

CONCORD CITY COUNCIL
REGULAR MEETING
MAY 9, 2024

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 May 9, 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

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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 Sweat and seconded by Council Member Crawford to approve the minutes for the meetings of March 26, April 9, and April 11, 2024—the vote: all aye.

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Presentations:

- 1. Mayor Dusch presented a Proclamation recognizing the week of May 10-16, 2024 as National Police Week.**
- 2. Mayor Dusch presented a Proclamation recognizing the month of May as Mental Health Awareness month.**

Departmental Reports:

1. Parks and Recreation Bond update

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

Mayor Pro-Tem Parsley-Hubbard asked if the Afton Park project was still on schedule. The Parks and Recreation Director confirmed the project is still on schedule.

2. 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:

- The following spoke in regards to sewer allocation for each of their projects:

Jud McAdams, Ann Shaughnessy & Chase Irvin

Bob Bennett

Craig Craver

Chase Irvin

- Megan Mack addressed the Council in regards to the homeless population in Concord and Cabarrus County; specifically, in regards to children. She spoke favorably of the WeBuild and affordable housing efforts.

Public Hearings:

1. Conduct a public hearing to consider adopting a resolution approving an amendment to an installment financing contract.

The City is planning to issue Limited Obligation Bonds to finance the costs of constructing, equipping and furnishing a fire station and police substation to be located at the Concord-Padgett Regional Airport. If rates are advantageous, the City will also refinance the 2014A LOBS that were used to finance the construction of City Hall. The 2024 LOBS will be issued with First Concord Corporation. Notice of the public hearing was published in the April 28th Independent Tribune.

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 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.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to adopt the following resolution approving an amendment to an installment financing contract—the vote: all aye.

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

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 of such property;

WHEREAS, the City Council of the City (the “*City Council*”) has previously determined and hereby determines that it is in the best interest of the City to (1) finance the costs of constructing, equipping and furnishing a fire station and police substation to be located at the City’s airport (the “*2024 Projects*”) and (2) if advantageous to the City, refinance all or a portion of the City’s outstanding installment obligations related to Limited Obligation Bonds (City of Concord, North Carolina), Series 2014A (the “*2014A Bonds*”), 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 “*2014 Projects*” and together with the 2024 Projects, the “*Projects*”);

WHEREAS, the City previously entered into an Installment Financing Contract, dated as of December 1, 2014 (the “*2014 Contract*”), with the First Concord Corporation (the “*Corporation*”) to finance and refinance the 2014 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*”), as amended, granting a security interest in the site of City Hall and the real estate improvements thereon and appurtenances thereto;

WHEREAS, the City Council has previously determined and hereby determines that it is in the best interest of the City to enter into Amendment Number One to the Installment Financing Contract (the “*First Amendment*” and together with the 2014A Contract, the “*Contract*”) with the Corporation to (1) finance and refinance Projects and (b) pay the costs related to the execution and delivery of the First Amendment;

WHEREAS, to assist the City with the financing of the 2024 Projects and refinancing of the 2014 Projects and related 2014A Bonds, the Corporation will execute and deliver its Limited Obligation Bonds (City of Concord, North Carolina), Series 2024 (the “*2024 Bonds*”) in an aggregate principal amount not to exceed \$29,000,000, evidencing proportionate undivided interests in rights to receive certain Revenues (as defined in the Contract) pursuant to the Contract;

WHEREAS, in connection with the sale of the 2024 Bonds to J.P. Morgan Securities LLC, as underwriter (the “*Underwriter*”), the Corporation will enter into a Contract of Purchase (the “*Purchase Contract*”) between the Corporation and the Underwriter relating to the 2024 Bonds, and the City will execute a Letter of Representation to the Underwriter (the “*Letter of Representation*”);

WHEREAS, there have been described to the City Council the forms of the following documents (collectively, the “*Instruments*”), copies of which have been made available to the City Council, which the City Council proposes to approve, enter into, and deliver, as applicable, to effectuate the proposed installment financing:

- (1) the First Amendment;
- (2) a Supplemental Indenture, Number 1 between the Corporation and U.S. Bank Trust Company, National Association, as successor trustee (the “*Trustee*”), which supplements an Indenture of Trust dated as of December 1, 2014, between the Corporation and the Trustee, including the form of the 2024 Bonds;
- (3) the Purchase Contract; and
- (4) the Letter of Representation.

WHEREAS, to make an offering and sale of the 2024 Bonds, there will be prepared a Preliminary Official Statement with respect to the 2024 Bonds (the “*Preliminary Official Statement*”), a draft thereof having been made available to the City Council, and a final Official Statement relating to the 2024 Bonds (together with the Preliminary Official Statement, the “*Official Statement*”), which Official Statement will contain certain information regarding the City and the 2024 Bonds;

WHEREAS, it appears that each of the Instruments and the Preliminary Official Statement is in an appropriate form and is an appropriate instrument for the purposes intended;

WHEREAS, a public hearing on the First Amendment and the Projects to be financed and refinanced thereby after publication of a notice with respect to such public hearing must be held and the City Council conducted such public hearing at its May 9, 2024 meeting; and

WHEREAS, the City has filed an application to the Local Government Commission of North Carolina (the “*LGC*”) for approval of the First Amendment and will receive the approval of the LGC before executing and delivering the First Amendment;

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

Ratification of Instruments. All actions of the Mayor, the City Manager, the Finance Director and the City Clerk, including anyone serving as such in an interim capacity, and their respective designees (individually and collectively, the “*Authorized Officers*”), whether previously or hereinafter taken, in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Authorization of the Official Statement. The form, terms and content of the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the Underwriter’s use of the Preliminary Official Statement and the final Official Statement in connection with the offering and sale of the Bonds is hereby in all respects authorized, approved and confirmed. The Authorized Officers are hereby authorized and directed to deliver, on behalf of the City, the Official Statement in substantially such form, with such changes, insertions and omissions as they may approve.

Authorization to Execute the First Amendment. The City hereby approves the financing of the 2024 Projects and refinancing of the 2014A Projects pursuant to the 2014A Contract and the First Amendment, which will be a valid, legal and binding obligation of the City in accordance with its terms. The form and content of the First Amendment are hereby in all respects authorized, approved and confirmed, and the Authorized Officers are hereby authorized, empowered and directed to execute and deliver the First Amendment, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as they deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all changes, modifications, additions or deletions therein from the form and content of the First Amendment presented to the City Council. From and after the execution and delivery of the First Amendment, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the First Amendment as executed.

Approval of the Purchase Contract and Authorization to Execute the Letter of Representation. The form and content of the Purchase Contract, including the Letter of Representation, are hereby approved in all respects. The Authorized Officers are authorized to execute the Letter of Representation for the purposes stated therein, including necessary counterparts, in substantially the form and content of the Letter of Representation presented to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Letter of Representation presented to the City Council. From and after the execution and delivery of the Letter of Representation, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Letter of Representation as executed.

City Representative. The Authorized Officers are each hereby designated as the City's representative to act on behalf of the City in connection with the transactions contemplated by the Instruments and the Official Statement, and the Authorized Officers are authorized to proceed with the financing in accordance with the Instruments and to seek opinions as a matter of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The City's representative and/or designee or designees are in all respects authorized on behalf of the City to supply all information pertaining to the City for use in the Official Statement and the transactions contemplated by the Instruments or the Official Statement. The City's representatives or their respective designees are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Instruments or the Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution and the on-going administration of the Instruments. Any provision in this Resolution that authorizes more than one officer of the City to take certain actions shall be read to permit such officers to take the authorized actions either individually or collectively and any action authorized may be taken by anyone designated to act on their behalf.

Refunding. The Finance Director is hereby authorized to pursue the refunding of all or a portion of the City's outstanding installment obligations related to the 2014A Bonds if she determines in her discretion that it is advantageous to the City for the purpose of lowering the City's debt service costs, and if so, the Authorized Officers are each hereby authorized to do any and all other things necessary to complete the steps necessary for the refunding of the 2014A Bonds.

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

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

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

Read, approved and adopted this 9th day of May 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

2. 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.

The request is for voluntary annexation of +/- 15.382 acres of property on Ellenwood Rd. The property is currently zoned Cabarrus County LDR (Low Density Residential) . The developer has proposed to construct one hundred eight (108) rear load townhomes. If annexation is approved, the request for zoning to City of Concord RV-CD (Residential Village-Conditional) will be presented to the Planning and Zoning Commission at the June 18, 2024, meeting. The 2030 Land Use Plan designates the subject property as “Village Center.” City of Concord RV-CD (Residential Village-Conditional) is a corresponding zoning district to the Land Use Category and would be compatible with the surrounding zoning.

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

Bridget Grant spoke in favor of the request. Ms. Grant is the developer for the proposed project.

Michael Shea spoke in favor of the request.

Eddie Moore was in attendance to answer any questions from the Council.

Ryan Cole, 775 Barossa Valley Drive, spoke in opposition to the request. He stated he is concerned with over crowding of the area schools.

Mayor Dusch asked if the developer would need to apply for sewer allocation should the annexation be approved. The Planning and Neighborhood Development Services Director stated yes, the developer would need to apply for sewer allocation if annexation is approved.

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

Council Member McKenzie stated he was in opposition to the request and gave his reasons why. Mayor Pro-Tem Parsley-Hubbard and Council Members Crawford and Stocks agreed.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to deny the annexation request—the vote: all aye.

3. Conduct a public hearing to consider adopting an ordinance amending Article 8 “Use Regulations,” “Residential Use Categories,” and Article 14 “Definitions” of the Concord Development Ordinance (CDO) to create regulations to address “Keeping of Chickens.”

In recent years, urban homesteading has been gaining popularity, notably with the keeping of domestic fowl in residential districts for egg production and family pets. Several jurisdictions in the State have adopted ordinances to regulate the keeping of domestic fowl, many of which were researched in the drafting of this ordinance.

The proposed amendment allows for the keeping of domestic female chickens on single-family detached or manufactured home residential lots, as an accessory use. Up to five (5) total chickens may be kept on a lot that is between one-half acre (0.50 ac) and one acre (1.0 ac) in area; up to ten (10) total chickens may be kept on a lot that is at least one acre (1.0 ac); and, up to fifteen (15) chicken may be kept on a lot that is at least two acres (2.0 ac) or more in area. The maximum number of chickens allowed is fifteen (15) per lot, regardless of number of dwelling units on the lot.

At their April 16, 2024 meeting, the Planning and Zoning Commission unanimously recommended the amendment to Council.

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

Sommer Celmer, 5480 Weddington Road, spoke in favor of the request. She stated she currently has over 15 chickens and stated, in her opinion, if the amendment is approved the City should assist her with relocating or disposing of the amount of chickens over the maximum amount of 15.

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 Sweat and seconded by Council Member Crawford to close the public hearing—the vote: all aye.

Council Member McKenzie proposed that the one-half acre be eliminated from consideration and keep the acreage one to two acres and two acres or more.

Council Member Langford stated he supported Council Member McKenzie’s proposal.

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

- The proposal is consistent with the 2030 Land Use Plan in that Goal 3 states the City should “retain Concord’s small-town atmosphere and continually enhance the quality of life as the City grows.”
- The proposal is reasonable in that it clarifies the location of this accessory use in the appropriate residential districts.

A motion was made by Council Member Langford and seconded by Council Member McKenzie to adopt the following ordinance amending Article 8 “Use Regulations,” “Residential Use Categories,” and Article 14 “Definitions” of the Concord Development Ordinance (CDO) to create regulations to address “Keeping of Chickens” with the elimination of the one-half acre and five (5) chickens—the vote: all aye.

ORD. #24-34

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

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

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

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

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

SECTION 1: That the following use be added to the Concord Development Ordinance (CDO) Article 8 “Use Regulations,” Table 8.1.8:

Table 8.1.8

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL					COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1		I-2
RESIDENTIAL USES (See 8.3.3)																
Household Living	Mixed Use Dwelling/Live-Work Unit								P	P	P	P	P			

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2		
	Single Family Detached Dwelling, Single-Family Modular Home	P	P	P	P	P	P	P	PS								7.7
	Single Family Attached Dwelling,						PS	PS	PS								7.7 & 7.7.4.I
	Multifamily Dwelling/Apartment						SS	PS	PS	PS	PS	PS	SS				7.8
	Duplex/Triplex						PS	PS									Tables 7.6.2.A & 7.6.2.B
	Accessory Dwelling	PS	PS	PS	PS	PS	PS	PS									8.3.3.C
	Keeping of Chickens (Gallus gallus domesticus)	P	PS	PS	PS	PS	PS	PS									8.3.3.G

SECTION 2: That the following accessory use be added to the Concord Development Ordinance (CDO) Article 8 “Use Regulations,” Section 8.2.4 “Residential Use Categories,” Table A: Household Living :

8.2.4. RESIDENTIAL USE CATEGORIES
A. Household Living

Characteristics: Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.

Principal Uses	Accessory Uses	Uses Not Included
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<p>Assisted living facility with self-contained individual units that meet the definition of a dwelling unit</p> <p>Guest house</p> <p>Retirement center</p> <p>apartment Short-term rental</p> <p>Single-family detached house,</p> <p>lot line house, traditional house, patio house, villa house, atrium house, two-family house, semi-attached townhouse, townhouse or rowhouse, roof-deck townhouse, stacked townhouse, multiplex, apartment, manufactured home park or subdivision, modular home, upper-story residential</p>	<p>Accessory dwelling unit</p> <p>Accessory structure that does not involve the conduct of business on the premises</p> <p>Ancillary indoor storage</p> <p>Dish antenna under 3 meters</p> <p>Dock or pier (noncommercial)</p> <p>Children’s play area or equipment</p> <p>Greenhouse or nursery, Personal (no sales)</p> <p>Home occupation</p> <p>In-home care for six or less persons</p> <p>Off-street parking of occupants’ registered vehicles</p> <p>Family day care homes</p> <p>Adult day care homes (As licensed by the State of NC)</p> <p>Private community center</p> <p>Public community center affiliated with a public housing agency or department</p> <p>Private garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool</p> <p>Raising of pets Residential leasing office Storage structure, storage garage or open storage area for RV’s or boats (manufactured home park or subdivision only)</p> <p>Keeping of Chickens</p>	<p>Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Transient Accommodations)</p> <p>Family care homes (see Social Service Institution)</p> <p>Nursing or convalescent home (see Group Living)</p> <p>Residential assisted living facility not having individual dwelling units (see Group Living)</p>
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SECTION 3: That the following section be added to the Concord Development Ordinance (CDO) Article 8 “Use Regulations,” Section 8.3.3 “Residential Uses”:

G. KEEPING OF CHICKENS

1. APPLICABILITY

Lots that are zoned for and utilized as single family detached or manufactured home dwellings may be permitted a maximum of fifteen (15) domestic female (hen) chickens (*Gallus gallus domesticus*), as an accessory use (See § 8.4 of this Ordinance.), contingent on the following requirements:

- a. The maximum number of chickens allowed is fifteen (15) per lot, regardless of number of dwelling units on the lot.
 - i. Up to ten (10) total chickens may be kept on a lot that is one acre (1.0 ac) or more in area.
 - ii. Up to fifteen (15) total chickens may be kept on a lot that is two acres (2.0 ac) or more in area.
- b. Male chickens (roosters) are prohibited.
- c. Hens are utilized for personal egg production or as pets; Chicks and adult chickens shall not be sold; Chicken manure and compost using chicken manure shall not be sold or otherwise distributed; Produce on which chicken manure from the permitted chickens has been used as fertilizer, or on which compost made with such manure has been used, shall not be sold.
- d. Hens shall not be slaughtered within the City limits.
- e. A chicken coop and chicken pen shall be provided and all necessary action should be taken to reduce the attraction of predators.
 - i. Chickens shall be secured in the chicken coop during non-daylight hours. During daylight hours chickens can be located in the chicken pen and can be located outside of the pen in a securely fenced yard.

- ii. Chicken coops shall be located in the rear yard of the principal dwelling and shall be set back at least 50 feet any adjacent residences, or rights-of-way and shall be enclosed with solid material on all sides and have a solid roof and door(s). An existing shed or rear garage can be used for a coop.
- iii. Chicken pens shall be located in the rear yard of the principal dwelling and shall be set back at least 5 feet from lot lines or rights-of-way and shall be constructed of wood or metal posts and wire fencing material. The fence shall measure at least five (5) feet in height.
- iv. Chicken coops, chicken pens, and surrounding areas shall be kept in a sanitary condition at all times.
 - f. All manure, uneaten feed and other items associated with the keeping of chickens shall be removed and disposed of in a timely and sanitary manner.
 - i. No more than two cubic feet of chicken manure shall be stored for use as unprocessed fertilizer. All other manure shall be disposed of or composted. All stored manure shall be completely contained in a waterproof container.
 - ii. Any compost using chicken manure shall be produced in an enclosed backyard composter.
 - g. The requirements set forth in Articles 4.3 which note that no person shall perform land-disturbing activities that cause or contribute to a violation of water quality standards. Class 1 and Class 2 streams shall be protected by an undisturbed buffer and vegetated setback.
 - h. A Zoning Clearance Permit is required for residents wishing to keep chickens on their property.

SECTION 4: That the following accessory use be added to the Concord Development Ordinance (CDO) Article 8 “Use Regulations,” Section 8.4 “Accessory Uses,” Table 8.4.1: Permitted Accessory Uses:

8.1 Accessory Uses

8.4.1 PERMITTED ACCESSORY USES

A. The uses listed in Column A, below, shall be permitted by right (unless noted otherwise) in any of the zoning districts set forth in Column B, below:

(A) Accessory Use	(B) Zoning Districts
Accessory Dwellings (subject to § 8.3.3.C)	See Use Table (Section 8.1.8)
Adult Day Care Home (up to 6 residents)	All Residential Zoning Districts
Family Day Care Home (up to 12 children, including both customers and family members)	All Residential Zoning Districts
Garages or Carports (noncommercial)	All Zoning Districts
Greenhouses (noncommercial)	All Residential Zoning Districts
Home Occupations (subject to § 8.5)	All Residential Zoning Districts
Off-Street Parking and Driveways	All Zoning Districts
Wireless Telecommunications Antennas or Tower (subject to § 8.7)	All Zoning Districts
Other Telecommunication Antennas or Tower	See Use Table (Article 8)
Satellite Dishes	All Zoning Districts
Signs (see Article 12)	All Zoning Districts
Storage Buildings (Residential)	All Zoning Districts
Swimming Pools (subject to § 8.4.4)	All Residential Zoning Districts
Stables/Private (see § 8.3.2.A)	AG, RE, RL
Tennis Courts (subject to the provisions of this Section)	All Zoning Districts
Any other Building or Use customarily incidental to the permitted Primary Use or Building (subject to § 8.4.2)	All Zoning Districts
Keeping of Chickens	See Use Table (Article 8)

SECTION 5: That Article 14 “Definitions” be amended to include the following definitions:

CHICKEN – Female poultry or fowl of the species *Gallus gallus/G. gallus domesticus*. Male chickens (roosters) are excluded.

CHICKEN COOP – A structure for the sheltering of chickens.

CHICKEN PEN – An enclosure that is connected to and/or surrounding a chicken coop for the purpose of allowing chickens to leave the coop while remaining in a predator-safe environment.

SECTION 6: That this Ordinance be effective immediately upon adoption.

Adopted this 9th day of May 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

Presentations of Petitions and Requests:

1. Consider authorizing the City Manager to negotiate and execute a contract with LandDesign, Inc. for preliminary design up to 30% full design services for Phase 3 of the Hector H Henry Greenway for the total amount of \$204,245.

The Hector H Henry Greenway corridor is identified in the adopted Open Space Connectivity Analysis Plan (OSCA). Greenway development and acquisition is a current strategic goal for Council including the goal of 30 greenway and multi-use path miles by 2030.

Phase 3 was initially outlined as extending along the Rocky River from Poplar Tent Road to Cox Mill High School. However, with the City's purchase of property for the future Poplar Tent Trailhead Park, part of the 2022 general obligation park bond package, Phase 3 has been extended further north to that location, a distance of approximately 1.15 miles. This phase would be a continuation of the work by the Engineering Department and TELICS for Phase 1 (the Cannon Crossing phase) already underway. The Phase 3 preliminary design will provide analysis of a multi-use path along Poplar Tent Road and preliminary design for a pedestrian/bicycle bridge over the Rocky River to provide future extension toward Derita Road as well as a direct connection to the Courtyards on Poplar Tent residential neighborhood.

Parks and Recreation staff selected LandDesign, Inc. of Charlotte through an RFQ process for professional design services for greenway development. This work will include Conceptual Design and Alternatives Analysis; Preliminary Design of the Selected Alternative; Preliminary Flood Modeling; Preliminary Structural Design; Traffic Signal and Crossing Analysis; and Environmental Review Services and Permitting; along with appropriate reimbursable expenses. Funding is available in the P&R Capital Project account for Hector Henry - Cannon Crossing.

A motion was made by Council Member Crawford and seconded by Council Member McKenzie to authorize the City Manager to negotiate and execute a contract with LandDesign, Inc. in the amount of \$204,245 for preliminary design up to 30% full design for Phase 3 of the Hector H Henry Greenway—the vote: all aye.

2. Consider authorizing the City Manager to negotiate and execute a purchase contract with Safeware Inc. to provide Equipment and Training for the purchase of two SkyWatch Two-Person Towers to be utilized by the City of Concord Police Department.

The City of Concord Police Department wishes to purchase the equipment to increase crime solving abilities, increase efficiency and enhance the safety of the citizens and visitors to the City of Concord outdoor events such as NASCAR, ZMAX, Music Festivals, Parades and Tree Lighting Festivities. The equipment will allow the Police Department to increase efforts to secure large outdoor events in the City. Total cost for the purchase is \$509,100.32. Purchase vetted with Finance/Purchasing to use OMNIA Contract #4400008468 to meet procurement guidelines. The FY23 OSBM Grant Funds will be used for this contract.

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem Parsley-Hubbard to authorize the City Manager to negotiate and execute a contract with Safeware Inc. to provide Equipment and Training for the purchase of two SkyWatch Two-Person Towers to be

utilized by the City of Concord Police Department in the amount of \$509,100.32—the vote: all aye.

3. Consider authorizing the City Manager to negotiate and execute a purchase contract with Forensic Technology, Inc., to provide Equipment and Training for the purchase of hardware and software that provides the ability to compare unique markings left by firearms on fired bullets and cartridges in the National Integrated Ballistic Information Network (NIBN) and the Integrated Ballistic Identification System (IBIS) to be utilized by the City of Concord Police Department.

The City of Concord wishes to purchase equipment to increase crime solving abilities in gun related crimes. IBIS solutions provide timely actionable intelligence for the investigation of firearm related crimes and is the search engine that helps law enforcement quickly find links between firearm related incidents. Total cost for the purchase is \$333,866. Purchase vetted with Finance/Purchasing to use sole source to meet procurement guidelines for this purchase as NIBN/IBIS is the only system utilized by the Bureau of Alcohol, Tobacco, and Firearms. The FY23 OSBM Grant Funds will be used for this contract.

A motion was made by Council Member Clay and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute a contract with Forensic Technology, Inc. to provide equipment and training for the purchase of NIBN/IBIS hardware and software to be utilized by the City of Concord Police Department in the amount of \$333,866—the vote: all aye.

4. Consider authorizing the City Manager to negotiate and execute a purchase contract with Federal Contracts Corp using Sourcewell Contract Number 020923-FCC to purchase five new Signal Power SP400SD LED Diesel Light Towers to be utilized by the City of Concord Police Department.

The City of Concord Police Department wishes to purchase equipment for downtown events, power outages, traffic signal outages, crime scenes etc. The purchase will enhance the safety of the citizens and visitors to the City of Concord downtown outdoor events such as the Festivals, Parades and Tree Lighting. The cost of the purchase is \$121,125. Purchase vetted with Finance/Purchasing to use Federal Contracts Corp using Sourcewell Contract Number 020923-FCC to meet procurement guidelines. The FY23 OSBM Grant Funds will be used for this contract.

A motion was made by Mayor Pro-Tem Parsley-Hubbard and seconded by Council Member Stocks to authorize the City Manager to negotiate and execute a purchase contract with Federal Contracts Corp using Sourcewell Contract Number 020923-FCC to purchase five new Signal Power SP400SD LED Diesel Light Towers to be utilized by the City of Concord Police Department—the vote: all aye.

5. Consider entering into an Agreement with the North Carolina Department of Transportation (NCDOT) in order to cover cost overruns associated with TIP project U-4910A&B, widening of Derita Rd (SR 1445) from Concord Mills Boulevard (SR 2894) to Poplar Tent Rd (SR 1394), as well as, approving the associated budget amendment.

The City and NCDOT entered into an agreement on September 9, 2008 to widen Derita Rd from Concord Mills Blvd to Poplar Tent Rd. On October 12, 2016, both parties entered into a supplemental agreement to provide additional funding and allowing NCDOT to let the construction contract. The federal funding equaled \$17,810,000, with the City contributing \$4,140,000. The City is responsible for all costs which exceed the total estimate.

The estimated total cost of the project at completion is currently \$39,950,000, approximately \$18 million over the estimate. NCDOT has agreed to split the additional cost and cover 50% (\$9,000,000) of the overrun. The City has also requested, through the CRMPO, \$7,200,000 from STBG-DA Funds (80% of the remainder). This will result in the City covering the remaining \$1,800,000 from Transportation Project Funds.

A budget amendment is needed to transfer funds from future Transportation Projects to the aforementioned project account.

A motion was made by Council Member Crawford and seconded by Council Member McKenzie to enter into an agreement with the North Carolina Department of Transportation (NCDOT) in order to cover cost overruns associated with TIP project U-4910A&B, widening of Derita Rd (SR 1445) from Concord Mills Boulevard (SR 2894) to Poplar Tent Rd (SR 1394), as well as, adopting the following budget amendment—the vote: all aye.

CAPITAL PROJECT ORDINANCE
Derita Rd

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

SECTION 1. The project authorized is Derita Rd.

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

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

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

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

<u>Expenses/Expenditures</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8600-5811073	Future Transp Projects	4,175,319	2,400,605	(1,774,714)
8600-5811205	Derita Rd	6,117,319	7,892,033	1,774,714
				<u>0</u>

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina the 9th day of May 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 entering into an Agreement with the North Carolina Department of Transportation (NCDOT) in order to convey right of way, permanent utility easement area, and permanent drainage easement area along Dickens Place NE and Vinehaven Drive NE at Copperfield Boulevard (SR 2126).

It is requested that City Council enter into an Agreement ID No. 12861 with the NCDOT to as outlined in the agreement. This agreement details the right of way (ROW), permanent utility

easement area (PUE), and permanent drainage easement area (PDE) of to be conveyed to the City of Concord that were the result of improvements with the project along I-85 from NC 73 in Cabarrus County (Exit 55) to Lane Street (Exit 63) in Concord. Improvements were programmed under TIP No. I-3802. The project extended Dickens Place NE and constructed Vinehaven Drive NE as displayed in the agreement along Copperfield Blvd (SR 2126). Upon completion of the conveyance of property, the City will be responsible for all maintenance of said interests and areas as mentioned in the agreement.

A motion was made by Council Member McKenzie and seconded by Council Member Sweat to into an agreement with the North Carolina Department of Transportation (NCDOT) to convey right of way, permanent utility easement area, and permanent drainage easement area along Dickens Place NE and Vinehaven Drive NE at Copperfield Boulevard (SR 2126)—the vote: all aye.

7. Consider authorizing the City Manager to negotiate and execute a design build services contract with D.R. Reynolds for the preconstruction and construction services for the Fire Station #3 addition.

The addition will consist of an approximately 48x40, 1,920 square foot addition as a detached brick veneer building to the back of the existing fire station. A request for qualifications was posted for design build construction services. After interviews were held and references called, the selection committee chose D.R. Reynolds for the project. D.R. Reynolds has worked on numerous projects with fire station components. The contract will include fixed fees for pre-construction services in the amount of \$55,383 and construction services in the amount of \$529,617. The Guaranteed Maximum Price (GMP) for the project will be \$585,000.

A motion was made by Council Member Crawford and seconded by Council Member McKenzie to authorize the City Manager to negotiate and execute a contract with D.R. Reynolds for the preconstruction and construction services for the Fire Station #3 addition—the vote: all aye.

8. Consider Preliminary Applications from Tim Phelps.

In accordance with City Code Chapter 62, Tim Phelps has submitted preliminary applications for water and sewer service at two separate parcels outside the City limits. The properties are located at 4301 and 4309 White Tail Lane Midland, NC. The properties are vacant and will be developed with single family homes. All parcels are zoned SFR.

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

9. Consider a Preliminary Application from Mark and Aleigha Tucker.

In accordance with City Code Chapter 62, Mark and Aleigha Tucker have submitted a preliminary application for water service at 1295 A.J. Tucker Loop Rd, Midland, outside the City limits. The property is currently undeveloped and the owners would like to construct a single family home. All parcels are zoned SFR and City sanitary sewer is not available to the parcel.

A motion was made by Council Member Crawford and 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.

10. Consider a Preliminary Application from Carolina Thomas Development LLC.

In accordance with City Code Chapter 62, Carolina Thomas Development, LLC has submitted preliminary application for water service at 2575 NC Hwy 24/27 outside the City limits. The property is undeveloped and the applicant proposes to develop the parcel into a commercial facility. Sanitary sewer is not available to the parcels.

A motion was made by Mayor Pro-Tem Parsley-Hubbard and 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.

11. Consider approving the Vision, Mission, Values, Goals and Strategies that comprise the Strategic Plan.

The City partnered with Centralina Regional Council beginning in July 2023 to create a new strategic plan. Together with the Staff Leadership Team and the Customer Service Advancement Team (CSAT), as well as input from coworkers and the community, a new Plan was created. The planning process over the last 10 months has included 3 City Council Work Sessions, 5 Staff Leadership Team sessions, 3 CSAT sessions, 23 all-staff engagement sessions, 1 community survey, and 1 staff survey.

This work culminated in a new Vision statement, a revised Mission statement, new values, six strategic plan goals, and 25 associated strategies.

A motion was made by Council Member Langford and seconded by Council Member Clay to approve the Vision, Mission, Values, Goals, and Strategies that comprise the Strategic Plan—the vote: all aye.

Consent Agenda:

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

CONSENT AGENDA ITEM A

The following resolution was adopted authorizing the City to become a party to the intralocal agreement and participate in the NC CLASS investment pool.

RESOLUTION TO PARTICIPATE IN NORTH CAROLINA COOPERATIVE LIQUID ASSETS SECURITIES SYSTEMS

A resolution authorizing the City of Concord, North Carolina (the "City") to join with other political subdivisions of the State of North Carolina as a Participant ("Participant") in the North Carolina Cooperative Liquid Assets Securities System (North Carolina CLASS) (the "Trust") to pool funds for investment.

WHEREAS, the provisions of Section 159-30 of the General Statutes of North Carolina, as amended ("N.C. Gen. Stat."), provide the guidelines for any local government or public authority of the State of North Carolina (a "Local Government" or "Local Government Unit") to invest idle funds;

WHEREAS, under N.C. Gen. Stat. § 159-30(c)(10), moneys may be invested in a commingled investment pool established by interlocal agreement pursuant to N.C. Gen. Stat. § 160A-460 through 160A-464 (a "Local Government Investment Pool"), if the investments of the Local Government Investment Pool are limited to those qualifying for investment under N.C. Gen. Stat. § 159-30(c) or other laws of the State of North Carolina governing the investment of monies of a Local Government Unit ("Permitted Investments");

WHEREAS, certain Local Government Units have executed an Interlocal Agreement dated March 1, 2023 (the "Original Interlocal Agreement" and as supplemented and amended the "Interlocal Agreement") for the purpose of creating the Trust or executed a joinder agreement for purposes of joining the Original Interlocal Agreement;

WHEREAS, the Trust is governed by the terms of an Indenture of Trust dated as of March 1, 2023 (the "Indenture"), which provides for the deposit of the pooled idle funds in the Trust and the investment of such funds in only Permitted Investments;

WHEREAS, the City desires to become a party to the Interlocal Agreement and a Participant in the Trust.

NOW, THEREFORE, it is hereby RESOLVED by the City Council (the "Governing Body") of the City as follows:

1. The Governing Body hereby approves the City becoming a party to the Interlocal Agreement and its participation in the Trust, which is governed by the Indenture.
2. The Governing Body authorizes the execution and delivery of a joinder agreement to Interlocal Agreement (the "Joinder Agreement") substantially in the form presented at this meeting, together with such changes, modifications and deletions as may be approved by the City's Finance Director (the "Finance Officer"). The approval of the Joinder Agreement will be evidenced conclusively by the execution and delivery of the Joinder Agreement by the Finance Officer.

3. The Finance Officer is hereby authorized to take or cause to be taken any and all such other actions as they may determine in their discretion to be necessary or advisable or in the best interest of the City in order to effectuate, complete and carry out the intent and purposes of the foregoing resolutions and the management, supervision, and investment of the City's idle funds, including, but not limited to, the execution of all depository forms or other documents required by the administrator, the custodian or the investment advisor of the Trust and execution of amendments to the Interlocal Agreement entered into for the purpose of (i) adding an additional Participant to the Trust or (ii) which do not have financial implications for the City.

4. The Governing Body hereby approves the Finance Officer to serve as the City's Authorized Representative under the Interlocal Agreement and the Indenture and in such capacity shall remain responsible for the management, supervision, and investment of the City's idle funds.

The undersigned hereby certifies that the City Council has enacted this Resolution, or another form of Resolution, a copy of which is enclosed, and that such Resolution is a true and correct copy of the original which is in my possession.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

CONSENT AGENDA ITEM B

The City Manager was authorized to execute assignment and assumption of lease for JI AIR, LLC.

CONSENT AGENDA ITEM C

The City Manager was authorized to approve receipt of four inclusive changing tables to be placed in restrooms at Dorton, Ramseur, Caldwell and Hartsell Parks.

CONSENT AGENDA ITEM D

The Police Department was authorized to apply for grant funding from the U.S. Department of Justice, Bureau of Justice Assistance utilizing Rapid DNA for investigations.

CONSENT AGENDA ITEM E

The Police Department was authorized to apply for the Fiscal Year 2024 Patrick Leahy Bulletproof Vest Partnership Grant from the U.S. Department of Justice, Office of Justice programs.

CONSENT AGENDA ITEM F

The following ordinance was adopted amending the City Code of Ordinances, Section 30-161-B(4) that would introduce a fee for chronic violators.

ORD.# 24-36

AN ORDINANCE AMENDING AND RESTATING CONCORD CODE OF ORDINANCES
CHAPTER 30, ARTICLE IV, DIVISION 3 ENTITLED "RUBBISH, UNHEALTHY SUBSTANCES
AND WEED CONTROL"

WHEREAS, the City Council of the City of Concord, North Carolina, has adopted the Concord Code or Ordinances (the "CCO"), including Chapter 30, Article IV, Division 3 entitled "Rubbish, Unhealthy Substances and Weed Control" (Sections 30-161 et. seq.).

WHEREAS, the City Council now wishes to amend Chapter 30, Article IV, Division 3 entitled "Rubbish, Unhealthy Substances and Weed Control" (Sections 30-161 et. seq.), Sec. 18-161(b)(4), "Notice; failure to comply; removal; cost", as stated herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina, after due consideration and in the best interests of its citizens and property of Concord, that the following be undertaken:

SECTION 1: CCO Chapter 30, Article IV, Division 3 entitled "Rubbish, Unhealthy Substances and Weed Control" (Sections 30-161 et. seq.), Sec. 18-161(b)(4), "Notice; failure to comply; removal; cost" is hereby amended to read as follows:

Sec. 30-161. – Premises to be kept clean.

(b)(4) Annual notice to chronic violator. A chronic violator is a person who owns property upon which, in the previous calendar year, the city issued a notice of violation at least three times due to violations of this section. The authorized enforcement officer may notify a property owner who is a chronic violator that, if the violator's property is found to be in violation of this section, the city may, without further notice in the calendar year in which the notice is given, take action to remedy the violation and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The chronic violator shall also be subject to an additional civil penalty per occurrence, in accordance with the City's fee schedule. The annual notice shall be served by registered or certified mail and regular mail simultaneously. If the owner of the property refuses to accept notice of the violation sent registered or certified mail, but the regular mail is not returned within ten days after the mailing, then the notice shall also be posted in a conspicuous place on the premises affected, and notice shall be deemed sufficient in accordance with state law. If the name or whereabouts of the owner of the property cannot be discovered through the exercise of due diligence, then the notice shall be posted in a conspicuous place on the premises affected and published one time in a newspaper of general distribution in the city.

Adopted this 9th day of May 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM G

The City Manager was authorized to negotiate and execute a contract for security related monitoring services for the Information Technology Department.

CONSENT AGENDA ITEM H

The City Manager was authorized to negotiate and execute a contract with Wallace Farms Inc to process City of Concord generated yard waste under the amended contract until June 30, 2029 as the first of two (2) available five-year extensions.

CONSENT AGENDA ITEM I

The City Manager was authorized to approve a contract with Cabarrus Health Alliance in the amount of \$28,500 as part of the CHA REACH grant.

CONSENT AGENDA ITEM J

The City Manager was authorized to execute the LunchPlus Club Program contract.

CONSENT AGENDA ITEM K

An offer of infrastructure was accepted for Greenway Townhomes.

CONSENT AGENDA ITEM L

The \$250 CDBG funding allocation granted to NC Firefighter Cancer Alliance for the FY24-25 annual budget was removed.

CONSENT AGENDA ITEM M

The following American Rescue Plan Fund grant project budget amendment was adopted.

ORD.# 24-37

GRANT PROJECT ORDINANCE
American Rescue Plan Fund

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

SECTION 1. The project authorized is various projects funded by the American Rescue Plan Funds.

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

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

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

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

<u>Account</u>	<u>Title</u>	<u>Expenses/Expenditures</u>		
		<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
3300-5811082	Future Projects	2,010,298	2,019,398	9,100
3300-5832000	Collections Area Renov	34,535	25,435	(9,100)
Total				\$0

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

SECTION 6. Within five (5) days after 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 on this 9th day of May 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM N

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

ORD.# 24-38

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	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4370000	Fund Balance Appropriated	7,336,420	7,338,820	2,400
Total				2,400

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4190-5470043	Golf Tournaments	22,550	24,950	2,400
Total				2,400

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

Adopted this 9th day of May, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM O

A \$2,500 donation from the Mayor’s Golf Tournament Fund to DTC, Inc was approved and the following budget ordinance was adopted.

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	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4370000	Fund Balance Appropriated	7,338,820	7,341,320	2,500
Total				2,500

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4190-5470043	Golf Tournaments	24,950	27,450	2,500
Total				2,500

Reason: To appropriate Mayor Golf Tournament reserves for a donation to DTC, Inc.

Adopted this 9th day of May, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM P

The following ordinance was adopted to amend the Stormwater Project Fund to setup funding for the Main St project.

CAPITAL PROJECT ORDINANCE AMENDMENT
Stormwater 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/amended:

SECTION 1. The project authorized and amended is Main St.

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

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

<u>Revenues</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
Total				<u>0</u>

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

<u>Expenses/Expenditures</u>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
7103-5811292	Country Club	1,930,000	1,330,000	(600,000)
7103-5811354	Main St	0	1,000,000	1,000,000
7103-5811082	Future Projects	2,012,675	1,612,675	(400,000)
Total				<u>0</u>

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina on this 9th day of May 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM Q

The following ordinance was adopted to amend the Water Project Fund.

ORD.# 24-40

**CAPITAL PROJECT ORDINANCE
Water 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 and amended are various Water Projects.

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

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

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
429-4601000	Bond Proceeds	24,394,302	24,010,277	(384,025)
429-4402150	System Dev Fees	5,149,785	6,759,785	1,610,000
8700-5811062	Cost of Issuance	510,000	445,607	(64,393)
8700-5811205	Derita Rd	1,250,000	1,400,476	150,476
8700-5811309	Treatment Support Srvc	1,125,000	928,781	(196,219)
8700-5811320	Raw Wtrln/Flowmeter	3,615,000	3,614,699	(301)
8700-5811341	Hwy 601 Pump Stn	250,000	0	(250,000)
8700-5811344	Zion Ch Parallel Line	1,697,000	1,197,000	(500,000)
8700-5811348	Poplar Tent Pump Stn	3,484,000	3,486,968	2,968
8700-5811349	South/West Cap Imp	500,000	900,000	400,000
8700-5811350	Rocky River Cross Cnty	200,000	0	(200,000)
8700-5811351	Rocky River Archibald	200,000	0	(200,000)
8700-5811352	Chlorine Room Rehab	3,000,000	2,677,400	(322,600)
8700-5811082	Future Projects	10,083,758	12,489,802	2,406,044

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 9th day of May, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM R

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

CONSENT AGENDA ITEM S

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

CONSENT AGENDA ITEM T

The monthly report on status of investments as of March 31, 2024 was received and accepted.

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

William C. Dusch, Mayor

Kim J. Deason, City Clerk