u>Revenues</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
420-4501280				
420-4501280	Transfer from P&R Reserve	\$222,856	\$313,081	\$90,225
				\$90,225

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>
8300-5811018				
8300-5811018	McEachern-Hospital Phase Greenway	\$787,200	\$877,425	\$90,225
Total				\$90,225

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 11th day February, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

5. Consider a Preliminary Application from Stanley Martin Companies, LLC.

In accordance with City Code Chapter 62, Stanley Martin Companies, LLC has submitted a preliminary application for water and sewer service outside the City limits. The property is located at 7785 Rocky River Road, 8041 and 8063 Lower Rocky River Road (4 parcels total – 56.83 acres). The property is currently zoned CR and the applicant has plans to develop a residential subdivision with 106 proposed lots. The applicant petitioned the City Council at the November 12, 2020 regular meeting for annexation however the Council did not adopt an ordinance to annex these parcels.

A motion was made by Council Member Sweat and seconded by Council Member Crawford to deny the preliminary application from Stanley Martin Companies, LLC—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

6. Consider approving a modification to the Interlocal Agreement with Cabarrus County administering the Central Area Plan.

The City entered into an Interlocal Agreement with Cabarrus County administering the Central Area Plan. Under the Agreement, the City agreed not to extend utilities into certain areas east of the then exiting City limits except under certain limited circumstances. Rich Garretson has requested an exception to the Agreement in order to obtain water service for a proposed single-family home at 3519 Katrina Avenue (PIN 5641 70 5535 0000).

A motion was made by Council Member Parsley and seconded by Council Member Langford to approve a modification of the Interlocal Agreement regarding the Central Area Plan to allow the provision of water to 3519 Katrina Avenue—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

7. Consider authorizing the City Manager to negotiate and execute a contract with Metcon, Inc for design build services for the Electric Operations Center.

The Electric Operations Center is to be constructed on City property located on Alfred Brown Jr. Ct. adjacent to the existing Alfred M. Brown Operations Center and has met the criteria for design build project delivery.

A request for qualification statements was advertised on November 4, 2020. Twenty-two statements were received with six companies being shortlisted for interviews. From the interviews, Metcon, Inc., was selected. The contract with Metcon, Inc. would consist of two phases – preconstruction services and construction services. The contract will be a fixed fee for pre-construction services and a Guaranteed Maximum Price (GMP) for construction services. Individual, and/or final, GMP will come back for Council approval.

The new Electric Operation Center will include approximately 30,000 square feet administration offices, 19,200 square feet construction crew offices, 48,000 square feet equipment sheds, laydown area, visitor and employee parking area and is preliminarily estimated at \$19,380,500.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with Metcon, Inc. for design build services for the Electric Operations Center—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

8. Consider authorizing the City Manager to negotiate and execute a contract with North State Water & Sewer, Inc for the installation of the Poplar Tent Rd Sewer Extension.

The Poplar Tent Rd sewer extension project consists of the installation of approximately 1,123 linear feet of 8-in sewer main along the south side of Poplar Tent Rd at the intersection with Cobblestone Ln, NW. This new sewer line will provide service to seven properties that are presently without service.

The project was bid under the formal bidding process. Bids were taken on January 28, 2021 and six (6) bids were received. The lowest responsible bidder was North State Water & Sewer, Inc. in the amount of \$224,763, which is within budget.

A motion was made by Mayor Pro-Tem King and seconded by Council Member Parsley to authorize the City Manager to negotiate and execute a contract with North State Water & Sewer, Inc. in the amount of \$224,763.00 for the installation of the Poplar Tent Rd Sewer Extension—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

9. Consider authorizing the City Manager to negotiate and execute a contract with Kemp Sigmon Construction, Co, Inc for the replacement of the culvert on Glen Eagles Lane, SW.

The Glen Eagles Lane, SW culvert replacement project consists of the removal of the existing of culvert, the construction of a double-barrel culvert, and associated services that will include the installation of a temporary bridge to provide access to residents, relocation of water mains, relocation of gravity sewer mains, coordination with existing utilities, roadway pavement reconstruction, and other appurtenances. The project was bid under the formal bidding process. Bids were taken on January 28, 2021 and seven (7) bids were received. The lowest responsible bidder was Kemp Sigmon Construction Co. Inc. in the amount of \$767,849.50, which is under budget.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with Kemp Sigmon Construction Co. Inc. in the amount of \$767,849.50 for the replacement of the stormwater culverts on Glen Eagles Ct. —the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

10. Consider approving a Statement of Collaboration between the City of Concord and Barber Scotia College.

It has been requested the Council consider approving the attached Statement of Collaboration between the City of Concord and Barber Scotia College to work together toward a successful path forward for the college. If approved, the Statement will be presented to the Barber Scotia Board of Trustees for their consideration.

A motion was made by Council Member McKenzie and seconded by Council Member Small to suspend the City Council Meeting Rules of Procedure to allow Barber Scotia President, Dr. Douglass, an opportunity to comment—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

Dr. Douglass stated his support of the Statement of Collaboration.

A motion was made by Council Member Small and seconded by Mayor Pro-Tem King to approve the Statement of Collaboration between the City of Concord and Barber Scotia College—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

11. Consider approving a change to the classification/compensation system to include the following classification: Diversity, Equity and Inclusion Coordinator.

The addition of this new classification will increase the ability to attract and retain employees and provide enhanced expertise for the City of Concord.

A motion was made by Council Member Crawford and seconded by Council Member McKenzie to approve the addition of the Diversity, Equity and Inclusion Coordinator (Grade

110) with a salary range of \$57,033.75 (minimum) - \$75,569.73 (midpoint) - \$94,105.71 (maximum)—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

12. Consider approving a spending plan as proposed by the City Manager for non-profits utilizing CARES Act funding.

A motion was made by Council Member Small and seconded by Council Member Sweat to approve a spending plan for non-profits utilizing CARES Act funding—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

Consent Agenda:

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

A motion was made by Council Member Langford and seconded by Council Member Sweat to approve the following consent agenda items—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

CONSENT AGENDA ITEM A

The City Manager was authorized to execute a contract with Martin Starnes & Associates, CPAs, P.A. for the audit of City of Concord accounts for fiscal year ending June 30, 2021.

CONSENT AGENDA ITEM B

The following resolution was adopted concerning the approval of the execution and delivery of the installment financing contract and a deed of trust, the financing of the construction of fire station 12 and the granting of a security interest and allowing the officers of the City to execute the installment financing contract with Truist Bank and take other actions to implement the financing.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CONCORD, NORTH CAROLINA,
APPROVING AN INSTALLMENT FINANCING CONTRACT AND DELIVERY THEREOF AND
PROVIDING FOR CERTAIN OTHER RELATED MATTERS**

WHEREAS, the City of Concord, North Carolina (the “City”) is a municipal corporation duly created and validly existing under the Constitution, statutes and laws of the State (the “State”);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the City Council of the City (the “City Council”) has determined that it is in the best interest of the City to receive an advance of funds in an aggregate principal amount of not more than \$6,200,000 by entering into an installment financing contract (the “Contract”) with Truist Bank (the “Lender”) in order to finance the costs of clearing/grading the site of a new fire station and construction of the facility and associated furnishings (the “Project”), and (2) pay the costs related to execution and delivery of the Contract;

WHEREAS, the obligation of the City to make Installment Payments under the Contract is a limited obligation of the City payable solely from currently budgeted appropriations of the City and does not constitute a pledge of the faith and credit of the City within the meaning of any constitutional debt limitation;

WHEREAS, in order to provide security for the City’s obligations under the Contract, the City will grant to the Lender a security interest under a deed of trust, security

agreement and fixture filing (the "Deed of Trust") in the City's fee simple interest in the site of the Project, together all improvements and fixtures located thereon (collectively, the "Mortgaged Property");

WHEREAS, a public hearing on the Contract after publication of a notice with respect to such public hearing must be held and the City Council conducted such public hearing at its November 12, 2020 meeting;

WHEREAS, there has been made available to the City Council the form of the Contract and the Deed of Trust which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing; and

WHEREAS, it appears that each of the Contract and the Deed of Trust (collectively, the "Instruments") is in appropriate form and is an appropriate instrument for the purposes intended;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONCORD, NORTH CAROLINA, AS FOLLOWS:

Section 1. **Approval, Authorization and Execution of Instruments.** The City hereby approves the financing of the Project in accordance with the terms of the Instruments, which will be valid, legal and binding obligations of the City in accordance with their respective terms. The City hereby approves the amount to be advanced by the Lender to the City pursuant to the Contract in an aggregate principal amount not to exceed \$6,200,000 at an interest rate of 1.43% per annum, such amount to be repaid by the City to the Lender as provided in the Contract. The form, terms and content of the Instruments are in all respects authorized, approved and confirmed, and each of the Mayor, the City Manager, the Assistant City Manager, the Finance Director and the City Clerk or their respective designees (the "Authorized Officers") are authorized, empowered and directed to execute and deliver the Instruments for and on behalf of the City, including necessary counterparts, in substantially the forms presented to the City Council, 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, and that from and after the execution and delivery of the Instruments, each of 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 Instruments as executed.

Section 2. **Further Actions.** Each of the Authorized Officers are hereby designated as the City's representatives to act on behalf of the City in connection with the transactions contemplated by the Instruments, and each of the Authorized Officers are authorized and directed to proceed with the financing of the Project in accordance with the terms of the Instruments and to seek opinions on matters of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. Each of the Authorized Officers are hereby authorized to designate one or more employees of the City to take all actions which each of the Authorized Officers are authorized to perform under this Resolution, and each of the Authorized Officers, including their designees, are in all respects authorized on behalf of the City to supply all information pertaining to the transactions contemplated by the Instruments. Each of the Authorized Officers are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution. Any and all acts of the Authorized Officers may be done individually or collectively.

Section 3. **Related Actions.** All acts and doings of officers, employees and agents of the City, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

Section 4. **Repealer.** All motions, orders, resolutions, ordinances and parts thereof, in conflict herewith are hereby repealed.

Section 5. **Severability.** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 6. **Effective Date.** This Resolution is effective on the date of its adoption.

Read, approved and adopted this 11th day of February, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

CONSENT AGENDA ITEM C

The Carbon Monoxide Emergency Safety Grant in the amount of \$11,310 was accepted and the following Grant Project Ordinance was adopted.

ORD.# 21-11

GRANT PROJECT ORDINANCE
FY 2019 EMERGENCY SAFETY AND SECURITY GRANT
PROJECT NC19E00850119

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 ordained:

SECTION 1. The project authorized is the Capital Fund grant, which is a program to assist the Housing Department in carrying out development, capital and management activities in order to ensure that the program continues to service low-income families.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation of the project within terms of a grant agreement with the U.S. Department of Housing and Urban Development.

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

2019 Emergency Safe Security Grant	692-4703308	\$ 11,310
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SECTION 4. The following amounts are appropriated to the project:

Carbon Monoxide Detectors	9212-5800295	\$ 11,310
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Total		\$ 11,310
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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 11th day of February 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM D

The Parks & Recreation, Solid Waste, and Buildings & Grounds Departments were authorized to apply for a Community Waste Reduction and Recycling Standard Project Grant for the purchase and installation of two Bigbelly waste and recycling stations located at Mountain Bike Trail and the Mills at Rocky River.

CONSENT AGENDA ITEM E

The Fire Department was authorized to apply for the Assistance to Firefighter Grant through the Federal Emergency Management Association.

CONSENT AGENDA ITEM F

The Police Department was authorized to submit the 2022 NC Wildlife Commission application form to continue the extended Urban Archery season in the City of Concord for the year 2022.

CONSENT AGENDA ITEM G

The maintenance agreements were approved and the offers of dedication were accepted on the following properties: Lares Real Estate USA, LLC and Bootsmead LeaseCo, LLC.

CONSENT AGENDA ITEM H

The offer of dedication on the following plat and easements were accepted: The Grounds at Concord Roadway, Final Plat of 100 Crowell, and Corban Avenue Townhomes.

CONSENT AGENDA ITEM I

The offer of infrastructure acceptance in the following subdivisions and sites were accepted. Hunton Forest Subdivision PH 1, Dalton Woods Subdivision PH 1, Cabarrus Charter Academy at Poplar Crossing, Slatebrooks Sewer Extension-Midland, Concord Airport Business Park PH 2, Christenbury Corners NE Lot C Public Sewer Extension, Stoneridge and Cove Creek water line replacement, Highway 49 30-inch water line, Cannon Offices Buildings 1 and 2.

CONSENT AGENDA ITEM J

The following ordinance was adopted to amend the FY 2020/2021 Budget Ordinance for the General Fund to cover increased costs at the wellness center.

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, as amended; and

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

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

Account	Title	Revenues		(Decrease) Increase
		Current Budget	Amended Budget	
100-4323100	1% Local Govt Opt Sls Tx	\$7,400,000	\$7,472,000	\$72,000
Total				\$72,000

Account	Title	Expenses/Expenditures		(Decrease) Increase
		Current Budget	Amended Budget	
4126-5194000	Contract Services	\$386,763	\$458,763	\$72,000
Total				\$72,000

Reason: To increase contract with Atrium Health at the Wellness Center to provide additional staff and increase hours to better respond to needs related to COVID.

Adopted this 11th day of February, 2021.

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

A contribution from the Mayor's Golf Tournament was approved in an amount up to \$350 to Cabarrus Health Alliance to provide lunch for staff working COVID-19 vaccination clinics and the following ordinance was adopted to appropriate the contribution.

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, 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	
100-4370000	Fund Balance Approp	\$9,625,142	\$9,625,492	\$350
Total				\$350

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4190-5470043	Golf Tournaments	\$0	\$350	\$350
Total				\$350

Reason: To appropriate reserves from the Mayor's Golf Tournament to sponsor a lunch for Cabarrus Health Alliance staff working COVID-19 vaccine clinics.

Adopted this 11th day of February, 2021.

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 ordinance was adopted to amend the FY 2020/2021 Budget Ordinance for the CDBG Fund to correct 2019 & 2020 revenues.

ORD.# 21-14

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 2019 and CDBG 2020 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

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
310-4334556				
310-4334556	CDBG 2019	\$1,314,048	\$633,508	(\$680,540)
310-4334557				
310-4334557	CDBG 2020	\$0	\$680,540	\$680,540
Total				<u><u>\$0</u></u>

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

Expenses/Expenditures

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
Total				<u><u>\$0</u></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 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 11th day of February, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM M

The following capital project ordinance was adopted to amend the First Concord 2014 LOBS Project Fund to appropriate proceeds received from the sale of 30 Market Street to cover the cost of demolition.

ORD.# 21-15

CAPITAL PROJECT ORDINANCE
FIRST CONCORD

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 authorized/amended:

SECTION 1. The project authorized/amended is First Concord – 2014 LOBS – Market Street Lot Redevelopment and Generator Relocation.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation/amendment of 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>
552-4351000				
552-4351000	Sale of Fixed Assets	0	579,000	579,000
	Total			<u>579,000</u>

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

<u>Expenses/Expenditures</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
6990-5811249				
6990-5811249	Market St. Lot Redevelopment	1,249,176	1,828,176	579,000
	Total			<u>579,000</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 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 11th day of February, 2021.

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 following resolution was adopted to select depositories for the City and to update the corporation agents for the City.

R E S O L U T I O N

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

Section 1. Fifth Third, Suntrust, Bank of New York, Regions Bank, BB&T, Pinnacle, First Citizens, and all other pooling financial institutions (list attached), the *Financial Institutions*, are designated as a depository for the funds of the City, *the Corporation*, and to provide other financial accommodations indicated in this resolution.

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

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

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

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

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

Section 7. The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes"

includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Corporation with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Corporation authorizes each

Agent to have custody of the Corporation’s private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

Section 8. Corporation Agents.

<u>NAME</u>	<u>TITLE</u>
Jessica Jones	Finance Director
Kristin Roe	Finance Manager

Section 9. This resolution shall be effective as of February 22, 2021.

Adopted this 11th day of February, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

CONSENT AGENDA ITEM O

The following resolution was adopted to update the City's Purchasing Policy.

A RESOLUTION AMENDING THE PURCHASING POLICY
OF THE CITY OF CONCORD

WHEREAS, the City of Concord, North Carolina (herein “the City”) has adopted a Purchasing policy: and

WHEREAS, the City desires to amend the policy;

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

1. Article 2, Bidding Process and Article 4, Purchasing Procedures, of the purchasing policy shall be amended according to the attached markup document.

This resolution shall be effective April 1, 2021.

Adopted this 11th day of February 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

CONSENT AGENDA ITEM P

This item was removed from the Consent Agenda (see item #11 on the agenda for action).

CONSENT AGENDA ITEM Q

The Tax Office collection reports for the month of December 2020 were accepted.

CONSENT AGENDA ITEM R

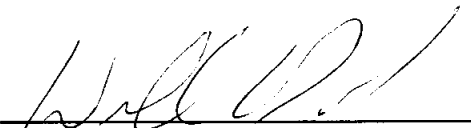
The Tax releases/refunds for the month of December 2020 were approved.

CONSENT AGENDA ITEM S

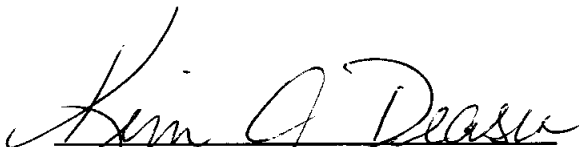
The monthly report on status of investments as of December 31, 2020 was received.

* * * * *

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



William C. Dusch, Mayor



Kim U. Deason, City Clerk