

CONCORD CITY COUNCIL
REGULAR MEETING
AUGUST 10, 2023

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 August 10, 2023, at 6:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

Mayor Pro-Tem JC McKenzie
Council Member Andy Langford
Council Member W. Brian King
Council Member Betty M. Stocks
Council Member Terry L. Crawford
Council Member Jennifer Parsley-Hubbard
Council Member John A. Sweat, Jr.

Others Present:

City Manager, Lloyd Wm. Payne, Jr.
City Attorney, Valerie Kolczynski
Assistant City Managers
Department Directors

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

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

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Approval of Minutes:

A motion was made by Council Member Crawford and seconded by Council Member Parsley-Hubbard to approve the minutes for the meetings of June 20, July 11, and July 13, 2023—the vote: all aye.

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Presentations:

The City Manager presented the 2023 Jo Atwater Continuous Core Values Award to Alicia Broadway. The Jo Atwater Continuous Core Values Award is the highest award presented to a City of Concord co-worker.

Unfinished Business:

1. Continue a public hearing and consider adopting a resolution of intent in the matter of closing the right-of-way of an unopened +/- 15-foot-wide alley running parallel to Corban Ave SE including the abandonment of the right-of-way for a +/- 225-foot-long alley that runs behind 125 Corban Ave SE.

At their July 13, 2023 meeting, the Council voted to continue the public hearing after hearing testimony from an adjacent owner.

The proposal includes the abandonment of the right-of-way for a +/- 225-foot long alley that runs behind 125 Corban Ave SE. This alley was originally part of the M.L. Widenhouse Subdivision, which was platted in 1914. The alley was never opened and is unimproved.

Charles Stapleton and Stephanie Stapleton filed the application, and they are the owners/developers of Greenway Village Park, an eight-unit single family development proposed on adjacent land at 164 Wilkinson Court, SE. The applicant owns a majority of the property adjacent of the alley and each property owner adjacent to the alley will receive half of the portion

of the alley being abandoned. However, the General Statutes have a provision to alter the division of the abandoned right-of-way by the filing of a plat, signed by all adjacent owners.

Staff notified the petitioner and all adjacent property owners in accordance with the requirements of the General Statutes. All City departments reviewed the petition and there was no objections to the petition.

There were no 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 Council Member Parsley-Hubbard to close the public hearing—the vote: all aye.

A motion was made by Mayor Pro-Tem McKenzie and seconded by Council Member Stocks to adopt the following resolution of intent to close the right-of-way of an unopened +/- 15-foot -wide alley running parallel to Corban Ave SE and the abandonment of the right of way for a +/- 225-foot long alley that lies within the M.L. Widenhouse Subdivision—the vote: all aye.

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF AN ALLEY PARALLEL TO CORBAN AVENUE SE

WHEREAS, on the 8th day of June, 2023, the City Council for the City of Concord directed the City Clerk to publish the Resolution of Intent of the City Council to consider the closing a portion of an alley parallel to Corban Avenue SE in the Independent Tribune newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the City Hall at 35 Cabarrus Avenue, West, Concord, N.C., on July 13, 2023.

WHEREAS, the City Council on the 8th day of June, 2023, ordered the City Clerk to notify all persons owning property abutting on that portion of the right-of-way, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the City Clerk has advised the City Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing that portion of the alley would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the City Clerk has advised the City Council that adequate notices were posted on the applicable street(s) as required by G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on the 10th day of August, 2023; and

WHEREAS, it now appears to be to the satisfaction of the City Council that the closing of said portion of street is not contrary to the public interest and that no individual owning property, either abutting the street or in the vicinity of the street, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his property;

NOW, THEREFORE, the area described below is hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owner in accordance with the provisions of N.C.G.S. §160A-299;

Lying and being in the City of Concord, Cabarrus County, North Carolina and being more particularly described as follows:

Beginning at #4 rebar at property belonging to Charles Stapleton and wife Stephanie Stapleton Lot 6 MB 1 PG 36 Tract 1 DB 13064 PG 274 5630-17-2806 traveling 226.42 feet N 86° 03' 56" W to #4 rebar, thence traveling 15.27 feet N 03° 27' 03" to a stake at the corner of property Charles Stapleton and wife Stephanie Stapleton lots 14-17 MB 1 PG 36 Tracts 3 & 4 DB 13064 Pg 274 5630-180077, 5630-18-2007, thence traveling 225.18 feet S 85° 31' 42" W to a stake, thence traveling 14.97 feet S 01° 48' 50" E to the beginning # 4 rebar

The Mayor and the City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons

owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street (with provision for reservation of easements to the City of Concord for utility purposes) in accordance with the provision of G.S. 160A-299(c).

The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Cabarrus County a certified copy of this resolution and order.

This the 10th day of August, 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch Mayor

ATTEST: /s/ Kim Deason, City Clerk

2. Continue a public hearing and consider adopting an ordinance annexing +/- 47.52 acres at 1085 Copperfield Blvd, p/o PIN 5622-65-8770, owned by Copperfield, Inc.

The request is or voluntary annexation of +/- 47.52 acres of property on Copperfield Blvd. The property is currently zoned C-2 (General Commercial) and I-1 (Light Industrial) in the City of Concord ETJ. If approved, a rezoning hearing will not be required as this parcel is located in the ETJ.

The subject parcel is located within the Mixed Use Activity Centers (MUAC) Land Use Category of the 2030 Land Use Plan. As a request from the petitioner at the June 8, 2023 City Council meeting, the City Council continued this matter until the July 13, 2023 City Council meeting. The petitioner again requested a continuance of this request until the August 10, 2023 City Council meeting.

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

A motion was made by Council Member King and seconded by Council Member Crawford to adopt the following annexation ordinance—the vote: all aye.

ORD. #23-87

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE +/- 47.52 ACRES OF PROPERTY LOCATED AT 1085 COPPERFIELD BLVD, CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by the City of Concord, on June 8th, 2023 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 June 8, 2023 after due notice by The Independent Tribune on May 28th, 2023; and

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

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

SECTION 1. By virtue of the authority granted by G.S. 160A-58.1, the following described territory is hereby annexed and made part of the City of Concord, as of the 8th day of June 2023:

All those certain parcels of land, situated, lying and being in Cabarrus County, North Carolina, and more particularly described as follows:

Tract 1: Beginning at a computed point, said point being located on the northern right-of-way of Dickens Place NE (60' Public R/W), said point being located S 36°00'39" W 9.39 feet from a R/W Disk, thence with the northern right-of-way of Dickens Place NE (60' Public R/W) the following six (6) calls: (1) S 36°00'39" W 24.00 feet to a R/W Disk; (2) with a curve to the left, having a radius of 282.50 feet, an arc of 290.94 feet and a chord bearing and distance of S 01°04'16" E 278.25 feet to a R/W Disk; (3) S 30°34'36" E 220.00 feet to a R/W Disk; (4) with a curve to the right having a radius of 267.50 feet, an arc of 138.43 feet and a chord bearing and distance of S 15°45'10" E 136.89 feet to a R/W Disk; (5) N 88°57'00" E 64.95 feet to a R/W Disk; (6) N 06°20'56" W 63.22 feet to a R/W Disk, said disk being located on the southern right-of-way of Vinehaven Drive (60' Public R/W); thence with the southern right-of-way of Vinehaven Drive (60' Public R/W), the following two (2) calls: (1) N 41°58'28" E 91.84 feet to a R/W Disk; (2) N 66°40'01" E 138.85 feet to a calculated point; thence through the property of Copperfield, Inc. (Deed Bk. 8530, Pg. 49) the following three (3) calls: (1) S 23°18'22" E 89.69 feet to a calculated point; (2) S 20°48'20" W 143.75 feet to a calculated point; (3) S 72°38'00" E 263.79 feet to a calculated point, said point being located on the northern right-of-way of Copperfield Blvd. (Variable Public R/W); thence with the northern right-of-way of Copperfield Blvd. (Variable Public R/W) the following three (3) calls: (1) with a curve to the right, having a radius of 1362.70 feet, an arc of 918.21 feet and a chord bearing and distance of S 40°05'32" W 900.94 feet to a ½" rebar; (2) S 59°21'57" W 397.05 feet to a ½" rebar; (3) with a curve to the left, having a radius of 890.00 feet, an arc of 579.83 feet and a chord bearing and distance of S 40°45'49" W 569.63 feet to a 5/8" rebar, said rebar being a common corner with now or formerly CMC-Northeast, Inc. (Deed Bk. 7844, Pg. 23) thence with the property of now or formerly CMC-Northeast, Inc. (Deed Bk. 7844, Pg. 23), N 63°52'32" W 586.25 feet to a calculated point; thence through the property of Copperfield, Inc. (Deed Bk. 8530, Pg. 49) the following four (4) calls: (1) N 28°46'53" E 950.12 feet to a calculated point; (2) N 29°07'23" E 936.95.00 feet to a calculated point; (3) N 29°26'05" E 289.71 feet to a calculated point; (4) S 51°37'22" E 180.00 feet to the POINT AND PLACE OF BEGINNING and containing 37.415 AC.

Tract 2: Beginning at a ½" rebar, said rebar being located on the northern right-of-way of Vinehaven Drive (60' Public R/W), thence with the northern right-of-way of Vinehaven Drive (60' Public R/W) the following five (5) calls: (1) S 48°48'24" W 57.54 feet to a R/W Disk; (2) S 68°57'48" W 50.11 feet to a R/W Disk; (3) S 66°42'02" W 127.98 feet to a R/W Disk; (4) S 66°39'36" W 204.86 feet to a R/W Disk; (5) N 84°05'30" W 76.40 feet to a R/W Disk, said disk being located on the southern right-of-way of Dickens Place NE (60' Public R/W); thence with the southern right-of-way of Dickens Place NE (60' Public R/W) the following five (5) calls: (1) N 41°02'51" W 38.63 feet to a R/W Disk; (2) N 30°34'36" W 149.98 feet to a R/W Disk; (3) with a curve to the right, having a radius of 217.36 feet, an arc of 215.29 feet and a chord bearing and distance of N 02°12'32" W 206.60 feet to a R/W Disk; (4) N 26°28'10" E 34.31 feet to a R/W Disk; (5) N 37°45'57" E 41.96 feet to a 5/8" rebar, said rebar being a common corner with now or formerly MCRT3 Concord, LLC (Deed Bk. 11309, Pg. 206); thence with the property of now or formerly MCRT3 Concord, LLC (Deed Bk. 11309, Pg. 206), S 53°50'43" E 422.17 feet to a 5/8" rebar, said rebar being a common corner with now or formerly C & S of Concord, LLC (Deed Bk. 4339, Pg. 256); thence with the property of now or formerly C & S of Concord, LLC (Deed Bk. 4339, Pg. 256) N 89°54'59" E 199.46 feet to the POINT AND PLACE OF BEGINNING and containing 2.739 AC.

Street 1: Beginning at a 5/8" rebar, said rebar being located on the eastern right-of-way of Dickens Place NE, said rebar also being a common corner with now or formerly MCRT3 Concord, LLC (Deed Bk. 11309, Pg. 206), thence with the eastern right-of-way the afore mentioned right-of-way, twelve (12) calls: (1) S 37°45'57" W 41.96 feet to a R/W Disk; (2) S 26°28'10" W 34.31 feet to a R/W Disk; (3) with a curve to the left having a radius of 217.36, an arc of 215.29 feet and a chord bearing and distance of S 02°12'32" E 206.60 feet to a R/W Disk; (4) S 30°34'36" E 209.80 feet to a calculated point; (5) with a curve to the right, having a radius of 332.50, an arc of 182.13 feet and a chord bearing and distance of S 16°34'58" E 179.86 feet to a R/W Disk; (6) S 88°57'09" W 64.95 feet to a R/W Disk, said Disk being located on the western right of way of Dickens Place NE (60' Public R/W); thence with the western right-of-way of Dickens Place NE (60' Public R/W), (7) with a curve to the left having a radius of 267.50, an arc of 138.43 feet and a chord bearing and distance of N 15°45'10" W 136.89 feet to a R/W Disk; (8) N 30°34'21" W 220.00 feet to a R/W Disk; (9) with a curve to the right, having a radius of 282.50, an arc of 290.94 feet and a chord bearing and distance of N 01°04'16" W 278.25 feet to a R/W Disk; (10) N 36°00'39" E 33.37 feet to a R/W Disk; (11) N 37°29'31" E 62.81 feet to a ½" rebar; (12) thence crossing said right-of-way, S 35°06'28" E 63.15 feet to the POINT AND PLACE OF BEGINNING and containing 1.058 AC.

Street 2: Beginning at a R/W Disk, said R/W Disk being located on the southern right-of-way of Vinehaven Drive NE (60' Public R/W), said Disk being a common corner with the property of now

or formerly Copperfield, Inc. (Deed Bk. 8530, Pg. 49), thence with the southern right-of-way of Vinehaven Drive NE (60' Public R/W) the following thirteen (13) calls: (1) N 29°57'27" W 69.99 feet to a R/W Disk; (2) N 75°59'46" W 61.50 feet to a R/W Disk; (3) S 66°40'01" W 378.20 feet to a R/W Disk; (4) S 41°58'28" W 91.84 feet to a R/W Disk; (5) with a curve to the left, having a radius of 332.50, an arc of 118.81 feet and chord bearing and distance of N 22°02'11" W 118.18 feet to a calculated point; (6) N 30°34'36" W 59.83 feet to a R/W Disk; thence with the northern right-of-way of the afore mentioned right-of-way, (7) S 41°02'51" E 38.63 feet to a R/W Disk; (8) S 84°05'30" E 76.40 feet to a R/W Disk; (9) N 66°39'36" E 204.86 feet to a R/W Disk; (10) N 66°42'02" E 127.98 feet to a R/W Disk; (11) N 68°57'48" E 50.11 feet to a R/W Disk; (12) N 48°48'24" E 96.15 feet to a R/W Disk; (13) N 33°42'27" E 78.46 feet to a R/W Disk, said Disk being located on the right-of-way of Copperfield Blvd. (80' Public R/W); thence with the right-of-way of Copperfield Blvd. (80' Public R/W) the following two (2) calls: (1) S 07°34'59" E 137.74 feet to a calculated point; (2) with a curve to the right, having a radius of 1362.70, an arc of 123.76 feet and a chord bearing and distance of S 04°31'02" W 123.72 feet to the POINT AND PLACE OF BEGINNING and containing 1.123 AC.

SECTION 2. Upon and after the 8th day of June, 2023 the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Concord and shall be entitled to the same privileges and benefits as other parts of the City of Concord. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

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

Adopted this 8th day of June 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

Departmental Reports:

1. Downtown Streetscape Update

The Planning and Neighborhood Services Department and Concord Downtown Development Corporation staff provided an update on the downtown streetscape project.

Recognition of Persons Requesting to be Heard:

- Nathan Barnette addressed the Council regarding a ticket he received from a Police Officer and the issue he had with the customer service he received from the Police Department when he questioned the reasoning for the ticket.
- Roxanne Stanard addressed the Council and stated she was grateful to be able to work with HUD and City staff in purchasing of the home on Sycamore St.
- Chris Ray addressed the Council. Mr. Ray stated he is the new President of Barber Scotia College and wanted the Mayor and Council know that the College is willing and open to working with the City Council to resolve the current issues.
- AJ Clark addressed the Council is regards to the Logan Community's Co-sponsorship application that is on the agenda for Council's consideration.
- Roland Jordan addressed the Council is regards to community issues he feels should be addressed.

Council Member Langford entered the meeting

Public Hearings:

1. Conduct a Public Hearing for case Z -11-23 and consider adopting an ordinance amending the official zoning map for +/- 0.17 acres located at 239 Brookwood Ave NW from C-2 (General Commercial) to RV (Residential Village) and to amend the 2030 Land Use Plan to modify the future land use designation of the parcel from “Commercial” to “Urban Neighborhoods.”

The Planning and Zoning Commission heard the petition at their July 18, 2023 meeting and voted to forward the request to City Council with a recommendation that the zoning map be amended from C-2 (General Commercial) to RV (Residential Village) and to amend the 2030 Land Use Plan to designate the parcel as “Urban Neighborhoods.”

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

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

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

- The subject property is approximately +/- .30 acres and currently zoned City of Concord C-2 (General Commercial).
- The subject property was annexed on into the City of Concord prior to 1932 and is currently unoccupied.
- The proposed zoning is not consistent with the 2030 Land Use Plan (LUP) as RV (Residential Village) is not a corresponding zoning classification to the Commercial Land Use Category. However, the subject property is located adjacent to other properties zoned residential and would be compatible with the adjacent zoning to the north, south, east, and west.
- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning adjacent to the subject property.

A motion was made by Council Member Crawford and seconded by Council Member Parsley-Hubbard to adopt the following ordinance amending the official zoning map from C-2 (General Commercial) to RV (Residential Village)—the vote: all aye.

A motion was made by Council Member Stocks and seconded by Council Member Parsley-Hubbard to amend the 2030 Land Use Plan to designate the parcel as “Urban Neighborhoods.”—the vote: all aye.

ORD. #23-88

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF CONCORD, NORTH CAROLINA
FOR PROPERTY LOCATED AT 239 BROOKWOOD AVE NW, CONCORD, NC

WHEREAS, the City of Concord, North Carolina, pursuant to the authority conferred by the North Carolina General Statutes 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, Chapter 160A, Art. 19, Session Laws of 1993, Chapter 247, House Bill 575 and Section 3.2.4.B.2 of the Concord Development Ordinance does hereby allow the Planning and Zoning Commission to be final approval authority for zoning changes of land,

provided that at least three-fourths of the members present vote in the affirmative, and no appeal of the decision is taken; and

WHEREAS, Section 3.2.4.B.5 of the Concord Development Ordinance specifies that any person aggrieved by the decision of the Planning and Zoning Commission shall have the right to appeal the decision to the City Council within fifteen days of the decision of the Planning and Zoning Commission decision by giving written notice to the Administrator; and

WHEREAS, Section 3.2.4.B.2 of the Concord Development Ordinance specifies that a final approval decision shall not be in effect until the fifteen-day appeal period expires;

NOW, THEREFORE BE IT ORDAINED by the Planning and Zoning Commission of the City of Concord, North Carolina:

SECTION 1. That the P&Z Commission held a duly advertised public hearing on July 18, 2023. At the close of the public hearing, the P&Z Commission adopted the following "Statement of Zoning Consistency" as required by NC Gen Stat 160D-605.

- The subject property is approximately +/- .30 acres and currently zoned City of Concord C-2 (General Commercial).
- The subject property was annexed on into the City of Concord prior to 1932 and is currently unoccupied.
- The proposed zoning is not consistent with the 2030 Land Use Plan (LUP) as RV (Residential Village) is not a corresponding zoning classification to the Commercial Land Use Category. However, the subject property is located adjacent to other properties zoned residential and would be compatible with the adjacent zoning to the north, south, east, and west.
- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning adjacent to the subject property.

The P&Z Commission then voted to recommend approval of the map amendment for p/o PIN 5621-30-1917 from C-2 (General Commercial) to RV (Residential Village), and designate the property UN (Urban Neighborhoods) in the 2030 Land Use Plan. Since the rezoning would result in a comprehensive plan amendment; it is forwarded to City Council for hearing with a recommendation from the Planning and Zoning Commission.

SECTION 2. That the City Council held a duly advertised public hearing on August 10, 2023. At the close of the public hearing, the City Council adopted the following "Statement of Zoning Consistency" as required by NC Gen. Stat 160D-605.

- The subject property is approximately +/- .30 acres and currently zoned City of Concord C-2 (General Commercial).
- The subject property was annexed on into the City of Concord prior to 1932 and is currently unoccupied.
- The proposed zoning is not consistent with the 2030 Land Use Plan (LUP) as RV (Residential Village) is not a corresponding zoning classification to the Commercial Land Use Category. However, the subject property is located adjacent to other properties zoned residential and would be compatible with the adjacent zoning to the north, south, east, and west.
- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning adjacent to the subject property.

The City Council then voted to **APPROVE** the map amendment by the required super-majority.

SECTION 3: That the Official Zoning Map is hereby amended by rezoning from City of Concord C-2 (General Commercial) to City of Concord RV (Residential Village) in the area described as follows and that the future land use designation of UN (Urban Neighborhoods) is applied in the 2030 Land Use Plan:

BEING A 0.30 ACRE PARCEL AT THE SOUTHWEST INTERSECTION OF BROOKWOOD AVE NW AND GIBSON ST NW LYING AND BEING IN THE CITY OF CONCORD, CABARRUS COUNTY NORTH CAROLINA BEING A PART TO THE SUBDIVISION OF BLOCK "A", "WADSWORTH ADDITION" MAP BOOK (MB) 1 PAGE (PG) 49 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POINT OF ORIENTATION BEING A NORTH CAROLINA GEODETIC MONUMENT NAMED "NCRR CB M355 1" HAVING COORDINATES OF N: 609,965.88FT-E:1,522,600.20FTNAD 83 (2011); THENCE FROM SAID MONUMENT N

28-50-50 E - 977.54' TO THE POINT OF BEGINNING BEING AN EXISTING MAGNETIC NAIL HAVING GRID COORDINATES OF N: 610,822.12FT-E: 1,523,071.84FTNAD 83 (2011) AND BEING THE NORTHEAST CORNER OF DAVID

CRANFORD, DB 2138 PG 271 AND ON THE SOUTHERN SIDE OF THE 60' PUBLIC R/W FOR BROOKWOOD AVE NW; THENCE WITH SAID R/W N 70-20-30 E - 120.09' TO A 2" OPEN IRONPIPE AT THE SOUTHWESTERN R/W INTERSECTION OF BROOKWOOD AVE NW AND GIBSON ST NW; THENCE WITH THE 60' PUBLIC R/W FOR GIBSON ST NW S 1948-18 E - 129.61' TO A 1-1/2" OPENPIPE, BEING THE NORTHEAST CORNER OF OSVALDO LOPEZ, DB 6720 PG 36; THENCE WITH LINE OF SAID LOPEZ S 70-26-51 W - 72.80' TO A NEW REBAR SET (NRS), IN THE LINE OF JIMMY D. WHITE, DB 6725 PG 86; THENCE TWO CALLS WITH SAID LINE OF WHITE 1) N 13-54-11 W - 47.00' TO A NRS 2) S 83-5049 W 59.73' TO A 1" PIPE W/ELBOW IN THE LINE OF DAVID CRANFORD, DB 2138 PG 271; THENCE WITH SAID LINE OF CRANFORD N 14-54-08 W - 69.02' TO THE POINT OF BEGINNING, CONTAINING 0.30ACRES AND SHOWN ON A SURVEY BY HARRISBURG SURVEYING, DATED JANUARY 15, 2023, JOB# 221201

THE AREA WITHIN THE ABOVE-DESCRIBED PARCEL TO BE REZONED IS LOCATED AS FOLLOWS.

FROM THE POINT OF BEGINNING, AS DEFINED ABOVE; THENCE WITH THE SOUTHERN SIDE OF THE 60' PUBLIC R/W FOR BROOKWOOD AVE NW N 70-20-30 E - 71.00' TO A NRS, BEING THE TRUE POINT OF BEGINNING FOR REZONING LINE; THENCE CONTINUING WITH SAID R/W N 70-20-30 E - 49.09' TO A 2" OPEN

IRONPIPE AT THE SOUTHWESTERN R/W INTERSECTION OF BROOKWOOD AVE NW AND GIBSON ST NW; THENCE WITH THE 60' PUBLIC R/VV FOR GIBSON ST NW S 1948-18 E - 129.61' TO A 1-1/2" OPENPIPE, BEING THE NORTHEAST CORNER OF OSVALDO LOPEZ, DB 6720 PG 36; THENCE WITH SAID LINE OF LOPEZ S 70-26-51 W - 72.80' TO A NEW REBAR SET (NRS), IN THE LINE OF JIMMY D. WHITE, DB 6725 PG 86; THENCE WITH SAID LINE OF WHITE 1) N 13-54-11 W 47.00' TO A NRS; THENCE TWO NEW CALLS THROUGH THE ABOVE DESCRIBED PARCEL 1) N 20-56-21 E - 29.10' TO A NRS 2) N 19-56-12 W - 60.64' TO THE POINT OF BEGINNING. CONTAINING 0.17ACRES AND SHOWN ON SURVEY BY HARRISBURG SURVEYING, DATED MAY 5, 2023, JOB# 221201

SECTION 4. That the establishment of this district and subsequent issuance of Zoning Clearance Permits are hereby authorized.

SECTION 5. That the above-described property shall be perpetually bound to the uses authorized in the Concord Development Ordinance, as such may be amended from time to time and as provided for under Article 3 of the Concord Development Ordinance.

SECTION 6. That the effective date hereof is the 10th day of August, 2023

Adopted this 10th day of August, 2023

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

Presentations of Petitions and Requests:

- 1. Consider adopting a resolution to sell 314 Sycamore Avenue SW to homebuyer Roxanne Stanard for \$232,800.**

HUD has designed the HOME program to create strong, sustainable, inclusive communities with quality affordable homes for all. Concord follows this mission with the creation of each new home.

Community Development built 314 Sycamore Avenue SW with the vision to improve the lives of the homeowners while also strengthening the community, or “High Performance Housing.” Each home is planned to not just be affordable initially, but for the life of the home.

Built with energy efficiency in mind, all homes are constructed with energy efficient windows and doors along with R-15 wall insulation in the exterior wall cavities and R-3 rigid foam board under the hardy plank siding for added insulation. Roof trusses are selected to allow optimal attic insulation coverage while reflected roof sheathing helps lowers the cost to heat and cool the home. The conditioned crawlspace along with a passive radon system will prevent future air quality issues for occupants. For the interior; higher grade cabinets are selected with granite countertops, energy star rated appliances are installed throughout, and high efficiency HVAC systems and controls are selected to ensure limited maintenance cost for the homeowner. These efforts meet and exceed SystemVision requirements.

Another key feature of the home is the outbuilding constructed by the carpentry class at Concord High School. Community Development provided the materials and the students received hands-on experience in construction. The building is designed to give the homeowner a safe place to store lawn equipment or others items without compromising the conditioned crawlspace.

In 2022, Council approved the construction of 314 Sycamore Avenue SW. The home is 1,080 sq ft with three (3) bedrooms and two (2) baths. Staff received 78 applications for both 314 Sycamore Avenue SW and 318 Sycamore Avenue SW. Roxanne Stanard was the highest scoring applicant as she is a first-time homebuyer, under 80% of area median income, and has completed her homebuyer education class, all of which are required by HUD to be eligible to purchase. In addition, Ms. Stanard also completed additional education classes related to homebuying as she seeks to be as successful a homeowner as possible. The listed purchase price was \$232,800 and the City received the full asking price.

A motion was made by Council Member Crawford and seconded by Council Member King to adopt the following resolution to sell 314 Sycamore Avenue SW to homebuyer Roxanne Stanard for \$232,800—the vote: all aye.

RESOLUTION AUTHORIZING CONSIDERATION OF NEGOTIATED OFFER

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

WHEREAS, the city acquired all of Lots 2 through 5, Block C of Underwood Park, as recorded in Map Book 2, at Page 17 by North Carolina General Warranty Deed as recorded on December 21, 2020 in Deed Book 14770, Page 47 of the Cabarrus County Registry (“Parent Parcel”) for the purpose of community redevelopment and affordable housing; and

WHEREAS, the City subdivided the Parent Parcel into two new lots, Tract 1 and Tract 2, on plat titled, “Exception Plat, Property of the City of Concord,” dated June 14, 2021 and recorded in Plat Book 88, at Page 90, Cabarrus County Registry; and

WHEREAS, the City has redeveloped Tract 2, now identified in Cabarrus County as 314 Sycamore Avenue SW, Parcel Identification Number 5620-64-9432 (“Property”); and

WHEREAS, Property is further described as follows:

Lying and being in the City of Concord, Cabarrus County, North Carolina and being all of Tract 2, of “Exception Plat, Property of the City of Concord,” as recorded in Plat Book 88, at Page 90 of the Cabarrus County Registry.

WHEREAS, the City received an Offer to Purchase Contract for the Property on July 24, 2023 from Roxanne Stanard (“Buyer”) for \$232,800.00.

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

1. The City Council accepts the offer of \$232,800.00 from Roxanne Stanard for Tract 2, of "Exception Plat, Property of the City of Concord," as recorded in Plat Book 88, at Page 90 of the Cabarrus County Registry, also identified as 314 Sycamore Avenue SW, Concord, NC, PIN 5620-64-9232.
2. The Buyer shall submit one thousand dollars and no cents (\$1,000.00) as earnest money deposit to be held by the City Clerk.
3. The final sale shall include the following terms:
 - a. The city will convey 314 Sycamore Avenue SW to Roxanne Stanard, by North Carolina Warranty Deed.
 - b. The City will convey the property subject to any and all easements, restrictions, protective covenants, utilities, rights-of-way, zoning laws, and all ordinances of record along with affordability restrictions.
 - c. The closing shall take place on or before September 29, 2023, time is of the essence.
4. The City Attorney is directed to take all necessary steps to complete the sale. The City Manager is authorized to execute the necessary instruments to effectuate the sale of 314 Sycamore Avenue SW in accordance with this resolution.

Adopted this 10th day of August, 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

2. Consider adopting a resolution to sell 318 Sycamore Avenue SW to homebuyer Tyler J. Gacek for \$220,550.

HUD has designed the HOME program to create strong, sustainable, inclusive communities with quality affordable homes for all. Concord follows this mission with the creation of each new home.

Community Development built 318 Sycamore Avenue SW with the vision to improve the lives of the homeowners while also strengthening the community; "High Performance Housing." Each home is planned to not just be affordable initially but for the life of the home. Built with energy efficiency in mind, all homes are constructed with energy efficient windows and doors along with R-15 wall insulation in the exterior wall cavities and R-3 rigid foam board under the hardy plank siding for added insulation. Roof trusses are selected to allow optimal attic insulation coverage while reflected roof sheathing helps lowers the cost to heat and cool the home. The passive radon system will prevent future air quality issues for occupants. For the interior; higher grade cabinets are selected with granite countertops, energy star rated appliances are installed throughout, and high efficiency HVAC systems and controls are selected to ensure limited maintenance cost for the homeowner. These efforts meet and exceed SystemVision requirements.

Another key feature of the home is the outbuilding constructed by the carpentry class at Concord High School. Community Development provided the materials and the students received hands-on experience in construction. The building is designed to give the homeowner a safe place to store lawn equipment or others items without compromising the attached storage area and air quality of the home.

In 2022, Council approved the construction of 318 Sycamore Avenue SW. The home is 1,248 sq ft with three (3) bedrooms with two and one-half (2.5) baths. Staff received 78 applications for both 314 Sycamore Avenue SW and 318 Sycamore Avenue SW. Tyler J. Gacek was the highest scoring applicant as he is a first-time homebuyer, under 80% of area median income, and has completed his homebuyer education class all of which are required by HUD to be eligible to purchase. In addition, Mr. Gacek also completed additional education classes and has volunteered for a number of City- sponsored events and Community Free Clinic. Volunteer efforts are another matrix category within the application scoring process which allows a

candidate to show they are committed to Concord and the community at-large. The listed purchase price was \$220,550 and the City received the full asking price.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to adopt the following resolution to sell 318 Sycamore Avenue SW to homebuyer Tyler J. Gacek for \$220,550.

RESOLUTION AUTHORIZING CONSIDERATION of NEGOTIATED OFFER

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

WHEREAS, the City acquired all of Lots 2 through 5, Block C of Underwood Park, as recorded in Map Book 2, at Page 17 by North Carolina General Warranty Deed as recorded on December 21, 2020 in Deed Book 14770, Page 47 of the Cabarrus County Registry (“Parent Parcel”) for the purpose of community redevelopment and affordable housing; and

WHEREAS, the City subdivided the Parent Parcel into two new lots, Tract 1 and Tract 2, on plat titled, “Exception Plat, Property of the City of Concord,” dated June 14, 2021 and recorded in Plat Book 88, at Page 90, Cabarrus County Registry; and

WHEREAS, the City has redeveloped Tract 1, now identified in Cabarrus County as 318 Sycamore Avenue SW, Parcel Identification Number 5620-64-8399 (“Property”); and

WHEREAS, Property is further described as follows:

Lying and being in the City of Concord, Cabarrus County, North Carolina and being all of Tract 1 of “Exception Plat, Property of the City of Concord,” as recorded in Plat Book 88, at Page 90 of the Cabarrus County Registry; and

WHEREAS, the City received an Offer to Purchase Contract for the Property on July 27, 2023 from Tyler J. Gacek (“Buyer”) for \$220,550.00.

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

1. The City Council accepts the offer of \$220,550.00 from Tyler J. Gacek for Tract 1, of “Exception Plat, Property of the City of Concord,” as recorded in Plat Book 88, at Page 90 of the Cabarrus County Registry, also identified as 318 Sycamore Avenue SW, Concord, NC, PIN 5620-64-8399.
2. The Buyer shall submit one thousand dollars and no cents (\$1,000.00) as earnest money deposit to be held by the City Clerk.
3. The final sale shall include the following terms:
 - a. The city will convey 318 Sycamore Avenue SW to Tyler J. Gacek by North Carolina Warranty Deed.
 - b. The City will convey the property subject to any and all easements, restrictions, protective covenants, utilities, rights-of-way, zoning laws, and all ordinances of record along with affordability restrictions.
 - c. The closing shall take place on or before September 29, 2023, time is of the essence.
4. The City Attorney is directed to take all necessary steps to complete the sale. The City Manager is authorized to execute the necessary instruments to effectuate the sale of 318 Sycamore Avenue SW in accordance with this resolution.

Adopted this 10th day of August, 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

3. Consider adopting an ordinance ordering the demolition of the structure located at 90 James St SW (PIN# 5620-85-0735) owned by Jeremiah Owens Jr.

Staff withdrew this request. Therefore, no action was taken.

4. Consider adopting a Resolution Providing for the Issuance of Not to Exceed \$42,000,000 City of Concord, North Carolina General Obligation Parks and Recreation Bonds.

In November 2022, a GO Bond referendum for parks and recreations projects was approved by voters. Projects are soon going to begin construction and staff is recommending that a portion of the approved \$60 million bond referendum be issued. The attached resolution authorizes the issuance of \$42,000,000 in General Obligation Parks and Recreation Bonds. The details of the bonds are included in the resolution. The planned sale date is August 22, 2023.

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem McKenzie to adopt the following Resolution Providing for the Issuance of Not to Exceed \$42,000,000 City of Concord, North Carolina General Obligation Parks and Recreation Bonds—the vote: all aye.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CONCORD, NORTH CAROLINA PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$42,000,000 CITY OF CONCORD, NORTH CAROLINA GENERAL OBLIGATION PARKS AND RECREATION BONDS

WHEREAS, the Bond Order hereinafter-described has been adopted, and it is desirable to make provision for the issuance of the bonds authorized by said Bond Order;

WHEREAS, the City of Concord, North Carolina (the “City”) desires to issue its General Obligation Parks and Recreation Bonds, Series 2023 in an aggregate principal amount not to exceed \$42,000,000 (the “2023 Bonds”);

WHEREAS, the City requests that the Local Government Commission sell the Bonds through a competitive sale;

WHEREAS, copies of the forms of the following documents relating to the transactions described above have been filed with the City and have been made available to the City Council:

1. the Notice of Sale for the competitive sale of the 2023 Bonds (the “*Notice of Sale*”); and
2. a Preliminary Official Statement with respect to the 2023 Bonds (the “*Preliminary Official Statement*”);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord, North Carolina (the “*City Council*”) as follows:

Section 1. For purposes of this Resolution, the following words will have the meanings ascribed to them below:

“*Bond Order*” means the Bond Order authorizing \$60,000,000 General Obligation Parks and Recreation Bonds, adopted by the City Council on June 9, 2022 and approved by the voters of the City at a referendum duly called and held on November 8, 2022.

“*City*” means the City of Concord, North Carolina.

“*Code*” means the Internal Revenue Code of 1986, as amended. Each reference to a section of the Code herein will be deemed to include the United States Treasury Regulations proposed or in effect with respect thereto.

“*Federal Securities*” means, to the extent permitted by laws of the State for the defeasance of local government bonds, (a) direct obligations of the United States of America for the timely payment of which the full faith and credit of the United States of America is pledged; (b) obligations, the timely payment of the principal of and interest on which is fully guaranteed as full faith and credit obligations of the United States of America (including any securities described in (a) or (b) issued or held in the name of the Trustee in book-entry form on the books of the Department of Treasury of the United States of America), which obligations, in either case, are held in the name of a trustee and are not subject to redemption or purchase prior to maturity at the option of anyone other than the holder; (c) any bonds or other obligations of the State of North Carolina or of any agency, instrumentality or local governmental unit of the State of North Carolina which are (i) not callable prior to maturity or (ii) as to which irrevocable instructions have been given to the trustee or escrow agent with respect to such bonds or other obligations by the

obligor to give due notice of redemption and to call such bonds for redemption on the date or dates specified, and which are rated by Moody's, if the bonds are rated by Moody's, S&P, if the bonds are rated by S&P and Fitch Ratings, if the bonds are rated by Fitch Ratings, within the highest rating category and which are secured as to principal, redemption premium, if any, and interest by a fund consisting only of cash or bonds or other obligations of the character described in clause (a) or (b) hereof which fund may be applied only to the payment of such principal of and interest and redemption premium, if any, on such bonds or other obligations on the maturity date or dates thereof or the specified redemption date or dates pursuant to such irrevocable instructions, as appropriate; (d) direct evidences of ownership of proportionate interests in future interest and principal payments on specified obligations described in (a) held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor on the underlying obligations described in (a), and which underlying obligations are not available to satisfy any claim of the custodian or any person claiming through the custodian or to whom the custodian may be obligated; or (e) any other obligations permitted under State law for the defeasance of local government bonds.

"Finance Officer" means the City's Finance Director or any successor to the function of the City's statutory finance officer, or her designee.

"Fitch Ratings" means Fitch Inc., a corporation organized and existing under the laws of the State of Delaware, its successors and their assigns, and, if such corporation for any reason no longer performs the functions of a securities rating agency, "Fitch Ratings" will refer to any other nationally recognized securities rating agency other than Moody's and S&P designated by the City.

"Moody's" means Moody's Investors Service, a corporation organized and existing under the laws of the State of Delaware, its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, "Moody's" will be deemed to refer to any other nationally recognized rating agency other than S&P and Fitch Ratings designated by the City.

"Pricing Certificate" means the certificate of the Finance Officer delivered in connection with the issuance of the 2023 Bonds which establishes the final principal amount, the final maturity amounts, the payment dates, the provisions for redemption and other terms of the 2023 Bonds consistent with the pricing of the 2023 Bonds and this Resolution.

"Projects" means 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.

"S&P" means S&P Global Ratings, a division of Standard & Poor's Financial Services LLC, its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, "S&P" will be deemed to refer to any other nationally recognized rating agency other than Moody's and Fitch Ratings designated by the City.

"2023 Bonds" means the City's General Obligation Parks and Recreation Bonds, Series 2023 authorized under the Bond Order.

Section 2. The City will issue not to exceed \$42,000,000 in total aggregate principal amount of its 2023 Bonds. The final principal amount will be set forth in the Pricing Certificate.

Section 3. The 2023 Bonds shall be dated their date of issuance and pay interest semiannually on March 1 and September 1, beginning March 1, 2024, unless the Finance Officer establishes different dates in the Pricing Certificate. The 2023 Bonds are being issued to provide funds (1) to finance the capital costs of the Projects pursuant to and in accordance with the Bond Order, (2) to pay capitalized interest on the 2023 Bonds as permitted by law, and (3) to pay the costs of issuing the 2023 Bonds.

Section 4. The City Council has ascertained and hereby determines that the average period of usefulness of the capital projects being financed by the proceeds of the 2023 Bonds is not less than 20 years computed from the date of issuance of the 2023 Bonds.

Section 5. The 2023 Bonds are payable in annual installments on September 1 in each year beginning September 1, 2024 and ending on September 1, 2043, on an approximately level principal basis, unless otherwise established in the Pricing Certificate. The Finance Officer, in consultation with the Local Government Commission, is hereby authorized and directed to determine the amount of the annual installments related to the 2023 Bonds. The 2023 Bonds may be sold as term bonds and, if so, will be subject to mandatory sinking fund redemption as set forth in the Pricing Certificate.

Section 6. The 2023 Bonds are to be numbered from “R-1” consecutively and upward. All 2023 Bonds shall bear interest from their date at a rate or rates which shall be hereafter determined on the sale thereof computed on the basis of a 360-day year, constituting twelve 30-day months.

Section 7. The 2023 Bonds are to be registered as to principal and interest, and the Finance Officer is directed to maintain the registration records with respect thereto. The City will make payments of principal and interest on the 2023 Bonds to the person shown as the owner of the 2023 Bonds on its registration books as of the record date, which is at the close of business on the 15th day of the month preceding an interest payment date or a bond payment date (the “*Record Date*”). The 2023 Bonds shall bear the original or facsimile signatures of the City Manager or the Mayor and the City Clerk or their respective designees.

Section 8. The 2023 Bonds will initially be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company (“*DTC*”), and immobilized in its custody. A book-entry system will be employed, evidencing ownership of the 2023 Bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the 2023 Bonds will be payable to DTC or its nominee as registered owner of the 2023 Bonds in immediately available funds. The principal of and interest on the 2023 Bonds will be payable to owners of 2023 Bonds shown on the records of DTC at the close of business on the Record Date. The City will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

If (a) DTC determines not to continue to act as securities depository for the 2023 Bonds or (b) the Finance Officer determines that the continuation of the book-entry system of evidence and transfer of ownership of the 2023 Bonds would adversely affect the interests of the beneficial owners of the 2023 Bonds, the City will discontinue the book-entry system with DTC in accordance with the rules and procedures of DTC. If the City fails to identify another qualified securities depository to replace DTC, the City will authenticate and deliver replacement bonds in accordance with the rules and procedures of DTC.

Section 9. The 2023 Bonds maturing on or before September 1, 2033 will not be subject to redemption before maturity. The 2023 Bonds maturing on and after September 1, 2034 will be subject to redemption before maturity, at the option of the City, from any moneys that may be made available for such purpose, either in whole or in part on any date on or after September 1, 2033, at the redemption price of the principal amount of 2023 Bonds to be so redeemed, plus accrued interest to the redemption date. Different redemption provisions may be established by the Pricing Certificate.

If less than all of the 2023 Bonds are called for redemption, the City shall select the maturity or maturities of the 2023 Bonds to be redeemed in such manner as the City in its discretion may determine and DTC and its participants shall determine which of the 2023 Bonds within a maturity are to be redeemed in accordance with its rules and procedures (or if the 2023 Bonds are not in book-entry, the City will determine by lot); provided, however, that the portion of any 2023 Bond to be redeemed shall be in principal amount of \$5,000 or integral multiples thereof and that, in selecting 2023 Bonds for redemption, each 2023 Bond will be considered as representing that number of 2023 Bonds which is obtained by dividing the principal amount of such 2023 Bond by \$5,000. Whenever the City elects to redeem 2023 Bonds, notice of such redemption of 2023 Bonds, stating the redemption date, redemption price and any conditions to the redemption and identifying the 2023 Bonds or portions thereof to be redeemed and further stating that on such redemption date there shall become due and payable on each 2023 Bond or portion thereof so to be redeemed, the principal thereof, and interest accrued to the redemption date and that from and after such date interest thereon shall cease to accrue, shall be given not less than 30 days nor more than 60 days before the redemption date in writing to DTC or its nominee as the

registered owner of the 2023 Bonds, by prepaid certified or registered United States mail (or by such other means as permitted by DTC's rules and procedures), at the address provided to the City by DTC, but any failure or defect in respect of such mailing will not affect the validity of the redemption. If DTC, or its nominee, is not the registered owner of the 2023 Bonds, the City will give notice at the time set forth above by prepaid first-class United States mail, to the then-registered owners of the 2023 Bonds or portions thereof to be redeemed at the last address shown on the registration books kept by the City. The City will also mail or transmit by facsimile or in electronic format a copy of the notice of redemption within the time set forth above (1) to the Local Government Commission of North Carolina (the "*Local Government Commission*") and (2) to the Municipal Rulemaking Securities Board through the EMMA system.

If at the time of mailing of the notice of redemption there is not on deposit money sufficient to redeem the 2023 Bonds called for redemption, such notice may state that it is conditional on the deposit of money for the redemption on the date of redemption as set forth in the notice. Any notice, once given, may be withdrawn by notice delivered in the same manner as the notice of redemption was given.

If moneys sufficient to pay the redemption price of the 2023 Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held by the City, or on the City's behalf, in trust for the registered owners of the 2023 Bonds or portions thereof to be redeemed, interest on the 2023 Bonds or portions thereof called for redemption shall cease to accrue, and to the extent permitted by law, such 2023 Bonds or portions thereof shall cease to be entitled to any benefits or security hereunder or to be deemed outstanding, and the registered owners of such 2023 Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest thereon to such redemption date. If a portion of a 2023 Bond shall have been selected for redemption, a new 2023 Bond or 2023 Bonds of the same maturity, of any authorized denomination or denominations and bearing interest at the same rate shall be delivered for the unredeemed portion of the principal amount of such 2023 Bond.

Section 10. The 2023 Bonds and the provisions for the registration of the 2023 Bonds and for the approval of the 2023 Bonds by the Secretary of the Local Government Commission are to be in substantially the form set forth in Exhibit A hereto.

Section 11. The Finance Officer, or her designee, is hereby authorized to execute a non-arbitrage certificate with respect to the 2023 Bonds in order to comply with Section 148 of the Code and the applicable Income Tax Regulations thereunder.

Section 12. The Finance Officer is hereby directed to create and establish a special fund or account (the "*Project Fund*") and may establish separate accounts or subaccounts within the Project Fund to track the expenditures related to each of the Projects. The Finance Officer will deposit the proceeds from the sale of the 2023 Bonds in the Project Fund to be used to pay the capital costs of the Projects, to pay capitalized interest on the 2023 Bonds and costs of issuance of the 2023 Bonds in accordance with the Bond Order.

The Finance Officer will invest and reinvest any moneys held in the Project Fund as permitted by the laws of the State of North Carolina and the income, to the extent permitted by the Code, is to be retained in the Project Fund and applied with the proceeds of the 2023 Bonds as permitted by the Bond Order, as directed by the Finance Officer. The Finance Officer will keep and maintain adequate records pertaining to the Project Fund and all disbursements therefrom so as to satisfy the requirements of the laws of the State of North Carolina and to assure that the City maintains its covenants with respect to the exclusion of the interest on the 2023 Bonds from gross income for purposes of federal income taxation.

Section 13. Actions taken by officials of the City to select paying and transfer agents, and a bond registrar, or alternate or successor agents and registrars pursuant to Section 159E-8 of the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, are hereby authorized and approved.

Section 14. The Local Government Commission is hereby requested to sell the 2023 Bonds through a competitive sale to the bidder whose bid results in the lowest interest cost to the City, determined on the basis of the true interest cost method or such other basis as may be determined by the Local Government Commission.

Section 15. The Mayor, the City Manager, the City Clerk and the Finance Officer, or their respective designees, individually and collectively, are hereby authorized and directed to cause the 2023 Bonds to be prepared and, when they shall have been duly sold by the Local

Government Commission, to execute the 2023 Bonds and to turn the 2023 Bonds over to the registrar and transfer agent of the City, if any, for delivery through the facilities of DTC to the purchaser or purchasers to whom they may be sold by the Local Government Commission.

Section 16. The form and content of the Notice of Sale and the Preliminary Official Statement together with the final Official Statement related to the 2023 Bonds are in all respects authorized, approved and confirmed, and the Mayor, the City Manager, the City Clerk and the Finance Officer, or their respective designees, individually and collectively, are authorized, empowered and directed to execute and deliver the Official Statement in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as shall to such officers seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the approval of the City Council of any and all changes, modifications, additions or deletions therein from the form and content of the Official Statement presented to the City Council.

Section 17. The Mayor, the City Manager, the City Clerk, the Finance Officer and the City Attorney, or their respective designees, individually and collectively, are authorized and directed to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the documents contemplated hereinabove or as may be deemed necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution.

Section 18. The City agrees, in accordance with Rule 15c2-12 (the “Rule”) promulgated by the Securities and Exchange Commission (the “SEC”) and for the benefit of the beneficial owners of the 2023 Bonds, to provide as follows:

(1) by not later than seven months after the end of each fiscal year to the Municipal Securities Rulemaking Board (the “MSRB”) in an electronic format as prescribed by the MSRB, the audited financial statements of the City for the preceding fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or if such audited financial statements are not then available, unaudited financial statements of the City for such fiscal year to be replaced subsequently by audited financial statements of the City to be delivered within 15 days after such audited financial statements become available for distribution;

(2) by not later than seven months after the end of each fiscal year to the MSRB, the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under the captions “**THE CITY--DEBT INFORMATION**” and “**--TAX INFORMATION**” (excluding information on overlapping or underlying units) in the Official Statement referred to in Section 16, to the extent such items are not included in the audited financial statements referred to in clause (1) above;

(3) in a timely manner not in excess of 10 business days after the occurrence of the event, to the MSRB, notice of any of the following events with respect to the 2023 Bonds:

- (a) principal and interest payment delinquencies;
- (b) non-payment related defaults, if material;
- (c) unscheduled draws on the debt service reserves reflecting financial difficulties;
- (d) unscheduled draws on any credit enhancements reflecting financial difficulties;
- (e) substitution of any credit or liquidity providers, or their failure to perform;
- (f) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the 2023 Bonds or other material events affecting the tax status of the 2023 Bonds;
- (g) modification of the rights of the beneficial owners of the 2023 Bonds, if material;
- (h) call of any of the 2023 Bonds, other than mandatory sinking fund

redemptions, if any, if material, and tender offers;

(i) defeasance of any of the 2023 Bonds;

(j) release, substitution or sale of any property securing repayment of the 2023 Bonds, if material;

(k) rating changes;

(l) bankruptcy, insolvency, receivership or similar event of the City;

(m) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to such actions, other than pursuant to its terms, if material;

(n) the appointment of a successor or additional trustee, or the change in the name of a trustee, if material;

(o) incurrence of a financial obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the City, any of which affect security holders, if material; and

(p) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the City, any of which reflect financial difficulties.

(4) in a timely manner to the MSRB, notice of the failure by the City to provide the required annual financial information described in (1) and (2) above on or before the date specified.

For purposes of this Section, "*financial obligation*" means (a) a debt obligation, (b) a derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation, or (c) a guarantee of either clause (a) or (b) above. The term "*financial obligation*" shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

The City agrees that its undertaking under this Section is intended to be for the benefit of the beneficial owners of the 2023 Bonds and is enforceable by any of the beneficial owners of the 2023 Bonds, including an action for specific performance of the City's obligations under this Section, but a failure to comply will not be an event of default and will not result in acceleration of the payment of the 2023 Bonds. An action must be instituted, had and maintained in the manner provided in this Section for the benefit of all of the beneficial owners of the 2023 Bonds.

All documents provided to the MSRB as described in this Section shall be provided in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB. The City may discharge its undertaking described above by providing such information in a manner the SEC subsequently authorizes in lieu of the manner described above.

The City may modify from time to time, consistent with the Rule, the information provided or the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the City, but:

(1) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law or change in the identity, nature or status of the City;

(2) the information to be provided, as modified, would have complied with the requirements of the Rule as of the date of the Official Statement, after taking into account any amendments or interpretations of the Rule as well as any changes in circumstances;

(3) any such modification does not materially impair the interest of the beneficial owners, as determined by parties unaffiliated with the City (such as bond counsel) or by the approving vote of the registered owners of a majority in principal amount of the 2023 Bonds at the time of the amendment.

Any annual financial information containing modified operating data or financial information will explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section terminate on payment, or provision having been made for payment in a manner consistent with the Rule, in full of the principal of and interest on the 2023 Bonds.

Section 19. Those portions of this Resolution other than Paragraph 18 may be amended or supplemented, from time to time, without the consent of the owners of the 2023 Bonds if in the opinion of nationally recognized bond counsel, such amendment or supplement would not materially adversely affect the interests of the owners of the 2023 Bonds and would not cause the interest on the 2023 Bonds to be included in the gross income of a recipient thereof for federal income tax purposes. This Resolution may be amended or supplemented with the consent of the owners of a majority in aggregate principal amount of the outstanding 2023 Bonds, exclusive of 2023 Bonds, if any, owned by the City, but a modification or amendment (1) may not, without the express consent of any affected owner of 2023 Bonds, reduce the principal amount of any 2023 Bond, reduce the interest rate payable on it, extend its maturity or the times for paying interest, change the monetary medium in which principal and interest is payable, or reduce the percentage of consent required for amendment or modification and (2) as to an amendment to Paragraph 18, must be limited as described therein.

Any act done pursuant to a modification or amendment consented to by the owners of the 2023 Bonds is binding on all owners of the 2023 Bonds and will not be deemed an infringement of any of the provisions of this Resolution, whatever the character of the act may be, and may be done and performed as fully and freely as if expressly permitted by the terms of this Resolution, and after consent has been given, no owner of a 2023 Bond has any right or interest to object to the action, to question its propriety or to enjoin or restrain the City from taking any action pursuant to a modification or amendment.

If the City proposes an amendment or supplemental resolution to this Resolution requiring the consent of the owners of the 2023 Bonds, the registrar for the 2023 Bonds shall, on being satisfactorily indemnified with respect to expenses, cause notice of the proposed amendment to be sent to each owner of the 2023 Bonds then outstanding by first-class mail, postage prepaid, to the address of such owner as it appears on the registration books (or by such other means acceptable to the registered owner); but the failure to receive such notice by mailing by any owner, or any defect in the mailing thereof, will not affect the validity of any proceedings pursuant hereto. Such notice shall briefly set forth the nature of the proposed amendment and shall state that copies thereof are on file at the principal office of the registrar for the 2023 Bonds for inspection by all owners of the 2023 Bonds. If, within 60 days or such longer period as shall be prescribed by the City following the giving of such notice, the owners of a majority in aggregate principal amount of 2023 Bonds then outstanding have consented to the proposed amendment, the amendment will be effective as of the date stated in the notice.

Section 20. Nothing in this Resolution precludes (a) the payment of the 2023 Bonds from the proceeds of refunding bonds or (b) the payment of the 2023 Bonds from any legally available funds.

If the City causes to be paid, or has made provisions to pay, on maturity or on redemption before maturity, to the owners of any of the 2023 Bonds the principal of such 2023 Bonds (including interest to become due thereon), through setting aside trust funds or setting apart in a reserve fund or special trust account created pursuant to this Resolution or otherwise, or through the irrevocable segregation for that purpose in some sinking fund or other fund or trust account with an escrow agent or otherwise, moneys sufficient therefor, including, but not limited to, interest earned or to be earned on Federal Securities, then, to the extent permitted by law, such 2023 Bonds shall be considered to have been discharged and satisfied, and the principal of such 2023 Bonds (including premium, if any, and interest thereon) shall no longer be deemed to be outstanding and unpaid; provided, however, that nothing in this Resolution requires the deposit of more than such Federal Securities as may be sufficient, taking into account both the principal amount of such Federal Securities and the interest to become due thereon, to implement any such defeasance.

If such a defeasance occurs and after the City receives an opinion of a nationally recognized accounting or verification firm that the segregated moneys or Federal Securities together with interest earnings thereon are sufficient to effect a defeasance, the City shall execute and deliver all such instruments as may be necessary to effect such a defeasance and desirable to evidence such release, discharge and satisfaction. The City shall make provisions for the mailing of a notice to the owners of the 2023 Bonds that such moneys are so available for such payment.

Section 21. If any one or more of the agreements or provisions herein contained is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or for any reason whatsoever is held invalid, then such covenants, agreements or provisions are null and void and separable from the remaining agreements and provisions and will in no way affect the validity of any of the other agreements and provisions hereof or of the 2023 Bonds authorized hereunder.

Section 22. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 23. This Bond Resolution is effective on its adoption.

Adopted this the 10th day of August, 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

5. Consider approval of the First Amendment to the Interlocal Sewer Agreement with WSACC and other member jurisdictions.

The Interlocal Sewer Agreement was fully executed on December 21, 2021 to provide a framework for the distribution of sewer allocation to the member jurisdictions. This amendment will distribute the sewer capacity from the 2024 expansion at the Rocky River Regional Wastewater Treatment Plant.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to approve the First Amendment to the Interlocal Sewer Agreement—the vote: all aye.

6. Consider awarding a bid in the amount of \$878,527.15 to Pike Electric, LLC for subsurface construction of Substation V at 7437 Ruben Linker Rd.

Substation V Site-work/grading is now complete. Bid specifications for construction of the concrete foundations and all subsurface construction were developed and a formal bid was held on July 19, 2023. Five construction firms submitted bids, which were evaluated by staff for adherence to specifications. Pike Electric, LLC was the lowest bidder at \$878,527.15. Pike Electric, LLC was deemed to be a responsive and responsible bidder. Upon a Notice to Proceed letter, Pike Electric, LLC will have 150 days to perform the work.

A motion was made by Mayor Pro-Tem McKenzie and seconded by Council Member Sweat to award a bid for \$878,527.15 to Pike Electric, LLC for subsurface construction of Substation V at 7437 Ruben Linker Rd—the vote: all aye.

7. Consider approving the Concord Co-Sponsorship application for the Downtown Concord-Cabarrus Arts Council Art Walk on Union.

The event organizers are requesting assistance for police presence before and during the event, as well as transportation barricades to be provided the Friday before the event and picked up on the Monday following the event. Organizers are also requesting 4 trash cans to be provided by solid waste to be dropped off before the event and picked up after the event.

A motion was made by Council Member Stocks and seconded by Council Member Langford to approve the Concord Co-Sponsorship application for the Downtown Concord-Cabarrus Arts Council Art Walk on Union taking place on September 9, 2023—the vote: all aye.

8. Consider approving the Concord Co-Sponsorship application for the Logan Community Association's-Neighborhood Reunion.

The event organizers are requesting assistance for police presence during the event, as well as the waiver of the 85/15 split for the event vendors. Organizers are also requesting additional trash cans be provided and dropped off before the event, as well as assistance with cleaning up after the event.

Council Member Stocks stated, in her opinion, the event proposed is a good attempt to reunite the community before the major changes occur to the park and the Logan Association has been supportive of several events in the past.

Council member Parsley-Hubbard stated she supported the request because it follows the City's Policy. She stated she would like for the Council to review the Policy because there may be other neighborhoods that don't meet the requirements of the Legacy Program as well as the Logan Community but that could have a successful community event.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to approve the Concord Co-Sponsorship application for the Logan Community Association's-Neighborhood Reunion, to be held on September 3, 2023, contingent on applicant securing appropriate insurance coverage, as required by the City—the vote: all aye.

9. Consider recognizing the Granary Oaks Home Owners Association in the City's Partnership for Stronger Neighborhoods program.

The neighborhood, with 55 single-family detached homes, is located in west Concord near Cox Mill Elementary. Granary Oaks is one of the neighborhoods that will have a trail connecting them to the City's greenway network. The HOA board was newly established in Sept. 2022. Officers for the Association are President Steve Wood; Vice President Griffin Goeddel; Treasurer Griffin Goeddel; and Secretary Maha Ramani.

All the required documentation for recognition was submitted. By approving their inclusion in the program, the City would have a total of 77 recognized neighborhoods in the Partnership for Stronger Neighborhoods since the program's foundation in 2000.

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem McKenzie to approve the acceptance of Granary Oaks as a recognized neighborhood in the Partnership for Stronger Neighborhoods Program—the vote: all aye.

10. Consider authorizing the City Manager to eliminate the City's Old Corrugated Cardboard (OCC) Recycling program and not enter into a new contract agreement.

The City has contracted with Benfield Sanitation Services since 2012 for the collection of OCC cardboard at no cost from local businesses. The City's pricing was set by rental and service cost for frequency of collection per month for each participating business. Rebates were given based on current Yellow Sheet pricing.

The program was created to provide recycling of cardboard materials from businesses/industries across the City with a goal to promote environmental stewardship while recovering enough revenue to offset a sizable amount of the collection cost. The contract terms have not substantially changed since 2012 and the contract has been extended or renewed until 2023. In June of 2023, Republic Services purchased Benfield Sanitation and did not provide the opportunity for the City to renew or extend the contract until the terms could be reviewed and/or revised under Republic Services. We are operating month to month on an as-is basis until Republic Services can provide us with a draft new contract. This time provides the City with an opportunity to consider the benefits/costs of continuing the program.

Tonnage has decreased each year of the program to just 1,185 tons this past year and only \$30,389 in revenue due to the declining recycling markets both in the US and worldwide. The net cost per ton was equivalent to \$186 per ton collected. The program cost for FY24 is estimated to be \$248,000 with 289 business customers participating (most with once per week service). If the program is discontinued, businesses would choose to continue based on need with a private collection company at a cost anywhere from \$60 to \$70 per month. The City would communicate with each participating business via a letter allowing for a 90 day notice of elimination of the program.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Crawford to authorize the City Manager to eliminate the Old Corrugated Cardboard (OCC) Recycling Program with area businesses and not enter into a new contract for the program effective December 1, 2023—the vote: all aye.

11. Consider authorizing the City Manager to sign a contract with Gillig LLC utilizing the Piedmont Authority for Regional Transportation (PART) consortium contract for the

purchase of two (2) new 35' heavy duty hybrid electric diesel replacement buses for the Rider system.

Rider Transit's recent bus replacements (8 units) took two years, three different competitive grants, and three different orders to be able to move forward with those purchases to replace a rapidly aging fleet that was already past their useful life. Due to the recent infusion of CARES and ARP transit funding, while still receiving our normal FTA formula allocations in 2020, 2021 and 2022, Rider Transit has FTA grant funding in hand to proactively move forward with replacing our last two aging buses without waiting for them to exceed their useful life (500,000 miles) and then having to compete for discretionary funding against the rest of the country.

Additionally, over the last 18-24 months, the cost per unit of these vehicles has been increasing approximately \$10,000 per month due to supply chain costs and parts and materials availability issues. Moving forward with this purchase now will help ensure the delivery of these replacement vehicles as soon as possible at the lowest cost possible, which will help minimize potential impacts on maintenance, operations, and most importantly, service delivery to our customers and communities. The FTA funds will cover 85% of the cost of the two vehicles (\$1,596,803). The remaining 15% (\$281,789) will be split 50/50 between Concord and Kannapolis (\$140,894.50 each). This request was approved by Kannapolis City Council at their 7/24/23 meeting, and by the Concord Kannapolis Transit Commission at their 8/2/23 meeting.

A motion was made by Council Member Crawford and seconded by Council Member Langford to authorize the City Manager to sign a contract with Gillig LLC utilizing the PART consortium contract with a not to exceed maximum cost of \$1,878,592—the vote: all aye.

12. Consider authorizing the City Manager to sign a contract with Benesch to develop and implement a biennial Customer Service Satisfaction Program for Rider Transit and CCTS.

There has never been a formal consistent assessment of public transit service customer satisfaction. Currently, both Rider Transit and CCTS reply on customer complaints and occasional comments/suggestions. This provides an incomplete picture as to how users feel about the services provided to them. Staff would like to build a customer service satisfaction program to assess current operations, establish benchmarks, and then monitor on an intentional/regular basis every two years moving forward. A task order was issued earlier this spring to our On Call transit planning partners; HDR (\$150,936) and Benesch (\$74,780). Staff recommends utilizing Benesch as Transit's planning partner for this task.

This project is included in the FY 23-24 Rider Transit budget and will be paid for utilizing 5303 Transit Planning funds through the CRMPO. No additional matching funds are needed from Concord, Kannapolis, or Cabarrus County. This request was approved by the Concord Kannapolis Transit Commission at their 8/2/23 meeting.

A motion was made by Council Member Langford and seconded by Council Member Crawford to authorize the City Manager to negotiate and sign a contract with Benesch with a not-to-exceed maximum cost of \$74,780—the vote: all aye.

13. Consider authorizing the City Manager to negotiate and execute a contract with Richard Burrage, Inc. for the replacement of the culvert on Le Phillip Ct.

The Le Phillip Ct. Storm Pipe Replacement project consists of the removal of an existing 48" corrugated metal pipe and the installation of 79.50 linear feet of 10' x 4' precast concrete box storm pipe for the purpose of providing public storm drainage protection, including water and sanitary sewer adjustments, coordination with utility agencies on other utility adjustments by others, roadway pavement reconstruction, and other appurtenances. The project was bid under the formal bidding process, bids were taken on July 13, 2023. Eight (8) bids were received and the lowest responsible bidder was Richard Burrage, Inc. in the amount of \$898,023.12.

A motion was made by Council Member Crawford and seconded by Council Member Stocks to authorize the City Manager to negotiate and execute a contract with Richard Burrage, Inc. in the amount of \$898,023.12 for the replacement of the storm water culvert on Le Phillip Ct—the vote: all aye.

14. Consider authorizing the City Manager to negotiate and execute a contract with J.D. Goodman Company for the Dorton Park Renovations a part of Group 1 bond projects.

The Dorton Park Renovations will consist of the construction of a new restroom building, existing restroom renovation, picnic shelter renovation, playground graded pad, expanding disc golf course, soccer field, stream restoration, two pedestrian bridges, concrete sidewalks, parking lot extension, asphalt trails, gravel trails, tennis court resurfacing, fencing, sports netting all with the associated grading, stormwater infrastructure, utilities, erosion control, and plantings.

The project was bid under the formal bidding process and two bids were received on June 29, 2023. As required by NC GS 143-132 under the formal bidding process, three bids must be received before they can be opened. Bids were returned unopened to the bidders and the project was re-advertised. Bids were received a second time on July 11, 2023. This time two bids were received and, as allowed by NC GS 143-132, were allowed to be opened. The lowest responsible bidder was J.D. Goodrum Company in the amount of \$4,555,993.16 for the base bid. We are also recommending accepting the two alternates of the tennis courts resurfacing in the amount of \$96,000 and the parking lot expansion in the amount of \$241,198.20. The total project amount including the alternates is \$4,893,191.36, which is within the budgeted amount.

A motion was made by Council Member Crawford and seconded by Council Member King to authorize the City Manager to negotiate and execute a contract with J.D. Goodrum Company in the amount of \$4,893,191.36 for the Dorton Park Renovations as part of the bond projects—the vote: all aye.

15. Consider authorizing the City Manager to negotiate and execute a contract with D. R. Reynolds Company, Inc. for design build services for Fire Station 6/Police David District Substation.

The Fire Station 6/Police David District project located at Concord-Padgett Regional Airport has met the criteria for design build project delivery and a request for qualification statements was advertised on May 23, 2023. Five statements were received with three companies being shortlisted for interviews. From the interviews, D. R. Reynolds Company, Inc., was selected. D. R. Reynolds is teaming with Pinnacle Architecture P.A., GAR Engineering, Pippin Engineering, and AWCK to deliver the project. D. R. Reynolds Company, Inc. has completed a total of 31 fire stations since 2009 across North Carolina and Pinnacle Architecture has experience designing fire and police facilities. The contract with D. R. Reynolds Company, Inc. would consist of two phases; pre-construction services and construction services. The contract will be a fixed fee for pre-construction services and a Guaranteed Maximum Price (GMP) for construction services will come back for Council approval. The pre-construction fee is \$350,000. The new facility is anticipated to be three story and construction is preliminarily estimated at \$9,300,000.

A motion was made by Council Member Sweat and seconded by Council Member Parsley-Hubbard to authorize the City Manager to negotiate and execute a contract with D. R. Reynolds Company, Inc. for design build services for Fire Station 6/Police David District Substation—the vote: all aye.

16. Consider abandoning an existing 40' easement across property at 160 Emery Avenue NW (PIN 5611 89 3995 0000).

There is an existing water and sewer easement recorded in Deed Book 292 Page 331 and 332 dated September 1959 to the Parkwood Sanitary District. This parcel has redeveloped and the sanitary sewer was rerouted. The new easement for the rerouted sewer has been recorded and the existing easement is no longer necessary.

A motion was made by Council Member Stocks and seconded by Council Member Langford to adopt the following resolution authorizing the abandonment of an easement—the vote: all aye.

RESOLUTION RELEASING EASEMENT

WHEREAS, an easement was granted in Deed Book 292 Page 331 and 332 recorded in the Cabarrus County Registry to the Parkwood Sanitary District for the construction and maintenance of water and sewer; and

WHEREAS, as a result of redevelopment on the property, the easement is no longer needed; and

WHEREAS, the release of the easement would not be contrary to the public interest;

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

1. That the 40' easement recorded in Deed Book 292 Page 331 and 332 and more particularly shown on Exhibit "A" is hereby ordered abandoned, and all rights and interest of the City are released.
2. The City's property rights in the released easement shall be conveyed by the City Attorney and other necessary staff or the Mayor to the property owners of record.
3. The City Attorney and other City staff are hereby directed to take all necessary steps to enforce this resolution.

Adopted this 10th day of August 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

17. Consider a Preliminary Application from Michael Cowan.

In accordance with City Code Chapter 62, Michael Cowan has submitted a preliminary application for water service outside the City limits. The property is located at 896 Crestmont Drive. The property is currently in Concord's ETJ and is zoned RM- 1. The applicant is proposing a single family home. City sanitary sewer is not available to this parcel.

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

18. Consider a revised Preliminary Application from Stephen and Lorraine Box.

In accordance with City Code Chapter 62, Stephen and Lorraine Box have submitted a preliminary application for water service outside the City limits. The property is located at 1621 Gold Hill Road. The property is currently in Concord's ETJ and is zoned RM- 1. The applicant is proposing a single family home. City sanitary sewer is not available to this parcel.

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

19. Consider allowing a change in project title for approved preliminary sewer allocation PSA-2022-00030 DairiO-Copperfield Commercial Subdivision.

PSA-2022-00030 DairiO-Copperfield Commercial Subdivision was approved by Council at the July 19, 2022 work session and has received a six month extension valid until January 19, 2024. The applicant, Craig Craver, has requested that the project be not specifically tied to DairiO but allowed to be any type of restaurant as long as the sewer flows do not exceed the approved amount of 3,000 gpd.

A motion was made by Council Member King and seconded by Council Member Sweat to allow a change in project title from PSA-2022-00030 DairiO-Copperfield Commercial Subdivision to Restaurant-Copperfield Commercial Subdivision.

* * * * *

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

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

CONSENT AGENDA ITEM A

A License to Attach Banners to City of Concord Property was approved for Conder Flag Company for the placement of temporary race banners on Bruton Smith Blvd and Hwy 29

CONSENT AGENDA ITEM B

A \$1,000 donation from the Mayor's Golf Tournament Fund to the Junior Charity League of Concord was approved and the following budget ordinance appropriating the donation was adopted.

ORD. #23-90

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8th day of June, 2023, adopt a City budget for the fiscal year beginning July 1, 2023 and ending on June 30, 2024, as amended; and

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

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

Account	Title	Revenues		(Decrease) Increase
		Current Budget	Amended Budget	
100-4370000	Fund Balance Appropriated	7,244,144	7,245,144	1,000
Total				1,000

Account	Title	Expenses/Expenditures		(Decrease) Increase
		Current Budget	Amended Budget	
4190-5470043	Golf Tournaments	2,500	3,500	1,000
Total				1,000

Reason: To appropriate Mayor Golf Tournament reserves for a donation to the Junior Charity League for The Mariam C. Schramm Clothing Room.

Adopted this 10th day of August, 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM C

Concord-Padgett Regional Airport staff was authorized to apply for the FY24 North Carolina Department of Transportation State Transportation Improvement Program (STIP) Grant.

CONSENT AGENDA ITEM D

The Rider Transit Public Transportation Agency Safety Plan Annual Update was reviewed and approved.

CONSENT AGENDA ITEM E

Offers of infrastructure at Amhurst Subdivision PH 2, Copperfield Market Buildings 2,3 and 7, Heritage Ridge at Moss Creek Subdivision, Ellenwood Park Subdivision, Granary Oaks Subdivision were accepted.

CONSENT AGENDA ITEM F

An offer of dedication was accepted on the following plat and easements: 9101 Edenbury Drive Subdivision.

CONSENT AGENDA ITEM G

The addition of new HUD issued regulations within the policies and procedures manual for the City of Concord HOME Consortium Manual, City of Concord HOME Manual and Concord’s HOME-American Rescue Plan (HOME-ARP) Manual were approved.

CONSENT AGENDA ITEM H

The certification for SEMAP for fiscal year ending June 30, 2023 was approved.

CONSENT AGENDA ITEM I

The following project ordinance amendment to decrease HOME program income for FY23 by \$60,514.

ORD. #23-91

GRANT PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized and amended are the projects included in the HOME 2022 Grant.

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

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

Revenues

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
320-4355000				
320-4355000	Home Program Income	\$1,145,154	\$1,084,640	(\$60,514)
Total				(\$60,514)

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>
3216-5480012				
3216-5480012	Match/PI Exp	\$131,006	\$69,774	(\$60,514)
Total				(\$60,514)

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

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 10th day of August, 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM J

The following project ordinance amendment to increase CDBG program income for FY23 by \$88,001.

ORD. #23-92

GRANT PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized and amended are the projects included in the CDBG 2022 Grant

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

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

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
310-4355000		\$111,21		
310-4355000	Program Income	2	\$199,213	\$88,001
Total				\$88,001

SECTION 4. The following amounts are appropriated for the project

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
3119-5480012				
3119-5480012	Match/PI Exp	\$2,000	\$90,001	\$88,001

3118-5194000				
3118-5194000	Contract Services	\$9,000	\$6,798	(\$2,202)
3118-5294000				
3118-5294000	Miscellaneous Pay	\$2,291	\$0	(\$2,291)
3118-5299000				
3118-5299000	Supplies-Departmental	\$3,685	\$4,631	\$946
3118-5312000				
3118-5312000	Travel & Training	\$2,000	\$1,706	(\$294)
3118-5370000				
3118-5370000	Advertising	\$2,500	\$1,608	(\$892)
3118-5491000				
3118-5491000	Dues & Subscriptions	\$1,016	\$899	(\$117)
3118-5183000				
3118-5183000	Group Insurance	\$9,814	\$11,518	\$1,704
3118-5121000				
3118-5121000	Regular	\$82,070	\$84,174	\$2,104
3118-5181000				
3118-5181000	FICA	\$6,279	\$6,234	(\$45)
3118-5182000				
3118-5182000	Retirement-General	\$9,930	\$10,259	\$329
3118-5187000				
3118-5187000	401K Contribution	\$3,282	\$3,381	\$99
3118-5321000				
3118-5321000	Telephone	\$0	\$616	\$616
3119-5483200		\$209,92		
3119-5483200	Clearwater Artist Studios	9	\$209,972	\$43
Total				\$88,001

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 10th day of August, 2023.

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 addition of the Technical Specialist (Grade IT03) with a salary range of \$58,672.55 (minimum) - \$77,447.76 (midpoint) - \$96,809.70 (maximum) was approved.

CONSENT AGENDA ITEM L

The second quarter water and wastewater extension report for 2023 was received.

CONSENT AGENDA ITEM M

The monthly report on investments as of June 30, 2023 was accepted.

CONSENT AGENDA ITEM N

The Tax Office collection reports for the month of June 2023 were accepted.

CONSENT AGENDA ITEM O

The Tax releases/refunds for the month of June 2023 were approved.

* * * * *

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

William C. Dusch, Mayor

Kim J. Deason, City Clerk