

CONCORD CITY COUNCIL
REGULAR MEETING
SEPTEMBER 12, 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 September 12, 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 JC McKenzie
Council Member Terry L. Crawford
Council Member John A. Sweat, Jr.

Members Absent:

Council Member Betty M. Stocks

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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A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem Hubbard to move Consent Agenda Item D to the regular agenda as Item #14—the vote: all aye.

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Approval of Minutes:

A motion was made by Council Member Sweat and seconded by Council Member McKenzie to approve the minutes for the meetings of July 23, August 6, and August 8, 2024—the vote: all aye.

Presentations:

1. At the September 10th Work Session, the City Manager presented the 2024 Jo Atwater Continuous Core Values Award to Budget Manager, Lesley Reder.
2. At the September 10th Work Session, the Mayor Dusch presented a Proclamation recognizing September 15 - October 15, 2024 as National Hispanic Heritage Month.
3. At the September 10th Work Session, the Mayor Dusch presented a Proclamation recognizing Saturday, October 5, 2024, as Concord International Festival Day.
4. Mayor Dusch presented Presentation of a Proclamation recognizing the 50th Anniversary of Coltrane LIFE Center to Board Chair, Kenny Frye.
5. At the September 10th Work Session, the Mayor Dusch recognized the City of Concord Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting for period ending June 30, 2023 for 35 consecutive years.

6. Mayor Dusch recognized the City of Concord for receiving the ETC Institute’s “Leading the Way” Award.

Departmental Reports:

1. Downtown Streetscape update

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

2. Parks and Recreation Bond update

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

Recognition of Persons Requesting to be Heard:

Wilma Means, 304 Melrose Dr, addressed the Council in regards to a cracked sidewalk on Cranford Place, SW at Cabarrus Ave, E.

The following addressed the Council in regards to sewer allocation for their projects:

- John Parker, CS Smith Property Group
- Zach Almond, Skybrook
- Brian Pace, Skybrook
- Scott Moore (HOA President), Skybrook
- Larry Shaheen, Royscroft

Presentations of Petitions and Requests:

1. Consider adopting a resolution of intent to schedule a public hearing on the matter of closing the right-of-way of an unopened alley running parallel to Corban Ave SE.

The proposal includes the abandonment of the right-of-way for a +/- 55-foot long and +/- 15-foot wide portion of alley that runs behind 135 Corban Ave SE. This alley was originally part of the M.L. Widenhouse Subdivision which was platted in 1914. The alley was never opened and is unimproved.

Stanley Cranford and Debbie Langley, owners of 135 Corban Ave SE, filed the application. Harwards Realty & Insurance Co. owns the land on the other side of the alley. Each property owner will receive half of the portion of the alley being abandoned.

The General Statures require that the City post signs in two places along the right-of-way, send copies of the approved resolution of intent to all neighboring owners after adoption, and advertise in the newspaper once a week for four consecutive weeks.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to adopt the following resolution of intent to set a public hearing for October 10, 2024—the vote: all aye.

RESOLUTION OF INTENT

WHEREAS, G.S. 160A-299 authorizes the City Council to close public streets and alleys; and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closure of an unopened portion of an alley parallel to Corban Avenue, SE as more specifically set forth below:

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

(1) A meeting will be held at 6:00 p.m. on the 10th day of October, 2024 at the City Hall Council Chambers, 35 Cabarrus Ave. W, Concord, NC to consider a resolution on the closure of the area described as follows:

ALL that certain tract, and parcel of land lying and being in the City of Concord, Township No. 12, County of Cabarrus and state of North Carolina, being the remaining unclosed portion of an unnamed alley, being the portion located between Lots 6 & 17 and Lots 8 & 19 of the “Property

of M.L. Widenhouse Subdivision”, located generally on the northerly side of Corban Avenue S.E. as originally dedicated as public right-of-way on the “Property of M.L. Widenhouse Subdivision” as shown in Map Book 1, Page 36 of the Cabarrus County Register of deeds, being more particularly described as follows:

Commencing at a point in the Northerly line of Corban Avenue S.E. and the Southwest corner of Lot 7 of the “Property of M.L. Widenhouse Subdivision”, thence;

- A. North 01 Degrees 00 Minutes 00 Seconds East along the west line of Lot 7 to a point on the Northwestern corner of Lot 7 and place of Beginning, thence:
 - 1. In a Northerly direction, a distance of 15.00 feet, more or less, to a point on the Southwesterly corner of Lot 18 of the “Property of M.L. Widenhouse Subdivision”, thence;
 - 2. South 83 degrees 45 minutes 00 Seconds East, a distance of 55.00 feet along the Southerly line of Lot 18 to a point on the Southeasterly corner of Lot 18, thence;
 - 3. In a Southerly direction, a distance of 15.00 feet, more or less, to a point on the Northeasterly Corner of Lot 7, thence;
 - 4. North 83 degrees 45 minutes 00 Seconds West, a distance of 55.00 feet along the Northerly line of Lot 7 to the Point and Place of Beginning.

Containing 821 square feet of land, more or less, or 0.019 acres, more or less.

(2) The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in The Independent Tribune or other newspaper of general circulation in the area.

(3) The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.

(4) The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted this 12th day of September 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, Clerk

2. Consider awarding a bid to NC Quality Home Builders, LLC in the amount of \$278,638.50 to construct a new home located at 449 Cabarrus Avenue W.

The City of Concord continues to focus on affordable housing with a proposed new home located at 449 Cabarrus Avenue W. This will complete the revitalization of Hawthorne Street SW and Cabarrus Avenue W.

The home will be a three-bedroom, two and a half-bath home totaling 1,382 square feet. 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 seven contractors. The first request only produced one bid so a rebid was required. The lowest responsible bid from the rebid process was from NC Quality Home Builders, LLC for \$278,638.50. Funding for the construction will come from the City’s HOME funds.

A motion was made by Council Member Langford and seconded by Council Member Crawford to award a bid to NC Quality Home Builders, LLC in the amount of \$278,638.50 to construct a new home located at 449 Cabarrus Avenue W—the vote: all aye.

3. Consider adopting a resolution amending the City Manager's authority in items 1(a) and 2 to align with the North Carolina General Statutes and clarify language for contract change orders in item 1(f).

Over the last several years, prices have continued to escalate which has caused projects and services that used to be considered small in nature to now exceed the City Manager's ability to approve contracts that pertain to everyday operations. In an effort to address this, staff has reviewed the North Carolina General Statutes (N.C.G.S.) to see where realignment of the City Manager's approvals may need to occur.

In reviewing the current resolution of the City Manager's approval authority, there are two items that do not align with the current State Statutes. The first item is item 1(a) which provides approval for the City Manager to execute and terminate contracts that involve formal bids for construction projects. The current approval limit is \$100,000. The State Statue allows a limit of \$500,000. The second item is item 2 which allows the City Manager to exempt Architectural, Engineering and Surveying Services from N.C.G.S provisions. The current approval limit is \$30,000. The State Statue allows a limit of less than \$50,000.

Also, in reviewing item 1(f), language needs to be added to clarify the City Manager's authority regarding change orders. Currently, this item is interpreted in a way that does not allow the City Manager/Staff to administer an approved contract without having to seek additional approvals from City Council to proceed with change orders that are over \$50,000 that may be funded by approved contingency funds. The revised language clarifies that the City Manager's approval authority is in reference to change orders that will increase the total amount of the contract by more than \$50,000. Any change orders that do not increase the total amount of the contract can proceed without Council approval.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to adopt the following resolution amending the City Manager's authority in items 1(a) and 2 to align with the North Carolina General Statutes and clarify language for contract change orders in item 1(f)—the vote: all aye.

RESOLUTION

WHEREAS, the General Statutes provide for the creation of a council-manager form of government; and

WHEREAS, Concord is a council-manager form of government and considerable day-to-day executive authority is delegated to the City Manager; and

WHEREAS, among those delegated authorities are the power to execute certain contracts within strict limits set by Council and set forth herein; and

WHEREAS, N.C.G.S. 143-64.32 provides that the City may exempt certain Contracts from the requirements of the Mini-Brooks Act; and

WHEREAS, N.C.G.S. 160A-266(c) authorizes the Council to delegate the authority to dispose of surplus property to the City Manager; and

WHEREAS, N.C.G.S. 143-129(a) authorizes the City Council to delegate authority to the City Manager to award contracts, reject bids, re-advertise to receive bids for purchases of apparatus, supplies, materials, or equipment.

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

1. The City Manager is hereby authorized to award and execute contracts, terminate contracts, reject bids, advertise to receive bids as provided in and pursuant to N.C.G.S. 143-129(a), except that the authority of the City Manager is limited as provided in (a) through (g) below. The City Manager may:

- (a) Approve, execute and terminate contracts involving informal bids of up to \$500,000 for construction projects budgeted in an annual budget ordinance as may from time to time be amended; and
- (b) Approve, execute and terminate maintenance contracts; and
- (c) Approve, execute and terminate leases of City real property that do not require advertising in a newspaper of general circulation; and
- (d) Approve, execute and terminate contracts for professional engineering services up to \$100,000; and
- (e) Approve, execute and terminate any professional service contracts (except as provided in (d) above; and
- (f) Approve and execute change orders to all approved contracts not to exceed \$50,000 in total change orders over the total amount of the previously approved contract amount; and
- (g) Approve, execute and terminate the purchase of apparatus, supplies, materials or equipment for all purchases that do not exceed \$90,000; and
- (h) Settle Worker's Compensation claims in an amount up to \$75,000 in value; and
- (i) Settle claims and litigation in an amount up to \$50,000 in value; and
- (j) Settle code enforcement penalty disputes and appeals up to \$40,000; and
- (k) Report on any settlements of claims and litigation at least quarterly.

2. The City Manager is authorized to exempt any project from the provisions of N.C.G.S. 143, Article 3D, Procurement of Architectural, Engineering and Surveying Services where the estimated professional fee for a specific project are estimated to be less than \$50,000; and

3. The City Manager is authorized to dispose of surplus property under the informal procedures described in N.C.G.S. 160A-266(c) of up to \$30,000 in value; and

4. In the event that the City Manager incumbent on the date of adoption of this Resolution announces his resignation, resigns, announces his retirement, retires, becomes incapacitated and is unable to fulfill his responsibilities or delegates all of his responsibilities under this Resolution to another person for a continuous period of more than ten working days, the City Clerk shall place re-consideration of this Resolution on the agenda of the next regularly scheduled Council meeting; and

5. To the extent not previously cancelled, this Resolution supersedes and cancels all previous Council Resolutions on the subject of the City' Manager's authority.

6. This Resolution shall become effective immediately upon adoption.

Adopted this 12th day of September, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

4. Consider authorizing the City Manager to negotiate and execute a sole source purchase contract with Timken Gears & Services Inc., for the purchase of a new gearbox for the carbon mixer at the Coddle Creek Water Treatment Plant in the amount of \$205,406.

The existing carbon mixer gearbox is nearing the end of its useful life. This equipment is a critical

element of the treatment process. Philadelphia Gear, the original gearbox manufacturer is now part of Timken Gears & Services. The gearbox needed is protected by intellectual property rights and is not available from any other vendors or suppliers. A change to a new manufacturer would require significant plant downtime and expensive modifications to make allow a different gearbox configuration. Once replaced, the existing gearbox will be rebuilt to allow a re-manufactured spare to be available in emergency situations.

A motion was made by Council Member McKenzie and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with Timken Gears & Services Inc. for the purchase of a new gearbox for the carbon mixer at the Coddle Creek Water Treatment Plant in the amount of \$205,406—the vote: all aye.

5. Consider adopting a resolution in support of the NCDOT project for roadway lighting at the I-85 and Kannapolis Pkwy/George W Liles Pkwy interchange.

North Carolina Department of Transportation (NCDOT) is proposing to modify the I-85 and Kannapolis Pkwy/George W Liles Pkwy interchange to install roadway lighting. NCDOT is asking for local municipal support from Concord and Kannapolis of this project and a commitment to provide some funding for the project before Spot Safety funds will be committed. The City of Kannapolis passed a resolution in support on August 26, 2024.

The project is estimated to cost around \$1,000,000. NCDOT will request Direct Allocation funds from the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO) to cover 80% of the cost. The required 20% local match would be shared between NCDOT, Concord, and Kannapolis. The Concord share is estimated to equal \$67,000 from the Transportation Project Fund balance.

A motion was made by Mayor Pro-Tem Hubbard and seconded by Council Member Crawford to adopt the following resolution in support of NCDOT project for roadway lighting at the I-85 and Kannapolis Pkwy/George W Liles Pkwy interchange—the vote: all aye.

RESOLUTION IN SUPPORT OF
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PROJECT FOR ROADWAY LIGHTING AT THE I-85 AND KANNAPOLIS PKWY/GEORGE W
LILES PKWY INTERCHANGE

WHEREAS, the North Carolina Department of Transportation (hereinafter "NCDOT") is proposing to modify the I-85 and Kannapolis Pkwy/George W Liles Pkwy interchange to install roadway lighting (hereinafter referred to as the "Project"); and

WHEREAS, Spot Safety funds will be requested for this Project; and

WHEREAS, NCDOT is asking for local municipal support of this project and a commitment to provide some funding for the project before Spot Safety funds will be committed; and

WHEREAS, NCDOT has notified the City of Concord (hereinafter the 'City') of the Project, and has requested that the City submit a resolution expressing its views on the same; and

WHEREAS, the City, acting through its City Council in regular session assembled on the 12th day of September 2024, has expressed its support of and commitment of funds towards the Project and has voted to adopt this Resolution evidencing the same, all in compliance with the requirements of N.C.G.S. 136-11.1;

NOW, THEREFORE, BE IT RESOLVED, that the City of Concord, City Council does hereby express its support of the Project as set forth hereinabove.

BE IT FURTHER RESOLVED that the City of Concord, City Council authorizes its Mayor and the Clerk to the Council to sign this Resolution and attach the City seal thereto, and to forward a copy of the same to NCDOT.

Adopted this 12th day of September 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

6. Consider adopting a resolution granting temporary modification to the New Air Service Incentive Plan.

In October 2021, the City Council adopted an updated New Air Service Incentive Program to promote Commercial Airline Service for Concord-Padgett Regional Airport.

The Federal Aviation Administration (FAA) updated its policy statement regarding incentives offered by airport sponsors to air carriers to promote new air service to an airport, including both new air carriers serving the airport and new destinations. The policy statement includes general principles to assess whether an airport sponsor's air carrier incentive program (ACIP) complies with the sponsor's FAA grant assurances. It also includes guidance on the permissibility of various specific aspects of an ACIP, as well as ACIP implementation, effective December 2023.

Airport sponsors that have accepted grants under the Airport Improvement Program (AIP) have agreed to comply with certain Federal requirements included in each AIP grant agreement as sponsor assurances. The Airport and Airway Improvement Act of 1982 (AAIA) (Pub. L. 97-248), as amended and re-codified at 49 U.S.C. 47101 *et seq.*, requires that the FAA obtain certain assurances from an airport sponsor as a condition of receiving an AIP grant. Several of these standard Grant Assurances relate to the extent to which an airport sponsor can provide incentives to an air carrier in return for new air service at the airport.

Grant Assurance 24, Fee and Rental Structure: Grant Assurance 24 generally requires that an airport sponsor maintain an airport rate structure that makes the airport as self-sustaining as possible. For purposes of planning and implementing an ACIP, the airport sponsor must assure that a marketing program to promote increases in air passenger service does not adversely affect the airport's self-sustainability and the existing resources needed for the operation and maintenance of the airport. The Policy regarding Airport Rates and Charges provides further guidance on compliance with Grant Assurance 24.

With the recent new routes announced by Avelo Airlines, Avelo has requested participation in the City's New Air Service Incentive Program for all six destinations. Based on FAA's updated policy, staff is recommending the following:

- Albany N.Y. (ALB) – 100% waiver of all fees for one month only - \$12,500 in marketing funding subject to verification of expenditures.
- Boston/Manchester, N.H. (MHT) – 100% waiver of all fees for one month only - \$12,500 in marketing funding subject to verification of expenditures.
- Hartford, CT (BIL) – 100% waiver of all fees for one month only - \$12,500 in marketing funding subject to verification of expenditures.
- Lakeland, FL (LAL) – Ineligible due to its proximity to St. Petersburg Airport (PIE) and Sanford, FL Airport (SFB) which is in direct competition with Allegiant Airline service to those markets. The ineligibility is consistent with FAA policy regarding New Air Service Incentive Program.
- Wilmington, D.E. (ILG) – 100% waiver of all fees for one month only - \$12,500 in marketing funding subject to verification of expenditures.
- Rochester, N.Y. (ROC) – 100% waiver of all fees for one month only - \$12,500 in marketing funding subject to verification of expenditures.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to grant a temporary modification to City's New Air Service Incentive Plan—the vote: all aye.

7. Consider authorizing the City Manager to negotiate and execute contract with Anderson Airport Group LLC to provide gate management analysis for the Aviation Department at the Commercial Airline Terminal in the amount of \$96,000 annually.

On July 24, 2024, Avelo Airlines announced it will expand its network at Concord-Padgett Regional Airport with six new nonstop routes. With the additional routes along with Allegiant Airlines existing routes and Sun Country charters, the current configuration for Commercial Aircraft parking is limited. The existing Air Carrier Apron can handle three narrow body aircraft. Staff anticipates a significant increase in gate utilization in the coming months. To avoid potential

conflicts, it is recommended that we utilize the services of Anderson Airport Group (AAG) LLC to offset any issues at the gates. With the proprietary software, AAG will assist the Aviation Department in meeting current and future demands at the gates as well as flow of passenger traffic through the security checkpoints. The cost for these services will be funded through CARES and eventually be recovered through the rates and charges model via the airline fees.

A motion was made by Mayor Pro-Tem Hubbard and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with Anderson Airport Group LLC in the amount of \$96,000 and adopt a budget amendment for these services—the vote: all aye.

ORD.# 24-95

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, as amended; and

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

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

Account	Title	Revenues		(Decrease) Increase
		Current Budget	Amended Budget	
680-4406000	Retained Earnings Appr	981,848	885,848	<96,000>
Total				<96,000>

Expenses/Expenditures				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4530-5194000	Contract Services	708,830	804,830	96,000
Total				96,000

Reason: The cost of a Concord Padgett Regional Airport Gate Management Analysis for the Aviation Department at the Commercial Airline Terminal. This item will be covered by CARES funds reimbursement that were transferred to Aviation Operations in FY23.

Adopted this 12th day of September 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

8. Consider authorizing the City Manager to negotiate and execute Work Authorization 2403 with Talbert, Bright & Ellington, INC (TBE) to perform professional consulting services associated with the preparation of the Runway 02 Financial Feasibility and Equivalency of Runway Safety Area Improvements and Engineered Material Arresting Systems (EMAS) at the Concord-Padgett-Regional Airport (JQF).

Federal Aviation Administration recommends the City evaluate the process outlined in FAA Order

5200.9, Financial Feasibility and Equivalency of Runway Safety Area Improvements and Engineered Material Arresting Systems (March 15, 2004). Questions to be answered include the following: What is the EMAS design aircraft; What length does the EMAS bed need to be to safely stop the design aircraft; What is the maximum feasible expenditure (cost) for improving the RSA; What are the life cycle costs of EMAS and non- EMAS alternatives for improving the RSA; What is the best financially feasible alternative for improving the RSA considering life cycle costs and other factors such as: (1) Implementing Declared Distances. (2) Displacing Runway 02 Threshold. (3) Extending Runway 02 ERSA by 400 feet and (4) Constructing an EMAS within the existing 600-foot ERSA.

The total cost for these professional services is not to exceed \$102,973.64. The funding for this project will be through a Bipartisan Infrastructure Law grant and the North Carolina Department of Aviation Improvement Program.

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem Hubbard to authorize the City Manager to negotiate and execute Work Authorization 2403 with TBE to perform professional consulting services associated with the preparation of the Runway 02 Financial Feasibility and Equivalency of Runway Safety Area Improvements and Engineered Material Arresting Systems (EMAS) at the Concord-Padgett-Regional Airport (JQF) in the amount not to exceed \$102,973.64 and adopt a budget amendment—the vote: all aye.

ORD.# 24-96

CAPITAL PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized is the **Airport Projects – EMAS STUDY.**

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

Section 3. The following amounts are appropriated for the project

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
6300-5800461				
6300-5800461	EMAS Study	0	82,379	82,379
6311-5800445				
6311-5800445	Mistywood	1,982,763	1,900,384	<82,379>
Total				0

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 12th day of September, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

9. Consider authorizing the City Manager to negotiate and execute Work Authorization 2304 with Talbert, Bright & Ellington, Inc. for planning and engineering services for the City of Concord at the Concord-Padgett Regional Airport.

The Aviation Department has two projects that require professional engineering services. The first is a Category Exclusion (CATX) for the new Fire Station located between Hangar A and B. The CATX requirement is to ensure that potential future federal and/or State funding may be eligible for the fire station. The second project is Pen and Ink change for the Airport Layout Plan (ALP). Recent meetings with the Misty Wood Homeowners regarding the long-term strategy for General Aviation Development dictates the need to make changes to the ALP consistent with the Airport Master Plan. These changes to the ALP will require FAA approval.

The total budget for the Work Authorization is not to exceed \$20,000. Funding for the professional services will be through the Bipartisan Infrastructure Law (BIL) grant.

A motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Hubbard to authorize the City Manager to negotiate and execute a contract with TBE work authorization 2304 in the amount of not to exceed \$20,000 and adopt a budget amendment for these services—the vote: all aye.

ORD.# 24-97

CAPITAL PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized is the **Airport Projects – CATEX Services Fire Station.**

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

SECTION 3. The following amounts are appropriated for the project

		<u>Expenses/Expenditures</u>		
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
6300-5800460				
6300-5800460	CATEX Fire Station	0	16,000	16,000
6311-5800445				
6311-5800445	Mistywood	1,900,384	1,884,384	<16,000>
	Total			0

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 12th day of

September, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

10. Consider authorizing the City Manager to negotiate and execute an agreement with Faith Group LLC for the development of Concept of Operations for an Airport Operations Center at Fire Station #6.

City of Concord is constructing a new Fire Station at Concord-Padgett Regional Airport. Once the fire department has vacated the existing facility, the Aviation Department plans to convert that space into an Airport Operations Center and Airport Emergency Operations Center. To determine eligibility for Federal Aviation Administration funding, a development of Concept of Operations (CONOPS) is required. The cost for the Concept of Operations and Computer Aided Design Drawings is not to exceed \$36,500. The funding for the CONOPS is through Bipartisan Infrastructure Law grant.

A motion was made by Council Member Sweat and seconded by Mayor Pro-Tem Hubbard to authorize the City Manager to negotiate and execute an agreement with Faith Group LLC in the amount not to exceed of \$36,500 and adopt a budget amendment—the vote: all aye.

ORD.# 24-98

CAPITAL PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized is the **Airport Projects – Operations Center**.

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

SECTION 3. The following amounts are appropriated for the project

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
6300-5800458				
6300-5800458	Operations Center	0	29,200	29,200
6311-5800445				
6311-5800445	Mistywood	1,884,384	1,855,184	<29,200>
Total				0

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 12th day of September, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

11. Consider authorizing the City Manager to negotiate and execute a change order with Sealand Contractors for up to \$645,791.

The additional construction work in front of the Cabarrus County Courthouse was not included in the original existing contract for the Union Streetscape Project. Sealand Contractors has submitted a price to perform the work for \$645,791. Also, an additional 90 days will be added to the contract.

A motion was made by Council Member Sweat and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute a change order with Sealand Contractors for up to \$645,791—the vote: aye – Langford, McKenzie, Crawford, Hubbard, and Sweat; nay - Clay.

12. Consider accepting preliminary application from Amelia Black to proceed the final application process to receive water and sewer.

In accordance with City Code Chapter 62, Amelia Black has submitted a preliminary application to receive water and sewer service outside the City limits. The property is located at 618 Springbrook Ave, Concord NC. This parcel is zoned county RM-1 (Residential Medium) and is currently undeveloped. The applicant is planning on constructing a single family home. Water and sewer are available to the parcel, and the parcel is contiguous to the City limit.

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 including annexation—the vote: all aye.

13. Consider making appointments to the Concord United Committee (CUC) and to the Board of Adjustment (BOA).

The CUC currently has two vacancies and the BOA has one. A small group consisting of the Mayor, Council Members Clay, Stocks, and McKenzie, the City Manager, the City Clerk, and the Planning and Neighborhood Development Services Director, met and reviewed applications on file.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to appoint Laura Aguilar and William Porter to the CUC and to reassign Cynthia Hayes as a regular member on the BOA—the vote: all aye.

14. Consider adopting an ordinance amending the City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks, and other Public Places, Article X Social Districts.

The City of Concord’s Social District ordinance was adopted on February 8, 2024, establishing a new Downtown Concord Social District effective August 1, 2024. An amendment has been made in the Ordinance to include “A wine shop permit issued pursuant to G.S. 18B-1010(16)” to the Permittee definition as well as an update to the Downtown Concord Social District map dated September 12, 2024 to include the Cabarrus Arts Council Building in the Social District.

A motion was made by Council Member McKenzie and seconded by Council Member Sweat to adopt the following ordinance amending the City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks, and other Public Places, Article X Social Districts—the vote: all aye.

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 50 OF THE CONCORD CODE OF ORDINANCES

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

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

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

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

Section 1. That Chapter 50, **Article X Social Districts**, of the Concord Code of Ordinances be hereby added.

Section 2. That Article X Chapter 50, **Section 50-307 – Purpose and intent**, of the Concord Code of Ordinances be hereby added and stated as follows:

(a) Pursuant to the provisions of G.S. § 160A-205.4, et seq, one or more social districts may be created within the city and the city hereby creates and designates the following social district:

(1) Downtown Concord Social District which is designated as shown on a map dated September 12, 2024; the map is available in the office of the city clerk, and signage and/or markings shall be posted clearly delineating the boundaries of the social district.

(b) The Downtown Concord Social District shall be created, designated, and managed in accordance with the requirements contained in G.S. § 160A-205.4 and Chapter 18B.

(c) Any person who violates this article, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor.

Section 3. That Article X Chapter 50, **Section 50-308 – Definitions**, of the Concord Code of Ordinances be hereby added and stated as follows:

Non-permittee means and refers to a person holding no ABC permits issued by the North Carolina Alcoholic Beverage Control Commission.

Permittee means and refers to a person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission established under G.S. § 18B-200:

(1) An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1).

(2) An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).

(3) An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5).

(4) A mixed beverages permit issued pursuant to G.S. 18B-1001(10).

(5) A wine shop permit issued pursuant to G.S. 18B-1001(16).

(6) A distillery permit issued pursuant to G.S. 18B-1100(5).

Person means and refers to an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.

Premises means and refers to a fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee has control through a lease, deed, or other legal process.

Social district means and refers to a defined outdoor area in which a citizen may consume alcoholic beverages sold by a permittee. This term does not include the permittee's licensed premises or an extended area allowed under G.S. § 18B-904(h).

Section 4. That Article X Chapter 50, **Section 50-309 – Application**, of the Concord Code of Ordinances be hereby added and stated as follows:

(a) The provisions and terms contained in this article shall be applicable between the hours of 11:00 a.m. and 10:00 p.m., Monday through Sunday. At all other times, the provisions and terms contained in this article are not in effect and all provisions of state and local laws concerning the possession and consumption of alcohol shall be in full force and effect.

(b) Any alcoholic beverage purchased for consumption in a social district shall (i) only be consumed in that social district and (ii) be disposed of before the person in possession of the alcoholic beverage exits that social district unless the person is reentering the licensed premises where the alcoholic beverage was purchased. A violation of this section is a class 3 misdemeanor.

Section 5. That Article X Chapter 50, **Section 50-310 – Requirements for sale of alcoholic beverages**, of the Concord Code of Ordinances be hereby added and stated as follows:

A permittee located in or contiguous to a social district may sell alcoholic beverages for consumption within that social district in which it is located in or contiguous to in accordance with the following requirements:

(1) The permittee shall only sell and serve alcoholic beverages on its licensed premises.

(2) The permittee shall only sell alcoholic beverages for consumption in the social district in which it is located in a container that meets all of the following requirements:

- a. The container clearly identifies the permittee from which the alcoholic beverage was purchased.
- b. The container clearly displays a logo or some other mark that is unique to the social district in which it is sold.
- c. The container is not made of glass.
- d. The container displays, in no less than 12-point font, the statement, "Drink Responsibly—Be 21."
- e. The container shall not hold more than sixteen (16) fluid ounces.

(3) The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.

Section 6. That Article X Chapter 50, **Section 50-311 – Requirements for possession and consumption of alcoholic beverages**, of the Concord Code of Ordinances be hereby added and stated as follows:

The possession and consumption of an alcoholic beverage in a social district is subject to all of the following requirements:

(1) Only alcoholic beverages purchased from a permittee located in or contiguous to the social district may be possessed and consumed in that social district.

(2) Alcoholic beverages shall only be in containers meeting the requirements set forth in this article.

(3) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in this article.

(4) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. § 18B-1010.

(5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the social district in which the beverage was purchased unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

(6) A participating non-permittee business is required to always display the uniform sign during the times when the social district is active as to whether the business allows for patrons to enter their business with alcohol.

(7) All permittee and non-permittee businesses that are part of a social district and allow customers to bring alcoholic beverages onto their premises are required to clearly post signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point.

(8) During the days and hours when the social district is in effect as set forth in this Article, a non-permittee business that allows customers to bring alcoholic beverages onto its premises is

required to allow law enforcement officers access to the areas of the premises accessible by customers.

(9) A violation of this section is a class 3 misdemeanor.

Section 6. That Article X Chapter 50, **Section 50-312 – Public Assembly**, of the Concord Code of Ordinances be hereby added and stated as follows:

When a public assembly (as that term is used in article VIII of this chapter) is held pursuant to the issuance of an assembly permit (as that term is used in article VIII of this Chapter) the terms of the assembly permit supersede the provisions of this article within the boundaries of the special event. Any alcohol purchased within the boundaries of the public assembly may be taken outside of the public assembly, as long as the alcohol is to be taken from the boundary of the public assembly into the boundary of a social district. Any alcohol purchased from a permittee may be taken into a public assembly, as long as the alcohol is to be taken from the boundary of the social district into the boundary of a public assembly.

Section 7. That Article X Chapter 50, **Section 50-313 – Severability**, of the Concord Code of Ordinances be hereby added and stated as follows:

If any section, phrase, sentence, or portion of this article is held void, invalid, unconstitutional, or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

Section 8. This Ordinance shall be effective upon adoption.

Adopted this the 12th day of September 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:

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

Revised policies for Concord’s Affirmative Marketing, Citizen Participation Plan and Section 3 Guidance were approved.

CONSENT AGENDA ITEM B

The following Resolution Authorizing the Fact of Representation by City Attorneys and Paralegals was adopted.

CONSENT AGENDA ITEM C

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 was approved.

CONSENT AGENDA ITEM D

The Parks & Recreation Department was authorized to apply for a grant from the NC Amateur Sports Association through its Youth Sports Grants for the amount not to exceed \$10,000.

CONSENT AGENDA ITEM E

The Concord Police Department was authorized to accept grant funding from the U.S. Department of Justice, Bureau of Justice Assistance and the following budget ordinance was adopted.

ORD.# 24-100

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, as amended; and

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

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

Account	Title	Revenues	Amended Budget	(Decrease) Increase
		Current Budget		
100-4603200	Police Grants	\$325,000	\$ 513,000	\$ 188,000
Total				<u>\$ 188,000</u>

Account	Title	Expenses/Expenditures	Amended Budget	(Decrease) Increase
		Current Budget		
4310-5800429	Grant Expenditures	\$964,091	\$1,152,091	\$ 188,000
Total				<u>\$ 188,000</u>

Reason: To appropriate the FY24 Byrne Discretionary Community Project Grant award.

Adopted this 12th day of September 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 F

The Concord Co-Sponsorship Policy was amended to name the office of Public Affairs as the main contact for co-sponsorship applications and requests.

CONSENT AGENDA ITEM G

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

CONSENT AGENDA ITEM H

The City Manager was authorized to negotiate and sign a contract with Model 1 for four (4) replacement ADA Accessible Ford transit vans for a total cost of \$426,611.04.

CONSENT AGENDA ITEM I

The acceptance of Dwight Pl. NW from NCDOT to the City of Concord was approved.

CONSENT AGENDA ITEM J

The offers of dedication on the following plat and easements were approved: Springs Business Park Copperfield Blvd, Cabarrus County EMS HQ Easements, Lot #3 Afton Village, 95625 Axial Bonds Farm -Tract 2.

CONSENT AGENDA ITEM K

An Encroachment Agreement for Dominion Energy to cross City of Concord’s Sanitary Sewer Line Easement was approved.

CONSENT AGENDA ITEM L

A \$2,500 donation from the Mayor's Golf Tournament Fund to The Carolina Bears Youth Organization was approved and the following budget ordinance was adopted to appropriate the donation.

ORD.# 24-101

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, 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	6,070,445	6,072,945	2,500
Total				<u>2,500</u>

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4190-5470043	Golf Tournaments	2,500	5,000	<u>2,500</u>
Total				<u>2,500</u>

Reason: To appropriate Mayor Golf Tournament reserves for a donation to The Carolina Bears Youth Organization.

Adopted this 12th day of September 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

A \$2,500 donation from the Mayor's Golf Tournament to Amazing Grace Advocacy was approved and the following budget ordinance was adopted to appropriate the donation.

ORD.# 24-102

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, 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	6,067,945	6,070,445	2,500
Total				<u>2,500</u>

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

Reason: To appropriate Mayor Golf Tournament reserves for a donation to Amazing Grace Advocacy.

Adopted this 12th day of September 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 N

The NCDOT NCAIP FY25 grant was accepted and the following budget ordinance was adopted for the Concord-Padgett Regional Airport.

ORD.# 24-103

GRANT PROJECT ORDINANCE

FY25 State Aid to Airport Projects

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

SECTION 1. The project authorized is the **FY25 State Aid to Airport Projects**.

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

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

<u>Revenues</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
451-4357000	State Aid	15,420,776	17,743,118	2,322,342
451-4357000				
451-4603400				
451-4603400	Future Grants	4,052,000	3,800,000	<252,000>
Total				2,070,342

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

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
6300-5800726				
6300-5800726	Fuel Farm	0	1,629,171	1,629,171
6311-5800726				
6311-5800726	Fuel Farm	1,516,212	0	<1,516,212>
6300-5800459				
6300-5800459	N GA A1 TaxiLane Rehab	0	63,566	63,566
6300-5800460				
6300-5800460	CATEX Fire Station	16,000	20,000	4,000
6311-5800445				
6311-5800445	Mistywood	1,855,184	1,765,184	<90,000>
6300-5800461				
6300-5800461	EMAS Study	82,379	102,974	20,595
6300-5800458				
6300-5800458	Operations Center	29,200	36,500	7,300
6313-5700000				
6313-5700000	Debt Service	0	1,951,922	1,951,922
Total			2,070,342	

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 12th day of September, 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 O

The following budget transfer of previously approved SLCGP grant funds totaling \$96,171 was adopted.

ORD.# 24-104

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, 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>		
		Current Budget	Amended Budget	(Decrease) Increase
100-4603000	Grant Proceeds	\$25,000	\$121,171	\$96,171
Total				<u>\$96,171</u>

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4160-5800429	Grant Expenditures	\$0	\$96,171	<u>\$96,171</u>
Total				<u>\$96,171</u>

Reason: To appropriate the State and Local Cybersecurity Grant Program Fiscal Year 2022 awarded in the amount of \$96,171.

Adopted this 12th day of September, 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 P

The BIL grant application request for \$1,615,346 in relation to the grant for the Concord-Padgett Regional Airport was approved.

CONSENT AGENDA ITEM Q

The following ordinance was adopted to amend the FY 2024/2025 Budget Ordinance for the General Fund to appropriate contingency funds to cover the cost of the new Vision Mission boards after adoption of the new Strategic Plan.

ORD.# 24-105

AN ORDINANCE TO AMEND FY 2024-2025 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2024, adopt a City budget for the fiscal year beginning July 1, 2024 and ending on June 30, 2025, as amended; and

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

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

Account	Title	Revenues		(Decrease) Increase
		Current Budget	Amended Budget	
Total				

Account	Title	Expenses/Expenditures		(Decrease) Increase
		Current Budget	Amended Budget	
4190-5299000	Supplies-Departmental	6,200	10,739	4,539
4190-5992000	Contingency	911,764	907,225	(4,539)
Total				0

Reason: To appropriate contingency funds for the purchase of the new Vision Mission Boards after adoption of the new Strategic Plan.

Adopted this 12th day of September 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 R

The following Parks and Recreation Capital Project Fund project budget amendment was adopted.

ORD. # 24-106

CAPITAL PROJECT ORDINANCE AMENDMENT
Parks & Recreation Projects- Dorton Park

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

SECTION 1. The projects authorized are the projects included for Dorton Park

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

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

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

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

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8300-5811053	Dorton Park Improvements	\$5,619,287	\$6,619,287	\$1,000,000
8300-5811105	Poplar Tent Trailhead Park	\$1,840,000	\$840,000	\$(1,000,000)
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 project agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 12th day of September, 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 S

A General Fund Capital Project Fund project budget amendment and an American Rescue Plan Fund grant project budget amendment were adopted.

ORD. # 24-107

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:

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

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

Account	Title	<u>Expenses/Expenditures</u>		
		Current Budget	Amended Budget	(Decrease) Increase
3300-5811082	Future Projects	2,019,398	2,000,000	(19,398)
3300-5831000	Broadband	700,000	397,055	(302,945)
3300-5835000	Wellness Cntr COVID Inc	72,000	55,508	(16,492)
3300-5987000	Transfer to Project	0	338,835	338,835
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 this 12th day of September, 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.# 24-108

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 project authorized is the AV Upgrade Project.

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

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
430-4501330	Trnsfr fm Amer Resc Pln	0	338,835	338,835
Total				<u>338,835</u>

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8804-5834000	AV Upgrades	0	338,835	338,835
Total				<u>338,835</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 project amendment shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

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

Duly adopted by the City Council of the City of Concord, North Carolina this 12th day of September, 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 T

A General Capital Reserve Project ordinance was adopted to close completed transfers.

ORD.# 24-109

CAPITAL RESERVE FUND ORDINANCE

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 18-22 Chapter 159 of the General Statutes of North Carolina, the following Capital Reserve Fund ordinance is hereby adopted/amended:

SECTION 1. The purpose authorized is to accumulate funds for future projects and capital outlay that are listed in the Capital Improvement Plan Listing or the City’s Operating Budget. Funds will be accumulated until such time the City Council designates the funds for projects. The General Fund will serve as the funding source for the Capital Reserve Fund upon City Council approval and withdrawals must be approved by City Council through an ordinance.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the fund.

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

Fund 285 General Capital Reserve Fund

		<u>Budget</u>	<u>Amended Budget</u>	<u>Inc (Dec)</u>
8150-5987000	To Project Fund	\$13,607,129	\$0	(\$13,607,129)
285-4501100	From General Fund	\$29,267,632	\$15,660,503	(\$13,607,129)

SECTION 4. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the capital reserve fund and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 5. Within five (5) days after adopted, copies of this capital reserve fund amendments/adoption shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out the purpose of this fund.

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

Duly adopted by the City Council of the City of Concord, North Carolina this 12th day of September, 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 U

A Capital Project ordinance amendment for the First Concord 2024 LOBS - Fire Station 6 Project was adopted.

ORD.# 24-110

CAPITAL PROJECT ORDINANCE AMENDMENT
FIRST CONCORD

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 First Concord 2024 LOBS.

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>
554-4601000	Bond Proceeds	12,661,000	12,863,560	202,560
Total				202,560

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>

5540-5811028	Fire Station #6	12,500,000	12,518,683	18,683
5540-5811062	Cost of Issuance	161,000	344,877	183,877
Total				202,560

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 12th day of September 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 V

An ordinance to amend the Transportation Capital Project fund budget was adopted.

ORD.# 24-111

CAPITAL PROJECT ORDINANCE
Transportation Projects

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

SECTION 1. The project authorized is various transportation projects.

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

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

<u>Revenues</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
423-4402750	NCDOT Share	769,283	750,000	(19,283)
423-4361000	Investment Earnings	913,390	1,467,135	553,745
423-4324250	Vehicle License – Addl \$5	2,478,534	2,537,209	58,675
423-4501100	Transfer from Gen Fund	23,314,232	23,798,918	484,686
				1,077,823

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

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8600-5811073	Future Transp Projects	4,154,578	5,173,726	1,019,148
8600-5811253	Future Sidewalk Projects	1,685,186	1,743,861	58,675

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 12th day of September 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 W

The Rates and Charges Schedule for the Aviation Department to update the airport badging fees to align with the current Airport Security Program (ASP) effective October 1, 2024.

CONSENT AGENDA ITEM X

The following resolution was adopted to approve the City of Concord's Local Water Supply Plan.

RESOLUTION FOR APPROVING LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service or that plans to provide public water service and each large community water system shall, either individually or together with other units of local government and large community water systems, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Concord, has been developed and submitted to the City Council for approval; and

WHEREAS, the City Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the City of Concord, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that the Local Water Supply Plan entitled, Local Water Supply Plan dated April 2024, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 12th day of September 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk
CONSENT AGENDA ITEM Y

The following resolution was adopted to amend the Customer Service Policies and Procedures for Article 1.3, Authority; Article 1.4 Item 2, Scope; Article 1.6 Item 2, Application of This Policy.

RESOLUTION APPROVING CUSTOMER SERVICE POLICIES AND PROCEDURES OF THE
CITY OF CONCORD

WHEREAS, the City Council of the City of Concord, North Carolina has approved a Customer Service Policies and Procedures Manual; and

WHEREAS, the City desires to amend the Customer Service Policies and Procedures, by amending the following: Article 1.3, Authority; Article 1.4 Item 2, Scope; Article 1.6 Item 2, Application of This Policy;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord, North Carolina that Article 1.3, Authority; Article 1.4 Item 2, Scope; Article 1.6 Item 2, Application of This Policy will be amended as follows:

1.3. AUTHORITY (*North Carolina General Statute 160A-312 through 160A-328*)

These policies are approved by the City Manager. The City Council may revise the fee schedules and rates from time to time; and the City Manager may revise other specific policies from time to time. Information in this policy may be replaced by a later edition or amendment.

The Directors of Electric, Wastewater, Stormwater and Water Resources responsibilities include metering, operation and control of city utility lines and utility property. They oversee the enforcement of quality for construction, maintenance, and for improvements of the utility system.

The Customer Service Manager or a Customer Service Supervisor is authorized to hear customer grievances and resolve customer issues within the boundaries of the Customer Service Policy. Every customer has the right to appeal the Customer Service Manager’s decision to the Finance Director. If necessary, the customer may appeal the Finance Director’s decision to the City Manager, as the City Manager is the final authority on this policy.

The North Carolina General Statutes included in this document are binding for Cities that own and operate utility distribution systems. The North Carolina Utilities Commission Guidelines do not apply Cities. The Public Utilities Regulatory Policies Act (PURPA) provisions included are mandatory.

1.4. SCOPE

- 2. This policy has been adopted by the City Manager for all customers of the City.

1.6. APPLICATION OF THIS POLICY

- 2. This policy may be revised, amended, supplemented or otherwise changed from time to time by the City Manager. Customers are encouraged to seek answers to any questions by calling the City’s Customer Care Center, 704-920-5555.

This Resolution shall be effective upon passage.

Adopted this 12th day of September 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

CONSENT AGENDA ITEM Z

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

CONSENT AGENDA ITEM AA

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

CONSENT AGENDA ITEM BB

The monthly report on investments as of July 31, 2024 was accepted.

* * * * *

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to conduct a closed session in accordance with NCGS 143-318.11(a) (3) to consult with the attorney to protect the attorney-client privilege 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 Crawford and seconded by Council Member Sweat to adjourn—the vote: all aye.

William C. Dusch, Mayor

Kim J. Deason, City Clerk