CONCORD CITY COUNCIL REGULAR MEETING SEPTEMBER 10, 2020

A regular meeting of the City Council for the City of Concord, North Carolina, was held on September 10, 2020, at 6:00 p.m. with Mayor William C. Dusch presiding.

Due to COVID-19 and the 6 foot separation requirement, the meeting was conducted electronically via Zoom.

Council members were present as follows:

Members Present:

Mayor Pro-Tem John A. Sweat, Jr.
Council Member Andy Langford
Council Member W. Brian King
Council Member Ella Mae P. Small
Council Member JC McKenzie
Council Member Terry L. Crawford
Council Member Jennifer H. Parsley

Others Present:

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

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

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

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Approval of Minutes:

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to approve the minutes for the meetings of August 11 and August 13, 2020—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

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Presentations:

1. Mayor Dusch read a Certificate of Appreciation recognizing the outgoing Board of Adjustment Members Tim Andexler, Virginia Moore, and Ford Craven, and Historic Preservation Commissioner Casey Killough for 6 years of service to the City of Concord Board of Adjustment and the Historic Preservation Commission.

- 2. Mayor Dusch read a Proclamation recognizing the week of October 4-10 as Public Power Week.
- 3. Mayor Dusch recognized the Public Affairs and Projects Manager, Peter Franzese, for his 12 years of service to the City of Concord.

Persons requesting to be heard:

Norman McCollough, 2315 Montford Ave, addressed the Council in regards to the Warren C. Coleman Mill Development.

<u>Public Hearings: – the public hearings were opened at the September 8, 2020 Work Session and continued to the September 10, 2020 City Council meeting to allow for the required 24 hour written comment period for virtual hearings.</u>

1. Conduct a public hearing and consider amending the Master Development Agreement with Concord Master Venture, LLC for the development of three mixed use structures at 30 Market St. SW, 26 Union St. S, and 25 Barbrick Ave. SW.

The City of Concord entered into a Master Development Agreement dated May 31, 2019 with Concord Master Venture, LLC aka Lansing Melbourne Group (LMG). The proposed amendment expands the project beyond 30 Market St. SW to include the sale of 26 Union St. S and 25 Barbrick Ave SW.

LMG would purchase the City owned property at 30 Market St. SW for \$579,000, 26 Union St. S for \$250,000 and 25 Barbrick Ave SW for \$165,000 for a total \$994,000. LMG would be responsible for remediating asbestos and demolishing the existing buildings. LMG would develop three mixed use structures across the three parcels comprised of approximately 294 multifamily residential units — approximately 151 of which would be floating workforce units (<80% AMI) and related amenities and infrastructure, approximately 15,300 square feet of commercial retail (including pursuit of a rooftop restaurant/bar at 26 Union St. S), a parking garage with approximately 75 parking spaces at 30 Market St. and a parking garage with approximately 8 parking spaces at 26 Union St. S.

Per the agreement, the City would agree to negotiate a separate Parking Lease Agreement to provide additional parking in the Barbrick Ave/Spring St Parking Deck. The City would also agree to negotiate a separate property tax incentive agreement for a ten year period calculated based on a gradually reducing percentage as well as a one-time \$500,000 payment to LMG for covering the asbestos abatement and demolition of 26 Union St. S.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Crawford to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

Lex Patterson signed up to speak in opposition of the request. Mr. Patterson was not able to attend the meeting but submitted the following statement:

"I will not be able to speak at the Tuesday work session due to a conflict of interest. However, I am sending this e-mail to the City Clerk for her dissemination to the Mayor and City Council for their consideration in their deliberations on the matter of Agenda Item D.1 at the formal September 10th meeting. I am concerned about such an item, if approved as stated, would have a significant impact on the nature and character of the Historic Downtown CC District and the "surrounding neighborhoods in the older section of the City" and should be sufficiently vetted for comments from citizens living in the surrounding neighborhoods. The first I've heard of the proposed amendment to the original plan for the CC apartment complex (having 166 units approved in May of 2019) was yesterday via Facebook and the *Charlotte Business Journal*. At this time, I would like to offer my opinion for Council's consideration to Table the pending action until City Staff has made an effort to more fully inform people of the nature of this change in the original initiative by tasking a special outreach effort during this time of the Covid-19 pandemic"

Ryan McMahon signed up to speak in favor of the request. He stated he liked the project but is concerned with parking downtown.

Barbi Jones signed up to speak in favor of the request. She expressed her support on behalf of the Cabarrus County Regional Chamber of Commerce.

There were no further speakers signed up to speak in favor or in opposition and no additional written comments were received in favor or opposition to this request. Therefore, a motion was made by Council Member Langford and seconded by Council Member Small to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Crawford to amend the Master Development Agreement with Concord Master Venture, LLC for the development of three mixed-use structures at 30 Market St. SW, 26 Union St. S, and 25 Barbrick Ave. SW—the roll call vote: Aye — Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

Presentations of Petitions and Requests

1. Consider approving revisions to the HOME Investment Partnerships Program (HOME) Consortium policies and procedures manual.

As lead entity for the Cabarrus/Iredell/Rowan HOME Consortium, Concord is responsible for reporting activities and accomplishments to HUD for all Consortium activities. As such, Concord is routinely monitored by HUD for compliance. During the most recent monitoring, it was recommended to update and improve the HOME Consortium Operations Manual to detail the requirements of Community Housing Development Organization's (CHDO) and Concord's oversight of their activities. All changes were guided by the Consortium HUD representative.

A motion was made by Council Member Crawford and seconded by Council Member Langford to approve revisions to the HOME Investment Partnerships Program (HOME) Consortium policies and procedures manual—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

2. Consider applying for \$10,000 in funding from the Cabarrus Arts Council under the Project Assistance Grant for expanded marketing efforts at ClearWater Arts Center and Studios.

The Cabarrus Arts Council allocates thousands of dollars annually to support arts organizations and cultural programs across Cabarrus County. Grant funding is provided by The Grassroots Program which seeks to further the arts throughout the state. The Project Assistance Grant, the grant ClearWater would seek funding through, is the only grant where a municipality is eligible to receive funding. These funds can be used for a variety of projects to increase programming, including marketing. If approved, staff would apply for The Project Assistance Grant in the amount of \$10,000 to continue and expand the marketing efforts underway at ClearWater.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Parsley to approve the submission of a grant for \$10,000 for funding from the Cabarrus Arts Council under the Project Assistance Grant for expanded marketing efforts at ClearWater Arts Center and Studios—the roll call vote: Aye — Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

3. Consider approving a change order for environmental remediation at 208 Kerr Street NW in the amount of \$120,843 using Community Development Block Grant (CDBG) funding.

In October of 2015, the City purchased the former convenient store located at 208 Kerr Street NW as a tax foreclosed property. The City has interest from two (2) viable purchasers and as part of the due diligence tanks were identified in front of the store. CESI was contacted to create a remediation plan. The initial estimate of \$31,135 was to abate based on the presence of three (3) tanks, liquid still present in the tanks and the scenario of the tanks being intact.

Unfortunately with any environmental issue, full knowledge of the situation is unknown until the ground is opened. When the concrete parking area was removed, there were five (5) tanks total and at least one had been compromised. In total, five (5) tanks were removed, 900 tons of contaminated dirt were removed and 30,000 gallons of water pumped from the hole due to storm water filling the open hole. The additional cost to remediate the site is \$120,843. CDBG funds will be used to cover the additional costs. Although this is costly, a major environmental issue has cleaned-up in a low-to-moderate income neighborhood.

A motion was made by Council Member Small and seconded by Council Member King to approve a change order for environmental remediation at 208 Kerr Street NW in the amount of \$120,843 using Community Development Block Grant (CDBG) funding—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

4. Consider approving the purchase of 172 and 174 Corban Avenue, SE, from Martha and Dan Matthews using City Affordable Housing funds and to adopt a project ordinance amendment for the Revolving Fund.

Shortly after the article, "How Concord is Tackling Affordable Housing, New Nonprofit" appeared in the Independent Tribune, staff was contact by a resident impacted by the story. The resident, Dan Matthews, and his wife, Martha own a duplex they are looking to sell. Mr. Matthews stated his desire was to sell the home to a buyer who shared his goal of keeping the home affordable to tenants.

The property is the Moore House and noted in the 2019 Historic Architectural Survey and Preservation Plan conducted by the City as a "representative example of a historic resources in Corban East." Staff has viewed the property, which is currently occupied. The home is in very good condition but would require minor renovation. Once all work is complete, ownership would be transferred to Concord Family Enrichment Association for continued maintenance and management. Tax value of the home is \$129,770. An offer, contingent on Council approval, has been accepted by the owner for \$113,000. The City's affordable housing allocation would be used for the purchase.

A motion was made by Council Member Small and seconded by Council Member McKenzie to approve the purchase of 172 and 174 Corban Avenue, SE, from Martha and Dan Matthews in the amount of \$113,000 using City Affordable Housing funds and to adopt the following project ordinance amendment for the Revolving Fund—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

ORD.# 20-98

CAPITAL PROJECT ORDINANCE AMENDMENT Revolving Fund 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 adopted/amended:

SECTION 1. The projects authorized are 172 & 174 Corban Avenue SE.

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>Revenue</u> :	<u>s</u>		
Account	Title	Current Budget	Amended Budget	(Decrease) Increase

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
3700-5811082 3700-5811082	Future Projects	675,832	562,832	(113,000)
3700-5558000 3700-5558000	Buildings	0	113,000	113,000

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 10th day September, 2020.

CITY COUNCIL CITY OF CONCORD NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

5. Consider approving Neighborhood Matching Grant requests submitted by Recognized Neighborhoods.

Through the City's Partnership for Stronger Neighborhoods program, recognized neighborhoods have the opportunity to participate in the Neighborhood Matching Grant Program. The purpose of the Neighborhood Matching Grant Program is to assist recognized neighborhoods with completion of projects and/or programs that will enhance their community or neighborhood association. Neighborhood organizations must match the funds requested with cash, in-kind donations of goods and services, or contributions of volunteer time. The maximum grant amount that may be requested for any project is \$3,000. The attached memorandum includes a brief description of each project recommended for funding.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Crawford to award FY 2020 Neighborhood Matching Grants to support the neighborhood improvement projects for the following recognized neighborhoods: (1) \$2,816.00 – Cannon Crossing Homeowners Association, and (2) \$2,816.00 - Brookvue Homeowners Association—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

6. Consider approving the selection of Talbert, Bright & Ellington, Inc. (TBE) as the selected firm for professional Airport Architect/Engineering (A/E) consulting services for development projects and special services at Concord-Padgett Regional Airport as required for Federal Aviation Administration (FAA) compliance for a five-year period and to authorize the City Manager to negotiate and execute the contract with Talbert, Bright & Ellington, Inc.

In accordance with FAA Advisory Circular 150/5100 -14E, the Aviation Department advertised for Statement of Qualifications for FAA Airport Improvement Projects on June 1st 2020. Seven proposals were received, 6 were evaluated. A Committee consisting of the Aviation Director, Assistant Aviation Director and Airport Safety Coordinator met on July 22, 2020 and ranked the proposals. The Committee recommended the top rank firm, Talbert, Bright & Ellington, Inc. FAA Airport District Office has concurred with the Committee's recommendation. A separate work authorization will be required for each project along with an independent fee analysis prior to the grant offer.

A motion was made by Council Member Parsley and seconded by Council Member McKenzie to approve the selection of TBE as the professional A/E for Concord-Padgett Regional Airport as required by FAA compliance and authorize the City Manager to negotiate and execute the contract with Talbert, Bright & Ellington, Inc—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

7. Consider accepting the conveyance of existing W.W. Flowe Park property (PIN# 5528-78-3964), the undeveloped property (PIN# 5528-67-2976 and PIN# 5528-58-3651) for future park development.

The W.W. Flowe Park and surrounding area were identified in the approved Parks & Recreations Comprehensive Master Plan and the Open Space Connectivity Plan to explore opportunities for park expansion and future development. The future park development will also accomplish goals and objectives identified in the City Council's 2020-2023 Strategic Plan.

The existing 42.6 acre W.W. Flowe Park property, located at 99 Central Heights Drive, is currently under lease and maintained by City of Concord until March 2022 with the option to extend an additional 20 years. The park was developed using PARTF (Parks and Recreation Trust Fund Grant) funding. The City of Concord would need to maintain the amenities identified in the grant which include the existing fields, shelters and playgrounds. If approved, the City of Concord in partnership with Cabarrus County Active Living and Parks Department will send a letter to the NC Division of Parks and Recreation requesting the transfer of the park property from Cabarrus County to the City of Concord to maintain as a park, to renovate amenities, and future development.

In 1995, Cabarrus County received the 65 acres on Central Heights Drive for future park development and in 2007, the additional 51.18 acres of property were donated. In 2002, Phase 1 was opened to the public as W.W. Flowe Park. Cabarrus County Active Living and Parks Department developed Phase 1 and signed an Agreement with the City of Concord to operate the Park. Concord has operated the park and maintained it since it opened in 2002. The Parks and Recreation Department has been working with the Cabarrus County Active Living and Parks Department for park development on the existing property and park development opportunities on the South side of Central Heights Drive to expand the existing park as identified in the approved Comprehensive Master Plan. On August 17, 2020, the Cabarrus County Board of Commissioners approved the conveyance.

A motion was made by Council Member King and seconded by Mayor Pro-Tem Sweat to accept the conveyance of existing W.W. Flowe Park property (PIN# 5528-78-3964), the undeveloped property (PIN# 5528-67-2976 and PIN# 5528-58-3651), a total of 116 acres) for future park development and to approve maintaining the park and the existing PARTF (Parks and Recreation Trust Fund Grant) amenities funded for W.W. Flowe Park site which include fields, shelters and playgrounds—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

8. Concord adopting the Master Plan and Conceptual Design for the James Dorton Park located at 5790 Poplar Tent Road.

The original Plan for Dorton Park was completed in November of 1996 and includes amenities that were developed as part of that original plan. The parking lot was expanded to 66 total spaces when the tennis courts were added, and although tennis remains a strong active component of the park, the programming of the multi-use fields, and shelter reservations, has become difficult due to the lack of available parking. The trails are currently a very active component to the park, including the Couch to 5k/10k Program.

The City plans to develop a greenway along Coddle Creek and Afton Run Branch providing connectivity to the West Cabarrus YMCA, Poplar Crossing and Weddington Road so Dorton will also serve as trailhead parking for the greenway corridor identified in the Open Space Connectivity Analysis. Afton Run Branch bisects the park and there are currently two bridges that connect both sides of the park via the trail system. The Afton Run Branch has experienced significant erosion over the last several years and the Master Plan will also seek to address restoring/stabilizing the stream, which in turn would create environmental education opportunities.

Parks and Recreation contracted with the Dodd Studio to develop the master plan and a conceptual drawing. Part of the Master Plan process featured two public workshops, which were held on April 8, 2019, and November 23, 2019. In addition, staff and the consultant have been coordinating with NCDOT to consider the impacts of the Poplar Tent Road Widening on the park and specifically the park entrance and proposed access driveways. The conceptual plan has gone through several revisions, successfully accommodating citizen comments and concerns, staff comments, and impacts of the Poplar Tent Widening.

Anna Simpson, Dodd Studio, presented and explained the conceptual design.

Following the presentation, a motion was made by Council Member King and seconded by Council Member Langford to adopt the James Dorton Park Master Plan—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

9. Consider approving a Master Plan and Conceptual Design to develop the 10.4 acres at the David Phillips Activity Center (946 Burrage Road NE) as a neighborhood park.

The 10.4-acre property on Burrage Road currently contains the David Phillips Activity Center, and the recently completed Open Air Learning Center. The property is also adjacent to Three-Mile Branch and the proposed McEachern Greenway, Hospital Phase. Based on recommendations from the Comprehensive Parks and Recreation Master Plan and the Open Space Connectivity Analysis, this entire property beyond just the facilities that currently exist would serve as a unique neighborhood park experience along the greenway and allow for connectivity. Parks and Recreation contracted with the firm, Viz Design, to create a vision for the space that incorporates several elements currently not offered by our park system, including large outdoor patio areas, a terraced garden, stormwater improvements, activity zones, nature-based playground areas, outdoor classroom, work spaces and skills training, greenways and trails throughout the site, an orchard garden, and tree house. This park site will increase program offerings for children of all ages. Situated along the McEachern Greenway, it will be one of five (5) connected park sites, which also includes the Wilson Street Park Master Plan recently adopted by Council in July.

Gary Fankhauser, Viz Design, presented and explained the conceptual design.

Following the presentation, a motion was made by Council Member King and seconded by Council Member Crawford to approve and adopt the Master Plan for the property at 946 Burrage Road (David Phillips Activity Center) —the roll call vote: Aye — Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

10. Consider awarding a bid for one replacement Substation Power Transformer for the Brookwood Ave. Substation B and two replacement Circuit Switchers for the Ivey Cline Dr. Substation O.

Electric Systems staff received bids on August 12, 2020 for electric equipment and materials required for the replacement of one (1) 27 MVA power transformer for our substation B and two (2) 115KV circuit switchers for our substation O. The bids were arranged into two schedules of equipment; Schedule I – 27 MVA 43.8v/13.2kv power transformer. The lowest responsive and responsible bidder is Virginia Transformer Corp. in the amount of \$527,314; and Schedule II – Two (2) 115 kv Circuit Switchers. The lowest responsive and responsible bidder is S & C Electric Company in the amount of \$106,516.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to award bids for one replacement Substation Power Transformer for the Brookwood Ave. Substation B and two replacement Circuit Switchers for the Ivey Cline Dr. Substation O—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

11. Consider authorizing the City of Concord Transportation Department to update the name of Concord-Padgett Regional Airport on wayfinding signs.

In April 2018, the City Council unanimously voted to change the name of Concord Regional Airport to Concord-Padgett Regional Airport. In January 2019, the FAA approved the naming making this update official. In August 2020, NCDOT updated the signs along I-85 to reflect the name change. The City currently has 17 locations to be updated along US 29, Poplar Tent Rd, Pitts School Rd, Derita Rd, and Concord Mills Blvd/Bruton Smith Blvd.

A motion was made by Council Member Crawford and seconded by Council Member McKenzie to authorize the City of Concord Transportation Department to update the name of Concord-Padgett Regional Airport on wayfinding signs—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

12. Consider awarding the total bid for the City of Concord's Spring and Chestnut Roundabout project to Performance Managed Construction, INC and adopt a budget ordinance to appropriate project funding.

This contract consists of the selected Contractor to perform all necessary work to convert the Spring St., Chestnut Dr., and Broad St. intersection into a Mini Roundabout teardrop intersection, and replace the water main, including installation of new water main and associated laterals and devices, removal of existing pavement, curb and gutter and sidewalk and rebuilding road base with asphalt while constructing new curb and gutter and sidewalk and performing other associated work as noted in the Spring/Chestnut Roundabout Water Main Replacement and Spring and Chestnut Intersection construction plans. Transportation and Water Project Funds are being used to fund this project. Two formal bids for this work was received, and not opened, on August 11, 2020. The work was re-advertised and two formal bids were again received on August 20, 2020 with Performance Managed Construction, INC submitting the lowest bid in the amount of \$1,048,814. Contract final completion date is 180 days from the Notice to Proceed.

A motion was made by Council Member Small and seconded by Council Member Langford to award the total bid and authorize the City manager to negotiate and execute a contract with Performance Managed Construction, INC in the amount of \$1,048,814 for the City of Concord's Spring and Chestnut Roundabout project and adopt the following budget ordinance to appropriate project funding—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay - none.

ORD.# 20-99

CAPITAL PROJECT ORDINANCE

Spring & Chestnut

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 <u>Spring & Chestnut Project</u>.

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

		Current	Amended	Decrease
Account	Title	Budget	Budget	Increase

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

Expenses/Expenditures

		Current	Amended	(Decrease)
Account	Title	Budget	Budget	Increase

8600-5811280				
8600-5811280	Concrete Streets	675,832	558,214	(117,618)
8600-5811256				
8600-5811256	Spring & Chestnut	700,000	817,618	117,618

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 10th day of September, 2020.

CITY COUNCIL CITY OF CONCORD NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

13. Consider accepting a Preliminary Application from Sharon L. Minderlein.

In accordance with City Code Chapter 62, Sharon L. Minderlein has submitted a preliminary application to receive sewer service outside the City limits. The property is located at 150 Scalybark Trail. The parcel is approximately 1.36 acres, zoned LDR and is developed with an existing single family residence. Public sewer is not currently available to this parcel, however, it may be available in the future due to a sewer extension to be installed by the developer of Annsborough Park. There is not City water available to the parcel.

A motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Sweat to accept the preliminary application and have the owner proceed to the final application phase excluding annexation with the following condition: The property owner must connect to the sewer line in a period of one-year from the date the City takes ownership of the line.

Consent Agenda:

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

A motion was made by Council Member Crawford and seconded by Council Member Langford to approve the following consent agenda items—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

CONSENT AGENDA ITEM A

The City Manager was authorized to negotiate an increase to the overall contract amount of the NEXGEN contract for AMI services.

CONSENT AGENDA ITEM B

The Housing Department was authorized to apply for the 2020 Family Self Sufficiency (FSS) Grant.

CONSENT AGENDA ITEM C

The maintenance agreement was approved and the offer of dedication was accepted on the following property: Scannell Properties #378, LLC.

CONSENT AGENDA ITEM D

The offers of infrastructure were accepted in the following subdivisions and sites: Hunton Forest Phase 2 Map 6, Allen Mills Phase 2 Map 3, Concord Mills Flyover, and The Mills Phase 2C Map 2.

CONSENT AGENDA ITEM E

The following ordinance was adopted to amend the FY 2020-2021 approved Fees, Rates and Charges Schedule.

ORD.# 20-100

AN ORDINANCE AMENDING FY 2020-21 APPROVED FEES, RATES AND CHARGES SCHEDULE AS ADOPTED IN THE FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 10th day of September, 2020, adopt a City budget for the fiscal year beginning July 1st, 2020 and ending on June 30th, 2021, as amended; and

WHEREAS, the City desires to amend the ordinance as it relates to the Schedule of Fees, Rates and Charges;

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 fees, rates and charges are hereby amended as follows:

<u>Police</u>

HR218 Administrative costs-\$50.00

This Ordinance amendment shall be effective upon adoption.

Adopted this 10th day of September, 2020

CITY COUNCIL CITY OF CONCORD NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM F

The following ordinance was adopted to amend the General Fund to recognize contributions for the Arbor Day event.

ORD.# 20-101

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, as amended; and

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

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

		Revenues		
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
100- 4355100	Contributions	\$20,000	\$30,000	\$10,000

Total \$10,000

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4190-5393000	Arbor Day	\$5,000	\$15,000	\$10,000
	Tota	al		\$10,000

Reason: To recognize a \$10,000 contribution from Mariam & Robert Hayes Trust for the Arbor Day Celebration.

Adopted this 10th day of September, 2020.

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 G

The following capital project ordinance was adopted to amend the General Fund for the Cemetery Software Project.

ORD.# 20-102

CAPITAL PROJECT ORDINANCE General Capital Projects

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

SECTION 1. The projects authorized are General Capital projects for Cemetery Software.

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	(Decrease) Increase
	Tota		 0

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8804-5811273	Cemetery Software	75,000	90,000	15,000
8804-5811273	•		ŕ	,
8804-5811268	Oakwood	221,775	206,775	(15,000)
8804-5811268			·	` , ,
	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 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 10th day of September, 2020.

CITY COUNCIL CITY OF CONCORD NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM H

The following capital project ordinance was adopted for additional funds for utility costs on the Hwy 29 bridge replacement project.

ORD.# 20-103

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 Water Projects-Speedway Bridge Relocation.

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
8700-5811082 8700-5811082	Speedway Bridge	\$300,000	\$353,252	\$53,252
8700-5811082 8700-5811082	Future Water Projects	\$537,149	\$483,897	(\$53,252)

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 September 10th, 2020.

CITY COUNCIL CITY OF CONCORD NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM I

The following ordinance was adopted to reappropriate unspent funds loaned to Public Housing from the General Fund for the purpose of constructing a new maintenance building.

ORD.# 20-104

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th

day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, as amended; and

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

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

<u>Revenues</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
690-4406000	RETAINED EARNINGS APPR	39,274	488,474	449,200
	Total			\$449,200

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
1000-5558000	BLDGS & IMPRV - CAPITAL	0	449,200	449,200
	Total		_	\$449,200

Reason: To re-appropriate unspent funds loaned to Public Housing from the General Fund in FY20 for the construction of a new maintenance building.

Adopted this 10th day of September, 2020.

CITY COUNCIL CITY OF CONCORD NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /S/ Kim Deason, City Clerk

/S/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM J

The following ordinance was adopted to amend the Housing Budget to appropriate awarded CARES Act administrative fee funding in the amount of \$88,742.

ORD.# 20-105

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, as amended; and

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

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

hereby amended as follows:

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
210-4357500	CARES Act Funding	0	88,742	88,742
Total Revenue Increase (Decrease)				88,742

	<u>Expenses/E</u>	<u>expenditures</u>		
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
1500-5800100	CARES Act Expenditure	0	88,742	88,742
Total Exp Increase (Decrease)	·			88,742

Reason: To adopt a budget for additional CARES Act Funding provided by HUD in response to Coronavirus.

Adopted this 10th day of September, 2020.

CITY COUNCIL CITY OF CONCORD NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /S/ Kim Deason, City Clerk

/S/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM K

The following ordinance was adopted to reappropriate unspent CARES Act funds for the Public Housing program.

ORD.# 20-106

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, as amended; and

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

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

<u>Revenues</u>					
Account	Title	Current Budget	Amended Budget	(Decrease) Increase	
690-4357500	CARES ACT FUNDING	0	87,984	\$87,984	

Total \$87,984

	Expe	enses/Ex	<u>penditures</u>		
Account	Title		Current Budget	Amended Budget	(Decrease) Increase
1000- 5800100	CARES ACT EXPENDITURE		32,944	120,928	87,984
		Total			\$87,984

Reason: To re- appropriate unspent CARES Act funding for the Public Housing program.

Adopted this 10th day of September, 2020.

CITY COUNCIL CITY OF CONCORD NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /S/ Kim Deason, City Clerk

/S/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM L

The following ordinance was adopted to reappropriate unspent CARES funds for the Housing Choice Voucher program.

ORD.# 20-107

AN ORDINANCE TO AMEND FY 2020-2021 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2020 and ending on June 30, 2021, 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	Current Budget	Amended Budget	(Decrease) Increase
210- 4370000	Fund Balance Appropriated	1,619	53,453	51,834
	Total			\$51,834

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Account	Title	Current Budget	Amended Budget	(Decrease) Increase
1500-	CARES ACT	0	51,834	51,834
5800100	EXPENDITURE			

Total	\$51,8 3 4

Reason: To re- appropriate unspent CARES Act funding for the Housing Choice Voucher program.

Adopted this 10th day of September, 2020.

CITY COUNCIL CITY OF CONCORD NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /S/ Kim Deason, City Clerk

/S/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM M

The following ordinance was adopted to amend the CDBG 2018 grant to reflect actual program income receipts.

ORD.# 20-108

GRANT PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized and amended are the projects included in the CDBG 2018 Grant

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

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

Revenues

Account	Title		Current Budget	Amended Budget	(Decrease) Increase
310-4355000			\$63,39		
310-4355000	Program Income		5	\$63,646	\$251
		Total			\$251

4. The following amounts are SECTION appropriated for the project

Expenses/Expenditures

Account	Title		Current Budget	Amended Budget	(Decrease) Increase
3110-5480012			\$44,37		
3110-5480012	Match/PI Exp		5	\$44,626	\$251
	•	Total			\$251

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 10th day of September, 2020.

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 following ordinance was adopted to amend the CDBG 2019 grant to reflect actual program income receipts

ORD.# 20-109

GRANT PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized and amended are the projects included in the CDBG 2019 Grant

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

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

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
310-4355000 310-4355000	Program Income	\$66,311	\$97,483	\$31,172
		Total		\$31,172

The following amounts are SECTION 4. appropriated for the project

Expenses/Expenditures

Account	Title		Current Budget	Amended Budget	(Decrease) Increase
3112-5480012 3112-5480012	Match/PI Exp		\$2,665	\$33,837	\$31.172
	·	Total	•	. ,	\$31,172

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

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 10th day of September, 2020.

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 ordinance was adopted to amend the Home 2018 grant to reflect actual program income receipts.

ORD.# 20-110

GRANT PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized and amended are the projects included in the HOME 2018 Grant

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

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

<u>Revenues</u>

Account	Title		Current Budget	Amended Budget	(Decrease) Increase
320-4355000					
320-4355000	Program Income		\$781,351	\$642,990	(\$138,361)
	•	Total			(\$138,361)

SECTION 4. The following amounts are appropriated for the project

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
3208-5480012				
3208-5480012	Match/PI Exp	\$271,874	\$133,513	(\$138,361)

Total

(\$138,361)

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 10th day of September, 2020.

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 following ordinance was adopted to amend the Home 2019 grant to reflect actual program income receipts.

ORD.# 20-111

GRANT PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized and amended are the projects included in the HOME 2019 Grant.

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

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

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
320-4355000 320-4355000	Home Program Income 2019 Total	\$881,351	\$850,541	(\$30,810) (\$30,810)

SECTION 4. The following amounts are appropriated for the project

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
3210-5480012				
3210-5480012	Match/PI Exp	\$178,944	\$148,134	(\$30,810)

Total

(\$30,810)

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 10th day of September, 2020.

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 Q

The addition of Design Manager (Grade 112) with a salary range of \$68,383.49 (minimum) - \$90,608.10 (midpoint) - \$112,832.73 (maximum) was approved.

CONSENT AGENDA ITEM R

The addition of Urban Planner (Grade 209) with a salary range of \$44,513.86 (minimum) - \$58,980.86 (midpoint) - \$73,447.87 (maximum) was approved.

CONSENT AGENDA ITEM S

The Tax Office collection reports for the month of July 2020 were accepted.

CONSENT AGENDA ITEM T

The Tax releases/refunds for the month of July 2020 were approved.

CONSENT AGENDA ITEM U

The monthly report of investments as of July 31, 2020 was accepted.

Matters not on the agenda - Committee updates

- TAC update provided
- MTC no update
- Centralina Regional Council no update

- Concord/Kannapolis Transit Commission no update
- WSACC no update
- Public Art Advisory Committee no update
- Concord Family Enrichment Association update provided
- PTT Committee no update
- Barber Scotia Property Task Force Committee update provided

* * * * :

There being no further business to be discussed, a motion was made by Council Member King and seconded by Council Member Crawford to adjourn—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

William C. Dusch, Mayor