

CONCORD CITY COUNCIL  
REGULAR MEETING  
MAY 12, 2022

A regular meeting of the City Council for the City of Concord, North Carolina, was held in the 3<sup>rd</sup> floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on May 12, 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

\* \* \* \* \*

**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.

\* \* \* \* \*

**Approval of Minutes:**

A motion was made by Council Member Langford and seconded by Council Member Stocks to approve the minutes for the meetings of March 22, April 12, and April 14, 2022—the vote: all aye.

\* \* \* \* \*

**Presentations:**

- 1. Mayor Dusch presented a Proclamation recognizing May 15 - 21, 2022 as National Public Works Week at the Tuesday, May 10<sup>th</sup> Work Session.**
- 2. Mayor Dusch and the City Council recognized the Jay M. Robinson High School Men's Basketball team for winning the NCHSAA 2A Championship.**

\* \* \* \* \*

A motion was made by Council Member Parsley-Hubbard and seconded by Mayor Pro-Tem Crawford to recess the meeting to allow for pictures to be taken with the team—the vote: all aye.

A motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Crawford to reconvene open session—the vote: all aye.

\* \* \* \* \*

**3. The City Manager presented the 2022 Jo Atwater Continuous Core Values Award to Solid Waste Services Co-Worker, Desmond Miller.**

**Persons requesting to be heard:**

Michael Mitchem addressed the Council in regards to sewer allocation for the Gene Court Subdivision.

Dan Zalinsky, Division President of H&H Homes, addressed the Council regarding sewer allocation for the Sunview Townhomes development.

Logan Creech addressed the Council in regards to sewer allocations for two developments.

Charles Stapleton addressed the Council in regards to sewer allocation for an eight lot family subdivision.

Roland Jordan addressed the Council in regards to community issues and presented a Thank You plaque to Fire and Life Safety Chief, Jake Williams.

**Public Hearings:**

**1. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a three year / 85% tax based Economic Development Incentive Grant to Westwinds Center, LLC and NASCAR Media Group, LLC to locate at 7550 West Winds Blvd. NW, Concord, NC.**

Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. NASCAR is considering relocating the NASCAR Productions operations from uptown Charlotte to a new technology center. The proposed facility would be adjacent to the existing NASCAR Research and Development Center in Concord's West Winds Business Park and provide a mix of office and broadcast television and video production space.

The new facility would be approximately 58,000 SF. NASCAR's proposed investment represents a total \$28,500,000.00 investment in real and personal property. The project expects to bring 125 full time jobs to Cabarrus County from Mecklenburg County with average wages of \$77,000.00. The total value of the City's three year grant is estimated to equal \$340,986.00 dependent on the actual investment. The City of Concord would still collect a 3-year net revenue of \$60,174.00 after the incentive payments.

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

There were no speakers signed in to speak in favor or opposition to the request. Therefore, a motion was made by Council Member Langford and seconded by Mayor Pro-Tem Crawford to close the public hearing—the vote: all aye.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to offer a contract for a three year / 85% tax based Economic Development Incentive Grant to Westwinds Center, LLC and NASCAR Media Group, LLC to locate at 7550 West Winds Blvd. NW, Concord, NC—the vote: all aye.

**2. Conduct a public hearing to consider adopting an ordinance amending Articles 7 (Section 7.7.4.E), Article 10 (Section 10.3) and Article 14 (Definitions) of the Concord Development Ordinance (CDO) relative to townhouse (townhome) development requirements.**

For the past two years, staff has been amending the CDO based on the recommendations of the 2030 Land Use Plan. One of the major final changes to the CDO is addressing townhome, or single-family attached developments, which pose

different service challenges than traditional single-family attached developments. The Planning Technical Committee (which includes Council and Planning Commission members) has guided staff in development of these regulations. The townhome issue was discussed by PTT at two meetings, and it was their consensus that new townhome developments should be required to be rear-load (served by an alley or parking area in the rear).

An amendment to mandate rear-load for new townhomes was originally proposed but was never reviewed by Council based upon a concern that the proposal was not compliant with the statutes. Staff reviewed this concern with Legal, and it was determined that the language in the statutes does prohibit the rear-load mandate. Staff proceeded to develop an amendment to allow front-load units in a manner which will address service concerns. The previously drafted rear-load design requirements are proposed to be retained for the instances in which rear-loads are developed.

Prior to consideration of the item by Planning Commission, staff provided notice to approximately 300 recipients of the proposed changes via email and no comments were received. The proposed change has also been posted on the City website offering chances to make comment prior to the Council hearing. The Planning Commission unanimously voted to adopt this change at their April meeting.

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

There were no speakers signed in to speak in favor or opposition to the request. Therefore, a motion was made by Council Member Langford and seconded by Mayor Pro-Tem Crawford to close the public hearing—the vote: all aye.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to adopt the following Statement of Consistency—the vote: all aye.

- The proposal is not inconsistent with the 2030 Land Use Plan; townhomes are not specifically addressed.
- The proposal is reasonable in that it provides a framework for ensuring that new townhome communities have adequate parking, maneuvering area, street tree canopy and safe provision of utilities and services.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Sweat to adopt the following ordinance amending Article 7 (Section 7.7.4.E), Article 10 (Section 10.3) and Article 14 regarding townhouse (townhome) developments—the vote: all aye.

ORD.# 22-50

#### 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 10 "Development and Design Standards", Section 10.3 "Parking and Loading", Section 10.3.1 "General Standards", Subsection A "Applicability", and Subsection B "Front Yard Parking Standards" Subsections 1-3 be deleted in their entirety.

SECTION 2: That the following section of Concord Development Ordinance (CDO) Article 10 "Development and Design Standards", Section 10.3 "Parking and Loading", Section 10.3.1 "General Standards", Subsection A "Applicability", and Subsection B "Front Yard Parking Standards" Subsections 1-3 be rewritten as follows:

10.3. PARKING AND LOADING

10.3.1. General Standards

A. Applicability

The provisions of this Section shall apply to any application for Zoning Clearance or Site Plan approval, except for developments in the CC district

B. Front Yard Parking Standards

1. Applicability

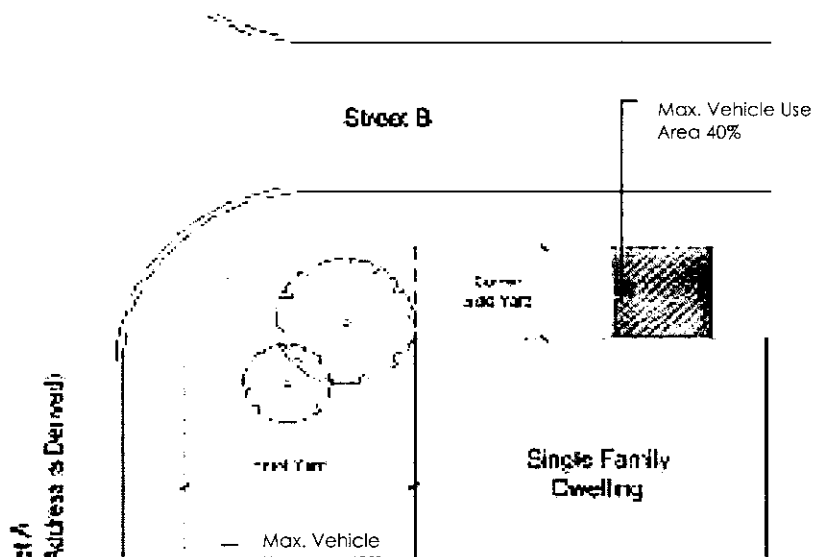
Parking is permitted in the front yards of any single family (detached or attached), duplex, triplex or quadplex dwellings in any zoning district other than agricultural.

2. General

No person shall park or store any motor vehicle, boat, trailer or recreation vehicle in the front yards (between the street and a line drawn parallel to the street from the point of the dwelling that is closest to the street) other than completely upon an improved driveway or improved parking pad.

3. Coverage of Improved Area

Improved parking and drive areas shall not exceed 40% of the structure's front yard, except that front-load townhouse units with 20-foot wide driveways may exceed 40% maximum provided that all other development regulations in this Ordinance and the infrastructure requirements of the Technical Standards Manual (TSM) are met. (See Section 7.7.4.E). Access to the improved front yard area shall be limited to properly approved curb cuts or other approved access points. Improved parking and drive areas shall be maintained in a safe and sanitary condition, and shall not contribute to soil erosion or tree damage. Proposed improved parking area shall be installed so as to avoid creating standing water conditions, diverting runoff onto neighboring property owners, or adversely impacting stormwater water quality.



SECTION 3: That the following section of Concord Development Ordinance (CDO) Article 7 “Base Zoning Districts”, Section 7.7.4 “Site Elements”, Section 7.7.4.E “Special Standards for a Townhouse” be deleted in its entirety.

SECTION 4: That the following section of Concord Development Ordinance (CDO) Article 7 “Base Zoning Districts”, Section 7.7.4 “Site Elements”, Section 7.7.4.E “Special Standards for a Townhouse” be rewritten as follows:

#### E. Special Standards for Townhouses

Purpose: The City of Concord recognizes that the physical characteristics of townhouse developments pose a distinct set of service challenges as compared to traditional detached single-family developments. The following standards are intended to provide for 1) the safe movement of vehicles and pedestrians; 2) an adequate amount of resident and visitor parking; 3) the safe provision of public utilities and services; 4) the provision of green space; and 5) the creation of a functional, healthy and sustainable permanent shade tree canopy.

Townhouses may have vehicular access on a principal street (front-load) or on an alley (rear-load).

1. Requirements for front-load townhouses.
  - a. Townhouse driveways are prohibited on streets that are functionally classified as collectors or higher.
  - b. All new townhouse developments with driveways on public or private streets shall meet the minimum provisions of Section 10.3.1, as well as all other minimum infrastructure requirements of the Technical Standards Manual (TSM), including but not limited to driveway spacing, utility location, and street tree planting.
  - c. Two off-street parking spaces shall be required per unit, and may be provided within a garage.
  - d. In addition to the required parking spaces for each unit, parking to accommodate visitors shall be provided at a rate of one space for each two units with driveways less than 20 feet in width, and may be provided either as on-street spaces or within a common off-street parking area (or a combination thereof). Visitor parking shall not be required for townhouses with 20-foot-wide driveways.
2. Requirements for rear-load townhouses.
  - a. All townhouse units shall front on a public or a private street or on an improved open space such as a town square, park or a green and shall be served by a rear alley or common parking area. Alleys shall be at least twelve (12) feet in paved width to accommodate one-way traffic and at least sixteen

- (16) feet in paved width to accommodate two-way traffic. Individual driveways for dwelling units are permissible only on alleys. Parking within the pavement of the alley shall be prohibited.
- b. Per Section 10.2.5 all private streets shall be constructed to public street standard with the exception of alleys. Construction details for alleys are included in Article 2 of the Technical Standards Manual (TSM).
  - c. Alleys shall be designed with a minimum turning radius of thirty (30) feet where they intersect streets and shall be constructed in such a manner as to allow service vehicles to complete turns within the boundary of the alley. Alleys shall be designed in such a manner as to be interconnected to allow through traffic and to avoid dead ends.
  - d. Side yards are not required for interior townhouses, but a minimum street setback of ten (10) feet shall be provided along front and corner yards, and building separation requirements of fifteen (15) feet shall be maintained for all groups of townhouse units. Where lot lines are not established or where units are condominiumized, the building setback shall be measured from the back of sidewalk.
  - e. Driveways from the rear alley shall be no closer than three (3) feet from the interior side property line. Where interior lot lines are not established or where units are condominiumized, six (6) feet is required between driveways;
  - f. Two off-street parking spaces shall be required per unit, and may be provided within a garage. In lieu of providing the required parking spaces on the individual parcel, either a portion of, or all of the required spaces may be provided on-street or within a common off-street parking area.
  - g. In addition to the required parking spaces for each unit, parking to accommodate visitors shall be provided at a rate of one space for each two units, and may be provided either as on-street spaces or within a common off-street parking area (or a combination thereof).
  - h. Fences and/or walls on the site shall be constructed in such a manner as to allow unobstructed access to all utility meters and easements.
  - i. On street parking shall be provided along at least one side of the public or private street. On the side(s) of the street where parking occurs, the planting strip for street trees may be eliminated, but the sidewalk shall still be required. In lieu of the eliminated planting strip, foundation plantings comprised of woody shrubs with a mature height of no more than four (4) feet shall be installed at a four (4) foot spacing along the building foundation.
  - j. On the side of the street where no parking is proposed, street trees shall be planted in accordance with Section 11.7.4. In order to provide a traffic calming measure and to ensure a street tree canopy, curbs shall be extended out in the areas of required building separation between groups of structures to create "bump-outs \*\*" for the planting of street trees. Street trees shall be installed in bump outs at the end of parallel parking spaces.
  - k. The minimum setback from the alley (for the garage) is ten (10) feet measured from the exterior building wall of the structure to the edge of pavement. No minimum side setbacks are required for detached garage structures.
  - l. All gas, electric service meter points and fiberoptic services shall be located in the rear. City owned water meters or sewer cleanouts shall not be installed within the limits of the townhouse driveway.
  - m. Adequate space shall be provided along the alley for safely storing garbage and recycling receptacles without interfering with the maneuvering area within the alley.

SECTION 5: That the following section of Concord Development Ordinance (CDO) Article 14 "Definitions", be amended to include the following:

BUMP-OUT: A curb extension on residential or low volume streets that create an effect to calm traffic and to slow traffic speeds considerably.

Adopted in this May 12, 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

**3. Conduct a public hearing to consider adopting an ordinance amending Article 8, Table 8.1.8 (Use Table) of the Concord Development Ordinance (CDO) to address warehousing/distribution of less than 75,000 square feet and to permit water treatment plants in the Office-Institutional (O-I), Light Commercial (C-1) and Light Industrial (I-1) zoning districts**

At the April City Council meeting, the Council amended the sewer allocation policy to allow speculative industrial uses of less than 75,000 square feet to request allocation up to 7,500 gallons per day. This 75,000 sf threshold does not traditionally support large scale distribution.

The proposed amendment allows warehouse/distribution less than 75,000 square feet in Light Industrial (I-1) with specific standards (PS), but a special use permit would not be required. For warehouse/distribution greater than 75,000 of floor area, a special use permit and compliance with the standards (SS) would still be required. Buildings less than 75,000 sf are usually occupied by small to medium size companies that provide jobs as well as support to larger industries.

Additionally, the City is planning an expansion of the Hillgrove Water Treatment plant at 55 Palaside Drive NE. The plant is zoned O-I Office Institutional. While researching the acquisition of an adjacent parcel on Arbor Street (which is zoned C-1 Neighborhood Business), it was discovered that such facilities are not permissible in either district (nor in I-1). The 1980's Zoning Ordinance, under which the plant was developed, allowed the use in these zoning districts. This corrective change would allow the plant expansions to occur in a conforming manner.

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

There were speakers signed in to speak in favor or in opposition to the request. Therefore, a motion was made by Council Member Langford and seconded by Mayor Pro-Tem Crawford to close the public hearing—the vote: all aye.

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

- The proposal is not inconsistent with the 2030 Land Use Plan; the topic is not specifically addressed.
- The proposal is reasonable in that it allows small scale industrial uses in accordance with adopted City policy, and permits necessary infrastructure to be developed in a beneficial manner to the general public.

A motion was made by Council Member McKenzie and seconded by Council Member King to adopt the following ordinance amending Article 8, Table 8.1.8 (Use Table) of the

Concord Development Ordinance (CDO) to address warehousing/distribution of less than 75,000 square feet and to permit water treatment plants in the Office-Institutional (O-I), Light Commercial (C-1) and Light Industrial (I-1) zoning districts—the vote: all ye.

ORD.# 22-51

## 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-6-1 through §§160D-6-5, 160D-7-1 through 160D-7-6, 160D-8-1 through 160D-8-8 and 160D-9-1 through 160D-9-51 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-6-1 through §§160D-6-5, 160D-7-1 through 160D-7-6, 160D-8-1 through 160D-8-8 and 160D-9-1 through 160D-9-51 does hereby recognize a need to amend the text of certain articles of the City of Concord zoning 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 8 “Use Regulations” Section 8.1.8 “Use Table”, “Industrial Uses – Warehouse and Freight Movement” be amended to the following:

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL				COMMERCIAL					IND		Standards		
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2		I-1	I-2
	Moving and Storage Facility													P	P	
	Rail Transportation and Support Facilities													P		
	Product Distribution Center, Warehousing and Storage, (Non-farm related products), greater than 75,000 square feet in floor area													SS		8.3.7.F
	Product Distribution Center, Warehousing and Storage, (Non-farm related products), less than 75,000 square feet in floor area													PS		8.3.7.F
	Truck Terminal and Support Facilities													SS		8.3.7.G

SECTION 2: That the following section of Concord Development Ordinance (CDO) Article 8 “Use Regulations” Section 8.1.8 “Use Table”, “Utilities – Water Treatment Facilities” be amended to the following:



USE CATEGORY	SPECIFIC USE	AG		RESIDENTIAL					COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
Utilities	All utilities, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Electric Generating Facility	S												S	P	
	Natural Gas Distribution Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Pipeline, Petroleum and Natural or Manufactured Gases	S	S	S	S	S	S	S	S	S	S	S	S	P	P	
	Sewage Treatment Facility, Private as permitted by NCDENR	S	S	S	S	S	S	S	S	S	S	S	S	P	P	
	Water Treatment Facility	P							P			P	P	P	P	
	Solar Farm	S														

SECTION 3: That all remaining Articles and Sections of this Ordinance be renumbered to include the newly created Articles and Sections.

SECTION 4: That this Ordinance be effective immediately upon adoption.

Adopted in this May 12<sup>th</sup>, 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

**4. Conduct a public hearing to consider adopting an ordinance amending Articles 2 and 3 (Streets and Pedestrian Paths and Driveways) of the Technical Standards Manual (TSM).**

Over the past year, the Transportation and Engineering staffs have been working on amending the Technical Standards Manual (TSM) regarding streets/pedestrian paths and driveways. The TSM is a subset of the Concord Development Ordinance (CDO) and amendments require a public hearing. The proposed revisions predominately involve codifying existing practice and modernizing outdated requirements but there are some changes. Additionally, much of the revision involves removing the technical details from the text, and placing them in a separate manual for ease of use. Prior to consideration of the item by Planning Commission, staff provided notice to approximately 300 recipients of the proposed changes via email and no comments were received. The proposed change has also been posted on the City website offering chances to make comment prior to the Council hearing. The Planning Commission unanimously voted to adopt this change at their April meeting, but requested that the staff work on a set of criteria for consideration of the use of "hammerhead" cul-de-sacs, and to bring that back as an amendment in the near future.

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

There were speakers signed in to speak in favor or in opposition to the request. Therefore, a motion was made by Council Member Sweat and seconded by Mayor Pro-Tem Crawford to close the public hearing—the vote: all aye.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to adopt the following Statement of Consistency—the vote: all aye.

- The proposal is not inconsistent with the 2030 Land Use Plan; the topic is not specifically addressed.
- The proposal is reasonable in that it modernizes requirements for streets and driveways and aligns them with historical administration and accepted engineering practice.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Sweat to adopt the following ordinance amending Article 2 (Streets and Pedestrian Paths) and Article 2 (Driveways) of the Technical Standards Manual (TSM)—the vote: all aye.

ORD. # 22-52

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 Technical Standards Manual (TSM) Article 2 "Streets and Pedestrian Paths," and Article 3 "Driveways" be deleted in their entirety.

SECTION 2: That the following section of Technical Standards Manual (TSM) Article 2 "Streets and Pedestrian Paths," and Article 3 "Driveways" be rewritten as indicated on Attachment A.

SECTION 3: That all remaining Articles and Sections of this Ordinance be renumbered to include the newly created Articles and Sections.

SECTION 4: That this Ordinance be effective immediately upon adoption.

Adopted on this day May 12, 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 authorizing the City Manager to send a letter of support to the North Carolina Department of Transportation (NCDOT) to abandon a public right-of-way.**

The property owner, HGSREI LLC, has petitioned the North Carolina Department of Transportation (NCDOT) to abandon a section of right-of-way of Stowe Ln (SR 2839). The property owner has worked with Fire Department staff on details to maintain emergency access to the property. Other City departments found no issue with the abandonment of the State's right-of-way within the limits of the City of Concord.

A motion was made by Council Member King and seconded by Council Member Stocks to adopt the following resolution consenting to the release of a public right of way by the North Carolina Department of Transportation with the requirement that a public utility easement is retained—the vote: all aye.

**RESOLUTION OF SUPPORT FROM THE NORTH CAROLINA DAPARTMENT OF TRANSPORTATION TO ABANANDON A PUBLIC RIGHT-OF-WAY**

WHEREAS, the property owners HSREI LLC and HGREI LLC have petitioned the North Carolina Department of Transportation (NCDOT) to abandon a section of right-of-way of Stowe Ln (SR 2839); and

WHEREAS, the City of Concord is in support of the North Carolina Department of Transportation (NCDOT) to abandon a section of right-of-way of Stowe Ln (SR 2839).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Concord respectfully supports the petition from HSREI LLC and HGREI LLC from North Carolina Department of Transportation to abandon the road from the State Maintenance System.

Adopted this 12th day of May, 2022.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

**2. Consider awarding a contract with Carolina Siteworks Inc. of China Grove, N. Carolina for construction of the Old Charlotte Sidewalk Extension project.**

The proposed contract is for the construction of the extension of the sidewalk along the southern side of Old Charlotte Road SW from Warren C Coleman Blvd (HWY 601) to Office Dr. to provide safe pedestrian access along Old Charlotte to the Hartsell Recreation Center. Bids were originally due March 22, 2022 but there was only one bid submitted. Therefore, the bid was rejected without opening and re-advertised. Two bids from interested contractors for the work were received by the Transportation Department on April 5, 2022 with Carolina Siteworks Inc. submitting the certified low quote in the amount of \$546,490.30 and utilizing Alternate A29 in place of item 18. Funding for this project is proposed to come from Community Development Block Grant (CDBG) funds

in the amount of \$60,000 and Transportation Project Fund in the amount of \$486,490.30, which is covered by available Pedestrian Improvement Program (PIP) funds.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Stocks to award the base bid and authorize the City manager to negotiate and execute a contract with Carolina Siteworks Inc., of China Grove NC, for construction of the Old Charlotte Sidewalk Extension project—the vote: all aye.

CITY COUNCIL

CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

**3. Consider awarding the total bid for the City of Concord's annual street preservation program to Blythe Construction Inc.**

Powell Bill receipts and General Fund revenues are being used to fund this work by contracted forces. Formal bids for this work were opened on April 18, 2022 with Blythe Construction Inc. submitting the lowest total bid in the amount of \$3,259,781.37. Work such as patching, leveling, milling, resurfacing, re-striping, re-marking, and re-installation of permanent raised pavement markings work on just under 22 lane miles of designated streets and 5,000 Tons of patching on other City infrastructure will be performed. Contract Final Completion date is 180 days from the Notice to Proceed.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to award the total bid and authorize the City manager to negotiate and execute a contract with to Blythe Construction Inc. in the amount of \$3,259,781.37 for the City of Concord's annual streets preservation program—the vote: all aye.

**4. Consider recognizing the Hunton Forest Home Owners Association into the City's Partnership for Stronger Neighborhoods program.**

Hunton Forest is a relatively new community to Concord. Located off Poplar Tent Rd near International Drive and the Zemoso Acres Farm, the neighborhood is a charming family-friendly community. There is a total of 299 households with multiple style type homes built by Taylor Morrison and Ryan Builders. Hunton Forest houses a diverse community of residents a range of race, age, ethnic backgrounds, and family sizes. Officers for the Association are: President Joseph Marino; Vice President Arnold Woodruff; Treasurer Christopher Simms; and Secretary Takeida Carter. The Association hosts monthly meetings in Fire Station 7 and hold officer elections each February. They have submitted all the required documentation for recognition. By approving their inclusion in the program, the City would have a total of 73 recognized neighborhoods in the Partnership for Stronger Neighborhoods since the program's foundation in 2000.

A motion was made by Council Member Sweat and seconded by Council Member Stocks to approve the acceptance of Hunton Forest as a recognized neighborhood in the Partnership for Stronger Neighborhoods Program—the vote: all aye.

**5. Receive an update on the design progress of the J.E. "Jim" Ramseur Park, consider adopting revisions to the park master plan, and authorize the City Manager to negotiate and execute a contract amendment with Woolpert, North Carolina PLLC to complete design development and construction documents for Phase 1 (Park only).**

The property at 1252 Cox Mill Road in Concord, which totals approximately 28.6 acres and is adjacent to Cox Mill Elementary School, was purchased by the City in 2020 to

serve as the site of Concord's first Community Park in the Northwest. Parks and Recreation selected the firm Woolpert, located out of South Charlotte, through the RFQ process for design of the park. The master plan was originally adopted by Council in August of 2021.

This is the fourth amendment to Woolpert's original contract and is intended to advance detailed design for phase 1 only (park) through Design Development and Construction Documents. In addition, this amendment will include a TIA for phases 1 and 2, additional architectural services for pavilion and restroom buildings, and shelters, and allowances to complete geotechnical investigations, wetland delineations, and to progress the design through the permitting and plan review phase.

The following items have been completed to date: 1) Original master plan and community engagement, 2) Surveying, due diligence on pedestrian bridge crossing, and jurisdictional determination for environmental permitting requirements, 3) Building programming and building renderings for the future Recreation Center, 4) Schematic design plans for all phases of the park, 5) alignment and cost options for sewer access to the property, and 6) detailed construction cost estimates for the next 5-10 years with additional inflation considerations. This work is critical to continue the design process once the master plan has been revised, and will accelerate the design and development of the park, with the goal of having the project shovel ready by late Spring/early Summer of 2023.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Sweat to adopt the revised Master Plan conceptual map for J.E. "Jim" Ramseur Park, and to authorize the City Manager to negotiate and execute a contract amendment with Woolpert, North Carolina, PLLC in the amount of \$1,189,062 for Design Development, Construction Documents, Plan Review and Permitting, Traffic Impact Analysis, additional cost estimation services, and geotechnical and other environmental site investigations and allowances—the vote: all aye.

**6. Consider authorizing the City Manager to negotiate and execute a contract with Kimley Horn for design services for Clarke Creek Greenway in the Cox Mill area in the amount of \$141,100.**

Clarke Creek Greenway, also known as the Cox Mill Loop, is a high priority greenway project for the City of Concord as identified by the Open Space Connectivity Analysis and Parks and Recreation's goal of having 30 miles of developed greenway citywide by the year 2030. It is proposed to extend from Schrader Street NW in the Winding Walk Neighborhood to Cox Mill Road, and will also feature connections to Highland Creek, Allen Mills, the Planned J.E. "Jim" Ramseur Park, Cox Mill Elementary School, Odell Recreation Fields, Christenbury, and Granary Oaks neighborhoods. Overall, this greenway will be over four (4) miles in length and provide tremendous pedestrian connectivity within this area.

The City has selected Kimley Horn through an RFQ process as one of our on-call design firms for Greenway and Connectivity projects. The greenway will feature a 10-foot path that may include asphalt trail, boardwalk, and natural surface in some areas. It will most likely be developed in phases depending on funding and acquisition. Partial funding may come through a Congestion Mitigation and Air Quality (CMAQ) grant recently applied to NCDOT through the Cabarrus-Rowan MPO.

This initial scope will include survey and mapping to create the initial alignment for the greenway to continue discussions with the neighborhoods. It will also include project management and coordination with TELICS and surveyors that are working on easement boundaries, and pre-planning and due diligence work for future phases of the design. Future addendums to the contract may include Design Development Plans, Construction Drawings, Geotechnical Investigations, FEMA Floodplain permitting and Wetland Delineation, Utility Coordination, and bidding and construction administration.

A motion was made by Council Member Parsley-Hubbard and seconded by Mayor Pro-

Tem Crawford to authorize the City Manager to negotiate and execute a contract with Kimley Horn in the amount of \$141,100 for professional design services for Clarke Creek Greenway—the vote: all aye.

**7. Consider authorizing the City Manager to negotiate and execute a contract with The Dodd Studio LLC for full design services for Dorton Park in the amount of \$468,128.**

City Council adopted the new master plan for the renovation and redevelopment of Dorton Park on September 10, 2020. The existing park, located at 5790 Poplar Tent Road, is approximately 30 acres. Parks and Recreation has selected the firm The Dodd Studio, located out of Fort Mill, SC, through an RFQ process for professional design services for the park. The Dodd Studio was also the consultant that completed the Master Plan for Dorton Park and guided the public input process.

The design phase will include Design Development Plans, Construction Documents at 50%, 90% and 100% level, Geotechnical site work and investigations, architectural services for existing and proposed buildings on the property, and stream restoration and stabilization services for Afton Run Branch. Dorton Park is a proposed GO Bond funded project and will also include a segment of Coddle Creek Greenway.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Stocks to authorize the City Manager to negotiate and execute a contract with The Dodd Studio in the amount of \$468,128 for Full Design services for Dorton Park—the vote: all aye.

**8. Consider authorizing the City Manager to negotiate and execute a contract with Cole Jenest & Stone, Bolten & Menk, Inc. for full design services for Hartsell Park Complex in the amount of \$532,155.**

City Council adopted the new master plan for the renovation and redevelopment of Hartsell Park Complex on December 9, 2021. The existing park, with parking areas on Swink Street, Old Charlotte Road, and Sunderland Road, is approximately 22.5 acres and includes the Hartsell Recreation Center, Hartsell Ballfield Complex, and Hartsell neighborhood park. Parks and Recreation has selected the firm Cole Jenest & Stone, Bolten & Menk, Inc., located out of Charlotte, NC, through an RFQ process for professional design services for the park. The original master plan was completed by Viz Design and staff guided the public input process.

This design phase will include Schematic Design, Design Development Plans, Construction Documents at 50%, 95%, and 100% level, Geotechnical site work and investigations, architectural services for existing and proposed buildings on the property, cost estimation services, and allowances for surveying and additional mapping. Full turn-key development of Hartsell Park is a proposed GO Bond funded project presented to Council, with a proposed construction budget of approximately \$6.8M.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member McKenzie to authorize the City Manager to negotiate and execute a contract with Cole Jenest & Stone, Bolten & Menk, Inc. in the amount of \$532,155 for Full Design services for Hartsell Park—the vote: all aye.

**9. Consider authorizing the City Manager to negotiate and execute a contract with Blythe Brothers Asphalt Co. LLC in the amount of \$361,311 for the General Aviation Parking Lot improvements at the Concord-Padgett Regional Airport.**

Bids were due on April 20, 2022 and only 1 bid was received. The bid was rejected and re-advertised per North Carolina General Statues. One bid was received and opened on May 2, 2022. Blythe Brothers Asphalt Co. LLC submitted the low responsive base bid in the amount of \$361,311. Talbert, Bright and Ellington reviewed the bids and concurred all bid requirements of the specifications were met. This project will be 100% funded by the North Carolina Department of Transportation Division of Aviation

Commercial Service Airport Improvement Program.

A motion was made by Council Member King and seconded by Council Member Parsley-Hubbard to accept the bid and authorize the City Manager to negotiate and execute a contract with Blythe Brothers Asphalt Co. LLC in the amount of \$361,311 for the General Aviation Parking Lot project at the Concord-Padgett Regional Airport—the vote: all aye.

**10. Consider awarding a bid in the amount of \$1,324,965.00 to Service Electric Company for construction of Substation T at 2700 Concord Parkway South.**

Substation T Site-work/grading is now complete. Bid specifications for construction of the concrete foundations and all above ground facilities were developed and a formal bid process was held on April 20, 2022. Six construction firms submitted bids, which were evaluated by Staff for adherence to specifications. The lowest bidder, at \$1,324,965.00, was Service Electric Company. Service Electric Company was deemed to be a responsive and responsible bidder. Upon a Notice to Proceed letter, Service Electric Company will have 210 days to perform the work. Substation T remains on schedule for commissioning in March 2023.

A motion was made by Council Member McKenzie and seconded by Council Member King to award a bid for \$1,324,965.00 to Service Electric Company for construction of Substation T at 2700 Concord Parkway South—the vote: all aye.

**11. Introduce the Bond Order Authorizing the Issuance of \$60,000,000 General Obligation Parks and Recreation Bonds of the City of Concord, North Carolina.**

The City Council has determined that it is necessary to pay the capital costs of providing parks and recreation facilities. An application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Parks and Recreation Bonds as required by the Local Government Bond Act, and the City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission. The next step in the process is to introduce the bond order.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to adopt the following resolution to Introduce the Bond Order Authorizing the Issuance of \$60,000,000 General Obligation Parks and Recreation Bonds of the City of Concord, North Carolina—the vote: all aye.

**Bond Order Authorizing the Issuance of \$60,000,000 General Obligation Parks and Recreation Bonds of the City of Concord, North Carolina**

*WHEREAS*, the City Council of the City of Concord, North Carolina has ascertained and hereby determines that it is necessary to pay the capital costs of providing parks and recreation facilities, including without limitation land, athletic fields, parks, shelters, parking, lighting, trails and greenways and the renovation and improvement of existing facilities; and

*WHEREAS*, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Parks and Recreation Bonds hereinafter described as required by the Local Government Bond Act, and the City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission.

*NOW, THEREFORE, BE IT ORDERED* by the City Council of the City of Concord, North Carolina, as follows:

Section 1. In order to raise the money required for the purposes described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Parks and Recreation Bonds of the City are hereby

authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Parks and Recreation Bonds authorized by this order shall be \$60,000,000.

Section 2. Taxes will be levied in an amount sufficient to pay the principal and interest on the General Obligation Parks and Recreation Bonds.

Section 3. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 4. This bond order will take effect when approved by the voters of the City at a referendum scheduled for November 8, 2022.

The foregoing bond order was read by title and introduced by the City Council of the City of Concord, North Carolina this 12th day of May, 2022.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

**12. Consider adopting a resolution setting a public hearing on a General Obligation Bond Order and related matters.**

As part of the GO Bond referendum process, the City Council must hold a public hearing. The attached resolution sets the public hearing date of June 9th. A notice of the bond order will be published with a notice of the public hearing in the newspaper on or before June 3rd.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard to adopt the following resolution setting a public hearing on a General Obligation Bond Order and related matters—the vote: all aye.

Resolution of the City of Concord, North Carolina Setting a Public Hearing on a General Obligation Bond Order and Related Matters

*WHEREAS*, a bond order entitled:

“Bond Order Authorizing the Issuance of \$60,000,000 General Obligation Parks and Recreation Bonds of the City of Concord, North Carolina;”

has been introduced at a meeting of the City Council (the “*City Council*”) of the City of Concord, North Carolina this 12th day of May, 2022; and

*WHEREAS*, the City Council desires to provide for the holding of a public hearing thereon on June 9, 2022 and the submission of a statement of debt in connection therewith as required by The Local Government Bond Act.

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONCORD, NORTH CAROLINA* that the public hearing on said bond order shall be held on the 9th day of June, 2022 at or about 6:00 p.m. in the Council Chambers of City Hall, 35 Cabarrus Ave. W., Concord, NC 28025.

*BE IT FURTHER RESOLVED* that the City Clerk is hereby directed to cause a copy of said bond order to be published with a notice of such hearing in the form prescribed by law in a newspaper of general circulation in the City on or before the 3rd day of June, 2022.



*BE IT FURTHER RESOLVED* that the City’s finance officer is hereby directed to file with the City Clerk, prior to publication of the bond order, along with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the net debt of the City, the assessed value of property subject to taxation by the City and the percentage that net debt of the City bears to the assessed value of property subject to taxation.

*BE IT FURTHER RESOLVED* that this Resolution shall become effective on the date of its adoption.

Read, approved and adopted this 12th day of May, 2022.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

**13. Consider adopting a resolution authorizing the sale of multiple parcels to WeBuild Concord, Inc for the purpose of development of affordable housing.**

In 1977, the then City Board of Aldermen designated the Board as a housing authority pursuant to Chapter 157 of the North Carolina General Statutes. Acting as a housing authority, the City Council has the ability to sell property to WeBuild for a public use such as affordable housing. WeBuild (“buyer”) has offered to purchase 77 Cabarrus Avenue SW; 338 Lincoln Street SW; 11 Powder Street NW, 13 Powder Street NW, 23 Powder Street NW, 26 Powder Street NW, 30 Powder Street NW, 34 Powder Street NW, 69 Powder Street NW, 94 Chestnut Street SW, 327 Howerton Avenue NW, Fenix Drive SW Lot 30, and Swink Street SW Lot 20, for \$588,321.00 for the purpose of developing affordable housing. All City departments have confirmed that the properties are not needed for City use. The properties will all be conveyed with deed restrictions and covenants to assure that they are used exclusively for affordable housing, that they are held in a land trust by WeBuild and that the properties will revert to the City in the event these covenants are breached. The proposed resolution directs the City Manager, City Clerk and City Attorney to take all necessary steps and to execute the necessary documents to affect the conveyance of the property in accordance with North Carolina General Statutes §157-9.

A motion was made by Council Member King and seconded by Mayor Pro-Tem Crawford to adopt the following resolution authorizing the sale of multiple parcels to WeBuild Concord, Inc for the purpose of development of affordable housing and directing the City Manager, City Clerk and City Attorney to take all necessary steps and to execute the necessary documents in order to affect the conveyance of the property—the vote: all aye.

**RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY**

WHEREAS, North Carolina General Statutes §157-9 authorizes the City of Concord, acting as the Housing Authority of the City of Concord (“City”) to sell, exchange, transfer, assign or pledge any property real or personal or any interest therein to any person, firm, corporation, municipality, city, or government; and

WHEREAS, the City owns the following thirteen (13) properties (the “Properties”):

- (1) 77 Cabarrus Avenue SW; PIN 5620-86-7504; Vesting Deed 5724-334
- (2) 338 Lincoln Street SW; PIN 5620-92-1802; Vesting Deed 4975-1
- (3) 11 Powder Street NW; PIN 5620-65-1519; Vesting Deed 10027-258
- (4) 13 Powder Street NW; PIN 5620-65-0663; Vesting Deed 10032-212
- (5) 23 Powder Street NW; PIN 5620-55-9784; Vesting Deed 15510-17

- (6) 26 Powder Street NW; PIN 5620-65-0866; Vesting Deed 15899-332
- (7) 30 Powder Street NW; PIN 5620-65-0829; Vesting Deed 15899-332
- (8) 34 Powder Street NW; PIN 5620-55-9973; Vesting Deed 15899-332
- (9) 69 Powder Street NW; PIN 5620-56-5142; Vesting Deed 15899-332
- (10) 94 Chestnut Street SW; PIN 5620-95-4723; Vesting Deed 7929-1
- (11) 327 Howerton Avenue NW; PIN 5620-55-8562; Vesting Deed 15954-149
- (12) Lot 30, Fenix Drive SW; PIN 5620-75-4472; Vesting Deed 15954-149
- (13) Lot 20, Swink Street SW; PIN 5620-32-8989; Vesting Deed 15954-149; and

WHEREAS, the City has negotiated with WeBuild Concord ("Buyer") to convey the Properties to the North Carolina non-profit corporation for the purpose of constructing affordable housing for a public purpose; and

WHEREAS, the construction of affordable housing will assist the city in meeting the housing needs of low- and moderate-income households; and

WHEREAS, the Properties shall subject to such covenants, conditions, and restrictions as may be deemed to be in the public interest or to carry out a public purpose, including without limitation certain deed restrictions requiring the development of affordable housing, requiring the Properties to remain held in a land trust, and requiring the Properties to revert to the City in the event of a breach of these covenants;

WHEREAS, the City received an Offer to Purchase the Properties from the Buyer for \$588,321.00; and

WHEREAS, the City has held a public hearing to consider whether to approve the conveyance of the Properties above.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE HOUSING AUTHORITY OF THE CITY OF CONCORD, THAT:

1. The City Council accepts the offer described above pursuant to North Carolina General Statute § 157-9.
2. The final sale shall include the following terms:
  - a. The City will convey, in fee simple determinable title, 77 Cabarrus Avenue SW; 338 Lincoln Street SW; 11 Powder Street NW, 13 Powder Street NW, 23 Powder Street NW, 26 Powder Street NW, 30 Powder Street NW, 34 Powder Street NW, 69 Powder Street NW, 94 Chestnut Street SW, 327 Howerton Avenue NW, Lot 30, Fenix Drive SW, and Lot 20, Swink Street SW to WeBuild Concord, as stated in the Agreement for Purchase and Sale of Real Property.
  - b. The City will convey 77 Cabarrus Avenue SW; 338 Lincoln Street SW; 11 Powder Street NW, 13 Powder Street NW, 23 Powder Street NW, 26 Powder Street NW, 30 Powder Street NW, 34 Powder Street NW, 69 Powder Street NW, 94 Chestnut Street SW, 327 Howerton Avenue NW, Lot 30, Fenix Drive SW, and Lot 20, Swink Street SW subject to all existing public utility easements, restrictions, rights-of-way, protective covenants, zoning laws, conditions, and any ordinance of record, along with the contingency of the affordability restrictions and all related conditions to the sale.
  - c. The closing shall take place on or before June 30, 2022, unless otherwise agreed by the parties.
3. The consideration for the conveyance is \$588,321.00 and the conditions, covenants, and restrictions, which shall be incorporated in the deed given by the City of Concord to the WeBuild Concord:
4. City Manager, City Clerk and City Attorney are authorized to take all necessary steps and to execute the necessary instruments to effectuate the sale of the real properties located 77 Cabarrus Avenue SW; 338 Lincoln Street SW; 11 Powder Street NW, 13 Powder Street NW, 23 Powder Street NW, 26 Powder Street NW, 30 Powder Street NW, 34 Powder Street NW, 69 Powder Street NW, 94

Chestnut Street SW, 327 Howerton Avenue NW, Lot 30, Fenix Drive SW, and Lot 20, Swink Street SW in accordance with this resolution.

Adopted this 12th day of May, 2022.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

**14. Consider adopting a resolution authorizing the sale of part of 250 International Drive NW and the grant of an egress easement to the City of Concord Alcohol Beverage Control Board.**

The City acquired this property on October 31, 2000. The Fire Department has confirmed that the property is not needed for the use of Fire Station number 7. The City received an Offer to Purchase the Property from City of Concord Alcohol Beverage Control Board ("Buyer") for \$71,316.00. The buyer wishes to use the property to construct a driveway access for the neighboring lot located at 230 International Drive NW. The tax value of the property is \$71,316. The buyer is also requesting an egress easement across a portion of 250 International Drive NW as shown on the attached survey. The buyer will contribute thirty percent (30%) of all future maintenance costs for the existing driveway located in the easement area. The proposed Resolution directs the City Manager, City Clerk and City Attorney to take all necessary steps and to execute the necessary documents to affect the conveyance of the property and easement in accordance with this resolution pursuant to North Carolina General Statutes §160A-273 and -274.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard to adopt the following resolution authorizing the sale of part of 250 International Drive NW and the grant of an egress easement to the City of Concord Alcohol Beverage Control Board and directing the City Manager, City Clerk and City Attorney to take all necessary steps and to execute the necessary documents in order to affect the conveyance of the property and easement—the vote: all aye.

**RESOLUTION AUTHORIZING THE SALE OF GOVERNMENTAL PROPERTY TO A GOVERNMENTAL UNIT**

WHEREAS, North Carolina General Statute § 160A-274 permits the City to sell real property to another governmental unit upon such terms and conditions as it deems wise; and

WHEREAS, the City of Concord acquired a various width strip of property, being a portion of the real property located at 250 International Drive NW by a deed recorded on October 31, 2000 in Deed Book 3018, at Page 249 of the Cabarrus County Registry; and

WHEREAS, a Various Width Strip of Property and Gap Property identified as a portion of 250 International Drive NW ("Property") is further described as follows:

LYING AND BEING in Township Number Two (2), City of Concord, Cabarrus County and specifically BEING a portion of a real property parcel identified as PIN No. 5601-71-3430 and being a part of Lot Number 8 as shown on map titled, "Subdivision Plat of Niblock Industrial Park" as recorded in Map Book 20, at Page 73 of the Cabarrus Registry, being labeled as "Proposed Area of PIN 5601-71-3046 to be Recombined with PIN 5601-71-3046," and is more fully described as follows:

BEGINNING at an existing #4 rebar in the right of way of International Drive (a public maintenance right of way), having a North Carolina Grid NAD 83 grid coordinate of 611,182.26', E: 1,507,193.43'; thence N 89°58'55"W 29.63' to a computed point, said

point being the shared corner of City of Concord (DB. 3018 PG. 249) and the City of Concord Alcohol Beverage Control Board (DB. 10819 PG. 325); thence N 00°12'03"E 27.00' to a computed point; thence S 89°58'55"E (passing a set #5 rebar at 40.00') 345.62' to a set #5 rebar; thence S 00°11'54"W 27.00' to a computed point, said point being S 89°46'19"W 12.76' from an existing #4 rebar & witness post, a corner of White Park, LLC (DB. 5429 PG. 214, LOT #8 OF PB. 20 PG. 73); thence N 89°58'55" W 315.99' to the POINT OF BEGINNING, as shown on map titled, "BOUNDARY & TOPOGRAPHIC SURVEY OF: THE CITY OF CONCORD ALCOHOL CONTROL BOARD" by Concord Engineering and Surveying, Inc. dated February 18, 2022 and is attached as Exhibit A for further reference.

LYING AND BEING in Township Number Two (2), City of Concord, Cabarrus County and specifically BEING a portion of a real property parcel identified as PIN No. 5601-71-3430 and being a part of Lot Number 8 as shown on map titled, "Subdivision Plat of Niblock Industrial Park" as recorded in Map Book 20, at Page 73 of the Cabarrus Registry, being labeled as "POSSIBLE GAP AREA, 0.002 Acres" and is more fully described as follows:

BEGINNING at an existing #4 rebar in the right of way of International Drive (a public maintenance right of way), having a North Carolina Grid NAD 83 Coordinate of N: 611,182.26', E: 1,507,193.43'; thence S 89°58'55" E 315.99' to a computed point, said point being S 89°46'19" W 12.76' from an existing #4 rebar & witness post, a corner of White Park, LLC (DB. 5429 PG. 214, LOT #8 OF PB. 20 PG. 73); thence S 00°11'54"W 0.52' TO A #4 REBAR, SAID REBAR BEING N63°59'16"W 179.30' FROM A 1 ½" IRON PIPE & 1" WITNESS ROD; THENCE N89°53'45"W 345.62' TO A COMPUTED POINT, SAID POINT BEING THE SHARED CORNER OF CITY OF CONCORD (DB. 3018 PG. 249) AND THE CITY OF CONCORD ALCOHOL BEVERAGE CONTROL BOARD (DB. 10819 PG. 325); ; THENCE S89°58'55"E 29.63' TO THE POINT OF BEGINNING. , as shown on map titled, "Boundary & Topographic Survey of: The City of Concord Alcohol Beverage Control Board " by Concord Engineering and Surveying, Inc. dated February 18, 2022 and is attached as Exhibit A for further reference. Property is to be conveyed SUBJECT TO the reservation of all current and existing easements and easement rights located on and affecting the real property described above to the City of Concord.

The conveyance of the above-described property will be made subject to the easement right of egress by the Buyer, its successors/assigns to use the easement area as shown on "EXHIBIT B."

The Buyer will also be responsible for 30% of the cost of maintenance of the improvement located at the easement.

WHEREAS, on May 12, 2022, the City received an Offer to Purchase the Property from the City of Concord Alcohol Beverage Control Board ("Buyer") for \$71,316.00; and

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

1. The City Council accepts the offer described above pursuant to North Carolina General Statute § 160A-274.
2. The final sale shall include the following terms:
  - a. The City will convey a various width strip of property, being a portion of the real property located at 250 International Drive NW to the Highest Bidder, as stated in the Agreement for Purchase and Sale of Real Property.
  - b. The City will convey the property subject to the reservation of all current and existing easements and easement rights located on and affecting the real property described above to the City of Concord, along with any and all existing public utility easements, restrictions, rights-of-way, protective covenants, zoning laws, conditions, and any ordinance of record.

- c. The closing shall take place on or before June 30, 2022, unless otherwise agreed by the parties.
- 3. The City Attorney is directed to take all necessary steps to complete the. The City Manager is authorized to execute the necessary instruments to effectuate the sale of a various width strip of property, being a portion of the real property located at 250 International Drive NW in accordance with this resolution.

Adopted this 12 day of May, 2022

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

**15. Consider authorizing the City Manager to negotiate and execute a contract with Bionomic Services, Inc. for the Coddle Creek Water Treatment Plant Lagoons Sludge Removal.**

As water is treated to produce safe drinking water, waste is also generated and stored in lagoons. These lagoons fill up with waste that has to be removed and taken to the landfill. This contract is for the removal of the waste from the lagoons and delivering the waste to the landfill. The project was bid under the informal bidding process, and 2 bids were received. The lowest responsible bidder was Bionomic Services, Inc. in the amount of \$314,404.20.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to authorize the City Manager to negotiate and execute a contract with Bionomic Services, Inc. in the amount of \$314,404.20 for the Coddle Creek Water Treatment Plant Lagoons Sludge Removal—the vote: all aye.

**16. Consider authorizing the City Manager to negotiate and enter into an agreement with Republic Services, Inc, for the disposal of the Coddle Creek Water Treatment Plant Lagoons Sludge.**

For the second year, Republic Services, Inc. is keeping the cost of disposal of the lagoon sludge from the Coddle Creek Water Treatment Plant the same at \$80 per ton. It is estimated, approximately 3,350 tons will be removed at a cost of \$268,000.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Sweat to authorize the City Manager to negotiate and enter into an agreement with Republic Services, Inc. for the disposal of the Coddle Creek Water Treatment Plant Lagoons Sludge at \$80.00 per ton to a maximum of 3,350 tons—the vote: all aye.

**17. 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. Humberto Perez has requested an exception to the Agreement in order to obtain water service for a proposed single-family home at 3535 Katrina Avenue (PIN 5641-70-7417) .

A motion Mayor Pro-Tem Crawford 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 3535 Katrina Avenue—the vote: all aye.

**Consent Agenda:**

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

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

**CONSENT AGENDA ITEM A**

The following resolution was adopted authorizing the conveyance of street and sidewalk easements as requested by the City of Kannapolis.

**RESOLUTION TO CONVEY EASEMENT  
TO THE CITY OF KANNAPOLIS**

WHEREAS, North Carolina General Statutes §160A-273 authorizes the City to grant easements over, through, under, or across any city property or the right-of-way of any public street; and

WHEREAS, North Carolina General Statutes §160A-274 authorizes the City upon such terms and conditions as it deems wise, with or without consideration, exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property; and

WHEREAS, the City of Concord (by the assumption of the Board of Light and Water Commissioners of the City of Concord) acquired 100-acre tract of land located in Cabarrus County in Deed Book 172, at Page 198 and a 3.44-acre tract of land located in Rowan County in Deed Book 267, at Page 89 (“Concord Property”) for the purpose of acquiring an additional water source for the City of Concord; and

WHEREAS, the City of Kannapolis (“Kannapolis”) owns a 55.32-acre parcel identified as 2888 Moose Rd, Kannapolis, Rowan County, North Carolina and further identified as Parcel ID No. 145-023 (“Kannapolis Property”); and

WHEREAS, Kannapolis has expressed the intent to redevelop the Kannapolis Property located at the end of Stadium Drive; and

WHEREAS, Kannapolis has requested street and sidewalk easements from for the benefit of the Kannapolis Property; and

WHEREAS, it has been determined that the street and sidewalk easements requested by Kannapolis from Concord are necessary for the redevelopment of the Kannapolis Property; and

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

1. The City Council authorizes the conveyance of the street and sidewalk easements as described below:

**Stadium Drive - Cabarrus County Property**

Lying and being in Township Number Five (5), Cabarrus County and being a portion of a parcel of property labeled as Stadium Drive 3.91 Acres or 170,332.42 Square Feet as shown on the map titled, “Map 1 of 2, Stadium Drive Right of Way City of Concord” as recorded in Map Book 91, at Pages 10 of the Cabarrus County Registry.

**Stadium Drive - Rowan County Property**

Lying and being in Township Number Five (5), Rowan County and being a portion of a parcel of property labeled as Stadium Drive 3.91 Acres or 170,332.42 Square Feet as shown on the map titled, “Map 2 of 2 Stadium Drive Right of Way

City of Concord” as recorded in Map Book 9995, at Page 9994 of the Rowan County Registry.

The property described herein is subject to all rights-of-way, easements and restrictions of record, including the riparian rights of the Grantor to Lake Fisher.

- 2. The City Manager, City Clerk and City Attorney are hereby authorized to take all necessary steps and to execute the necessary documents in order to affect the conveyance of the stated street and sidewalk easements in accordance with this resolution.
- 3. This resolution shall be effective upon passage.

Adopted this 12<sup>th</sup> Day of May, 2022.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

**CONSENT AGENDA ITEM B**

The following resolution was adopted designating the City Manager, or his appointee, to act as Deputy City Clerk in the absence of the City Clerk.

RESOLUTION  
CITY CLERK SIGNATURE AUTHORITY

WHEREAS, the General Statutes allow the Governing Board authority to authorize the Deputy City Clerk to perform certain City Clerk duties if designated; and

WHEREAS, N.C.G.S. 160A-171 provides there shall be a city clerk who shall give notice of meetings of the council, keep a journal of the proceedings of the council, be the custodian of all city records, and shall perform any other duties that may be required by law or the council.; and

WHEREAS, N.C.G.S. 160A-172 provides that the council may provide for a deputy city clerk who shall have full authority to exercise and perform any of the powers and duties of the city clerk that may be specified by the council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Concord, North Carolina, does hereby approve/authorize the following:

- 1. The City Manager, or an Assistant City Manager, shall have the authority to sign documents and administer the City Seal on behalf of the City Clerk in his/her absence.
- 2. This Resolution shall become effective immediately upon adoption.

Adopted this 12th day of May 2022.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

**CONSENT AGENDA ITEM C**

The Rider Transit Title VI Program Plan was approved.

**CONSENT AGENDA ITEM D**

The Police Department was authorized to apply for the competitive 2022 Office of Community Oriented Policing Services (COPS) Hiring Program Grant.

**CONSENT AGENDA ITEM E**

The maintenance agreements were approved and the offers of dedication were accepted on the following properties: Rowan-Cabarrus Young Men’s Christian Association, M/I Homes of Charlotte, LLC, and M/I Homes of Charlotte, LLC.

**CONSENT AGENDA ITEM F**

The offer of infrastructure was accepted in the following subdivision and site: Sealand Offices.

**CONSENT AGENDA ITEM G**

The following budget ordinance was adopted appropriating a donation of \$1,500 to Run Cabarrus.

ORD.# 22-53

AN ORDINANCE TO AMEND FY 2021-2022 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 10<sup>th</sup> 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:

<b>Account</b>	<b>Title</b>	<b><u>Revenues</u></b>		<b>(Decrease) Increase</b>
		<b>Current Budget</b>	<b>Amended Budget</b>	
100-4370000	Fund Balance Approp	\$9,170,409	\$9,171,909	\$1,500
<b>Total</b>				<b>\$1,500</b>

<b>Account</b>	<b>Title</b>	<b><u>Expenses/Expenditures</u></b>		<b>(Decrease) Increase</b>
		<b>Current Budget</b>	<b>Amended Budget</b>	
4190-5470043	Golf Tournaments	\$1,500	\$3,000	\$1,500
<b>Total</b>				<b>\$1,500</b>

Reason: To appropriate reserves from the Mayor’s Golf Tournament to Run Cabarrus for support of youth athletics.



Adopted this 12th day of May, 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 H**

A donation of \$2,500 from the Mayor's Golf Tournament Fund to The Officer Jason Shuping Memorial Public Safety Endowed Scholarship for Basic Law Enforcement Training was approved the following budget ordinance was adopted.

ORD.#22-54

**AN ORDINANCE TO AMEND FY 2021-2022 BUDGET ORDINANCE**

WHEREAS, the City Council of the City of Concord, North Carolina did on the 10<sup>th</sup> 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
100-4370000	Fund Balance Approp	\$9,168,909	\$9,171,409	\$2,500
<b>Total</b>				<b>\$2,500</b>

		<u>Expenses/Expenditures</u>		
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4190-5470043	Golf Tournaments	\$0	\$2,500	\$2,500
<b>Total</b>				<b>\$2,500</b>

Reason: To appropriate reserves from the Mayor's Golf Tournament to The Officer Jason Shuping Memorial Public Safety Endowed Scholarship.

Adopted this 12th day of May, 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 I**

The following budget ordinance was adopted to amend the FY21/22 budget for the Airport Operations to appropriate grant funds received.

ORD.# 22-55

**CAPITAL PROJECT ORDINANCE  
Airport Rescue Grant**

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 the Airport Rescue 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 project:

<u>Revenues</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
451-4357300				
451-4357300	Federal Aid	8,250,893	10,853,921	2,603,028
<b>Total</b>				<b><u>2,603,028</u></b>

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

<u>Expenses/Expenditures</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
6308-5986000				
6308-5986000	Transfer to Aviation	0	2,603,028	2,603,028
<b>Total</b>				<b><u>2,603,028</u></b>

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties

# 210

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 12th day of May, 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 J

The following amendments were adopted for the general fund operating budget and the general capital reserved fund to complete the yearend transfer for future projects listed in the City's Capital Improvement Plan.

ORD.# 22-56

### AN ORDINANCE TO AMEND FY 2021-2022 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 10<sup>th</sup> 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	
100-4370000	Fund Balance Appropriated	9,168,909	12,168,909	3,000,000
	<b>Total</b>			<b>3,000,000</b>

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

# 211

4190-5981500	Transfer to Cap Reserve	0	3,000,000	<u>3,000,000</u>
<b>Total</b>				<b><u>3,000,000</u></b>

Reason: To transfer reserves from FYE2021 to the General Capital Reserve to fund capital projects.

Adopted this 12th day of May, 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.# 22-57

## 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 as listed in the City's Capital Improvement Plan. 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>
285-4501100	From			
285-4501100	General			
	Fund	\$28,031,178	\$31,031,178	\$3,000,000
8150-5811082				
8150-5811082	Future	\$18,788,387	\$21,788,387	\$3,000,000
	Projects			

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 12th day of May, 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 amendments were adopted to amend the American Rescue Plan Fund grant project budget and the General Fund Capital Project fund.

ORD.# 22-58

**GRANT PROJECT ORDINANCE  
American Rescue Plan Fund**

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 is various projects funded by the American Rescue Plan Funds.

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>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>Account</u>	<u>Title</u>	<u>Expenses/Expenditures</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
3300-5811082	Future Projects	10,000,000	2,000,000	(8,000,000)
3300-5987000	Transfer to Project Fund	0	8,000,000	8,000,000
<b>Total</b>				<b>\$0</b>

SECTION 5. Accounting records are to be maintained by the Finance Department of the

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

SECTION 6. Within five (5) days after 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 12<sup>th</sup> day of May, 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. #22-61

**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 Equipment-Capital.

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

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

**Revenues**

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
430-4501330				
430-4501330	From Amer Res Plan	0	8,000,000	8,000,000
	<b>Total</b>			<u><b>8,000,000</b></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>
----------------	--------------	---------------------------	---------------------------	--------------------------------

8800-5811285				
8800-5811285	Fleet Srvcs Facility	810,100	8,810,100	8,000,000
	<b>Total</b>			<b>8,000,000</b>

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 12th day of May, 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 amendment was adopted to amend the FY21/22 budget for the general fund to appropriate insurance reimbursements received.

ORD.#22-59

**AN ORDINANCE TO AMEND FY 2021-2022 BUDGET ORDINANCE**

WHEREAS, the City Council of the City of Concord, North Carolina did on the 10<sup>th</sup> 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	
100-4353100	Insurance Reimbursement	\$112,903	\$146,336	\$33,433

# 215

Total

\$33,433

## Expenses/Expenditures

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
4310-5540000	Vehicles - Capital	\$1,370,944	\$1,385,952	\$15,008
4340-5351000	Maintenance – Buildings	\$281,859	\$298,058	\$16,199
4540-5351000	Equipment – Capital	\$51,365	\$53,631	\$2,226
<b>Total</b>				<b><u>\$33,433</u></b>

Reason: To appropriate insurance proceeds received.

Adopted this 12th day of May, 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 HOME American Rescue Plan budget to actual projections.

ORD.# 22-60

### GRANT PROJECT ORDINANCE

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 are projects included in the HOME American Rescue Plan Grant.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation of the project within terms of a grant agreement with the United States Department of Housing and Urban Development Office of Public and Indian Housing.

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

## Revenues

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
329-4334640				
329-4334640	Home ARP Revenue	\$0	\$4,772,338	\$4,772,338



Total \$4,772,338

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

<u>Expenses/Expenditures</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
3290-5121000				
3290-5121000	Regular	\$0	\$112,716	\$112,716
3290-5181000				
3290-5181000	FICA	\$0	\$8,228	\$8,228
3290-5182000				
3290-5182000	Retirement-General	\$0	\$13,016	\$13,016
3290-5183000				
3290-5183000	Group Insurance	\$0	\$11,736	\$11,736
3290-5187000				
3290-5187000	401K Contribution	\$0	\$4,304	\$4,304
3290-5191000				
3290-5191000	Accounting/Audit	\$0	\$2,720	\$2,720
3290-5194000				
3290-5194000	Contract Services	\$0	\$279,000	\$279,000
3290-5299000				
3290-5299000	Supplies-Departmental	\$0	\$15,000	\$15,000
3290-5312000				
3290-5312000	Travel & Training	\$0	\$2,500	\$2,500
3290-5370000				
3290-5370000	Advertising	\$0	\$3,000	\$3,000
3290-5484100				
3290-5484100	Consortium Admin Exp	\$0	\$263,630	\$263,630
3291-5480011				
3291-5480011	New Construction	\$0	\$736,698	\$736,698
3291-5484200				
3291-5484200	Consortium Project Exp	\$0	\$3,319,790	<u>\$3,319,790</u>
<b>Total</b>				<b><u>\$4,772,338</u></b>

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 12th day of May 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 quarterly report on water and wastewater extension permits issued by the Engineering Department for the first quarter of 2022 was received.

**CONSENT AGENDA ITEM O**

The Tax Office collection reports for the month of March 2022 was accepted.

**CONSENT AGENDA ITEM P**

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

**CONSENT AGENDA ITEM Q**

The monthly report on the status of investments as of March 1, 2022 was received.

\* \* \* \* \*

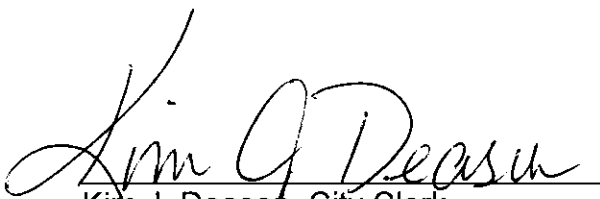
A motion was made by Council Member King and seconded by Mayor Pro-Tem Crawford to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(3) to consult with the Attorney to protect the attorney-client privilege and to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action, and to consider and give instructions concerning a judicial action titled Crescent Acquisitions, LLC vs. City of Concord—the vote: all aye.

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

\* \* \* \* \*

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

  
\_\_\_\_\_  
William C. Dusch, Mayor

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