

CONCORD CITY COUNCIL
REGULAR MEETING
NOVEMBER 10, 2022

A regular meeting of the City Council for the City of Concord, North Carolina, was held in the 3rd floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on November 10, 2022, at 6:00 p.m. 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 Betty M. Stocks
Council Member JC McKenzie
Council Member Jennifer Parsley-Hubbard
Council Member John A. Sweat, Jr.

Members Absent:

Council Member W. Brian King

Others Present:

City Manager, Lloyd Wm. Payne, Jr.
City Attorney, VaLerie Kolczynski
City Clerk, Kimberly J. Deason
Assistant City Managers
Department Directors

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

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

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Approval of Minutes:

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Langford to approve the minutes for the meetings of September 20, October 11 and October 13, 2022—the vote: all aye.

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Presentations:

- 1. Mayor Dusch presented a retirement plaque to Dawn Simpson for over 26 years of service with the City of Concord Parks and Recreation Department.**
- 2. At the November 8th Work Session, Mayor Dusch recognized Camden Ramsey as the recipient of the NC Firefighter of the year 2022. Camden is the first and only member of the Concord Fire Department to receive this award.**
- 3. Mayor Dusch recognized the Fire Department Fire Administration Manager, Sonya Bost, as the recipient of 2022 NAACP Presidents Award.**
- 4. At the November 8th Work Session, Mayor Dusch recognized Water Treatment Plant Operator, Tena Mullis, as the North Carolina "A-Surface Operator of the Year".**

5. At the November 8th Work Session, Mayor Dusch recognized the Water Department for receiving the 2022 Area Wide Optimization Program (AWOP) award for both Hillgrove and Coddle Creek Water Treatment Plants.

6. Mayor Dusch recognized the City of Concord's Human Resources Department for being awarded the Best in HR for 2022 by the Charlotte Business Journal.

Public Hearings:

1. **Conduct a public hearing, pursuant to North Carolina General Statutes Sec. 158-7.1, to consider revising the Economic Development Incentive Grant (EDI) awarded in 2021 to RRB Beverage Operations, Inc. (Project Aquamarine Component 2) granting a seven-year/85% tax-based economic development grant.**

RRB Beverage Operations, Inc., proposes to develop an approximately 1,400,000 SF factory, distribution, and office space development at the Grounds at Concord (2321 Concord Pkwy S, Concord, North Carolina 28027) with an increased investment of approximately \$127,000,000 from \$553,000,000 to \$680,000,000 in real and personal property. They also plan to create 323 jobs with an average wage of \$50,387.

The total value of the City's seven-year grant based on the increased investment would rise from approximately \$11,152,354 to \$14,630,880 depending on the actual investment. The City of Concord would still collect a seven-year net revenue of \$2,581,920 after the incentive payments. This is a joint City-County Economic Development effort.

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

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

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Sweat to revise the seven year/85% EDI awarded to RRB Beverage Operations, Inc., (Project Aquamarine Component 2) to reflect the increased investment from \$553,000,000 to \$680,000,000, pursuant to North Carolina General Statutes Sec. 158-7.1—the vote: all aye.

2. **Conduct a public hearing, pursuant to North Carolina General Statutes Sec. 158-7.1, to consider revising the Economic Development Incentive Grant (EDI) awarded in 2021 to Red Bull North America, Inc. (Project Aquamarine Component 3) granting a seven-year/85% tax-based economic development grant.**

Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. Red Bull North America, Inc., proposes to develop an approximately 800,000 SF regional distribution center at the Grounds at Concord (2321 Concord Pkwy S, Concord, North Carolina 28027) with an increased investment of approximately \$284,000,000 from \$140,000,000 to \$424,000,000 in real and personal property. They also plan to create 90 jobs with an average wage of \$50,367. The total value of the City's seven-year grant based on the increased investment would rise from approximately \$2,951,227 to \$9,479,778, depending on the actual investment. The City of Concord would still collect a seven-year net revenue of \$1,672,902 after the incentive payments. This is a joint City-County Economic Development effort. The Cabarrus County Board of Commissioners is scheduled to hold their public hearing on November 20, 2022. Please see attached grant analysis for additional details.

A motion was made by Council Member Parsley-Hubbard and seconded by Council

Member Sweat to open the public hearing—the vote: all aye.

There was no one signed in to speak in favor or in opposition to the request. Therefore, a motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard—the vote: all aye.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Stocks to revise the seven year/85% EDI awarded to Red Bull North America, Inc. (Project Aquamarine Component 3) to locate at 2321 Concord Pkwy S. in Concord, North Carolina, to reflect the increased investment from \$140,000,000 to \$424,000,000, pursuant to North Carolina General Statutes Sec. 158-7.1—the vote: all aye.

Presentations of Petitions and Requests:

1. Consider approving two resolutions concerning the issuance of Multifamily Housing Revenue Bonds related to the Coleman Mills project.

STC Coleman Mill, LLC has requested that the City assist it in financing a portion of the cost of the acquisition of the historic Coleman Mill and the constructing, renovating, and equipping therein of a 150-unit multifamily residential rental facility to be known as Coleman Mill Lofts and located at 625 Main Street SW and the City has previously agreed to do so.

As part of the process required for this financing, the City needs to approve two resolutions. The first resolution approves the financing team and makes certain findings with respect to the issuance of the Multifamily Housing Revenue Bonds. The second resolution authorizes the issuance and sale of the bonds. The developer plans to go to the LGC for approval in December so that the bonds can then be issued.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Stocks to adopt the following Resolution Approving Financing Team and Making Certain Findings with Respect to the Issuance of Multifamily Housing Revenue Bonds (Coleman Mill Lofts), Series 2022 and the Resolution Authorizing Issuance and Sale of Multifamily Housing Revenue Bonds (Coleman Mill Lofts), Series 2022—the vote: all aye.

RESOLUTION AUTHORIZING ISSUANCE AND SALE OF MULTIFAMILY HOUSING REVENUE BONDS (COLEMAN MILL LOFTS), SERIES 2022

WHEREAS, STC Coleman Mill, LLC, a North Carolina limited liability company, or an affiliated or related entity (the "Borrower"), has requested that the City of Concord, North Carolina (the "City") assist it in financing a portion of the cost of the acquisition of the historic Coleman Mill and the constructing, renovating and equipping therein of a 150-unit multifamily residential rental facility to be known as Coleman Mill Lofts and located at 625 Main Street SW in the City (the "Development") and the City has agreed to do so; and

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

WHEREAS, the City proposes to provide the financing for the Development by the issuance of its (a) Multifamily Housing Revenue Bonds (Coleman Mill Lofts), Series 2022A in an aggregate principal amount of approximately \$12,465,000 (the "2022A Bonds"), (b) Multifamily Housing Revenue Bonds (Coleman Mill Lofts), Series 2022B in an aggregate principal amount of approximately \$6,665,000 (the "2022B Bonds") and (c) Multifamily Housing Revenue Bonds (Coleman Mill Lofts), Taxable Series 2022C in an aggregate principal amount of approximately \$15,000,000 (the "2022C Bonds" and, together with the 2022A Bonds and the 2022B Bonds, the "Bonds"), in the combined aggregate principal amount of not to exceed \$34,130,000; and

WHEREAS, the Bonds will be issued pursuant to an Indenture of Trust (the "Indenture"), between the City and UMB Bank, N.A., as trustee (the "Trustee"); and

WHEREAS, it is anticipated that the Bonds will be sold in a limited offering pursuant to a Bond Purchase Agreement (the "Bond Purchase Agreement"), to be dated the date of sale of the Bonds, among the City, the Borrower, and Piper Sandler & Co., as the underwriter; and

WHEREAS, the proceeds of the Bonds will be loaned to the Borrower pursuant to a Loan Agreement (the "Loan Agreement"), between the City and the Borrower, for the purpose of (i) paying a portion of the costs of the acquisition, construction, renovation and equipping of the Development, and (ii) paying certain issuance expenses in connection with the issuance of the Bonds; and

WHEREAS, the Borrower's obligations under the Loan Agreement will be secured by a Multifamily Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing (the "Deed of Trust"), from the Borrower to the deed of trust trustee named therein for the benefit of the City, and various other security documents, all of which will be assigned to the Trustee for the benefit of the holder of the Bonds; and

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

- (a) the Indenture, together with the forms of the Bonds attached thereto;
- (b) the Loan Agreement;
- (c) the promissory note of the Borrower in favor of the City (the "Borrower Note"), which will be assigned by the City to the Trustee;
- (d) the Regulatory Agreement and Declaration of Restrictive Covenants, pursuant to which the Borrower will be required to operate the Development in accordance with Section 142(d) of the Internal Revenue Code of 1986, as amended;
- (e) the Bond Purchase Agreement;
- (f) the Limited Offering Memorandum (the "Limited Offering Memorandum") related to the offering and sale of the Bonds;
- (g) the Deed of Trust; and
- (h) the Assignment of Deed of Trust Documents, from the City to the Trustee, with the consent of the Borrower;

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

1. The City hereby determines to provide financing to the Borrower for the acquisition, construction, renovation and equipping of the Development through the issuance of the Bonds pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended, the loan of the proceeds thereof and the deposit of such proceeds with the Trustee in accordance with the Indenture and the Loan Agreement.

2. The City hereby authorizes the issuance and sale of the Bonds pursuant to and in accordance with the terms set forth in the Indenture. The Bonds will bear interest at the rates and will mature and be redeemed in the years and amounts all as set forth in the Indenture; provided, however, that the aggregate principal amount of the Bonds shall not exceed \$34,130,000.

3. Each of the Mayor, the City Manager, the Finance Director and the City Clerk of the City or his or her respective designee is hereby authorized and directed to execute and deliver the Documents to the other parties thereto. Each of the Mayor, the City Manager, the Finance Director and the City Clerk of the City or his or her respective designee, is authorized and directed to execute and deliver such endorsements, assignments and other instruments as may be necessary to assign the Note and other security documents to the Trustee.

4. Each of the Mayor, the City Manager, the Finance Director and the City

Clerk of the City is hereby authorized and directed to execute and deliver the Bonds in the manner and subject to the conditions provided in the Indenture to the Trustee for authentication, and to cause the Bonds so executed and authenticated to be delivered to or for the account of the Underwriter, or any affiliate thereof, upon payment of the purchase price therefor.

5. The distribution of the Limited Offering Memorandum by the Underwriter to prospective purchasers of the Bonds is hereby approved. The City is authorized to deem the Limited Offering Memorandum to be "final" within the meaning of Rule 15c2-12 of the Rules and Regulations promulgated under the Securities Exchange Act of 1934, as amended. The Mayor, the City Manager and the Finance Director of the City or their respective designees are hereby authorized and directed to approve and deliver the Limited Offering Memorandum to the Underwriter and the Underwriter is hereby authorized and directed to distribute the Limited Offering Memorandum to the purchasers of the Bonds.

6. The Documents and the Bonds shall be in substantially the forms reviewed by staff and described herein, which are hereby approved, with such completions, omissions, insertions and changes as may be necessary or convenient to reflect the final terms of the Bonds, and as otherwise approved by the officers of the City executing them after consultation with counsel to the City, their execution to constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes.

6. Any authorization made hereby to the officers of the City to execute a document shall include authorization to the Mayor, the City Manager or the Finance Director of the City, or their respective designees, to execute the document, authorization to the City Clerk or any Assistant City Clerk to affix the seal of the City to such document and attest such seal and where appropriate, to deliver it to the other parties thereto, all in the manner provided in the Documents.

7. Such officers are hereby authorized and directed to execute and deliver any and all other documents, agreements, instruments, and certificates in the name and on behalf of the City as may be necessary or desirable to the issuance of the Bonds. All other acts of the officers of the City that are in conformity with the purposes and intent of this resolution and in furtherance of the undertaking of the Development and the issuance and sale of the Bonds are hereby ratified, confirmed and approved.

8. This resolution shall take effect immediately.

This the 10th day of November, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

2. Consider approving a request from WeBuild Concord for an allocation of \$1,400,000 from the City's Affordable Housing Revolving Fund and to adopt a budget amendment.

WeBuild Concord is requesting \$1,400,000 from the Affordable Housing Revolving fund for new affordable housing projects and construction. WeBuild will use the funds for new naturally reoccurring affordable housing projects at 114 Kerr Street (a mixed-use development), 531 Allison Street NW, Sky Summer Apartments, and projects at seven sites on land purchased from the City. WeBuild is closing on these properties between October and December. Groundbreakings on some projects begin in October through December.

WeBuild will use most of the funding to launch construction for reimbursable contracts. The additional projects will add at least 17 other units to the 50 to 60 affordable units discussed in their last request. These include construction that will aid single-family, multi-family, and senior housing partners and continue their collective impact model with

the City of Concord and partners. WeBuild Concord will continue to market these developments as joint ventures between WeBuild Concord, the City of Concord, and partners that engage with us on individual projects.

A motion was made by Council Member Stocks and seconded by Council Member Parsley-Hubbard to approve the request allocating \$1,400,000 to WeBuild Concord from the Affordable Housing Revolving Fund and adopt a budget amendment—the vote: all aye.

ORD.# 22-135

**CAPITAL PROJECT ORDINANCE AMENDMENT
Revolving Affordable Housing 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 project authorized is Affordable Housing – We Build.

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 |
|----------------|--------------|-----------------------|-----------------------|----------------------------|
| | | | | |

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

Expenses/Expenditures

| Account | Title | Current Budget | Amended Budget | (Decrease) Increase |
|----------------|-----------------|-----------------------|-----------------------|----------------------------|
| 3700-5475100 | We Build (CFEA) | 1,300,000 | 2,700,000 | 1,400,000 |
| 3700-5811082 | Future Projects | 1,912,032 | 512,032 | (1,400,000) |
| | 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 of November, 2022.

CITY COUNCIL
CITY OF CONCORD

NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

3. Consider recognizing The Pendleton Home Owners Association (HOA) into the City's Partnership for Stronger Neighborhoods program.

The Pendleton is a community with 144 single and two story single family homes. They are located west of Crestmont Drive in northeast Concord. The neighborhood was established in 2008 and has a relatively new HOA board. Officers for the Association are: President, Reverend James Bernacki; Vice President, Renee Troublefield; Treasurer, Joseph Chamberlain; and Secretary, Corinna Ousley. By approving their inclusion in the program, the City would have a total of 74 recognized neighborhoods in the Partnership for Stronger Neighborhoods since the program's foundation in 2000.

A motion was made by Council Member Parsley-Hubbard and seconded by Mayor Pro-Tem Crawford to approve the acceptance of The Pendleton Home Owners Association as a recognized neighborhood in the Partnership for Stronger Neighborhoods Program—the vote: all aye.

4. Consider authorizing the City Manager to approve a change order for the General Aviation Terminal Parking Lot Rehabilitation Project at the Concord-Padgett Regional Airport.

The General Aviation Terminal Parking Lot Rehabilitation project was designed to mill along the edges of the curb and gutter and drainage structures in several of the parking areas so that the contractors could tie-in at the existing gutter and drainage structure elevations. Once the contractors started milling the edges and around the drainage structures per the plans in these parking areas, the asphalt was coming up in large pieces in lieu of the typical millings. Therefore, it was decided to mill all of the pavement instead of just the edges.

Milling the entire parking area caused the milling to go over the plan quantity and the asphalt to go over plan quantity because the contractors paved back two inches over those areas instead of a varying overlay. Additionally, the scope of work added the paving rehabilitation of the Hangar A access road and parking areas that used plan quantity items and it is estimated that the cost was approximately \$29,000 for this work. The amount of the final change order is \$108,725.16. This project was funded by a grant, and CARES funds will be used to cover the cost of the change order.

A motion was made by Council Member Stocks and seconded by Council Member Langford to authorize the City Manager to approve a change order for the General Aviation Terminal Parking Lot Rehabilitation Project at the Concord-Padgett Regional Airport—the vote: all aye.

5. Consider authorizing the City Manager to negotiate and execute a contract with EST Building Systems to complete the roof replacement at Academy Recreation Center.

Bids were accepted to replace 6 of the nine sections of roof at Academy Recreation Center. The remaining 3 sections were replaced in 2021. This will complete the replacement of all roof sections at Academy Recreation Center. The bids were based on a total tear off and replacement scope and include a twenty-year warranty. The lowest bid received was from EST roofing in the amount of \$220,000.

A motion was made by Council Member McKenzie and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with EST

Building Systems to complete the roof replacement at Academy Recreation Center in the amount of \$220,000—the vote: all aye.

6. Consider awarding bids for electric equipment and materials for Substation V located at 7437 Ruben Linker Road to the following vendors: Substation Enterprises; Virginia Transformer Corporation; S&C Electric Company; Siemens Industry, Inc; and Myers Controlled Power, LLC.

Electric Systems staff received bids on October 20, 2022, for electric equipment and materials required for the construction of a new substation located at 7437 Ruben Linker Road. The bids were arranged into six schedules of equipment. Each bid was reviewed for compliance with the technical specifications and purchase price. Based on the preceding factors the following vendors submitted the lowest responsive and compliant bid: Schedule I – Substation steel and structures- Substation Enterprises, \$559,418; Schedule II – Two 28 MVA power transformers, Virginia Transformer Corporation, \$2,445,400; Schedule III – Two 100KV circuit switchers, S&C Electric Company, \$141,400; Schedule IV – Eight 15KV circuit breakers, Siemens Industry, Inc, \$253,012; Schedule V – One relay and control panel, Birmingham Control Systems, Inc, \$139,995; and Schedule VI – One Control house, Modular Connections, LLC, \$107,307. All schedules combined total \$3,646,532. Funding will be derived from the existing Substation V project account.

A motion was made by Council Member Langford and seconded by Mayor Pro-Tem Crawford to award bids for electric equipment and materials for Substation V to: Substation Enterprises; Virginia Transformer Corporation; S&C Electric Company; Siemens Industry, Inc; and Birmingham Control Systems, Inc, and Modular Connections, LLC—the vote: all aye.

7. Consider awarding a bid for electric materials for two (2) 2500 KVA padmount distribution transformers to WESCO Distribution, Inc.

Electric Systems staff received four bids on October 26, 2022 for electric materials for the purchase of two (2) 2500 KVA padmount distribution transformers. WESCO Distribution, Inc was the lowest bidder at \$193,370 and was compliant in meeting the required specifications.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Langford to award a bid for electric materials in the amount of \$193,370 to WESCO Distribution, Inc. for the purchase of two (2) 2500 KVA padmount distribution transformers—the vote: all aye.

8. Consider authorizing the City Manager to negotiate and execute a contract with Musco Sports Lighting, LLC Sourcewell #199030 for the purchase and installation of Green Generation lighting fixtures and poles at Gibson Field, located at 323 Misenheimer Drive NW.

This project includes the installation of 5 light fixtures and poles with pre-cast concrete bases, galvanized steel poles at the Gibson ballfield in addition to locking and unlocking of ballfield restrooms using the Control Link system. The lights will work with the existing Remote Equipment Controllers, factory wired and tested remote electrical component enclosures and pole top luminaire assemblies. The on-field Performance-Light levels are guaranteed for 25 years with the LED solution. This includes both quality and quantity of light as specified. LED Energy Savings, with a reduction of energy by 50%+ with LED over typical HID 1500w.

This bid includes Environmental Light Control-Control for neighbors and the environment. LED is an intense light source and without the correct glare control the appearance of the facility will be compromised. The LED proposal covers all maintenance for 25 years. The provided warranty covers all materials and labor, eliminating maintenance costs for 25 years. The City maintains 10 facilities with sports lighting and all have Musco lighting. In order to operate efficiently by reducing the

amount of staff training and stocking of parts, the City proposes to purchase the light fixtures from Musco Lighting under the sole-source exception #199030, contract number #071619-MSL allowed by N.C. Gen. Stat. 143-129 (e) Exceptions (6) when "(iii) Standardization or compatibility is the overriding consideration." The proposed cost for equipment and installation is \$275,000.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with Musco Sports Lighting, LLC for the purchase and installation of Green Generation Lighting fixtures and galvanized steel poles for Gibson Ballfield, for a fee not to exceed \$275,000—the vote: all aye.

9. Consider authorizing the City Manager to sign a contract with Garver for preliminary engineering and design of the rehabilitation of the chlorine room at the Coddle Creek Water Treatment Plant in the amount of \$269,194.

Extensive rehab and concrete work is needed for the chlorine room at the Coddle Creek WTP. Holding tanks will also be replaced as part of the project. The project will make structural repairs and improvements and will make the room safer for plant personnel. The Water Resources department advertised an RFQ for professional engineering design services. One response was received. Water staff interviewed Garver and is recommending them as the selected consultant for this project.

A motion was made by Council Member Langford and seconded by Council Member Parsley-Hubbard to authorize the City Manager to sign a contract with Garver in the amount of \$269,194—the vote: all aye.

10. Consider authorizing the City Manager to negotiate and execute a construction contract with Fuller & Co. Construction, LLC for the construction of the 12" Public Sewer Extension Phase IIA.

Bids were received on October 25, 2022 for the construction of a 12" Public Sewer Extension located along Coddle Creek Tributary from the end of Phase I to New Town Way which is approximately 2,476 feet. Fuller & Co. Construction, LLC was the low bidder with a total bid of \$1,297,449.38.

A motion Mayor Pro-Tem Crawford and seconded by Council Member Langford to authorize the City Manager to negotiate and execute a contract with Fuller & Co. Construction, LLC in the amount of \$1,297,449.38 for the construction of the 12" Public Sewer Extension Phase IIA—the vote: all aye.

11. Consider amending the Sewer Allocation Policy.

City Council initially approved the Sewer Allocation Policy at their December 21, 2021 work session. The amendments proposed are to clarify the definition of public projects such that the definition is as defined in the Concord Development Ordinance and clarify that approved Economic Development projects are not limited to a one year time limit.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to amend the Sewer Allocation Policy—the vote: all aye.

12. Consider a Preliminary Application from Eric Barnhardt.

In accordance with City Code Chapter 62, Eric Barnhardt has submitted a preliminary application to receive water service outside the City limits. The property is located at 1361 Zion Church Road. This parcel is zoned county LDR and developed with a single family house. The applicant indicates that the existing well is going bad. Public sewer is not available to the parcel.

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Parsley-Hubbard to accept the preliminary application and have the owner proceed to

the final application phase excluding annexation—the vote: all aye.

13. Consider a Preliminary Application from Ready Mix of the Carolinas, Inc.

In accordance with City Code Chapter 62, Rick Alexander of Ready Mix of the Carolinas, Inc. has submitted a preliminary application to receive water service outside the City limits. The property is located at 2976 Zion Church Road. This parcel is zoned county GI (General Industrial) and is currently undeveloped. The applicant is planning on constructing a concrete ready mix plant with a +/- 2,500 sf maintenance shop. The applicant will need to extend the existing water line in order to serve the property. Sewer is available to the parcel but the applicant has obtained a septic permit from the county.

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

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

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

CONSENT AGENDA ITEM A

One additional personal day off was approved to be raffled off for the City's United Way fundraiser. The day must be used by June 30, 2023.

CONSENT AGENDA ITEM B

The City Manager was authorized to negotiate a contract with Hopthru for automated passenger counter data validation, management, and analysis for Rider Transit in the amount of \$87,525.

CONSENT AGENDA ITEM C

The following ordinance was adopted to amend the Rates and Charges to include U.S. Military Veterans in the Reduced Fare Program.

ORD.# 22-136

AN ORDINANCE AMENDING FY 2022-23 APPROVED FEES, RATES AND CHARGES SCHEDULE AS ADOPTED IN THE FY 2022-2023 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 9th day of June, 2022, adopt a City budget for the fiscal year beginning July 1st, 2022 and ending on June 30th, 2023, 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:

Transit System - Concord/Kannapolis Rider (changes in **Bold**)

LOCAL SERVICE

| | |
|---|---|
| Regular Fare ¹ | \$ 1.25 per one-way trip |
| ADA Paratransit Fare | \$ 2.00 per one-way trip |
| Senior Citizen Fare ² | \$ 0.60 per one-way trip |
| Disabled Fare ² | \$ 0.60 per one-way trip |
| Medicare Card Holders ² | \$ 0.60 per one-way trip |
| Student Fare ² | \$ 0.60 per one-way trip |
| Veteran Fare² | \$ 0.60 per one-way trip |
| Children (under 5) | Free |
| Transfers ³ | Free |
| 1-Day Unlimited Ride Pass | \$ 4.00 |
| 1-Day Unlimited Ride Pass (Senior, Disabled, Medicare, Student, Veteran) ² | \$ 2.00 |
| 7-Day Unlimited Ride Pass | \$ 12.00 |
| 7-Day Unlimited Ride Pass (Senior, Disabled, Student, Medicare, Veteran) ² | \$ 6.00 |
| 10-Ride Electronic Fare Media | \$ 10.00 |
| 10-Ride Electronic Fare (Senior, Disabled, Medicare, Student, Veteran) | \$ 5.00 |
| 31-Day Pass | \$ 40.00 |
| 31-Day Pass (Senior, Disabled, Medicare, Student, Veteran) ² | \$ 20.00 |
| 1-Ride Pass Bulk ³ | \$ 1.00 (80% of Regular Fare rate per ride) |
| Rider Pass Umo Card (new or replacement) | \$ 2.00 |
| Fare Capping (Digital Fare Payment System Users) | \$40.00 per calendar month |

¹ All riders shall pay this fare unless the rider qualifies under the fare policy for one of the reduced fares as listed.

² Discounted fares require a reduced-Fare ID.

³ 1-Ride Pass – minimum purchase of 100 passes; if less than 100 passes purchased, passes will be sold at regular fare rate if applicable.

This Ordinance amendment shall be effective upon adoption. Adopted this 10th day of November 2022.

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 D

The 2019 Emergency Safety and Security Grant form HUD was accepted and the following budget ordinance was adopted.

ORD.# 22-137

GRANT PROJECT ORDINANCE
FY 2019 EMERGENCY SAFETY AND SECURITY GRANT
PROJECT NC19E00850319

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 ordained:

SECTION 1. The project authorized is the Capital Fund grant, which is a program to assist the Housing Department in carrying out development, capital and management activities in order to ensure that the program continues to service low-income families.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation of the project within terms of a grant agreement with the U.S. Department of Housing and Urban Development.

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

| | | |
|--|-------------|------------|
| 2019 Emergency Safety & Security Grant | 692-4703308 | \$ 135,919 |
| | 692-4703308 | |

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

| | | |
|------------------|--------------|------------|
| Security Cameras | 9212-5800296 | \$ 135,919 |
| | 9212-5800296 | |

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 November 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM E

The maintenance agreement was approved and the offer of dedication was accepted on the following property: Pulte Home Company, LLC.

CONSENT AGENDA ITEM F

The offer of dedication on the following plat and easements were accepted: Odell Outparcel 1 and Annsborough Park Phase 1 Map1.

CONSENT AGENDA ITEM G

The offer of infrastructure was accepted in the following subdivisions and sites: International Business Park Lot 1, Addison Apartments, Creekside Drive water line extension, and Courtyards at Poplar Tent.

CONSENT AGENDA ITEM H

A transfer of 6.372 acres and 10-foot easement along Central Cabarrus Drive from Cabarrus County was accepted.

CONSENT AGENDA ITEM I

The following budget ordinance was adopted to amend the Mayor's Golf Tournament Fund.

ORD.#22-138

AN ORDINANCE TO AMEND FY 2022-2023 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 9th day of June, 2022, adopt a City budget for the fiscal year beginning July 1, 2022 and ending on June 30, 2023, as amended; and

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

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

| Account | Title | Revenues | | (Decrease) Increase |
|-------------|---------------------|----------------|----------------|------------------------|
| | | Current Budget | Amended Budget | |
| 100-4370000 | Fund Balance Approp | 6,608,645 | 6,608,805 | 160 |
| | Total | | | 160 |

| Account | Title | Expenses/Expenditures | | (Decrease) Increase |
|--------------|------------------|-----------------------|----------------|------------------------|
| | | Current Budget | Amended Budget | |
| 4190-5470043 | Golf Tournaments | 4,000 | 4,160 | 160 |
| | Total | | | 160 |

Reason: To appropriate Mayor Golf Tournament reserves for a donation to Carolina Bears Youth Organization for football field marker signs. This non-profit organization provides recreational opportunities for youth ages 5-14 in the Concord community.

Adopted this 10th day of November, 2022.

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 FY2022/2023 budget ordinance for the General Fund to appropriate insurance reimbursements received.

AN ORDINANCE TO AMEND FY 2022-2023 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 9th day of June, 2022, adopt a City budget for the fiscal year beginning July 1, 2022 and ending on June 30, 2023, as amended; and

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

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

| Account | Title | <u>Revenues</u> | | (Decrease) Increase |
|--------------|-------------------------|-------------------|-------------------|------------------------|
| | | Current Budget | Amended Budget | |
| 100-4353100 | Insurance Reimbursement | | | 62,129 |
| Total | | | | 62,129 |

| Account | Title | <u>Expenses/Expenditures</u> | | |
|------------------|-------------------|------------------------------|-------------------|------------------------|
| | | Current Budget | Amended Budget | (Decrease) Increase |
| 4550- 5362000 | Accident Repairs | 0 | 4,970 | 4,970 |
| 4190- 5194000 | Contract Services | 17,000 | 74,159 | 57,159 |
| Total | | | | 62,129 |

Reason: To appropriate insurance proceeds for insurance repairs and flood damage cleanup and repairs.

Adopted this 10th day of November 2022.

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 ordinances were adopted to amend the Electric Project Fund and the Electric Operating Fund.

ORD.# 22-140

CAPITAL PROJECT ORDINANCE
Electric Projects

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

SECTION 1. The project authorized and amended is Electric Projects.

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

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

| Account | Title | Current Budget | Amended Budget | (Decrease) Increase |
|--------------|--|----------------|----------------|---------------------|
| | Transfer from Electric Future Electric Projects Smart Grid | | | |
| 473-4501610 | Del #6 Sub P Hwy | 49,590,212 | 44,210,113 | (5,380,099) |
| 6949-5811081 | 49/601 | 849 | 0 | (849) |
| 6949-5801134 | Delvry #4 & 100KV Ph1 | 8,621,500 | 8,574,496 | (47,004) |
| 6949-5801145 | Copperfield Blvd Sub N | 4,478,165 | 4,179,658 | (298,507) |
| 6949-5801152 | 100KV Tielins Liles- | 14,919,916 | 16,919,916 | 2,000,000 |
| 6949-5801159 | SubO | 5,846,500 | 2,046,500 | (3,800,000) |
| 6949-5801167 | Del #4/Sub E | 1,000,000 | 0 | (1,000,000) |
| 6949-5801170 | Interconnec | 1,000,000 | 500,000 | (500,000) |
| 6949-5801171 | Sub T Concord Pkwy | 6,273,757 | 7,240,018 | 966,261 |
| 6949-5801172 | Sub U Cabarrus Arena | 1,000,000 | 0 | (1,000,000) |
| 6949-5801173 | Sub V Weddington Rd | 7,945,500 | 6,945,500 | (1,000,000) |
| 6949-5801174 | Electric Operations Cntr | 31,268,286 | 30,568,286 | (700,000) |

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, 2022.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

AN ORDINANCE TO AMEND FY 2022-2023 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 9th day of June, 2022, adopt a City budget for the fiscal year beginning July 1, 2022 and ending on June 30, 2023, as amended; and

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

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

| Account | Title | <u>Revenues</u> | | (Decrease) Increase |
|-------------|------------------------|-----------------|----------------|---------------------------|
| | | Current Budget | Amended Budget | |
| 610-4370000 | Retained Earnings Appr | 5,857,254 | 477,155 | (5,380,099) |
| Tc | | | | <u>(5,380,099)</u> |

| Account | Title | <u>Expenses/Expenditures</u> | | (Decrease) Increase |
|--------------|--------------------------|------------------------------|----------------|---------------------------|
| | | Current Budget | Amended Budget | |
| 7200-5987000 | Transfer to Project Fund | 1,800,000 | 0 | (1,800,000) |
| 7220-5987000 | Transfer to Project Fund | 6,945,500 | 3,365,401 | (3,580,099) |
| Total | | | | <u>(5,380,099)</u> |

Reason: To reduce planned transfers to project fund for FY23 to reduce the impact to retained earnings.

Adopted this 10th day of November, 2022.

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 amend the Wastewater operating budget.

WHEREAS, the City Council of the City of Concord, North Carolina did on the 9th day of June, 2022, adopt a City budget for the fiscal year beginning July 1, 2022 and ending on June 30, 2023, as amended; and

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

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

| Account | Title | <u>Revenues</u> | | (Decrease) Increase |
|----------------------------------|------------------------|-----------------|----------------|---------------------|
| | | Current Budget | Amended Budget | |
| Total | | | | |
| <u>Expenses/Expenditures</u> | | | | |
| Account | Title | Current Budget | Amended Budget | (Decrease) Increase |
| 7420-5990001 | Approp to Ret Earnings | 1,451,121 | 966,317 | (484,804) |
| 7420-5550000 | Equipment-Capital | 20,000 | 504,804 | 484,804 |
| Total | | | | <u>0</u> |

Reason: To cover the purchase of a Jet Vac truck. The original budget included a planned increase to retained earnings. This purchase will reduce the amount originally anticipated to go to retained earnings.

Adopted this 10th day of November, 2022.

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 third quarter water and wastewater extension report for 2022 was received.

CONSENT AGENDA ITEM N

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

CONSENT AGENDA ITEM O

The Tax Office reports for the month of September 2022 were accepted.

CONSENT AGENDA ITEM P

The Tax Releases/Refunds for the month of September 2022 were approved.

CONSENT AGENDA ITEM Q

The monthly report on the status of investments as of September 30, 2022 was accepted.

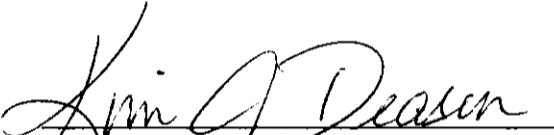
* * * * *

A motion was made by Council Member Sweat, seconded by Council Member King, and duly carried, to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee—the vote: all aye.

A motion was made by Council Member McKenzie, seconded by Council Member Stocks, and duly carried, to return to regular session—the vote: all aye.

* * * * *

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



Kim J. Deason, City Clerk



William C. Dusch, Mayor