

CONCORD CITY COUNCIL
REGULAR MEETING
MARCH 10, 2022

A regular meeting of the City Council for the City of Concord, North Carolina, was held in the 3rd floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on March 10, 2022, at 6:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

Mayor Pro-Tem Terry L. Crawford
Council Member Andy Langford
Council Member W. Brian King
Council Member Betty M. Stocks
Council Member JC McKenzie
Council Member Jennifer Parsley-Hubbard
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 Mayor Pro-Tem Crawford and seconded by Council Member Sweat to approve the minutes for the meetings of January 28, February 8, and February 10, 2022—the vote: all aye.

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Presentations:

1. Mayor Dusch presented the Order of the Long Leaf Pine to former City Council Member and Water Sewer Authority of Cabarrus County (WSACC) Board Member, Dave Phillips.
2. Mayor Dusch presented a retirement plaque to Tom Bach for over 7 years of service to the City of Concord Water Resources Department.
3. Mayor Dusch presented a Proclamation recognizing Women's History Month to Judge Juanita Boger-Allen.

Persons Requesting to be heard:

1. Scott Moore, Skybrook Development, addressed the Council in regards to sewer allocation for the Skybrook development.
2. Jessi Wyre addressed the Council in regards to the existing separation requirements for tattoo parlors. She stated she is a permanent makeup artist and her business is classified as a tattoo parlor. With the separation requirements in place, she cannot open her business. She requested the Development Ordinance be amended.

3. Roland Jordan addressed the Council regarding several issues within the City of Concord he feels should be addressed.

Public Hearings:

1. Conduct a public hearing and consider adopting an ordinance annexing +/- 2.553 acres of property located at 7995 Old Holland Rd, owned by William and Mary Caudle.

The request is for voluntary annexation of +/- 2.553 acres of property located at 7995 Old Holland Rd, owned by William and Mary Caudle. If annexed, the petitioner intends to apply for the RC-CD (Residential Compact Conditional District) zoning classification in order to construct a multi-family development. The development would split the County line with 18 dwelling units proposed in Cabarrus County/Concord.

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

The Planning and Neighborhood Development Services Planning Manager, Starla Rogers, explained the location of the subject property and the adjacent zoning classification.

John Carmichael, developer, spoke in favor of the request. He explained that nine duplex units (18 dwelling units) would be developed on the Concord/Cabarrus County side of the County line. He stated the Mecklenburg County site is already being considered for approval.

Council Member McKenzie asked how many units are proposed for the Mecklenburg County site. Mr. Carmichael stated 50 duplex style units and 198 multi-family homes are proposed for the Mecklenburg County side of the development. He also stated the Mecklenburg County property is subject to a rezoning request that has not been approved yet, but is in the process.

Council Member McKenzie asked if the Mecklenburg County site already had sewer allocation. Developer, Ian Hall, stated that it is the development company's understanding that the sewer allocation would be served from the Charlotte water allocation from the Rocky River Plant. Council Member McKenzie asked if the sewer line would extend to the units on the Concord side. Mr. Hall stated the Concord properties would be served by the Water Sewer Authority of Cabarrus County (WSACC).

Council Member McKenzie asked if the annexation request was denied would it put the project at risk. Mr. Carmichael stated that denial of the annexation would put the whole project at risk.

The Water Resources Director, Jeff Corley, stated Concord would only be allocating sewer for the proposed 18 units.

Council Member Parsley-Hubbard asked if the applicants and developers understand the allocation issues the City is having at the moment. The developers stated they did understand the allocation issue.

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

Council Member McKenzie stated he is concerned with sewer allocation to the proposed units on the Concord side of the County line. He stated he was not comfortable annexing the property, which would mean additional units for allocation consideration.

Discussion was held regarding sewer allocation for the proposed annexation request.

Mayor Pro-Tem Crawford stated that annexation is what is being requested, but, in his opinion, it would be leading the developer along if approve the annexation and not

approve sewer allocation.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to reopen the public hearing—the vote: all aye.

Developer, David Niekamp, spoke in favor of the request. He provided a brief background of the proposed development. He stated his company began working on the proposed development in 2020, prior to the sewer allocation issues. He stated in 2020 Concord did issue a sewer allocation letter for the proposed development. Mr. Niekamp further stated the property is being purchased for the purpose of developing the proposed development but in order for the purchase transaction to move forward annexation is needed.

Mr. Niekamp stated that they understand there may not be sewer allocation for the development at the present time and they understand that the Mecklenburg County site will be served by Charlotte Water. He stated they understand the constraints and are willing to wait until 2024 for sewer allocation for the project, even though the process began in 2020 and they received an allocation letter from the City of Concord. He stated they would go ahead and put a sewer allocation request in case there is a chance allocation could be approved prior to 2024.

Mayor Dusch asked if sewer allocation is received from Charlotte Water would they move forward with the development on the Mecklenburg side. Mr. Niekamp stated they would move forward should they get allocation from Charlotte Water.

Council Member King confirmed that the developers are willing to wait for sewer allocation until 2024. Mr. Niekamp confirmed that they need the annexation to move forward with the purchase of the property and they are willing to wait until 2024 to receive sewer allocation for the project on the Concord side of the County line.

With there being no further comments from the applicants, a motion was made by Council Member King and seconded by Mayor Pro-Tem Crawford to close the reopened public hearing—the vote: all aye.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member King to adopt the annexation ordinance and set the effective date for March 10th, 2022—the vote: aye – Langford, King, Stocks, Crawford, Parsley-Hubbard, and Sweat; nay - McKenzie.

ORD.# 22-33

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF
CONCORD, NORTH CAROLINA TO INCLUDE 2.553 ACRES OF PROPERTY
LOCATED AT 7995 OLD HOLLAND RD, CHARLOTTE, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by John Carmichael, Robinson, Bradshaw and Hinson, on March 10th, 2022 to annex the area described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of the petitions and a public hearing on the question of this annexation was held at Concord City Hall, 35 Cabarrus Avenue West, on March 10, 2022 after due notice by The Independent Tribune on February 27th, 2022; and

WHEREAS, the City Council finds that the petitions meet requirements of G.S. 160A-58.1;

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

SECTION 1. By virtue of the authority granted by G.S. 160A-58.1, the following described territory is hereby annexed and made part of the City of Concord, as of the 10th day of March 2022:

PINs: 4588-99-5811, 4588-99-2789, and 4588-99-4654

ALL that certain lot or parcel of land situate, lying, and being in Cabarrus County, North Carolina, and more particularly described as follows:

BEGINNING at a calculated point in the centerline of Old Holland Road, a 60' Public Right Of Way, as described in Deed Book 14195, page 302 of the Cabarrus County Registry and marking the southeast corner of Addison Concord, LLC (now or formerly) as described in Deed Book 14194, page 283; THENCE with the centerline of Old Holland Road the following two (2) courses and distances: 1) South 04 degrees 45 minutes 59 seconds West, a distance of 207.15 feet to a calculated point; 2) THENCE a curve to the right having an arc length of 260.32 feet, a radius of 433.24 feet, being subtended by a chord bearing of South 21 degrees 21 minutes 52 seconds West, a distance of 256.42 feet to a calculated point along the Mecklenburg County and Cabarrus County line; THENCE with the county lines North 48 degrees 41 minutes 51 seconds West, a distance of 492.34 feet to a calculated point along the southern property line of Addison Concord, LLC (now or formerly) as described in Deed Book 14194, page 283; THENCE along the property line of Addison Concord, LLC the following two (2) courses and distances: North 76 degrees 01 minutes 03 seconds East, a distance of 81.53 feet to a new #5 rebar; 2) THENCE North 75 degrees 55 minutes 52 seconds East, a distance of 413.81 feet to a calculated point along the centerline of Old Holland Road, passing an existing #4 rebar at a distance of 211.43 feet and an existing #5 rebar at a distance of 384.72 feet, which is the POINT OF BEGINNING, having an area of 2.553 Acres, more or less.

SECTION 2. Upon and after the 10th day of March, 2022 the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Concord and shall be entitled to the same privileges and benefits as other parts of the City of Concord. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the City of Concord shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

SECTION 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Concord.

Adopted this 10th day of March 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ Valerie Kolczynski, City Attorney

Presentations of Petitions and Requests:

- 1. Consider adopting a resolution authorizing the City Manager to enter into a lease agreement with Zato LLC for real property located at 30 Church St, S, and the adjacent plaza, for a ten-year term with an option to renew for one five-year term.**

30 Church Street S is owned by the City of Concord. Staff has worked with Zato LLC, the North Carolina-based limited liability corporation that holds the franchise for Benny's Pizza, to develop a proposed lease agreement.

Zato LLC is prepared to invest an estimated \$300,000 in the building and adjacent plaza space for Benny DaCorsa's Pizza. Zato LLC would pay an annual lease rate of \$6,396 for years 1-5 and \$8,000.04 for years 6-10, with an option to renew for one five-year term at rates set forth in the lease agreement.

Benny's would be responsible for all upfit costs and maintenance to the interior of the building for the duration of the lease. City of Concord would be responsible for the envelope of the building (e.g. the roof and exterior walls). Based on a current assessment of the roof, the City would spend \$5,000 to seal the existing roof and extend its life by at least 10 years.

A motion was made by Council Member Stocks and seconded by Council Member King to adopt the following resolution authorizing the City Manager to enter into a lease agreement with Zato LLC for the real property located at 30 Church St, S, and the adjacent plaza, for a ten-year term with an option to renew for one five-year term—the vote: all aye.

RESOLUTION TO LEASE PROPERTY

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-272, and General Assembly of North Carolina 1985 Session Chapter 355, HB 503, the City Council of the City of Concord, North Carolina has determined that the real property of the City located at 30 Church Street S., Concord, NC will not be needed by the City until December 2038 at the earliest; and

WHEREAS, the City Council desires to lease the real property of the City described above to Zato, LLC, a North Carolina limited liability company for an annual lease payment of \$6,396.00 for years 1-5 and \$8,000.04 for years 6-10, for a term beginning upon execution, with an option to renew for one five (5) year term at rates set forth in the lease agreement; and

WHEREAS, the City Clerk has caused to be published at least 30 days prior to March 10, 2022, a notice as required by N.C. Gen. Stat. §160A-272;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that the City Council hereby authorizes the Mayor, City Manager and City staff to take necessary steps to execute the lease of the real property of the City located at 30 Church Street S., Concord, NC.

Adopted this 10th day of March 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

2. Consider adopting a resolution authorizing an eminent domain action for a portion of the property located at the corner of 285 Academy Avenue, NW and Duval Street, NW and being described as 0.021 acres.

Title to this property is currently in the names of the heirs of Louis D. Duval and of J. L. Hartsell, who purchased the property in 1898. Due to various issues with the title to the property, clear title cannot be conveyed by any entity. The tax value of the entire lot property is listed at \$34,000. The value of the 0.021 acre portion is estimated to be \$500

based upon the overall tax value and the location of the subject portion. This eminent domain action is requested for the purpose of making the full lot available for affordable housing.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to adopt the following resolution authorizing an eminent domain action for a portion of the property located at the corner of 285 Academy Avenue, NW and Duval Street, NW and being described as 0.021 acres—the vote: all aye.

RESOLUTION AUTHORIZING
EMINENT DOMAIN TO ACQUIRE PROPERTY

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire a real property parcel identified and defined, as follows:

LYING AND BEING in Township Number Twelve (12) of the City of Concord, North Carolina, being a triangular-shaped lot located on the northeast corner of Duval Street NW and Academy Avenue NW and being more particularly described as follows:

Beginning at a set ½” rebar, said rebar being located at the intersection of the right-of-way of Academy Avenue NW (40’ Public R/W) and the right-of-way of Duval Street NW (Variable Public R/W), thence with the right-of-way of Academy Avenue NW (40’ Public R/W), N 47°53’50” E 27.12 feet to a found ½” rebar, said rebar being a common corner with now or formerly Habitat for Humanity Cabarrus County (Deed Bk. 11995, Pg. 269); thence with the property of now or formerly Habitat for Humanity Cabarrus County (Deed Bk. 11995, Pg. 269), S 37°47’44” E 66.71 feet to a set ½” rebar, said rebar being located on the right-of-way of Duval Street NW (Variable Public R/W); thence with the right-of-way of Duval Street NW (Variable Public R/W), N 60°29’16” W 70.10 feet to the POINT AND PLACE OF BEGINNING and containing 0.021 Acres and is shown on a map titled, “0.458 Acres – Academy Avenue NW” dated January 5, 2021 by NorStar Land Surveying, Inc. and is attached as Exhibit A for further reference.

WHEREAS, the real property parcel, currently owned by all heirs known and unknown of Louis D. Duval and all heirs known and unknown of J.L. Hartsell is being acquired for the purpose of the construction of affordable housing along with all fixtures and appurtenances; and

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

The City of Concord will acquire by eminent domain for the purposes stated above the property and interest described above.

The City Attorney is authorized and directed to institute the necessary proceedings under Chapters 157 and 40A of the North Carolina General Statutes, to acquire the properties described above.

Adopted this 10th day of March, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

3. Consider authorizing the Concord ABC Board to retain previously approved excess funds.

In June 2021, the Concord ABC Board received approval from City Council to retain excess working capital funds in the amount of \$1,463,251 to complete a new ABC store location on George W. Liles Blvd. The last payment on the building has been made and a balance of \$789,000 is remaining. The Concord ABC Board is requesting to retain the previously approved funds to assist with plans to construct a warehouse expansion.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Sweat to authorize the Concord ABC Board to retain previously approved excess funds to assist with construction of an expansion to the existing warehouse—the vote: all aye.

4. Consider authorizing the City Manager to negotiate and execute a contract with Kongsberg Defence & Aerospace for a ground lease to install a remote tower.

Kongsberg Defence & Aerospace would lease ground space at the airport to install a mast for a "virtual tower". This will be a demonstration project to obtain FAA certification to provide ATC Services at airports from a remote control room with video-sensor type surveillance equipment instead of "out-of-the-window" views from a traditional ATC tower. The objective is to provide consistent, high-quality ATC services in a more efficient and cost effective manner. The video equipment provides real-time imagery of the runway, airfield and nearby airspace on large monitors providing a 360-degree virtual view to the controllers. In addition to the live video feed, the controllers have all the same air traffic management computer systems as they would in a local control tower including voice communication, meteorological data, and flight plans.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard to authorize the City Manager to negotiate and execute a contract with Kongsberg Defence & Aerospace—the vote: all aye.

5. Consider adopting a resolution to amend and restate the Articles of Incorporation for the Concord Family Enrichment Association.

The Concord Family Enrichment Association (CFEA) has voted to amend the articles of incorporation (AOI) for the corporation. The amended AOI, upon adoption, officially changes the name of the corporation from CFEA to WeBuild Concord and amends the corporation's registered agent and address. Other amendments, as stated, allow the Board of Directors more latitude and authority in making decisions on behalf of the corporation to include acquisitions, encumbrances, property disposition, revising the bylaws, and other functions related to the daily operation of the corporation.

A motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Crawford to adopt the following resolution to amend and restate the Articles of Incorporation for the Concord Family Enrichment Association—the vote: all aye.

**RESOLUTION AUTHORIZING AMENDMENT AND RESTATEMENT
OF ARTICLES OF INCORPORATION OF WEBUILD CONCORD,
FORMERLY CONCORD FAMILY ENRICHMENT ASSOCIATION**

WHEREAS, The original Articles of Incorporation of Concord Family Enrichment Association were filed with the Secretary of the State of North Carolina on July 16, 2019; and

WHEREAS, the Articles of Incorporation required approval of any amendment thereto by the City of Concord; and

WHEREAS, Concord Family Enrichment Association wishes to amend its Articles of Incorporation as shown on the attached, Exhibit A.

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

1. The City Council of the City of Concord approves the Articles of Incorporation as Amended and Restated.

Adopted this the 10th day of March, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

6. Consider approving an application for the Construction Training Partnership to receive \$65,000 in funding from the North Carolina Housing Finance Agency.

The Construction Training Partnership (CTP) is a joint effort between the North Carolina Housing Finance Agency (NCHFA) and the North Carolina Home Builders Association (NCHBA) to train disadvantaged residents of limited financial means for jobs within the construction industry while assisting the community with affordable housing efforts.

NCHBA facilitates two (2) eight-week sessions limited to an average of 9 students per class. The first 5-6 weeks consists of classroom based learning accompanying daily hands-on training. The final 2-3 weeks are completed working at an actual job site overseen by the instructor. After each week of class, participants are given various tools of the trade.

The program is designed to equip students with the basic skills and tools needed to enter the construction field. The program requires a \$65,000 match by the City of Concord, allocated by Concord to NCHBA to be used to purchase materials, pay the instructor, secure a site, and other class-related expenses. Since the program start date is July 1, 2022, this match can be part of the annual budget process if the City is awarded the funding from the NCHFA. The NCHFA portion would be allocated for Concord to use on a newly constructed home or rehabilitation project that benefits a homeowner or renter who is 80% or below area median income.

A motion was made by Council Member King and seconded by Council Member Langford to approve the submission to the Construction Training Partnership for \$65,000 in funding from the North Carolina Housing Finance Agency—the vote: all aye.

7. Consider authorizing the City Manager to negotiate a contract in the amount of \$745,000 with Office Environments for purchase of furniture, fixtures and equipment related to the new Electric Operations Center.

Electric staff evaluated Furniture, Fixtures and Equipment (FFE) suppliers and selected Office Environments to partner with on design of all needed FFE for the new Electric Systems Operations Center. The new building contains 38 offices, 3 conference rooms, a lunch room, an auditorium and 6 workshops which will require considerable FFE items including desks, chairs, tables, work-tables, collaboration areas, auditorium seating, lockers and other associated equipment.

Office Environments has worked closely on the design with the Architect and Design-Build contractor for the site and has produced a design and associated costing model. The overall cost of \$745,000 will include design, materials, installation and construction management. All items will be purchased via the pre-bid North Carolina State Department of Administration 420A contract which the City of Concord is a member of.

A motion was made by Council Member Stocks and seconded by Council Member McKenzie to authorize the City Manager to negotiate a contract in the amount of \$745,000 with Office Environments for purchase of furniture, fixtures and equipment related to the new Electric Operations Center—the all aye.

8. Consider authorizing the City Manager to negotiate a contract with Visual Sound Inc. for \$320,468.14 for the Electric Systems Operations Center grid control video system and five-year warranty/service package.

The new Electric Systems Operations Center will utilize a state-of-the-art Control Center for grid monitoring and control. The system will consist of engineering services, a 6x3 monitoring wall, video control system server, all associated cabling, installation and all software platforms.

Bid specifications detailing the grid video control system were developed and formal bids were received on February 9, 2022. Three bids were received and evaluated for adherence to the bid specifications, pricing and responsiveness of the bidders. The low bidder, Visual Sound Inc. was determined to be a responsible and responsive bidder. Evaluation of their work history proves them to be a quality partner for this project.

Total cost for the engineering, equipment and installation comes in at \$256,403.03, which includes a two-year equipment warranty. A three-year extension of the manufacturer's equipment warranty coupled with a five-year service and support package will provide five years of full coverage for the entire system at a cost of \$64,065.11. Total cost of the system including the five-year extended warranty/service package comes to \$320,468.14.

A motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Crawford to authorize the City Manager to negotiate a contract with Visual Sound Inc. in the amount of \$320,468.14 for purchase of a grid control system engineering, equipment, installation and five-year warranty/service package—the vote: all aye.

9. Consider adopting an ordinance amending the City of Concord Code of Ordinances, Chapter 34, Fire Prevention and Protection.

The proposed amendments would address inconsistencies in the establishment of the Fire Marshal's Office and appointment of the Fire Marshal, requirements for lock boxes placed on commercial properties along with updating which version of the North Carolina Fire Code is currently adopted. Other language has been updated to remain consistent with the current version of the North Carolina Building Codes. Also, Sec.34-81, Records of Inspection of Fire Protection Systems, has been added to designate how inspection reports are submitted to the Fire Marshal's Office.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Langford to adopt the following ordinance amending the City of Concord Code of Ordinances, Chapter 34, Fire Prevention and Protection—the vote: all aye.

ORD.# 22-21

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 34 OF THE CONCORD CODE OF ORDINANCES

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

WHEREAS, the City Council of the City of Concord is authorized from time to time to amend the Concord Code of Ordinances of the City of Concord; and

WHEREAS, the City Council of the City of Concord recognizes the need to amend the Concord Code of Ordinances of the City of Concord and hereby adopts the following changes to the Code.

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. All references to the North Carolina Fire Prevention Code are hereby deleted and replaced with North Carolina Fire Code.

Section 2. All references to district chief are hereby deleted and replaced with division chief.

Section 3. That Article I Chapter 34, **Section 34-2-Fireworks**, of the Concord Code of Ordinances be hereby amended and restated as follows:

Sec. 34-2(d)(4) – North Carolina State Building Code – Fire Code Chapter 56.

Section 4. That Article I Chapter 34, **Section 34-3 – Lock boxes** of the Concord Code of Ordinances be hereby amended and restated as follows:

(a) Required.

(1) All commercial enterprises or industries in the city which use, store or manufacture, process or produce hazardous materials that must meet the criteria of a Class C or D hazardous substance under G.S. 95-191 et seq, or under Title III of the Federal Superfund Amendments and Reauthorization Act and the regulations promulgated thereunder, must have an approved on-site hazardous materials data storage box at each facility where hazardous materials may be found.

(b) Contents, types and location of data storage box.

(2) All information requested on the city fire department data storage sheets must be provided on the forms provided by the city fire department, or in a substantially similar format, and must be placed in the data storage box. Such information must be kept up to date to ensure its accuracy.

(c) Violations; enforcement.

(2) The city may also secure injunctive and other appropriate equitable remedies to ensure compliance with this chapter, as provided by G.S. 160A-175.

(d) Exceptions.

(1) Whereas the city recognizes that certain commercial enterprises maintain 24-hour on-site security and emergency responses, such enterprises may propose measures which will provide immediate access to vital information on a 24-hour basis, 365 days per year. This information must meet the criteria of information stored in the lock boxes and be available to initial arriving emergency response vehicles.

Section 5. That Article 1, Chapter 34 **Section 34-4 – Open burning** of the Concord Code of Ordinances be hereby amended and restated as follows:

(c) *Exceptions.* Exceptions shall include only the following:

(3) Bonfires, public or private, shall require a permit and are subject to approval of the fire department. Approval will be granted on the sole discretion of the fire department based upon:

a. The proximity of the proposed fire to dwellings, trees, woods and other structures.

b. Facilities available for fire management.

c. Atmospheric conditions.

d. Type of material to be burnt: must be naturally cut wood, three inches in diameter or smaller; no construction materials or building materials.

e. The bonfire shall be no more than five feet by five feet by five feet in dimension and shall burn no longer than three hours.

f. Any and all other factors considered by the fire department to be required to ensure safe burning.

g. Such fires shall be maintained in accordance with the North Carolina Fire Code. Failure to maintain bonfires in accordance with this section shall constitute fire extinguishment and revocation of the permit.

(4) Fires set for the purpose of disposing of waste propellants, explosives or pyrotechnics, including associated contaminated wastes must be necessary and the waste not able to be disposed of by any other means than burning. No

materials shall be imported from off-site for disposal. A permit must be obtained for fires used for this purpose.

(5) At the sole discretion of the fire department, when there exists an extreme or emergency circumstance which lacks any other reasonable means of disposing of items which need to be disposed of, and not addressed in this section, the fire department may issue a permit to burn. These fires shall be limited to the disposal of material generated during a natural disaster, such as tornado, hurricane or flood.

(6) Fires set as part commercial film or video production activities for motion pictures and television or fires set as part of a planned civic event designed to educate or otherwise benefit the public:

a. The use of fireworks, pyrotechnic or flame effect devices used in conjunction with or to initiate such fires shall meet the following codes and standards:

1. NFPA 160- Standard for flame effects before an audience.
2. NFPA 1123 – Code for fireworks display.
3. NFPA 1126 – Standard for the use of pyrotechnics before a proximate audience.
4. North Carolina State Building Fire Prevention Code Chapter 56.
5. North Carolina General Statute Chapter 58 Article 82A – Pyrotechnics Training and Permitting.

b. Any person seeking to conduct a fire for such reasons shall obtain a permit and submit a plan in writing to the fire department at least 15 working days prior to the burn with the following information:

1. The name of the person, group, or organization responsible for the production;
2. If applicable, state pyrotechnic display operator license card/certificate of the individuals to discharge pyrotechnics;
3. The date and time of the production;
4. The location of the production;
5. The duration of the burn;
6. A narrative description of the burn;
7. A site plan showing the following:
 - i. The location of the audience;
 - ii. The area affected by the burn;
 - iii. Means of egress;
 - iv. Fire protection features and locations.
8. PPE must be worn by operators during initiation or electronic firing controls to be utilized by operators during the display.

(d) Violations and enforcement.

(1) The fire official shall have the authority to summarily abate any condition that is in violation of this section and that presents an immediate fire hazard to life or property.

(2) Any open burning in violation of this section shall be extinguished by the responsible party or the fire department.

(3) All costs incurred by the city for enforcement of this section will be the responsibility of the party in violation of this section and will be added to the fine.

(4) A civil fine shall be issued to any person or company violating the provisions of this section. The civil fine for residential violations shall be \$50.00 and \$100.00 for any repeat violation. The civil fine for commercial violations of this section shall be \$500.00 per stack or pile and \$1,000.00 per stack or pile for any repeat violation by the same person or company.

- (5) Violations of this section shall be a misdemeanor as provided under G.S. 160A-175 and 14-4. Each day's continuing violation shall constitute a separate and distinct offense as provided by G.S. 160A-175(g).

Section 6. That Article I, Chapter 34, **Section 34-5. False Alarms**, of the Concord Code of Ordinances be hereby amended and restated as follows:

Sec. 34-5. False alarms.

- (a) *False alarms defined.* A false fire alarm means the activation of a fire alarm system through mechanical or electronic failure, malfunction, improper installation, or the intentional acts or negligence of the alarm user, his/her employees or agents, to summon fire department personnel, unless fire department response was cancelled by the alarm company (designated by the alarm user) prior to fire department personnel arrival on the scene. An alarm is false within the meaning of this chapter when, upon inspection by the fire department, evidence indicates that no fire, smoke or other condition exists in or on the premises which would have activated a properly functioning fire alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined by the investigating officer to have been caused or activated by a violent condition of nature including but not limited to flood, hurricane, lightning, blizzard or other similar condition outside the alarm user's control. In addition, an alarm activated during an alarm system testing procedure shall not be considered a false alarm if the alarm user first notifies the fire department and notifies and receives permission from the user's alarm company, or designee, to test the system. This section shall not apply to burglar alarms or other types of alarms to which fire department response is neither required nor customary. (Reference Chapter 36 for additional information regarding alarms responded to by entities other than the fire department.)
- (b) *Civil penalty for false alarms.* No civil penalty shall be incurred for the first or second false alarm occurring during any rolling 90-day period. The third occurrence of a false alarm in any 90-day rolling period shall result in a civil penalty of \$250.00 or as specified in the then-current fees, rates and charges schedule adopted as part of the city annual operating budget. Each additional false alarm, in excess of three, occurring in the same rolling 90-day period shall result in additional civil penalties in accordance with this section. For the purpose of this section, a "rolling" time period shall begin on the date of the first event and end 90 days from that date if no further events occur. If additional events occur prior to the date that is 90 days from the date of the first event, the 90 days may "roll" forward until such time as 90 days pass without the occurrence of an event.
- (c) Duties of the alarm user, his/her employees or agents:
- (1) Users shall maintain the alarm system and related premises in a manner that will reduce or eliminate false alarms.
 - (2) Users shall respond to or cause a representative to respond to the alarm system's location within 30 minutes of being notified by the city fire department and/or city emergency communications to deactivate an alarm system; provide right of entry to the premises; provide alternative security for the premises; and/or take control of the premises upon fire department release of the premises and departure.
 - (3) Users shall not manually activate an alarm system for any reason other than for the systems intended purposes; to perform an emergency evacuation drill (fire drill) as required the North Carolina Fire Code; or to perform routine maintenance as prescribed by alarm system provider, and only after notice to and permission for such testing from the alarm company and the city fire department.
 - (4) Failure to follow the requirements of this section shall result in a fine of \$250.00 per occurrence. This fine shall be assessed in addition to any other fines

assessed under other sections of this chapter. In addition to this fine, neither the responding officer, nor the city fire department shall have, nor assume any responsibility for securing, guarding or otherwise protecting any real or personal property that may have become exposed during the event resulting in the alarm. In addition to any fines under this section, the property owner and/or alarm user may be prosecuted for violation of section 30-204(4) et seq. regarding prohibited noises.

Section 7. That Article III, Chapter 34, **Section 34-80 – Adoption**, of the Concord Code of Ordinances be hereby amended and restated to read as follows:

Sec. 57-80. Adoption.

- (a) There is hereby adopted by the city council of the City of Concord for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code, known as the North Carolina Fire Code adopted by the North Carolina Building Code Council. Amendments to the North Carolina Fire Code, which are adopted and published by the North Carolina Building Code Council shall be effective on the date prescribed by the North Carolina State Building Code Council. The provisions of such code shall be controlling within the limits of the city.
- (b) The permits required by the fire marshal's office shall be listed in the fire department inspection fee schedule.

Section 8. That Article III, Chapter 34 **Section 34-81. Records of Inspection of Fire Protection Systems**, of the Concord Code of Ordinances be hereby amended to read as follows:

Sec. 34-81. Records of Inspection of the Fire Protection Systems.

- (a) The City of Concord designates Life Safety Inspection Vault, LLC, as the third-party single point repository of testing, service, maintenance and installation documentation for fire protection systems within the city's jurisdiction as required by the referenced standards.
- (b) All certified contractors providing services, testing, installations, repair and/or maintenance of fire prevention systems to commercial facilities within the city are required to enroll and utilize the city approved single point repository service company for reporting the rendered service information. This reporting information must be filed with the single point repository service within five (5) working days of the completion of services to the commercial facility.
- (c) The single-point repository service company shall organize, maintain and monitor the received records, providing information to the town and the commercial facility pertaining to the records status and timely notifications on required inspection timetables. Fees for this service shall be paid directly from the certifying contractor to the city approved single-point repository service company.
- (d) In addition, a copy of the record of each periodic inspection, test, servicing, repairs and maintenance shall be maintained on the commercial facilities premises, or other approved location, for a period of not less than three (3) years, unless a different period of time is specified in the North Carolina Fire Code or other appropriate standard. On site records shall be made available to the fire chief or his/her designee, upon request.

Section 9. That subsection (b) of Article III, Chapter 34, **Section 34-86. Penalties**, of the Concord Code of Ordinances be hereby amended and restated to read as follows:

Sec. 34-86. Penalties.

- (b) *Civil penalties.* In addition to or in lieu of criminal penalties set forth in subsection (a), violation of or failure to comply with the provisions of this Code shall, at the election of the city, subject the offender to a civil penalty in the amount of \$500.00 or as specified in the then-current fees, rates and charges schedule adopted as part of the city annual operating budget upon the issuance of a citation for such violation

as provided in this article. Each day's continuing violation shall constitute a separate and distinct offense as provided by G.S. 160A-175(g).

Section 10. That subsection (b)(2) of Article III, Chapter 34 **Section 34-87. Notice of violation; methods of service**, of the Concord Code of Ordinances be hereby amended and restated as follows:

Sec. 38-84. Notice of violation; methods of service.

(b) *Methods of Service.*

(2) When buildings or other premises are occupied by one other than the owner under a lease or other agreement, the orders or notices issued to correct violations of the code shall apply to and shall be served upon the occupant; provided, however, that the record owner shall be served with a copy of the document served upon the occupant. Where the order or notice requires corrective actions that do not involve additions or changes to the premises themselves which may become part of the real property of the owner, then, failure to deliver an order or notice to the owner, if other than the occupant, shall not invalidate such order or notice. Where the order or notices require the making of additions to or changes in the premises themselves which may become part of the real property of the owner, then, in such cases, the orders or notices shall be issued to the owner of the premises or real property, and may also be issued to the occupant.

Section 11. That Article III, Chapter 34 **Section 34-88. Permits**, of the Concord Code of Ordinances be hereby amended and restated as follows:

Sec. 34-88. Permits.

- (a) It shall be the duty of the fire marshal's office to evaluate applications and issue, if approved, all special use permits as listed on the fire inspection fee schedule. This schedule may be revised upon approval of the city council. Applications for special use permits shall be made on forms provided by the city.
- (b) Fees for inspections, special use permits and other fire department services shall be set out in a fee schedule. Printed schedules of the fees shall be available to the public at the fire marshal's office, city website and the city clerk's office. A billing statement for charges listed on the schedule may be sent to the owner/occupant by the city finance department.
- (c) Applications for permits required pursuant to the North Carolina Fire Code shall be made to the fire marshal's office on forms provided by the city. The applicable permit fee as established by the city shall accompany all applications. The required permit fees shall be set out in a fee schedule. Printed schedules of the permit fees shall be available to the public at the fire marshal's office, city website and city clerk's office. The division chief is authorized to waive the permit fee for governmental, religious or charitable organizations.
- (d) The following optional permits as listed in Section 105.6 of the North Carolina Fire Code are adopted as mandatory within the city:
 - Hazardous materials 105.6.21, and
 - Hazardous materials facilities 105.6.22.

Section 12. That subsection (a)(4) of Article III, Chapter 34 **Section 34-90, Code requirements for fire service water mains, fire hydrants and fire connections on private property**, of the Concord Code of Ordinances be hereby amended and restated as follows:

Sec 34-90. Code requirements for fire service water mains, fire hydrants and fire connections on private property.

(a) *Fire service water mains.*

- (4) Water flow testing will be conducted at the time of the Certificate of Occupancy to determine that the water system meets the water supply quantities determined in subsection (a)(2) above. Failure to meet the water

flow requirements in subsection (a)(2) will result in denial of certificate of occupancy.

Section 13. That Article III, Chapter 34 **Section 34-94, Signs and marking**, of the of the Concord Code of Ordinances be hereby amended and restated as follows:

Sec. 34-94. Signs and marking.

- (a) All fire lanes and access roads must be marked with signs indicating "no parking fire lane" as described in the specifications on file at the fire marshal's office.
- (b) Existing non-compliant fire lanes shall continue in effect as installed until such time as they are in need of re-striping due to wear or re-paving. When re-striping, existing fire lanes shall be installed to current specifications.

Section 14. That the definition for *personal protective clothing* as defined **Sec 34-101. Definitions**, in Article IV, Chapter 34 be deleted in its entirety and restated as follows:

Personal protective equipment (PPE) means the equipment provided to shield or isolate a person from the chemical, physical, and thermal hazards that can be encountered at hazardous materials/weapons of mass destruction (WMD) incidents.

Section 15. This Ordinance shall be effective upon adoption.

Adopted this the 10th day of March, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

10. Consider authorizing the City Manager to negotiate and execute a contract with Alfred Benesch & Company for full design services for Phases 1 and 2 of Caldwell Park in the amount of \$521,535.

City Council adopted the new master plan for the renovation and redevelopment of Caldwell Park in June of 2020. The existing park, located at 362 Georgia Street SW, is approximately 24 acres. Parks and Recreation has selected the firm, Alfred Benesch & Company, located out of Charlotte through an RFQ process for professional design services for the park. Benesch has also completed the Master Plan, Complete Surveying, and Schematic Design for the park.

The design phase will include 1) Project Meetings, 2) Sub-Surface Investigations, Soil Borings, Groundwater and Laboratory Services Investigations, 3) Wetland Delineations, and USACE/NCDWR Verifications, 4) Design Development Plans, 5) Construction Plans and Documents, 6) Architectural Design Plans, 7) Site Electrical & Utility Design Services, 8) Permitting Assistance, 9) Construction Administration/Observation (if applicable), and 10) Reimbursable Expenses.

Renovation/Redevelopment of Caldwell Park is a top priority project for the City, and this design will include items funded by the Land and Water Conservation Fund (LWCF) Federal Grant, and the Parks and Recreation Trust Fund (PARTF) State Grant. These items include a fully inclusive playground, covered courts, youth baseball diamond, new multi-purpose field, new splash pad, new Logan Optimist Shelter, and the first phase of Irish Buffalo Creek Greenway. Funding identified as part of the Capital Improvement Plan for Caldwell Park.

A motion was made by Council Member Stocks and seconded by Council Member McKenzie to authorize the City Manager to negotiate and execute a contract with Alfred

Benesch & Company in the amount of \$521,535 for Full Design services for Phases 1 and 2 of Caldwell Park—the vote: all aye.

11. Consider adopting a reimbursement resolution for expenditures associated with a planned parks improvements general obligation bond.

Staff has determined that it is in the best interest of the City to acquire, construct and equip certain improvements to its parks. It is anticipated that the projects will be funded by a general obligation bond during fiscal year 2023 or later. Until the bond is issued, there will be expenditures that are associated with the project that the City will need to be reimbursed for. Once the bonds are issued, the proceeds from that issue will be used to pay the City back for any expenditures that occur before the bonds are issued.

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

A motion was made by Council Member Sweat and seconded by Council Member Langford to adopt the following reimbursement resolution for expenditures associated with a planned parks improvements general obligation bond—the vote: all aye.

RESOLUTION DECLARING THE INTENT OF THE CITY OF CONCORD
TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN
CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND
EQUIPPING OF PARKS AND RECREATION IMPROVEMENTS FROM
THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS.

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

WHEREAS, the City hereby finds and determines that it is in the best interests of the City to acquire, construct and equip certain improvements to its parks (collectively, the “Projects”);

WHEREAS, the City reasonably expects to receive the proceeds of the sale of tax-exempt obligations (the “Obligations”) during fiscal year 2023 or later to finance the Projects;

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

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

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

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

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

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

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

ADOPTED AND APPROVED this 10th day of March, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

12. Consider adopting a reimbursement resolution for expenditures associated with a planned 2022 utility improvements revenue bond.

Staff has determined that it is in the best interest of the City to acquire, construct, and equip certain improvements to its water system. It is anticipated that the projects will be funded by a revenue bond in fiscal year 2023. Until the bond is issued, there will be expenditures that are associated with the project that the City will need to be reimbursed for. Once the bonds are issued, the proceeds from that issue will be used to pay the City back for any expenditures that occur before the bonds are issued.

The City presently intends and reasonably expects to reimburse itself for the original expenditures incurred and paid by the City on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The City reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Projects and the maximum principal amount of Obligations expected to be executed and delivered by the City to pay for all or a portion of the costs of the Projects is \$27,000,000.

A motion was made by Council Member King and seconded by Council Member McKenzie to adopt the following reimbursement resolution for expenditures associated with a planned 2022 utility improvements revenue bond—the vote: all aye.

RESOLUTION DECLARING THE INTENT OF THE CITY OF CONCORD
TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN
CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND
EQUIPPING OF WATER SYSTEM IMPROVEMENTS FROM THE
PROCEEDS OF CERTAIN TAX EXEMPT OBLIGATIONS TO BE
EXECUTED AND DELIVERED DURING FISCAL YEAR 2023

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

WHEREAS, the City hereby finds and determines that it is in the best interests of the City

to acquire, construct and equip certain improvements to its water system (collectively, the "Projects");

WHEREAS, the City reasonably expects to receive the proceeds of the sale of tax-exempt obligations (the "Obligations") during fiscal year 2023 to finance the Projects;

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

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

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

Section 1. Official Declaration of Intent. The City presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the City on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The City reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Projects and the maximum principal amount of Obligations expected to be executed and delivered by the City to pay for all or a portion of the costs of the Projects is \$27,000,000.

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

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

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

ADOPTED AND APPROVED this 10th day of March, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

13. Consider authorizing the approval and execution of the Wastewater Service Agreement between WSACC and its members.

The Wastewater Service Agreement serves as the basis for the security for the repayment of the upcoming revenue bond sale by WSACC to fund plant expansion projects. Since WSACC only has four major customers (member jurisdictions), it is imperative that members contractually agree to pay their monthly charges in order to facilitate debt issuance. Legal and other staff have reviewed the agreement.

A motion was made by Council Member King and seconded by Mayor Pro-Tem Crawford to approve the execution of the Wastewater Service Agreement—the vote: all aye.

14. Consider amending the Sewer Allocation Policy.

City Council approved the Sewer Allocation Policy at their December 21, 2021 work session. The amendments proposed are based on Council discussions and include: allotments within the residential category for single family, townhomes, and apartments; dropping the one year timeframe to receive final sewer allocation for public projects; and clarifying that speculative industrial buildings will not be considered for preliminary flow allocation until a use is determined but may be built at developer's risk.

The City Manager stated based on feedback from Council at the March 8th Work Session, a provision has been added to 2e of the Policy that reads "Public project allocation will be prorated from all "buckets" except for the Economic Development bucket."

A motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Crawford to amend the Sewer Allocation Policy—the vote: all aye.

15. Consider a Preliminary Application from Dustin Hare.

In accordance with City Code Chapter 62, Dustin Hare has submitted a preliminary application to receive water and sewer service outside the City limits. The property is located at 796 Piney Church Road. The parcel is vacant, 2.01 acres, and zoned LDR. The applicant wants to build a single family home on the parcel. A sewer extension by the applicant would be required.

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

16. Consider making appointments to various Boards/Commission.

A committee consisting of Mayor Dusch, Council Members Langford and Stocks, the City Manager, the Planning and Neighborhood Development Services Director, and the City Clerk met on March 7th to review applications on file for appointment considerations to the Board of Adjustment, Planning and Zoning Commission and the Public Art Advisory Committee.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member King to make the following appointments—the vote: all aye.

P&Z

Brittany Evans was reassigned to regular member status and Jim Hays and DeAnne Haney were appointed as alternate members.

BOA

Steve Tice was reassigned to regular member status and Robert Danner and Vamsi Pola were appointed as alternate members.

Consent Agenda:

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

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

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, 2022.

CONSENT AGENDA ITEM B

CARES funding in the amount of \$1,450 was approved to be reallocated from Prosperity Unlimited to Salvation Army for the repair work completed to the Food Pantry facility.

CONSENT AGENDA ITEM C

The name of GM One Team Dr NW for the private street on the Hendrick Auto Plaza property was adopted.

CONSENT AGENDA ITEM D

The current Concord ABC Board Travel Policy was adopted.

CONSENT AGENDA ITEM E

The Aviation Department was authorized to apply to the Federal Aviation Administration for funds available through the Airport Terminal Program.

CONSENT AGENDA ITEM F

The Fire Department was authorized to apply for the AARP Community Challenge Grant.

CONSENT AGENDA ITEM G

The Transit Department was authorized to apply for the FY23 5303 Metropolitan Transportation Planning Funds on behalf of the Cabarrus-Rowan Urban Metropolitan Planning Organization.

CONSENT AGENDA ITEM H

The Water Resources Department was authorized to apply for State ARPA funds in the amount up to \$5 million to fund raw and finished water technology improvements.

CONSENT AGENDA ITEM I

The offer of infrastructure in the following subdivisions and sites was accepted: Cumberland Subdivision PH 1, Tuckers Walk Subdivision PH 1 and PH 2 MP 1, BJ's Restaurant and Brew-house.

CONSENT AGENDA ITEM J

The following ordinances were adopted to amend the Airport Operating budget and the Airport Projects budget to clean up airport projects.

ORD.# 22-22

CAPITAL PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized is the **Airport Projects**.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation of the project within terms of a grant agreement with the N.C. Department of Transportation – Division of Aviation.

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

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

451-4357000	State Aid	4,047,307	5,745,868	1,698,561
451-4357000				
451-4357300	Federal Aid	5,545,254	8,250,893	2,705,639
451-4357300				
451-4501680	Transfer from Aviation	815,143	366,841	(448,302)
451-4501680				
Total				3,955,898

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

	<u>Expenses/Expenditures</u>			
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
6300-5800440				
6300-5800440	Apron Strengthening	6,111,911	5,418,753	(693,158)
6300-5800441				
6300-5800441	North Apron Expansion	376,118	0	(376,118)
6300-5800442				
6300-5800442	Hangar Taxilane Rehab	201,916	0	(201,916)
6300-5800443				
6300-5800443	South Apron Expansion	758,700	0	(758,700)
6300-5800449				
6300-5800449	Long Term Parking Upgrade	2,218,051	0	(2,218,051)
6301-5800444				
6301-5800444	Obstructn Removal Trees	0	619,362	619,362
6301-5800446				
6301-5800446	ATCT Equip Replacement	0	325,751	325,751
6301-5800447				
6301-5800447	CATX N Apron Expansion	0	40,455	40,455
6301-5800448				
6301-5800448	EA S Apron & Terminal Expansion	254,577	254,557	(20)
6301-5800442				
6301-5800442	Hangar Taxilane Rehab	0	194,883	194,883
6302-5986000				
6302-5986000	Transfer to Aviation	0	875,000	875,000
6302-5800451				
6302-5800451	Gen Aviation Parking	0	1,065,200	1,065,200
6302-5800441				
6302-5800441	North Apron Expansion	0	1,211,273	1,211,273
6303-5986000				
6303-5986000	Transfer to Aviation	0	1,777,337	1,777,337
6304-5986000				
6304-5986000	Transfer to Aviation	0	38,549	38,549
6306-5800449				
6306-5800449	Long Term Parking Upgrade	0	2,056,051	2,056,051
Total				3,955,898

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 10th day of March, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ Valerie Kolczynski, City Attorney

ORD.# 22-23

AN ORDINANCE TO AMEND FY 2021-2022 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 10th day of June, 2021, adopt a City budget for the fiscal year beginning July 1, 2021 and ending on June 30, 2022, as amended; and

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

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

<u>Revenues</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
680- 4501400	Transfer from Cap Project	0	875,000	875,000
Total				875,000

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4530-5750000	Capital Lease	1,297,209	2,172,209	875,000
Total				875,000

Reason: To add budget for transfer from project fund due to FY21 State AIP reimbursement of Hangar purchase.

Adopted this 10th day of March, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ Valerie Kolczynski, City Attorney

CONSENT AGENDA ITEM K

The following ordinance was adopted to amend the FY 2021/2022 Budget Ordinance for the Electric Fund.

ORD.# 22-24

AN ORDINANCE TO AMEND FY 2021-2022 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 10th day of June, 2021, adopt a City budget for the fiscal year beginning July 1, 2021 and ending on June 30, 2022, as amended; and

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

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

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
610-4406000	Approp. Retained Earnings	11,750,778	17,753,304	6,002,526
610-4354400	Duke Settlement	0	1,313,823	1,313,823
610-4401100	Rates and Charges	82,142,500	83,546,923	1,404,423
Total				<u>8,720,772</u>

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
7200-5981500	Transfer to Utility Reserve	11,852,622	10,000,000	(1,852,622)
7210-5338900	Peak Prepay Natural Gas	14,627,091	25,785,485	11,158,394
7240-5194000	Contract Services	2,659,601	2,074,601	(585,000)
Total				<u>8,720,772</u>

Reason: Adjust revenues for increase to purchase power adjustment and adjust expenses to estimated actuals. Appropriation from retained earnings will come from rate stabilization reserve.

Adopted this 10th day of March, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM L

The following ordinances were adopted to amend the Fire Capital Project Fund budget, the General Capital Reserve Fund budget, and the General Capital Project Fund budget.

CAPITAL PROJECT ORDINANCE
Fire Projects

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

SECTION 1. The project authorized is the Transfer to General Capital Reserve.

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>

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>
8670-5811087	Fire/Police Training			\$(1,050,000
8670-5811087	Fac	\$1,050,000	\$0)
8670-5981500	Transfer to Cap			
8670-5981500	Reserv	\$0	\$1,050,000	<u>\$1,050,000</u>
				\$0

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

SECTION 6. Within five (5) days after 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 10th day of March, 2022.

CITY COUNCIL
 CITY OF CONCORD
 NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 22-26

CAPITAL RESERVE FUND ORDINANCE

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 adopted/amended:

SECTION 1. The purpose authorized is to accumulate funds for future projects and capital outlay that are listed in the Capital Improvement Plan Listing or the City's Operating Budget. Funds will be accumulated until such time the City Council designates the funds for projects. 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 fund.

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

Fund 285 General Capital Reserve Fund

		<u>Budget</u>	<u>Amended Budget</u>	<u>Inc (Dec)</u>
285-4501400	Transfer from			
285-4501400	Cap Project	\$0	\$1,050,000	\$1,050,000
8150-5987000	Transfer to			
8150-5987000	Project	\$8,473,652	\$9,523,652	\$1,050,000

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 10th day of March, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 22-27

**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 Streetscape.

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>
430-4501285				
430-4501285	From Gen Cap Reserve	8,009,168	9,059,168	1,050,000
Total				1,050,000

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>
8800-5811293				
8800-5811293	Solid Waste Shed	0	1,050,000	1,050,000
Total				1,050,000

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 10th day of March, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM M

The following ordinance was adopted to amend the FY 2021/2022 Budget Ordinance for the General Fund to appropriate digital forensic lab fees received.

ORD.# 22-28

AN ORDINANCE TO AMEND FY 2021-2022 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 10th day of June, 2021, adopt a City budget for the fiscal year beginning July 1, 2021 and ending on June 30, 2022, 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	
100-4341400	Digital Forensic Lab Fees	\$0	\$600	\$600
Total				\$600

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4310-5254000	Digital Forensic Lab Exp	\$0	\$600	\$600
Total				\$600

Reason: To appropriate digital forensic lab fees received.

Adopted this 10th day of March, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM N

The following ordinances were adopted to amend the Parks Capital Reserve Fund budget and the Parks Capital Project Fund budget for a transfer of reserves to the project fund.

ORD.# 22-29

**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	\$1,137,105	\$2,275,965	\$1,138,860
8100-5987000	Fund			
8100-5811082				
8100-5811082	Future Projects	\$1,628,577	\$489,717	\$(1,138,860)

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 10th day of March, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 22-30

**CAPITAL PROJECT ORDINANCE AMENDMENT
Parks & Recreation Projects-Dorton Park and Hartsell Park**

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 for Dorton Park and Hartsell Park.

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

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

<u>Account</u>	<u>Title</u>	<u>Revenues</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
420-4501280					
420-4501280	Transfer from P&R Reserve		\$1,359,961	\$2,498,821	\$1,138,860
					\$1,138,860

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

<u>Account</u>	<u>Title</u>	<u>Expenses/Expenditures</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8300-5811053					
8300-5811053	Dorton Park Improvements		\$521,640	\$990,500	\$468,860
8300-5811057					
8300-5811057	Hartsell Park Improvements		\$249,488	\$919,488	\$670,000
Total					\$1,138,860

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 10th day March, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM O

The following Transportation Projects fund project ordinance amendment was adopted to cleanup various transportation project budgets.

ORD.# 22-31

**CAPITAL PROJECT ORDINANCE
Transportation Projects**

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

SECTION 1. The project authorized is the Transportation Projects.

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>
423-4361000	Investment Earnings	715,202	1,571,997	856,795
423-4338600	CMAQ Grant	3,869,321	3,496,513	(372,808)
				483,987

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>
8600-5811500	Weddington Rd HS Reimb	0	157,363	157,363
8600-5811501	Old Charlotte Sidewalk	0	442,775	442,775
8600-5811502	Cedar/Crowell Sidewalk	0	698,703	698,703
8600-5811504	Spring St Ph 1 Concrete	0	1,265,223	1,265,223
8600-5811073	Future Transp Projects	4,218,960	4,368,746	149,786
8600-5811257	US601/Flowes Store Imprv	2,713,151	2,340,343	(372,808)
8600-5811253	Future Sidewalk Projects	500,000	72,320	(427,680)
8600-5585000	PIP Infrastructure	1,353,978	482,817	(871,161)
8600-5811280	Future Concrete Str Proj	558,214	0	(558,214)
				483,987

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 10th day of March, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM P

The following ordinance was adopted to amend the Utility Capital Reserve Project fund.

ORD.# 22-32

**CAPITAL PROJECT ORDINANCE
Utility Project Reserves**

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

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

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the project/projects within the terms of the plans and specifications for the projects. The purpose authorized is to accumulate funds for future projects and capital outlay that are listed in the Capital Improvement Plan listing or the City's Operating Budget. Funds will be accumulated until such time the City Council designates the funds for projects. The Electric/Water/Wastewater Funds will serve as the funding source for the Utility Capital Reserve Fund upon City Council approval and withdrawals must be approved by City Council through an ordinance.

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

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
282-4361000	Investment Earnings	\$0	\$809,864	\$809,864
282-4501610	Transfer from Electric	\$43,484,368	\$41,632,690	\$(1,851,678)
8120-5811081	Future Elec Projects	\$10,348,306	\$9,268,293	\$(1,080,013)
8120-5811088	Future Water Projects	\$3,180,440	\$3,208,119	\$27,679
8120-5811089	Future Sewer Projects	\$1,176,000	\$1,186,520	\$10,520

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 10th day of March, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM Q

The Tax Office collection reports for the month of January 2022 were received.

CONSENT AGENDA ITEM R

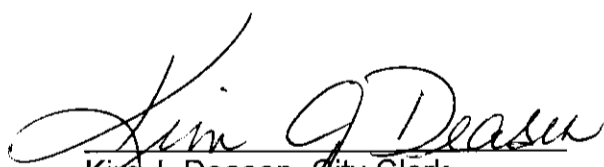
The Tax releases/refunds for the month of January 2022 were approved.

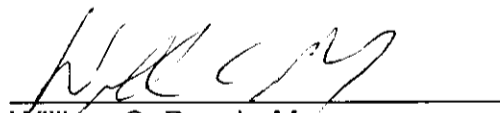
CONSENT AGENDA ITEM S

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

* * * * *

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


Kim J. Deason, City Clerk


William C. Dusch, Mayor