

CONCORD CITY COUNCIL  
REGULAR MEETING  
APRIL 11, 2024

A regular meeting of the City Council for the City of Concord, North Carolina, was held in the 3<sup>rd</sup> floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on April 11, 2024, at 6:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

**Members Present:**

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

**Others Present:**

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

\* \* \* \* \*

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

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

\* \* \* \* \*

**Approval of Minutes:**

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to approve the minutes for the meetings of February 16, February 20, March 12, and March 14, 2024—the vote: all aye.

\* \* \* \* \*

**Presentations:**

1. On behalf of the American Legion Post 51, Mr. Tom Faggart presented the 2023 Oakwood Cemetery Military Burial Roster to the City of Concord, the Concord Police Department, and Oakwood Cemetery.

In addition, an American Legion Commendation Plaque was presented to Kathy Dean, Regent of the Concord DAR Chapter, to recognize her efforts in organizing the 2022 and 2023 Wreath Across America events in Oakwood Cemetery.

**2. Mayor Dusch presented the Distinguished Budget Award from the Government Finance Officers Association of the United States and Canada to the Budget Manager, Lesley Reder.**

Receipt of the award for the FY 2024 budget marks the 22nd consecutive year the City has been awarded this recognition.

**3. Mayor Dusch presented a Proclamation recognizing April 18th, 2024 as National Lineworker Appreciation Day in the City of Concord.**

#### **Departmental Reports:**

##### **1. Parks and Recreation Bond update**

The Parks and Recreation Director provided an update on the Parks and Recreation Bond projects.

##### **2. Downtown Streetscape update**

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

#### **Public Hearings:**

**1. Conduct a public hearing and consider adopting the Agency Annual Plan that updates the policies governing the Public Housing Program.**

The Housing Department staff is required to submit an Agency Annual Plan to the United States Department of Housing and Urban Development (HUD) every year seventy-five (75) days prior to the beginning of the fiscal year. This plan must be available for public review for forty-five (45) days prior to adoption and submission. The plan has been completed and ready for review since March 3, 2024. A public hearing must be held prior to adoption for any public comments relative to the proposed changes in the department's Agency Annual Plan. Updated policies include: 1) conversion of Public Housing to Project- Based Rental Assistance or Project-Based Vouchers under RAD; and 2) continue to work with Planning and Neighborhood Development and WeBuild Concord on building more affordable market rate rentals.

The most recent revision to the 5-year plan, approved by HUD on 10/5/2023, continues to place an emphasis on infrastructure improvements such as HVAC and appliance upgrades, tree removal for hazard mitigation purposes, unit abatement/turnarounds and other unit upgrades.

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

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

A motion was made by Council Member Crawford and seconded by Council Member Stocks to adopt the updated Agency Annual Plan for the Concord Housing Department—the vote: all aye.

**2. Conduct a public hearing and consider adopting an ordinance annexing +/-67.037 acres at 4744 & 4722 Stough Rd, (PINs 5518-75-5722, 5518-86 -5204) owned by McGrath RentCorp.**

The request is for voluntary annexation. If annexation is approved, the request for zoning to City of Concord I -1 (Light Industrial) will be presented to the Planning and Zoning Commission at the May 21, 2024, meeting. The 2030 Land Use Plan designates the subject property as “Industrial/Employment.” City of Concord I-1 (Light Industrial) is a corresponding zoning district to the Land Use Category and would be compatible with the surrounding zoning.

The submitted request is not for a conditional district, so all uses permitted within the I-1 (Light Industrial) zoning classification would be permitted. However, the applicant has submitted a site plan demonstrating the layout for an expansion of trailer storage which would connect to their existing adjacent parcel. No buildings are proposed. Any development of the subject property would require technical site plan review and approval and must meet the standards set forth in the CDO (Concord Development Ordinance) as well as other applicable regulations.

The Acknowledgement of Risk form, related to sewer limitations, has been signed and it has been noted from the applicant that no uses are being proposed that would require sewer.

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

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

Mike McGrath and Chase Burton stated they were in attendance to answer questions the Council may have had.

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

A motion was made by Council Member Crawford and seconded by Council Member Sweat to adopt the following annexation ordinance and set the effective date for April 11, 2024—the vote: all aye.

ORD.# 24-22

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE +/- 67.037 ACRES OF PROPERTY LOCATED AT 4744 & 4722 STOUGH RD, CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by the City of Concord, on April 11<sup>th</sup>, 2024 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 April 11, 2024 after due notice by The Independent Tribune on March 31<sup>st</sup>, 2024; 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 11<sup>th</sup> day of April 2024:

Parcel #1

Beginning at an Iron Pipe found on the westerly margin of Stough Road (State Road 1309 and being a 60' Public R/W) at the southeasterly corner of the Dalas-Auto, LLC property as recorded in Deed Book 16194, Page 150 in the Cabarrus County Public Registry, said Iron Pipe is located at NC State Grid coordinates of 586,631.75 North, 1,518,645.69 East (NAD 83/2011). Thence N 71-25-28 E a distance of 18.35 feet to an Iron Pin found within said Stough Road right-of-way on the westerly boundary of the Gelegenheit Properties, LLC and Zugzwang Properties, LLC property as recorded in Deed Book 12353, Page 16 in said Registry; thence with the westerly boundary of said Gelegenheit Properties, LLC property S 27-51-09 E a distance of 23.98 feet to an Iron Pipe found at the northwesterly corner of the Smith Family of Cabarrus, LLC property as recorded in Deed Book 8592, Page 198 in said Registry; thence with the westerly boundary of said Smith Family property S 27-51-09 E a distance of 135.45 feet to a point; thence S 53-33-15 W a distance of 3.48 feet to an Iron Pin set at the northeasterly corner of the Leon and Shelby Stough Irrevocable Trust property Tract Two as recorded in Deed Book 13651, Page 196 in said Registry; thence with said Stough Irrevocable Trust property the following three (3) lines: (1) S 53-33-15 W a distance of 695.99 feet to an Iron Pipe found; (2) S 27-40-44 E a distance of 126.47 feet Iron Pipe found; (3) N 53-33-15 E a distance of 696.96 feet to an Iron Pin set; thence N 53-33-15 E a distance of 3.01 feet to a point on the westerly boundary of aforesaid Smith Family of Cabarrus, LLC property; thence with said Smith Family property S 27-51-09 E a distance of 29.17 feet to a point; thence S 44-28-23 W a distance of 3.42 feet to an Iron Pin found at the northwesterly corner of the McGrath RentCorp property as recorded in Deed Book 15893, Page 164 in said Registry; thence with the northerly boundary of said McGrath RentCorp property the following two (2) lines: (1) S 44-28-23 W a distance of 1,929.29 feet to an Iron Pipe found; (2) S 63-44-05 W a distance of 1,173.90 feet (passing an Iron Pipe found at 1065.87 feet) to a point in Coddle Creek said point being on the easterly boundary of the J.B. Hardister property (Cabarrus County PIN 55184358490000); thence the following seven (7) lines within Coddle Creek: (1) with the easterly boundary of said J.B. Hardister property N 45-46-55 W a distance of 194.71 feet to a point; (2) continuing with the easterly boundary of said J.B. Hardister property and continuing with the easterly boundary of the J.G. Blackwelder property as recorded in Deed Book 8890, Page 159 in said Registry N 43-00-39 W a distance of 539.57 feet to a point; (3) continuing with the easterly boundary of said J.G. Blackwelder property N 17-42-39 W a distance of 230.05 feet to a point; (4) continuing with the easterly boundary of said J.G. Blackwelder property N 6-45-21 E a distance of 159.78 feet to a point; (5) continuing with the easterly boundary of said J.G. Blackwelder property and further continuing with the easterly boundary of the Hawick Commons Homeowners Association property as recorded in Map Book 32, Pages 82-83 in said Registry N 47-38-02-E a distance of 121.32 feet to a point; (6) continuing with the easterly boundary of said

Hawick Common HOA property N 63-30-49 E a distance of 342.81 feet to a point; (7) with the easterly boundary of said Hawick Commons HOA property N 10-21-45 E a distance of 238.73 feet to a point at the southeasterly corner of the Motorsports Investments, LLC property as recorded in Deed Book 14009, Page 296 in said Registry; thence with the southerly boundary of said Motorsports Investments, LLC property the following three (3) lines: (1) N 70-07-49 E a distance of 167.68 feet to an Iron Pin found; (2) N 72-38-26 E a distance of 253.49 feet to an Iron Pin found; (3) N 71-27-48 E a distance of 434.11 feet to an Iron Pin found at the southeasterly corner of the N.S. McIntosh property as recorded in Deed Book 15464, Page 214 in said registry; thence with the southerly boundary of said N.S. McIntosh property N 71-24-45 E a distance of 99.98 feet to an Iron Pin found at the southeasterly corner of the Stough Road Development, LLC property as recorded in Deed Book 7538, Page 318 in said Registry; thence with the southerly boundary of said Stough Road Development property and continuing with the DND Services, LLC property as recorded in Deed Book 8683, Page 153 in said Registry and further continuing with the Valjevac International, LLC property as recorded in Deed Book 8683, Page 155 in said Registry N 71-26-15 E a distance of 295.54 feet to an Iron Pipe found at the southeasterly corner of the H.E. Horne property as recorded in Deed book 9791, Page 94 in said Registry; thence with the southerly boundary of said H.E. Horne property N 71-25-23 E a distance of 100.29 feet to an iron Pipe found at the southeasterly corner of the Karina Investments, LLC property as recorded in Deed Book 8384, Page 317 in said Registry; thence with the southerly boundary of said Karina Investments property the following two (2) lines: (1) N 71-28-49 E a distance of 32.86 feet to an Iron Pipe found; (2) N 71-15-04 E a distance of 117.08 feet to an Iron Pipe found at the southeasterly corner of the Pinto Holdings, LLC property as recorded in Deed Book 7347, Page 103 in said Registry; thence with the southerly boundary of said Pinto Holdings property N 71-28-14 E a distance of 150.93 feet to an Iron Pipe found at the southeasterly corner of the 6474 Properties, LLC property as recorded in Deed Book 16153, Page 316; thence with the southerly boundary of said 6474 Properties property N 71-07-07 E a distance of 160.83 feet to an Iron Pipe found; thence continuing with said 6474 Properties property and further continuing with the Motorsports Center, LLC property as recorded in Deed Book 9543, Page 176 in said Registry N 71-23-30 E a distance of 245.35 feet to an Iron Pin found at the southeasterly corner of Divine Hardwood Flooring & Construction, Inc. property as recorded in Deed Book 10397, Page 327 in said Registry; thence with the southerly boundary of said Divine Hardwood property N 71-16-16 E a distance of 100.92 feet to an Iron Pipe found at the southeasterly corner of aforesaid Dalas-Auto, LLC property; thence with the southerly boundary of said Dalas-Auto, LLC property N 71-20-38 E a distance of 332.24 feet to the Point and Place of Beginning, being 65.039 acres more or less. All as shown on that ALTA/NSPS Land Title Survey last revised on December 11, 2023 by J. Martin Zoutewelle, L-3498.

#### Parcel #2

Beginning at an Iron Pin set on the westerly margin of Stough Road (State Road 1309 and being a 60' Public R/W) at a southeasterly corner of the Leon and Shelby Stough Irrevocable Trust Tract One property as recorded in DB 13651, Page 196 in the Cabarrus County Public Registry; thence with the boundaries of said Stough Irrevocable Trust property the following three (3) lines: (1) S 53-33-15 W a distance of 695.99 feet to an Iron Pipe found; (2) S 27-40-44 E a distance of 126.47 feet to an Iron Pipe found; (3) N 53-33-15 E a distance of 696.96 feet to an Iron Pin set on the westerly margin of said Stough Road; thence with the westerly margin of said Stough Road N 28-06-45 W a distance of 126.32 feet to the Point and Place of Beginning, being 1.998 acres more or less. All as shown on that ALTA/NSPS Land Title Survey last revised on December 11, 2023 by J. Martin Zoutewelle, L-3498.

SECTION 2. Upon and after the 11<sup>th</sup> day of April, 2024 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 11<sup>th</sup> day of April 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**3. Conduct a public hearing and consider adopting an ordinance annexing +/- 15.382 acres at 10756 & 10758 Ellenwood Rd., PINs 4670-65-6370; 4670 -64-6808; 4670-65-5413 owned by Barbara Davis and Douglas & Beverly Howell for the construction of one hundred eight (108) rear load townhomes.**

Action was taken at the Tuesday, April 9<sup>th</sup>, Work Session to move this request to the May 9<sup>th</sup> City Council meeting.

**4. Conduct a public hearing to consider adopting an ordinance amending Article 8, “Use Regulations” and Article 14, “Definitions” of the Concord Development Ordinance (CDO) to create regulations to address “Tobacco and Hemp Retail.”**

In recent years, tobacco and hemp shops, notably with vaping supplies and smoking paraphernalia, have become an emerging land use which has spurred much discussion among the planning profession. The medical community has cited concerns with the impacts of such establishments, particularly as they relate to youth. Several jurisdictions in the State have adopted ordinances to regulate these uses, and others are in the process of drafting such regulations. The amendment simply defines the use and allows the use only in C-2 Commercial General. Tobacco and hemp retail would not be permissible in CC, C-1 or B-1. CC, C -1 and B-1 are neighborhood oriented zoning districts and this use is appropriate in a more intensive commercial district. The proposed definition is based upon information from other jurisdictions within the State, most notably Wake County.

The Concord Downtown Development Corporation (CDDC) Board of Directors submitted a letter supporting the proposed amendment. At their March 19, 2024 meeting, the Planning and Zoning Commission unanimously recommended the amendment to Council.



**SECTION 2:** That Section 14.1.2 be amended to include the following definition:

**TOBACCO AND HEMP RETAIL** – means the principal sales and distribution of:

- Any product that contains tobacco or nicotine, irrespective of whether the nicotine is tobacco-derived or synthetic, and is intended for human consumption, as defined by G.S. § 14-313(4). As used this subchapter, “tobacco product” includes but is not limited to: cigarettes, cigars, pipe tobacco, electronic cigarettes, hookah, smoked or vaped tobacco substitutes, chewing tobacco, snuff, snus, dissolvable tobacco products, and heated tobacco products. This tobacco product definition does not include nicotine replacement products approved by the USFDA for treatment of Tobacco use and dependence.
- Any product that contains tetrahydrocannabinol (THC), regardless of whether the THC is hemp-derived or synthetic. Products that contain no greater than .3 percent THC are exempt.
- Any product that contains *Mitragyna speciosa*, commonly known as kratom.
- Any electronic device that delivers nicotine, THC or other substances to the person inhaling from the device, including but not limited to, an electronic cigarette, electronic cigar, electronic pipe, vape or electronic hookah.
- Tobacco and hemp retail shall also mean any person who primarily sells, offers for sale, or does or offers to exchange any form of consideration, tobacco, tobacco products, or tobacco paraphernalia.

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

Adopted on this 11<sup>th</sup> day of April, 2024.

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 awarding a bid to D.L. Peoples Construction, Inc. in the amount of \$227,039 to construct a new home at 341 Broad Drive SW.**

The City of Concord continues to focus on affordable housing with a proposed new home at 341 Broad Drive. This two-bedroom, one and a half-bath home is 955 square feet in size and was selected to enhance the neighborhood. The quality of materials is always a focus for the City for new construction. By using solar board roof sheathing, which deflects the radiant heat of the sun, the house will stay cooler in the summer thus reducing utility costs while prolonging the life of HVAC equipment. In addition, by sealing all the joints to prevent air leakage, the cost to operate the HVAC is reduced. High performance windows have been added along with a passive radon remediation system to prevent future issues for homeowners. Raised heel trusses are used to allow the full amount of attic insulation even over the outer walls. The appliances are all Energy Star rated and typically rated high in consumer reviews regarding minimal maintenance. Additional wall insulation has been added to further increase the energy efficiency of the home. These components work together to allow the home to be affordable long after the initial purchase.



Staff solicited bids from eleven contractors. The lowest responsible bid was from D.L. Peoples Construction, Inc. for \$227,039. Funding for the construction will come from the City's HOME funds.

A motion was made by Council Member Stocks and seconded by Mayor Pro-Tem Parsley-Hubbard to award a bid to D.L. Peoples Construction, Inc. in the amount of \$227,039 to construct a new home at 341 Broad Drive SW—the vote: all aye.

**2. Consider adopting a Resolution Authorizing Issuance and Sale of Multifamily Housing Revenue Bonds (Coleman Mill Lofts), Series 2024.**

The City Council previously approved the issuance of up to \$34,130,000 of tax-exempt and taxable multifamily housing revenue bonds for Coleman Mill Lofts and the related bond documents at the November 10, 2022 meeting. At the time of that approval, it was expected that the bonds would be sold in a limited offering through Piper Sandler & Co., as the underwriter. STC Coleman Mill, LLC, the borrower for the project, has now determined to have the bonds sold in a private placement to Cedar Rapids Bank and Trust Company and has requested that the City Council approve this new financing structure and the updated bond documents reflecting the new structure. Additionally, it is now expected that the City will issue only the tax -exempt bonds for the project and that the taxable financing for the project will be set up as a direct loan between Cedar Rapids Bank and the borrower rather than as taxable bonds to be issued by the City. This is why the maximum principal amount of bonds that the City Council is being asked to approve has decreased from \$34,130,000 to \$20,630,000.

A motion was made by Council Member Crawford and seconded by Council Member Langford to adopt the following Resolution Authorizing Issuance and Sale of Multifamily Housing Revenue Bonds (Coleman Mill Lofts), Series 2024—the vote: all aye.

**RESOLUTION AUTHORIZING ISSUANCE AND SALE OF MULTIFAMILY HOUSING REVENUE BONDS (COLEMAN MILL LOFTS), SERIES 2024**

STC Coleman Mill, LLC, a North Carolina limited liability company, or an affiliated or related entity (the "Borrower"), has requested that the City of Concord, North Carolina (the "City") assist it in financing a portion of the cost of the acquisition of the historic Coleman Mill and the constructing, renovating and equipping therein of a 144-unit multifamily residential rental facility to be known as Coleman Mill Lofts and located at 625 Main Street SW in the City (the "Development") and the City has agreed to do so; and

WHEREAS, pursuant to Section 160D-1311(b) of the General Statutes of North Carolina, the City is granted the power to exercise directly the powers of a housing authority organized pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the "Act"); and

WHEREAS, the City proposes to provide the financing for the Development by the issuance of its Multifamily Housing Revenue Bonds (Coleman Mill Lofts), Series 2024, in one or more series, in an aggregate principal amount not to exceed \$20,630,000 (the "Bonds"); and

WHEREAS, the Bonds will be issued pursuant to a Bond Financing Agreement (the "Bond Financing Agreement"), among the City, the Borrower and Cedar Rapids Bank and Trust Company, as bondholder (the "Bondholder"); and

WHEREAS, the proceeds of the Bonds will be loaned to the Borrower pursuant to the Bond

Financing Agreement, for the purpose of paying a portion of the costs of the acquisition, construction, rehabilitation and equipping of the Development and paying certain issuance expenses in connection with the issuance of the Bonds; and

WHEREAS, the City proposes to authorize and, where applicable, execute the following instruments to carry out the transactions described above (each a "Document" and collectively the "Documents"):

- (a) the Bond Financing Agreement, together with the form of the Bonds attached thereto;
- (b) the Promissory Note of the Borrower in favor of the City (the "Borrower Note"), which will be assigned by the City to the Bondholder; and
- (c) the Regulatory Agreement and Declaration of Restrictive Covenants (the "Regulatory Agreement"), pursuant to which the Borrower will be required to operate the Development in accordance with Section 142(d) of the Internal Revenue Code of 1986, as amended;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD, NORTH CAROLINA DOES HEREBY RESOLVE, AS FOLLOWS:

1. The City hereby determines to provide financing to the Borrower for the acquisition, construction, renovation and equipping of the Development through the issuance of the Bonds pursuant to the Act, and the loan of the proceeds thereof in accordance with the Bond Financing Agreement.
2. The City hereby authorizes the issuance and sale of the Bonds pursuant to and in accordance with the terms set forth in the Bond Financing Agreement. The Bonds will bear interest at the rates and will mature and be redeemed in the years and amounts all as set forth in the Bond Financing Agreement; provided, however, that the aggregate principal amount of the Bonds shall not exceed \$20,630,000.
3. Each of the Mayor, the City Manager, the Finance Director and the City Clerk of the City or his or her respective designee is hereby authorized and directed to execute and deliver the Documents to the other parties thereto. Each of the Mayor, the City Manager, the Finance Director and the City Clerk of the City or his or her respective designee, is authorized and directed to execute and deliver such endorsements, assignments and other instruments as may be necessary to assign the Note and other security documents to the Bondholder.
4. Each of the Mayor, the City Manager, the Finance Director and the City Clerk of the City is hereby authorized and directed to execute and deliver the Bonds in the manner and subject to the conditions provided in the Bond Financing Agreement, to authenticate the Bonds, and to cause the Bonds so executed and authenticated to be delivered to or for the account of the Bondholder, or any affiliate thereof, upon payment of the purchase price therefor.
5. The Documents and the Bonds shall be in substantially the forms reviewed by staff and described herein, which are hereby approved, with such completions, omissions, insertions and changes as may be necessary or convenient to reflect the final terms of the Bonds, and as otherwise approved by the officers of the City executing them after consultation with counsel to the City, their execution to constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes.
6. Any authorization made hereby to the officers of the City to execute a document shall include authorization to the Mayor, the City Manager or the Finance Director of the City, or their respective designees, to execute the document, authorization to the City Clerk or any Assistant City Clerk to affix the seal of the City to such document and attest such seal and where appropriate, to deliver it to the other parties thereto, all in the manner provided in the Documents.
7. Such officers are hereby authorized and directed to execute and deliver any and all other documents, agreements, instruments, and certificates in the name and on behalf of the City as

may be necessary or desirable to the issuance of the Bonds. All other acts of the officers of the City that are in conformity with the purposes and intent of this resolution and in furtherance of the undertaking of the Development and the issuance and sale of the Bonds are hereby ratified, confirmed and approved.

8. This resolution shall take effect immediately.

This the 11<sup>th</sup> day of April 2024

CITY COUNCIL  
CITY OF ONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

**3. Consider approving a Resolution Authorizing the Negotiation of an Amendment to an Installment Financing Contract and Providing for Certain Other Related Matters Thereto.**

The CIP for the City includes the financing of Fire Station 6. Staff is recommending that the City move forward with this financing using Limited Obligation Bonds. The 2014A LOBS that were previously issued for the construction for City Hall are also eligible for refunding. Based on current market conditions showing savings if a refunding is done, staff is recommending that the 2014A LOBS be refunded at the same time that the 2024 LOBS are issued for Fire Station 6. As stated in the resolution, the not to exceed amount for the financing is \$29,000,000. The City has determined that the Police Headquarters is no longer necessary to serve as collateral under the Deed of Trust to secure the City's obligations under the Contract and therefore the City requests U.S. Bank Trust Company, National Association, as Trustee and assignee of the beneficiary under the Deed of Trust, to release the property described as the Police Headquarters in the Deed of Trust.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to adopt the following Resolution Authorizing the Negotiation of an Amendment to an Installment Financing Contract and Providing for Certain Other Related Matters Thereto—the vote: all aye.

RESOLUTION OF THE CITY OF CONCORD, NORTH CAROLINA, AUTHORIZING THE  
NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND  
PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

*WHEREAS*, the City of Concord, North Carolina (the “City”) is a municipal corporation validly existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the “State”);

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

*WHEREAS*, the City Council of the City (the “*City Council*”) determines that it is in the best interest of the City to finance the costs of constructing, equipping and furnishing a fire station and police substation to be located at the City’s airport (the “*2024 Project*”);

*WHEREAS*, the City Council has been advised and hereby determines that it may be advantageous to refinance all or a portion of the City’s outstanding installment obligations related to Certificates of Participation (City of Concord, North Carolina), Series 2014A (the “*Prior Certificates*”), the proceeds of which were used to finance the construction of City Hall and refinance the construction of the Police Headquarters and the acquisition, construction and improvement of other City facilities and equipment (the “*Prior Projects*”);

*WHEREAS*, the City has previously entered into an Installment Financing Contract, dated as of December 1, 2014 (the “*2014 Contract*”), with First Concord Corporation (the “*Corporation*”) to finance and refinance the Prior Projects;

*WHEREAS*, to secure its obligations under the 2014 Contract, the City executed and delivered a Deed of Trust, Security Agreement and Fixture Filing dated as of December 1, 2014 (the “*Deed of Trust*”) granting a security interest in the site of City Hall and the Police Headquarters and the real estate improvements thereon and appurtenances thereto;

*WHEREAS*, the Corporation has determined to assist the City with financing the 2024 Project and refinancing the Prior Projects and related Prior Certificates by the issuance of its additional Limited Obligation Bonds under the Indenture of Trust dated as of December 1, 2014 (the “*2014 Indenture*”) between the Corporation and U.S. Bank Trust Company, National Association, as trustee;

*WHEREAS*, for the Corporation to assist the City in financing the 2024 Project and refinancing the Prior Projects under the 2014 Indenture and the 2014 Contract, the City Council hereby determines that it is in the best interest of the City to enter into an amendment to the 2014 Contract (the “*First Amendment*” and together with the 2014 Contract, the “*Contract*”) with the Corporation;

*WHEREAS*, the City hereby determines that the 2024 Project and the refinancing of the Prior Projects are essential to the City’s proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the 2024 Projects will provide an essential use and will permit the City to carry out public functions that it is authorized by law to perform; and that entering into the First Amendment is necessary and expedient for the City by virtue of the findings presented herein;

*WHEREAS*, the City hereby determines that the First Amendment allows the City to finance the 2024 Project and refinance the Prior Projects at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the City;

*WHEREAS*, the City hereby determines that the estimated cost of financing the 2024 Project and refinancing of the Prior Projects is an amount not to exceed \$29,000,000, and that such cost of the 2024 Project and refinancing the Prior Projects exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

*WHEREAS*, although the cost of financing the 2024 Project and refinancing the Prior Projects pursuant to the First Amendment is expected to exceed the cost of financing the 2024 Project and refinancing the Prior Projects pursuant to a bond financing for the same undertaking, the City hereby determines that the cost of financing the 2024 Project and refinancing the Prior Projects pursuant to the First Amendment and the Deed of Trust and the obligations of the City thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of the 2024 Project and refinancing the Prior Projects; and (3) no revenues are produced by the 2024 Project and the Prior Projects so as to permit a revenue bond financing;

*WHEREAS*, the City has determined and hereby determines that the estimated cost of financing the 2024 Project and refinancing the Prior Projects pursuant to the First Amendment reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

*WHEREAS*, the City does not anticipate a future property tax increase to pay installment payments falling due under the First Amendment; however, any property tax increase, if necessary, to pay installment payments falling due under the First Amendment will not be excessive;

*WHEREAS*, no deficiency judgment may be rendered against the City in any action for its breach of the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any money due under the Contract;

*WHEREAS*, the City is not in default under any of its debt service obligations;

*WHEREAS*, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the City has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget Ordinance;

*WHEREAS*, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

*WHEREAS*, a public hearing on the execution and delivery of the First Amendment after publication of a notice with respect to such public hearing will be held by the City Council and approval of the LGC with respect to entering the First Amendment must be received before the execution and delivery thereof;

*WHEREAS*, the City Council hereby determines that all findings, conclusions and determinations of the City Council in this Resolution are subject to modification or affirmation prior to the execution and delivery of the First Amendment; and

*WHEREAS*, in connection with pursuing the financing described in this Resolution, the City has determined that the Police Headquarters is no longer necessary to serve as collateral under the

Deed of Trust to secure the City's obligations under the Contract and therefore the City requests U.S. Bank Trust Company, National Association, as Trustee and assignee of the beneficiary under the Deed of Trust, to release the property described as the Police Headquarters in the Deed of Trust;

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

Section 1. **Authorization to Negotiate the First Amendment.** The City Manager and the Finance Director, individually and collectively, with advice from the City Attorney and the City's bond counsel, are hereby authorized and directed to proceed and negotiate on behalf of the City the financing of the 2024 Project and refinancing of the Prior Projects for a principal amount not to exceed \$29,000,000 pursuant to the First Amendment to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina.

Section 2. **Application to LGC.** The Finance Director, or her designee, is hereby directed to file with the LGC an application for its approval of the First Amendment and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the City and its financial condition as may be required by the LGC.

Section 3. **Direction to Retain Professionals.** The Finance Director is hereby authorized and directed to retain the assistance of Parker Poe Adams & Bernstein LLP, as bond counsel; First Tryon Advisors, as financial advisor; U.S. Bank Trust Company, National Association, as trustee, and J.P. Morgan Securities, as managing underwriter. The Finance Director is hereby authorized to retain such other professionals as she deems necessary in her judgment to carry out the transaction contemplated in this Resolution.

Section 4. **Public Hearing.** In order to satisfy the requirements of Section 160A-20 of the General Statutes of North Carolina, as amended, the City Council will conduct a public hearing on May 9, 2024 at 6:00 p.m., or as soon thereafter as practicable, in the Council Chambers, City Hall, 35 Cabarrus Ave. W., Concord, North Carolina 28025 concerning the execution and delivery of the First Amendment (the "*Public Hearing*"). The City Clerk is hereby directed to cause notice of the Public Hearing to be published at least once in a qualified newspaper of general circulation within the City no fewer than 10 days prior to the Public Hearing.

Section 5. **Release of Property from Deed of Trust.** The City hereby requests that the Trustee, as the assignee of the beneficiary under the Deed of Trust, release in accordance with Section 1.14 of the Deed of Trust the property known as Police Headquarters located at 41 Cabarrus Ave W Concord, NC 28026 and described as Tract I in Exhibit A to the Deed of Trust from the lien created by the Deed of Trust. The legal description of the property to be released will be contained in the Deed of Partial Release, to be presented to the Trustee for its execution, and to be executed by the Deed of Trust trustee and recorded in the Cabarrus County Register of Deeds office.

The Mayor, the City Manager, the Finance Director and the City Clerk, and their respective designees, are hereby designated to act on behalf of the City to effectuate the release of property from the Deed of Trust as described in this Resolution, and all actions of such officers on behalf of the City with respect to such release, whether previously or hereinafter taken, are hereby approved, ratified and authorized.

Section 6. **Repealer.** All motions, orders, resolutions, and parts thereof in conflict herewith are hereby repealed.

Section 7. **Effective Date.** This Resolution is effective on the date of its adoption.

Read, approved and adopted this 11th day of April, 2024.

CITY COUNCIL  
CITY OF ONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

**4. Consider authorizing the City Manager to negotiate and execute a Housing Assistance Payments (HAP) contract with Logan Gardens LLC for the extension of the current Section 8 Project-Based Voucher Program (PBV) contract.**

The Villas at Logan Gardens is a forty-four (44) unit apartment complex for low-income seniors. The City of Concord and Logan Gardens LLC entered into a Section 8 Project-Based Voucher Program PBV Housing Assistance Payments Contract in March 2011 for the purpose of providing additional financial resources to current and future tenants of the Villas of Logan Gardens. This PBV site provides stable housing and subsidy for senior adults who operate on a fixed low-income. The HAP contract includes rent redetermination, provided by the Concord Housing Department, for all current one and two bedroom units and will extend to March 10, 2036, the maximum allowable time under HUD's PBV program requirements.

A motion was made by Council Member Stocks and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute an amended Housing Assistance Payments (HAP) contract with Logan Gardens LLC for the purpose of extending the current Section 8 Project-Based Voucher Program (PBV) contract for the Villas at Logan Gardens, a forty-four (44) unit apartment complex for low-income seniors—the vote: all aye.

**5. Consider authorizing the City Manager to negotiate and execute a contract with Queens Waterproofing and Restoration to perform repairs to the Parking Deck at Concord-Padgett Regional Airport.**

The Aviation Department conducted an onsite engineering assessment of the parking deck in 2022. The assessment indicated a good general condition and appears to be performing as expected. With all parking structures, there are certain components that need to be replaced periodically (every 5 to 7 years) to keep the structure in serviceable conditions. Based on the assessment, Aviation Department received ten sealed bids for the repairs to the deck on March 5, 2024. The consultant for the project, WGI, reviewed the bids and recommends Queens Waterproofing and Restoration, in the amount of \$191,900. The engineer's estimate for repairs was \$258,900.

A motion was made by Council Member Sweat and seconded by Mayor Pro-Tem Parsley-Hubbard to authorize the City Manager to negotiate and execute a contract with Queens

Waterproofing and Restoration in the amount of \$191,900 and to adopt the following budget amendment—the vote: all aye.

ORD.# 24-24

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8<sup>th</sup> 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:

		<u>Revenues</u>		
<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
680-4406000	Retained Earnings Appr	1,110,534	1,313,524	202,990
<b>Total</b>				<b>202,990</b>

		<u>Expenses/Expenditures</u>		
<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
4530-5440000	Maintenance Contracts	390,542	593,532	202,990
<b>Total</b>				<b>202,990</b>

Reason: The cost of a Concord Padgett Regional Airport Parking Deck Maintenance Repairs Contract. This item will be covered by CARES funds reimbursement that were transferred to Aviation Operations in FY23.

Adopted this 11th day of April, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor



ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**6. Consider authorizing the City Manager to negotiate and execute a contract with Basinger Contracting Company for the completion of the Coddle Creek WTP Sodium Hypochlorite System Upgrades project in the amount of \$2,677,400.**

This project was formally bid with bids being originally opened on January 24, 2024. After opening, the two lowest bids were deemed invalid due to missing required information and the third bid was significantly over the engineer's estimate and funding sources. All bids were rejected and the project was re-advertised as required. Bids were again received on March 14, 2024 with three bids received and all being determined to be valid. Basinger Contracting Company was the low bidder.

This project includes demolition of existing chemical feed system, piping, and storage tanks, equipment pads, and concrete containment in existing building, the repairs of concrete and construction of a new chemical feed, storage, and containment in existing building. Due to favorable bids on the Hillgrove Water Treatment Plant project, this project has been added as part of the revenue bond package.

A motion was made by Mayor Pro-Tem Parsley-Hubbard and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with Basinger Contracting Company for the completion of the Coddle Creek WTP Sodium Hypochlorite System Upgrades project in the amount of \$2,677,400—the vote: all aye.

**7. Consider authorizing the City Manager to negotiate and execute a contract with Bionomic Services Incorporated, Inc. to line 28,252 linear feet of sewer lines and the rehabilitation of 113 manholes.**

The Water Resource department performs inspections of the City's sewer lines and identifies those that need to be repaired or replaced. Lines that would cause excessive disturbance to the public if they were repaired or replaced by conventional methods, are earmarked for the cure-in-place pipe rehabilitation method (CIPP). The CIPP method allows the sewer lines to be rehabilitated without the disturbances to the public caused by the conventional method of excavation and replacement.

This project was publicly bid, eight (8) bids were received, and the lowest responsible bidder was Bionomic Services Incorporated, Inc. in the amount of \$1,293,073.95.

A motion was made by Council Member Langford and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute a contract with Bionomic Services Incorporated, Inc. in the amount of \$1,293,073.95 for the rehabilitation of 28,252 linear feet of sewer lines and 113 manholes—the vote: all aye.

**8. Consider a Preliminary Application from Angela Michelle Edwards.**

In accordance with City Code Chapter 62, Angela Michelle Edwards has submitted a preliminary application to receive water service outside the City limits. The property is located at 51 Ichabod

Circle, Concord NC. This parcel is within Subarea A of the Central Area Plan Interlocal agreement with the County. It is zoned county AO (Agricultural). The parcel is a single service lot of record in existence as of June 30, 2008 and is currently developed with a single family home. Water is available but sewer is not available to the parcel.

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

**9. Consider a Preliminary Application from Robert Cronin.**

In accordance with City Code Chapter 62, Robert Cronin has submitted a preliminary application to receive water service outside the City limits. The property is located at 5617 Mountaineer Lane, Concord NC. It is zoned county LDR. The parcel is currently developed with a single family home. Water is available but sewer is not available to the parcel.

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

**10. Consider making appointments/reappointments to the Concord United Committee.**

In April 2021, when the Concord United Committee members were first appointed, they were appointed to staggered terms with a group of members being appointed to a three (3) year term which will expire on April 30, 2024. Therefore, these members are eligible to be reappointed to their second full three (3) year term.

Also, Robert Kirk does not wish to be reappointed; therefore, that would create a vacancy on the Committee and leave a Co-chair position vacant.

This request will be considered at the April 23<sup>rd</sup> 2<sup>nd</sup> Work Session.

**Consent Agenda:**

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**

The unit number change for HOME agreement between STC Coleman Mills, LLC and the City of Concord related to the rehabilitation of Coleman Mills was approved.

**CONSENT AGENDA ITEM B**

A default policy for residents who fail to comply with terms of the rehabilitation program Deed of Trust and Note was approved.

**CONSENT AGENDA ITEM C**

The Fire Department staff was authorized to apply for the OSFM summer camp grant.

**CONSENT AGENDA ITEM D**

The U.S. Department of Energy, Bipartisan Infrastructure Legislation (BIL) 2021, Energy Efficiency and Conservation Block Grant Program (EECBG) grant award was accepted and the following budget ordinance was adopted to amend the budget for the Electric, Housing and Planning & Neighborhood Development Departments capital projects to appropriate Department of Energy grant funds received.

ORD.# 24-25

U.S. Department of Energy  
BIPARTISAN INFRASTRUCUTRE LEGISLATION (BIL) 2021  
Energy Efficiency and Conservation Block Grant Program

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8<sup>th</sup> 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 Cit of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

		<u>Revenues</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
690-4603000	Grants Proceeds	0	36,418	36,418
		<b>Total</b>		<b>36,418</b>

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

		<u>Expenses/Expenditures</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
1000-5540000	Vehicles - Capital	0	36,418	36,418
		<b>Total</b>		<b>36,418</b>

Reason: To appropriate the U.S. Department of Energy BIPARTISAN INFRASTRUCUTRE LEGISLATION (BIL) 2021 Energy Efficiency and Conservation Block Grant Program award.

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of April, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 24-26

U.S. Department of Energy  
BIPARTISAN INFRASTRUCUTRE LEGISLATION (BIL) 2021  
Energy Efficiency and Conservation Block Grant Program

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8<sup>th</sup> 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 Cit of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

		<u>Revenues</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
610-4603000	Grants Proceeds	0	81,104	81,104
		<b>Total</b>		<b>81,104</b>

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

		<u>Expenses/Expenditures</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
7240-554000	Vehicles - Capital	337,452	418,556	81,104
		<b>Total</b>		<b>81,104</b>

Reason: To appropriate the U.S. Department of Energy BIPARTISAN INFRASTRUCUTRE LEGISLATION (BIL) 2021 Energy Efficiency and Conservation Block Grant Program award.

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of April, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 24-27

U.S. Department of Energy  
BIPARTISAN INFRASTRUCUTRE LEGISLATION (BIL) 2021  
Energy Efficiency and Conservation Block Grant Program

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8<sup>th</sup> 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 Cit of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

<b>Account</b>	<b>Title</b>	<b><u>Revenues</u></b>		
		<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
100-4603000	Grants Proceeds	116,171	152,589	36,418
<b>Total</b>				<b>36,418</b>

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

<b>Account</b>	<b>Title</b>	<b><u>Expenses/Expenditures</u></b>		
		<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
4910-5540000	Vehicles - Capital	0	36,418	36,418
<b>Total</b>				<b>36,418</b>

Reason: To appropriate the U.S. Department of Energy BIPARTISAN INFRASTRUCUTRE LEGISLATION (BIL) 2021 Energy Efficiency and Conservation Block Grant Program award.

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of April, 2024.

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 E**

A License to Attach Banners to City of Concord Property to Conder Flag Company for the placement of temporary race banners on Bruton Smith Blvd and Hwy 29 to promote the Coca Cola 600 Memorial Weekend Race was approved.

**CONSENT AGENDA ITEM F**

The offer of dedication on the following plat and easements was accepted: Piper Landing Subdivision Phase 2, Map 1.

**CONSENT AGENDA ITEM G**

The maintenance agreements and accept the offers of dedication from The Villas at Rocky River (PIN 5527-42-8844) were accepted.

**CONSENT AGENDA ITEM H**

An offer of infrastructure at The Mills at Rocky River PH 2C MP 3 and Troutman Enterprises was accepted.

**CONSENT AGENDA ITEM I**

A donation in the amount of \$1,500 from the Mayor's Golf Tournament Fund to The Big E-The Elephant in the Room Life Changers, Inc. was approved and the following budget ordinance appropriating the donation was adopted.

ORD.# 24-28

**AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE**

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8<sup>th</sup> 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:

**Revenues**

<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
100-4370000	Fund Balance Appropriated	7,332,420	7,333,920	1,500
<b>Total</b>				<b>1,500</b>

**Expenses/Expenditures**

<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
4190-5470043	Golf Tournaments	18,550	20,050	1,500
<b>Total</b>				<b>1,500</b>

Reason: To appropriate Mayor Golf Tournament reserves for a donation to The Big E-The Elephant in the Room Life Changers, Inc. to assist with community events such as Bowl for Autism, the first Inaugural Suicide Awareness 5K Walk/Run in Cabarrus County, and the Healthy Food Harvest.

Adopted this 11th day of April, 2024.

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**

A \$2,500 donation from the Mayor's Golf Tournament Fund to the Cabarrus Arts Guild was approved and the following budget ordinance appropriating the donation was adopted.

ORD.# 24-29

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8<sup>th</sup> 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	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4370000	FundBalance Appropriated	7,333,920	7,336,420	2,500
	<b>Total</b>			<b>2,500</b>

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4190-5470043	Golf Tournaments	20,050	22,550	2,500
	<b>Total</b>			<b>2,500</b>

Reason: To appropriate Mayor Golf Tournament reserves for a donation to the Cabarrus Arts Guild.

Adopted this 11th day of April, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM K**

The following budget ordinance was adopted to amend the FY 2023/2024 Budget Ordinance for the General Fund to appropriate funds for a donation from the Mayor's Golf Tournament Fund to Be the Lite CDC, Inc. Summer Enhancement Program.

ORD.# 24-30

**AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE**

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8<sup>th</sup> 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	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4370000	Fund Balance Appropriated	7,330,420	7,332,420	2,000
<b>Total</b>				<b>2,000</b>

<u>Expenses/Expenditures</u>				
Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4190-5470043	Golf Tournaments	16,550	18,550	2,000
<b>Total</b>				<b>2,000</b>

Reason: To appropriate Mayor Golf Tournament reserves for a donation to Be the Lite CDC, Inc Summer Enhancement Program.

Adopted this 11th day of April, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM L**

The following General Fund operating budget amendment and General Fund Project Fund project budget amendment was adopted for the Charlie District renovation project.

ORD.# 24-31

**AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE**

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8<sup>th</sup> 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	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
<b>Total</b>				

Account	Title	<u>Expenses/Expenditures</u>		
		Current Budget	Amended Budget	(Decrease) Increase
4310-5351000	Transfer to Project	150,000	270,000	120,000
4310-5550000	Equipment-Capital	120,000	0	(120,000)
<b>Total</b>				<b>0</b>

Reason: To move funds in operating budget for the Charlie District Renovation project to the project fund.

Adopted this 11th day of April, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 24-32

**CAPITAL PROJECT ORDINANCE  
General Capital Projects**

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

SECTION 1. The projects authorized are General Capital Projects for Charlie District

Renovation.

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

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

**Revenues**

<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
100-4501100	Transfer from Gen Fund	12,014,549	12,134,549	120,000
<b>Total</b>				<b>120,000</b>

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

**Expenses/Expenditures**

<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
8804-811297	Charlie District Renov	250,000	370,000	120,000
<b>Total</b>				<b>120,000</b>

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of April, 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM M**

The Tax Office collection reports for the month of February 2024 were accepted.

**CONSENT AGENDA ITEM N**

The Tax releases/refunds for the month of February 2024 were approved.

**CONSENT AGENDA ITEM O**

The monthly report on status of investments as of February 29, 2024 was received and accepted.

\* \* \* \* \*

A motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Parsley-Hubbard to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(3) to consult with the Attorney to protect the attorney-client privilege and to give instructions concerning a judicial action titled City of Concord vs. Barber Scotia College, Inc; and N.C. General Statute 143-318.11(a)(4) to discuss the location or expansion of industries or other businesses in the area served by this public body—the vote: all aye.

\* \* \* \* \*

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

---

William C. Dusch, Mayor

---

Kim J. Deason, City Clerk