

CONCORD CITY COUNCIL
REGULAR MEETING
NOVEMBER 10, 2021

A regular meeting of the City Council for the City of Concord, North Carolina, was held on November 10, 2021, at 6:00 p.m. in the Council Room of City Hall, with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

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

Others Present:

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

Approval of Minutes:

A motion was made by Council Member Sweat and seconded by Council Member Small to approve the minutes for the meetings of October 12 and October 14, 2021—the vote: all aye.

Presentations:

1. Mayor Dusch recognized Sergeant John Parker for receiving the International Association of Chiefs of Police "40 Under 40" award for 2021.
2. Mayor Dusch presented a Proclamation recognizing award-winning journalist, war correspondent and author, Joe Galloway, Jr.
3. Mayor Dusch presented a Proclamation recognizing November as National Native American Heritage Month.

Informational Items:

1. Presentation from Cabarrus Visitor's Bureau.

President/CEO, Donna Carpenter, Executive Vice President, John Mills, and Senior Vice President of Marketing and Communications, Michael Bonoffski, presented the CVB Annual Report at the Tuesday, November 9th, Work Session.

2. Presentation from Corporate Christian Ministries (CCM) Executive Director, Ed Hosack, on "Transitional Housing".

Mr. Hosack presented CCM's report on Transitional Housing at the Tuesday, November

9th, Work Session.

Public Hearings:

1. Conduct a public hearing to consider adopting an ordinance amending Article 4 (Section 4.4.7.) of the Concord Development Ordinance (CDO) relative to Stormwater report and inspection requirements.

The Water Resources Department is proposing a corrective amendment to Section 4.4.7 of the Concord Development Ordinance (CDO) relative to the annual inspection requirements for stormwater facilities. The proposed change deletes the current Section 4.4.7 and replaces it with simpler and more contemporary language that reflects current practice and State and Federal requirements. It also refers the reader to the City's stormwater website for updated inspection requirements. Planning Commission unanimously voted to adopt this change at their October meeting.

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

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

A motion as made by Council Member Small and seconded by Mayor Pro-Tem Crawford to adopt the following Statement of Consistency—the vote: all aye.

- The proposal is not inconsistent with the 2030 Land Use Plan; the topic is not specifically addressed.
- The proposal is reasonable in order to ensure compliance with minimum State and Federal law.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Sweat to adopt the following ordinance amending Article 4.4.7 regarding stormwater facilities inspections—the vote: all aye.

ORD.# 21-112

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

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

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

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

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

SECTION 1: That the following section of Concord Development Ordinance (CDO) Article 4 “Environmental/Land Disturbing Activities”, Section 4.4 “Stormwater Control”, Section 4.4.7 “Annual Inspections and Inspection Report”. be deleted in its entirety.

SECTION 2: That the following section of Concord Development Ordinance (CDO) Article 4 “Environmental/Land Disturbing Activities”, Section 4.4 “Stormwater Control”, Section 4.4.7 “Inspections and Documents”. be rewritten as follows:

4.4.7. INSPECTIONS AND DOCUMENTS.

A. INSPECTIONS

1. The person responsible for maintenance of the Stormwater Control Measures (SCM), previously known as Best Management Practices (BMPs), shall submit to the Stormwater Department of the City an annual inspection report completed by a qualified registered North Carolina Professional Engineer.
2. The annual inspection is to be completed every year by the date publicized by the City. More information will be published by January 31 every year on the City of Concord's website, <https://www.concordnc.gov/SCM-Inspections>.
3. If the SCM is not working correctly or needs maintenance completed, the engineer shall note the maintenance required and supply a date that it should be completed and submit that report. Once the maintenance is completed, the engineer shall submit a passing, signed and sealed inspection report.

B. DOCUMENTS

1. The owner of each structural BMP shall keep records of stormwater plans, inspection reports, monitoring results, maintenance activities, and repairs for at least five years from the date of creation of the record and shall submit the same records upon request to the stormwater administrator.

Adopted in this November 10th, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

Presentations of Petitions and Requests

1. Consider adopting the 2021 Update to the City of Concord's Downtown Master Plan.

Since the adoption of the 2016 Downtown Master Plan, millions have been invested by the private and public sector in downtown. These investments include 70 residential units in the former Hotel Concord and Lofts 29, a 600-space county-owned parking deck, complete renovations to 57 Union Street and 66 Union Street as well as the ongoing County courthouse expansion.

In addition to these projects, starting construction are nearly 300 additional residential units with supporting 20,000 square foot of retail and office space spread throughout three buildings on Union Street (Novi Lofts), Barbrick Avenue (Novi Flats), and Market Street (Novi Rise) behind City Hall. These projects along with a new streetscape on Union Street spurred the need for an update to the current Downtown Master Plan.

Benchmark Planning has worked extensively with City staff and presented an overview of the Downtown Master Plan Update public information sessions held in April and June at the Cabarrus Center, public input survey results and the recommendations for the future. The Master Plan update aims to keep the momentum moving forward by building on the success of the 2016 plan and creates a strategic vision for downtown of the next five years and beyond.

The Planning and Neighborhood Development Services Director, Steve Osborne, introduced Jason Epley with Benchmark Planning.

He presented the following concepts: Church Street redevelopment, that included an outdoor venue and greenway park; Market and Spring Street redevelopment; and future streetscape improvements.

Mr. Epley presented the implementation framework and matrix for the next five years.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Langford to adopt the 2021 update to the City of Concord's Downtown Master Plan—the vote: all aye.

2. Consider allocating an additional \$9,213.10 in CDBG CARES funding for the management of the Vance Drive Apartments by Cooperative Christian Ministries.

In November of 2020, Council approved the management of the Vance Drive quadplex for persons needing to temporarily quarantine due to COVID-19. Cooperative Christian Ministries has worked with various agencies including Salvation Army, Cabarrus Health Alliance and Meals on Wheels to facilitate the safe housing of six persons who need immediate quarantine shelter due to a positive COVID test result. Staff requested Council consider allocating the remaining CDBG CARES funds, in the amount of \$9,213.10, to Cooperative Christian Ministries to continue the management of the Vance quadplex and subsequent services related to persons quarantining.

A motion was made by Council Member McKenzie and seconded by Council Member Parsley-Hubbard to approve allocating an additional \$9,213.10 in CDBG CARES funding for the management of the Vance Drive Apartments by Cooperative Christian Ministries—the vote: all aye.

3. Consider adopting an ordinance granting a franchise to Public Service Company of North Carolina, Incorporated.

Public Service Company of North Carolina, Inc proposes to continue to construct, operate and maintain a Gas Utility System and all necessary means for transmission and distribution of gas within the City of Concord. This franchise shall constitute a contract between the Town and the Company and shall be in force and effect for an initial term of thirty (30) years and shall continue in force and effect year-to-year thereafter until properly terminated by either party.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to adopt the following ordinance granting a franchise to Public Service Company of North Carolina, Incorporated—the vote: all aye.

ORD.# 21-113

AN ORDINANCE GRANTING TO PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INCORPORATED, AS, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO USE AND OCCUPY THE PUBLIC WAYS OF THE CITY OF CONCORD, NORTH CAROLINA, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A GAS UTILITY SYSTEM AND ALL NECESSARY MEANS FOR TRANSMITTING AND DISTRIBUTING GAS WITHIN SAID TOWN FOR A PERIOD OF THIRTY YEARS

WHEREAS, Public Service Company of North Carolina, Incorporated proposes to continue to construct, operate and maintain a Gas Utility System and all necessary means for transmission and distribution of gas within the City of Concord, North Carolina, (the "Town") and

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

SECTION 1. DEFINITIONS.

Whenever and wherever used in this Ordinance the following words and names shall have the following meanings:

TOWN COUNCIL shall mean the governing body of the City of Concord, North Carolina, as now or hereafter constituted.

COMPANY shall mean Public Service Company of North Carolina, Incorporated, dba Dominion Energy North Carolina, its successors and assigns.

TOWN shall mean the City of Concord, North Carolina, including its present and future boundaries.

DEPARTMENT OF TRANSPORTATION shall mean the North Carolina Department of Transportation or its successor.

GAS shall mean natural gas, mixed gas and substitute fuels carried over the Company's facilities as authorized by the North Carolina Utilities Commission.

GAS UTILITY SYSTEM shall mean all facilities of the Company in the Town used for the transmission or distribution of Gas within the Town.

FERC shall mean any reference made to the Federal Energy Regulatory Commission or its successor.

COMMISSION shall mean the North Carolina Utilities Commission, or any successor body lawfully constituted.

PUBLIC WAY OR WAYS shall mean any public street, avenue, road, alley, lane, bridge, or other public right-of-way within the Town over which the Town has jurisdiction or exercises control.

GOOD UTILITY PRACTICES shall mean the practices, methods and acts engaged in or approved by a significant portion of the gas industry during the relevant time period or other practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result consistent with reliability, safety, expedition, requirements of governmental agencies having jurisdiction, and at the lowest reasonable cost. The term Good Utility Practices is not intended to be limited to the optimum practices, methods or acts to the exclusion of all others, but rather to constitute a spectrum of acceptable practices, methods, or acts.

SECTION 2. Grant of Authority

The right, power and authority is hereby granted to and vested in the Company to construct, install, replace, repair, maintain and operate transmission mains, gas mains, pipes, equipment, service lines, communications lines, facilities and other appurtenant apparatus of the gas system, for the purpose of operating a natural gas system along, across, and under the streets, alleys, bridges, rights-of-way, and other public places of the Town together with any necessary rights of access thereto; and to use that natural gas system to conduct a gas business. This granting of authority is provided that the Town as of the applicable time, has jurisdiction or exercises control of the public ways. This Franchise Agreement shall also permit the Company to exercise the rights granted herein without the need for additional permit(s) from the Town.

SECTION 3. Conditions on Use of Public Ways

No street, alley, bridge, right-of-way or other public place used by the Company shall be obstructed longer than reasonably necessary during its work of construction or repair and shall be restored to the same good order and condition as when said work was commenced. However, should any such damage occur due to the Company's failure to use due care, the Company shall repair the same as promptly as possible, and, in default thereof, the Town, after written notice and opportunity for the Company to repair, may make such repairs and charge the reasonable cost thereof and collect the same from the Company. The Company shall save the Town harmless from liability (including judgment, decrees, and legal court costs) resulting directly from its negligence and failure to use due care in the exercise of the privileges hereby granted or of its rights under this Section. All work upon the streets and public places of the Town shall be done subject to reasonable inspection of the Town Manager or designee (or other legally constituted governing body) of the Town, all sidewalks or street pavements or street surfaces which may be displaced by reason of such work shall be properly replaced by the Company, its successors and assigns, to the reasonable requirements of the Town.

The Company shall coordinate with other utilities which use the Public Way. The Company shall provide information identifying the proposed location of Company facilities to the City Engineer and obtain the written approval of the City Engineer in the form of a utility work permit prior to commencement of any work.

SECTION 4. Annexation Notification

The Town shall mail or email notice to the Company of areas annexed into the Town. Said notices shall include pertinent maps and/or tax map numbers, so that newly annexed customers may be identified.

SECTION 5. Service

The Company may supply any form of gas containing approximately one thousand (1,000) BTU's per cubic foot, and its obligation in respect thereto shall continue only so long as it is able to reasonably obtain an adequate supply of such gas hereunder, provided, however, that in the supply of such gas the customers within the Town shall enjoy equal rights with respect to other similar customers served by the Company consistent with Commission rules and regulations.

The Company shall, as to all other conditions and elements of service not fixed herein, be and remain subject to the rules and regulations of the Commission, Department of Transportation, and FERC or its successors, applicable to gas service in the Town.

SECTION 6. Nonexclusive Grant and Term

The gas franchise granted by this Ordinance is not exclusive. The Town may grant the same or similar rights and privileges to other certified persons or companies at any time, provided that any such grants shall be made under terms and conditions which do not materially impair the exercise of the rights and privileges granted to the Company under this franchise.

Upon ratification and acceptance, this franchise shall constitute a contract between the Town and the Company and shall be in force and effect for an initial term of thirty (30) years and shall continue in force and effect year-to-year thereafter until properly terminated by either party. Either party may terminate the contract at the end of its initial term or its anniversary date any year thereafter, by giving written notice of its intention to do so no less than one (1) year before the proposed date of termination.

SECTION 7. Franchise Not Waiver of Law

This franchise is subject to the constitution and laws of the State of North Carolina and is not a waiver of any present or future law or regulation. This franchise is not a limitation of the authority of the Town to enact any ordinance or policy that does not diminish, conflict or impair the rights and authority granted to the Company in this franchise or otherwise impose additional obligations on the Company in order to exercise the rights granted herein.

SECTION 8. Regulations, Safety and Customer Service

Gas utility service is not guaranteed to be free from interruptions, supply failure or outages.

The Company will restore gas utility service using Good Utility practices.

The Company shall maintain and operate its Gas Utility System in compliance with applicable State and Federal maintenance and safety regulations.

Company vehicles, responding to natural gas emergencies, may park as close to the location of the emergency as is practicable.

SECTION 9. Commission Rules and Rates

The Company may from time to time declare, make and enforce such rules and regulations as shall have been fixed or allowed by the Commission as to the sale or distribution of Gas to any of its customers in the Town. The rates to be charged for Gas at all times shall be such rates as are fixed or allowed by the Commission, including such rates as shall be negotiated by the Company with certain industrial or commercial customers pursuant to authority granted by the Commission.

SECTION 10. Plat of Gas Utility System

The Company shall maintain maps or plats of its Gas Utility System within the area covered by this franchise. Such maps or plats shall be maintained in the Company's offices, and the Town may review the same during any regular business hours of the Company.

SECTION 11. Bankruptcy, Successors, Assigns

In the event the Company is adjudged bankrupt or its assets are placed in the hands of a receiver or other court officer, either voluntarily or involuntarily, then the interest, rights and remedies of the Town in respect to said properties and operations shall not be affected or prejudiced, and any receiver, assignee, trustee, purchaser or successor, whether by operation of law or otherwise, so succeeding to or representing the interest or position of the Company, shall be bound by this Ordinance and the terms and provisions hereof and shall be bound to carry out and perform the obligations and duties

imposed upon the Company by this Ordinance. Likewise, if the Company reorganizes, merges, or consolidates with any other company, then the Town is bound by this Ordinance.

SECTION 12. Revocation

In the event the Company fails to comply with the provisions of this Ordinance and, within thirty (30) days after receipt of written notice from the Town, the Company fails to cure or remedy such default, or to have begun reasonable measures to do so, then the Town may cause the Company to appear at a hearing before the Town upon thirty (30) days prior written notice. Any written notice to the Company shall be sent to Dominion Energy North Carolina, 800 Gaston Road Bldg. A Gastonia, North Carolina 28053 Attn: Economic Development & Local Government Manager. If at such hearing the Town should determine that the Company's failure or default has been substantial, repeated or flagrant, then upon such determination the Town may revoke and terminate this franchise; provided, however, that the Company may file with the Town within ten (10) days after such determination the Company's election to appeal to the proper North Carolina court, during the pendency of which the Ordinance shall remain in full force and effect. In that event the Town and Company agree that such court shall hear and determine *de novo* whether there has been substantial, repeated or flagrant failure or default by the Company of the terms, conditions or obligations of this Ordinance. Failure or default which cannot be corrected by the Company shall not be grounds for revocation or termination, unless such failure or default shall be determined to be material and continuing.

SECTION 13. Severability, Third Party Rights

If any provision in this contract is determined to be invalid, void or unenforceable by any court or regulatory body having jurisdiction, such determination shall not invalidate, void, or make unenforceable any other provision, agreement or covenant of this Contract. This Contract and all provisions herein will be subject to all applicable and valid statutes, rules, orders and regulations of any governmental authority having jurisdiction over the parties, their facilities, or gas supply, this Contract or transaction or any provisions thereof.

The rights hereunder in this Ordinance accrue exclusively to the parties, their successors and assigns. It is the express intent of the parties that this franchise shall not create any rights in third parties.

SECTION 14. Effective Date, Term, Adoption, and Ratification

This Ordinance shall be effective from and after the 10th day of November, 2021, provided the Company shall have executed the written acceptance hereof at the end of this Ordinance, and shall exist in force for a period of 30 years hereafter, and continue in force year to year thereafter until cancelled upon written notice of either party at least eighteen months in advance.

(b) All other Ordinances and clauses of Ordinances in conflict herewith are hereby repealed.

Adopted by the City of Concord on the 10th day of November, 2021, and hereby ratified.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

4. Consider adopting a resolution authorizing an eminent domain action for property located at 167 Mahan Street.

Title to this property is currently in the name of Mario Garcia. Due to certain Code Enforcement issues with the property, an attempt was made to locate the owner in order to begin a Code action; however, when the Code Officer went to the address listed by the tax office, no Garcia lived there. Another Mario Garcia was located in the City; however,

when contacted, Mr. Garcia disclaimed any knowledge of the property. The tax value of the property is listed at \$41,900. Property taxes for the year 2021 are due in the amount of \$511.18. This eminent domain action is requested by the City's Planning Department for the purpose of affordable housing.

A motion was made by Council Member King and seconded by Council Member McKenzie to adopt the following resolution authorizing an eminent domain action for property located at 167 Mahan Street—the vote: all aye.

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire a real property parcel identified and defined, as follows:

(Old Description)

LYING AND BEING in ward No. 4 of the City of Concord, North Carolina on the east side of Mahan Street SW and being more particularly described as follows;

BEGINNING at an iron stake in the deg of Mahan Street, corner of Mollie Harris and runs thence with the line of Mollie Harris, North 84 degrees East 100 feet to an iron stake, corner of Mollie Harris, thence South 2 degrees East with the line of Mollie Harris, 31.7 feet to an iron stake in the line of Mollie Harris, corner of Walter Gilmore; thence with the line of Walter Gilmore, North 74 degrees East 44.2 feet to an iron stake in the line of Walter Gilmore, corner of Dr. Lee's lot; thence with the line of Dr. Lee due North 84.7 feet to an iron stake in the line of Dr. Lee, corner of George Green; thence with the line of George Green, South 83 3/4 West 146.3 feet to an iron stake in the edge of Mahan Street SW; thence with the East edge of Mahan Street, South 2 degrees East 60 feet to the POINT AND PLACE OF BEGINNING. Commonly known as 167 Mahan Street SW, Concord, NC 28025, Parcel ID No. 5620-95-1446, Tax ID No: 12-036-0248.00, Cabarrus County.

Being the same property conveyed to Mario Garcia by deed recorded on September 20, 2018 in Deed Book 13189, Page 298 of the Cabarrus County Registry.

WHERAS, the real property parcel, currently owned by Mario Garcia is being acquired for the purpose of the construction of affordable housing along with all fixtures and appurtenances; and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owners to acquire the above-described properties by negotiated conveyance.

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

The City of Concord will acquire by condemnation or negotiated conveyances for the purposes stated above the property and interest therein described above to the Resolution.

The City Attorney is authorized and directed to acquire by negotiated offer or, in the alternative, institute the necessary proceedings under Chapter 157 of the North Carolina General Statutes, to acquire the properties described above.

Adopted this 10th day of November 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

5. Consider adopting an ordinance to allow the police department to administer the extension of ABC licensed premises.

A recent change in the NC General Statutes allows the City to adopt an ordinance providing for the temporary extension of ABC licensed premises. Extension applications will be administered by the Concord Police Department. Extensions are limited to no more than 72 hours per extension and 12 extensions per year. This function was previously administered by the ABC Commission and the proposed ordinance mirrors the regulations followed by the Commission.

A motion was made by Council Member King and seconded by Mayor Pro-Tem Crawford to adopt the following ordinance allowing the police department to administer the extension of ABC licensed premises—the vote: all aye.

6. Consider authorizing the City Manager to negotiate and execute a contract with the Houston Galveston Area Cooperative Purchasing Program for the purchase of a Pierce manufactured Fire engine/pumper and TDA-ladder truck.

By using the government to government purchasing cooperative for the purchase of the fire apparatus, the City is able to purchase both apparatus for a total cost of \$2,153,505 while providing a chassis with the latest safety features available. Using the pre-pay method will result in a cost savings of \$80,333.00. The apparatus will be a replacement for engine company 9 and the new ladder approved in the FY21-22 budget. The requested amount is under the approved funds in the vehicle capital account.

A motion was made by Council Member Small and seconded by Council Member Sweat to authorize the City Manager to negotiate and sign a contract for the purchase of the Pierce apparatus using the Houston Galveston Area purchasing cooperative—the vote: all aye.

7. Consider awarding a bid in the amount of \$1,629,248.25 to Pike Electric LLC for construction of Delivery Station #4 at 114 Union Cemetery Road.

Delivery Station #4 site-work/grading is now complete. Bid specifications for construction of the concrete foundations and all above ground facilities were developed and a formal bid process was held on October 20, 2021. Seven construction firms submitted bids, which were evaluated by staff for adherence to specifications. The lowest bidder at \$1,629,248.25 was Pike Electric LLC. Pike Electric was deemed to be a responsive and responsible bidder. Upon a Notice to Proceed letter, Pike will have 280 days to perform the work. Delivery 4 remains on schedule for commissioning in December 2022.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to award a bid for \$1,629,248.25 to Pike Electric LLC for construction of Delivery Station #4 at 114 Union Cemetery Road—the vote: all aye.

8. Consider awarding bids for electric equipment and materials for Substation T Located at 2640 Concord Parkway to; Dis-Tran Packaged Substation Engineering, PLLC, Virginia Transformer Corporation, S&C Electric Company, ABB Inc., Electrical Power Products Inc. and VFP Inc.

Electric Systems staff received bids on October 20, 2021 for electric equipment and materials required for the construction of a new substation located at 2640 Concord Parkway South. The bids were arranged into the following six schedules of equipment: Schedule I – Substation steel and structures- Dis-Tran Packaged Substation Engineering, \$491,320; Schedule II - Two 27 MVA Power transformers, Virginia Transformer Corporation, \$1,857,624; Schedule III – Two 100KV circuit switchers, S&C Electric Company, \$116,660.20; Schedule IV – Fourteen 15KV circuit breakers, ABB Inc., \$246,161.60; Schedule V -- Relay Panels, Electrical Power Products, \$116,486 (Lowest Responsive Bidder); and Schedule VI – Control equipment house, VFP, Inc., \$91,248. All schedules combined at \$2,919,499.80. Funding to be derived from existing Substation T project account with standing balance of \$4,117,194.22.

A motion was made by Council Member McKenzie and seconded by Council Member Langford to award bids for electric equipment and materials for Substation T to; Dis-Tran Packaged Substation Engineering, PLLC, Virginia Transformer Corporation, S&C Electric Company, ABB Inc., Electrical Power Products Inc. and VFP Inc—the vote: all aye.

9. Consider approving the acquisition of one parcel totaling 4.303 acres along Three-mile Branch and Branchview Drive (parcel ID# 5621-84-3678) from Irvin W. Nachman, Judy Ben-Zev, Barry A. Nachman, and Susan Nachman for future development of McEachern Greenway.

The parcel under consideration for acquisition (PID# 5621-84-3678) would be developed as part of an extension to the McEachern Greenway. This parcel is 4.303 acres according to a new survey, and features land on both sides of Brookwood Avenue. The purchase price is \$105,000.

This property is critical for connectivity from the existing end of McEachern Greenway to David Phillips Activity Center, which also features connections to Miramar with sidewalk connections to Beverly Hills Park, Concord High School, and future connectivity to the hospital. The total cost for acquisition of the 4.303 acres including due diligence is \$110,900.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard to approve the acquisition of one parcel totaling 4.303 acres (PIN# 5621-84-3678) from Irvin W. Nachman, Judy Ben-Zev, Barry A. Nachman, and Susan Nachman for future development of McEachern Greenway for \$110,900 (amount includes due diligence), and to adopt the following ordinances to amend the Parks and Recreation Capital Reserve Fund and Recreation Capital Project Fund to complete transfers for approved property purchases—the vote: all aye.

ORD. # 21-115

**CAPITAL PROJECT ORDINANCE AMENDMENT
Parks & Recreation Projects-McEachern Hospital Phase**

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 the McEachern-Hospital Phase Greenway.

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
420-501280		\$1,126,81	\$1,237,71	
420-501280	Transfer from P&R Reserve	6	6	\$110,900
				<u>\$110,900</u>

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8300-5811018				
8300-5811018	McEachern-Hospital Phase	\$945,515	\$1,056,415	<u>\$110,900</u>
Total				<u>\$110,900</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 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 November, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 21-116

**PARKS & CAPITAL RESERVE FUND ORDINANCE
AMENDED**

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 amended:

SECTION 1. The purpose authorized is to accumulate funds for future capital projects and capital outlay. Funds will be accumulated until such time the City Council designates the funds for projects or capital outlay. These funds may only be designated for projects that are listed in the City's Capital Improvement Plan or capital outlay approved in the City's operating budget ordinance. 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 project/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 this fund:

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8100-5987000	Transfer to Project	\$903,960	\$1,014,860	\$110,900
8100-5987000	Fund			
8100-5811082				
8100-5811082	Future Projects	\$1,861,722	\$1,750,822	\$(110,900)

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 10th day of November, 2021.

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 a contract with Cunningham Associates, Inc. for the replacement of playground equipment at McGee Park, located at 219 Corban Avenue, East, in the amount of \$160,542.27.

Cunningham Associates, Inc. quote was the lowest responsible bidder at \$160,542.27. The amount of \$165,000 was identified in the approved FY22 budget for the replacement of the aged playground unit at McGee Park. The new playground will feature replacement of one large playground unit, replacement of the existing tire swing with new accessible swings, and new poured-in-place (PIP) rubber surfacing for two large areas of the playground, totaling approximately 5,215 square feet.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with Cunningham Associates, Inc. for a playground unit replacement at McGee Park in the amount of \$160,542.27—the vote: all aye.

11. Consider authorizing the City Manager to negotiate and execute a construction contract with Cleary Construction Inc. for the construction of the 12" Public Sewer Extension Phase I and to adopt a capital project ordinance amendment.

Bids were received on November 2, 2021 for the construction of a 12" Public Sewer Extension located along Coddle Creek Tributary from Roberta Church Road to approximately 885 feet north. Cleary Construction, Inc. was the low bidder with a total bid of \$2,451,594.75. The bid price was over current project funding and requires a transfer from wastewater future projects.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard to authorize the City Manager to negotiate and execute a contract with Cleary Construction Inc. in the amount of \$2,451,594.75 for the construction of the 12" Public Sewer Extension Phase I and to adopt the following capital project ordinance amendment—the vote: all aye.

ORD.# 21-117

**CAPITAL PROJECT ORDINANCE AMENDMENT
Wastewater 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 the projects included for The Grounds Sewer Extension Phase I 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 completion of the projects:

Revenues

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease or Increase)</u>
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SECTION 4. The following amounts are appropriated for the project:

Expenses/Expenditures

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease or Increase)</u>
8402-5811082	Future Projects	2,795,468	1,820,953	(974,515)
8402-5811082				
8402-5801161	The Grounds Swr Ext Ph1	1,600,000	2,574,515	974,515
8402-5801161				
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 November, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

12. Consider making appointments to various Boards and Commissions.

The Mayor and Council met and reviewed all applications currently on file in the City Clerk's office.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard to make the following appointments to various Boards and Commissions—the vote: all aye.

Alan Benson to the ABC Board;

Roy Hawkins to the Concord United Committee to fill the unexpired term of Chris Bowe;

Bob Anderson to the Council United Committee to fill the unexpired term of Betty Stocks (effective 12/9/21);

Nick Paladino to the Stormwater Management Advisory Committee (SMAC) Group 3;

Kristin Roland and Matt Long as At-Large members to the SMAC.

Consent Agenda:

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

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

CONSENT AGENDA ITEM A

It was approved to co-sponsor the 2021 Concord Christmas Parade and provide insurance and in-kind services for the event.

CONSENT AGENDA ITEM B

The donation of a Pierce rescue truck from the Odell Volunteer Fire Department was accepted.

CONSENT AGENDA ITEM C

A Pierce rescue truck from the Concord Fire Department was donated to the Odell Volunteer Fire Department to replace the donated rescue truck from Odell.

CONSENT AGENDA ITEM D

An update to the Housing Department's Admissions and Continued Occupancy Policy was approved to reflect HUD's PIH Notice 2021-29, 30-day advance notification of lease termination.

CONSENT AGENDA ITEM E

The offer of infrastructure acceptance in the following subdivisions and sites was approved: Night and Day Dental.

CONSENT AGENDA ITEM F

The maintenance agreements were approved and the offers of dedication were accepted on the following properties: Odell 73 Investments, LLC and Stor-All Derita, L.P.

CONSENT AGENDA ITEM G

The offers of dedication were accepted on the following plat and easements: Kensley East Subdivision, Cannon Run, and Minor Subdivision 361 Eastover Dr SE.

CONSENT AGENDA ITEM H

The City Manager was authorized to accept an award in the amount of \$37,400 under the FY 2021 Patrick Leahy Bulletproof Vest Partnership Grant from the United States Department of Justice to purchase an estimated 115 vests over the next two years and the following budget ordinance was adopted to appropriate the grant funds.

ORD.# 21-118

AN ORDINANCE TO AMEND FY 2021-2022 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 10th day of June, 2021, adopt a City budget for the fiscal year beginning July 1, 2021 and ending on June 30, 2022, 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>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
100-4603200	Police Grants	\$405,501	\$442,901	\$37,400
Total				\$37,400

		<u>Expenses/Expenditures</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
4310-5212000	Uniforms	\$48,065	\$85,465	\$37,400
Total				\$37,400

Reason: To appropriate the 2021 Patrick Leahy Bulletproof Vest Partnership award.

Adopted this 10th day of November, 2021.

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 City Manager was authorized to accept the award in the amount of \$20,905 from 2021 BIA FY 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program-Local Solicitation on behalf of the police department and the following budget ordinance was adopted to appropriate the grant funds.

ORD.# 21-119

AN ORDINANCE TO AMEND FY 2021-2022 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 10th day of June, 2021, adopt a City budget for the fiscal year beginning July 1, 2021 and ending on June 30, 2022, 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
100-4603200	Police Grants	\$384,640	\$405,501	\$20,861
Total				\$20,861

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4310-5800429	Grant Expenditures	\$0	\$20,861	\$20,861
Total				\$20,861

Reason: To appropriate the 2021 JAG Grant award.

Adopted this 10th day of November, 2021.

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 ordinances were adopted to amend the Electric operating budget and the Utility Capital Reserve Project fund for a transfer of Electric reserves to the project fund.

ORD.# 21-120

**CAPITAL PROJECT ORDINANCE
Utility Project Reserves**

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 and amended is electric project reserves.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the project/projects within the terms of the plans and specifications for the projects. 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 Electric/Water/Wastewater Funds will serve as the funding source for the Utility Capital Reserve Fund upon City Council approval and withdrawals must be approved by City Council through an ordinance.

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
282-4501610	From Electric	\$33,484,368	\$43,484,368	\$10,000,000
282-4501610				
8120-5811081	Future Elec. Reserves	\$10,404,092	\$20,404,092	\$10,000,000
8120-5811081				

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 10th day of November, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 21-121

AN ORDINANCE TO AMEND FY 2021-2022 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 10th day of June, 2021, adopt a City budget for the fiscal year beginning July 1, 2021 and ending on June 30, 2022, 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
610-4406000	Approp. Retained Earnings	1,448,018	11,448,018	10,000,000
Total				<u>10,000,000</u>

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
7200-5981500	Transfer to Utility Reserve	1,852,622	11,852,622	10,000,000
Total				<u>10,000,000</u>

Reason: Reserve FYE2021 electric operations surplus to the utility reserve fund for future projects as listed in the City's CIP.

Adopted this 10th day of November, 2021.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM K

The following budget ordinance was adopted to increase funds for the Public Art Master Plan by \$15,000.

ORD.# 21-122

AN ORDINANCE TO AMEND FY 2021-2022 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 10th day of June, 2021, adopt a City budget for the fiscal year beginning July 1, 2021 and ending on June 30, 2022, 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
Total				

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4910-5194000	Contract Services	106,881	121,881	15,000
4190-5992000	Contingency	464,839	449,839	(15,000)
Total				0

Reason: To transfer contingency funds for the art committee.

Adopted this 10th day of November, 2021.

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 City Manager was authorized to enter into a contract with the North Carolina Department of Transportation (NCDOT) and execute all agreements and contracts with the NCDOT, Public Transportation Division (PTD), to receive Section 5303 Federal Transit Administration (FTA) funds for Metropolitan Planning for Transit.

CONSENT AGENDA ITEM M

The 2022 and 2023 Holiday Schedules were approved.

CONSENT AGENDA ITEM N

The third quarter water and wastewater extension report for 2021 was received.

CONSENT AGENDA ITEM O

The annual report on the City's Identity Theft Program was accepted.

CONSENT AGENDA ITEM P

The monthly report on investments as of September 30, 2021 was received .

CONSENT AGENDA ITEM Q

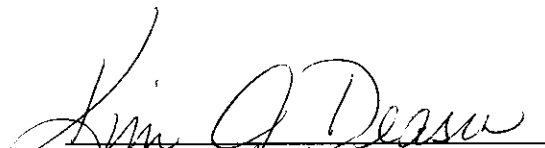
The Tax releases/refunds for the month of September 2021 were approved.

CONSENT AGENDA ITEM R


The Tax Office collection reports for the month of September 2021 were accepted.

* * * * *

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



Kim J. Deason, City Clerk



William C. Dusch, Mayor