

CONCORD CITY COUNCIL
REGULAR MEETING
APRIL 13, 2023

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 April 13, 2023, at 6:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

- Mayor Pro-Tem JC McKenzie
- Council Member Andy Langford
- Council Member Betty M. Stocks
- Council Member Terry L. Crawford
- Council Member Jennifer Parsley-Hubbard
- Council Member John A. Sweat, Jr.

Members Absent:

Council Member W. Brian King joined via cell phone

Others Present:

- City Manager, Lloyd Wm. Payne, Jr.
- City Attorney, Valerie Kolczynski
- City Clerk, Kim 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 Council Member Crawford and seconded by Council Member Sweat to approve the minutes for the meetings of February 21, March 7, and March 9, 2023—the vote: all aye.

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Presentations:

Mayor Dusch presented a Proclamation recognizing April 28, 2023 as National Lineworker Appreciation Day in the City of Concord.

Mayor Dusch presented a Proclamation recognizing the month of April as National Public Safety Telecommunicators Month.

Mayor Dusch presented a Proclamation recognizing the month of April as Fair Housing Month.

Informational Items:

A presentation from Raftelis Financial Consultants was made to the Mayor and Council at the April 11, 2023 Work Session.

Departmental Reports:

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

Recognition of persons requesting to be heard:

Barbara Hawley addressed the Council in regards to her request on the agenda to receive City water.

Ronald Jordan addressed the Council in regards to community issues he feels should be addressed.

Public Hearings:

1. Conduct a public hearing and consider adopting Agency Plan and an update to the 5-Year Plan for the Concord Housing Department that updates the Policies that govern the Public Housing Program.

The Housing Department Staff is required to submit an Agency Plan and an update to the 5-Year Plan to the United States Department of Housing and Urban Development (HUD) every year seventy-five (75) days prior to the beginning of the fiscal year. This plan must be available for public review for forty-five (45) days prior to adoption and submission. The plan has been completed and ready for review since Monday, February 12, 2023. A public hearing must be held prior to adoption for any public comments relative to the proposed changes in the department's Agency Plan.

Updated policies include:

Conversion of Public Housing to Project-Based Rental Assistance or Project-Based Vouchers under RAD;

Continue to work with Planning and Neighborhood Development and WeBuild Concord on building more affordable market rate rentals; and

Continue to place an emphasis on infrastructure improvements, HVAC and appliance upgrades, tree removal for hazard mitigation purposes, unit abatement/turnarounds, and other unit upgrades.

A motion was made by Council Member Crawford and seconded by Council Member Sweat 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 Parsley-Hubbard and seconded by Council Member Sweat to close the public hearing—the vote: all aye.

A motion was made by Council Member Langford and seconded by Council Member Crawford to adopt the Agency Plan and an update to the 5-Year Plan for the Concord Housing Department that updates the Policies that govern the Public Housing Program—the vote: all aye.

2. Conduct a public hearing and consider the approval of an amendment to an agreement between the City of Concord and Bootsmead LeaseCo, LLC regarding the extension of sewer infrastructure at the Grounds of Concord.

City Council previously approved an agreement with Bootsmead LeaseCo, LLC for the extension of sewer infrastructure onto the Grounds at Concord property. Under the agreement, the City would initially fund Phase 2 construction and be reimbursed by a portion of land sales by the Company. Construction of Phase 1 of the project is complete, Phase 2a is under contract, and Phase 2b will be bid once all easements are obtained. The amount currently in escrow exceeds the expected total of Phase 2 cost. The proposed amendment

modifies the estimated Phase 2 cost from \$3,000,000 to \$4,500,000 and authorizes the escrow agent to release to the Company the amount in escrow that exceeds \$4,500,000.

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

A motion was made by Council Member Langford and seconded by Mayor Pro-Tem McKenzie to approve an amendment to an agreement between the City of Concord and Bootsmead LeaseCo, LLC regarding the extension of sewer infrastructure at the Grounds of Concord—the vote: all aye.

3. Conduct a public hearing to consider adopting an ordinance amending Article 7, Table 7.6.2.A (“Density and Dimensional Standards”) to increase the minimum impervious surface ratio from 0.5 to 0.6 for multi-unit infill projects in the Residential Compact (RC) zoning district.

Staff has been examining ways to facilitate infill development through such changes to the CDO as the town-home revisions and the accessory dwelling unit standards. In the course of examining some of these changes, it appears the maximum impervious surface ratios may be too restrictive for the development of some multi-unit developments. Staff proposed a revision to the maximum allowable from 0.5 to 0.6 for multi-unit infill projects only within the RC zoning district. At their March 21st meeting, Planning and Zoning Commission unanimously recommended the amendment to Council.

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

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem McKenzie to adopt the following ordinance amending Article 7, Table 7.6.2.A (“Density and Dimensional Standards”) to increase the minimum impervious surface ratio from 0.5 to 0.6 for multi-unit infill projects in the Residential Compact (RC) zoning district—the vote: all aye.

ORD.# 23-24

**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 7 "Base Zoning Districts," Section 7.6 "Standards for Base Zoning Districts", Table 7.6.2.A "Dimensional Standards" be amended as follows:

DENSITY AND DIMENSIONAL STANDARDS
TABLE 7.6.2 A - DIMENSIONAL STANDARDS

Zoning District	A	B	C	D	E	F	G
	Min. Lot Size (sq. ft.)	Max. Density (per acre)	Impervious Surface Ratio (2)	Min. Public Street Frontage (feet)	Min. Lot Width (feet)	Min. Lot Depth (feet)	Max. Building Height (feet)
AG**	43,560	1	-	30^	200	200	35
RE **	43,560	1	-	30^	150	150	35
RL**	20,000	2	-	15^	100	125	35
RM-1**	15,000	3	-	15^	75	125	35
RM-2**	10,000	4	-	15^	75	100	35
RV***	7,500	8	0.5	15^	50	100	35 (5)
RC***	5,000	15	0.5(6)	15^	50	100	35 (5)
R-CO ³	3,000	15	0.5	15	35	85	40
O-I	-	-	0.7	-	-	-	35
B-1	-	-	0.65	30^	50	100	50
CC	-	-	-	-	-	-	75 (4)
C-1	-	-	0.7	-	-	-	48
C-2	-	-	0.8	30^	50	100	48 (1)
I-1	-	-	0.8	30^	50	100	72
I-2	-	-	0.9	30^	50	100	72

NOTES:

* Residences permitted in nonresidential districts shall conform to the density and dimensional standards of the RC district, except that height restrictions may follow (1) below. Residences in the CC district are not subject to maximum density or dimensional limitations.

** See Section 7.7.4-F for duplex lots and Sections 7.7.3 and 7.7.4 for alternative single-family lot patterns that allow smaller minimum lot sizes under certain conditions.

*** In the districts where permitted, and subject to Section 7.8 multi-family and/or single-family attached developments shall only be subject to Columns B, C, D, and G in Table 7.6.2-A. Setbacks for multi-family and single-family attached developments are set forth in Section 7.8. of this Ordinance. Height in the RC district is subject to the transition provisions of Section 7.6.2.G.

^ See Section 5.5.

(1) Height may be increased by one foot for each one foot of additional building setback up to a maximum height of 200 feet. Setbacks for Mixed Use, PUD, PRD or similar type projects shall be measured from the overall project boundaries.

(2) Developments following the low-density option (see §4.4.2-A) may not develop at a total impervious surface ratio greater than 0.24.

- (3) Dimensional requirements only applicable if not indicated on recorded final plat. See also Section 9.12.
- (4) Measured from the lowest level of the Fire Department vehicle access to the tallest finished floor level of the building.
- (5) In the districts where permitted, multi-family has a height limit of four (4) stories. When residential units are included in upper floors in C-2 zoning, the maximum C-2 height limits shall govern.
- (6) May be increased to 0.6 for multi-unit projects that meet the definition of "infill" as specified in Article 14.

SECTION 2: That all remaining Articles and Sections of this Ordinance be renumbered to include the newly created Articles and Sections.

SECTION 3: That this Ordinance be effective immediately upon adoption.

Adopted in this April 13, 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

4. Conduct a public hearing and consider adopting an ordinance annexing +/- 2.3 acres PIN 5529-90-7789 on Zion Church Rd, owned by Lorraine Byrd and Susan Byrd.

The request is for voluntary annexation petition of +/- 2.3 acres of property with PIN 5529-90-7789 on Zion Church Rd. The property is currently zoned Cabarrus County Low Density Residential (LDR). The developer has proposed to construct a triplex on the site.

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

Joshua Masters spoke in favor of the request. He stated the property is owned by family members that the family members will occupy the triplex. He stated the property has been approved for a septic system, therefore, sewer services from the City are not needed.

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

Council Member Parsley-Hubbard stated she was concerned with approval of the request creating a "doughnut hole".

Council Member Stocks stated she was concerned with public safety vehicles being able to reach the property safely.

A motion was made by Council Member Langford and seconded by Council Member Stocks to deny the annexation petition—the vote: all aye.

5. Conduct a public hearing for case Z-01-23 and consider adopting an ordinance amending the official zoning map for +/- 0.23 acres located at 1089 Gaither PI NW from RC (Residential Compact) to C-2 (General Commercial District) and to amend the 2030 Land Use Plan to modify the future land use designation of the parcel from "Urban Neighborhood" to "Commercial."

The Planning and Zoning Commission heard the above referenced petition at their March 21, 2023 meeting and voted to forward the request to City Council with a recommendation that the zoning map be amended from RC (Residential Compact) to C -2 (General Commercial District) and to amend the 2030 Land Use Plan to designate the parcel as "Commercial."

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Stocks to open the public hearing—the vote: all aye.

Jacob Jordan, property owner and applicant, spoke in favor of the request. He explained the proposed business. He stated he has no plans to expand the property.

Dr. Michael Walker, 8913 Bayberry Trail, Concord, stated his support of the request.

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

A motion was made by Mayor Pro-Tem McKenzie and seconded by Council Member Langford to adopt the following Statement of Consistency of **denial**—the vote: all aye.

- The subject property is approximately +/- 0.23 acres and currently zoned RC (Residential Compact).
- The subject property was annexed into the City effective June 30, 1992.
- The proposed zoning is not consistent with the 2030 Land Use Plan (LUP) as C-2 (General Commercial) is not a corresponding zoning classification to the Urban Neighborhood Land Use Category. However, the subject property is located adjacent to other properties zoned commercial and industrial, and is located within close proximity to major thoroughfares. The zoning would be compatible with the adjacent C-2 (General Commercial) zoning to the west.
- The zoning amendment is not reasonable and not in the public interest as it is not consistent with the existing zoning adjacent to the subject property and the adjacent residential uses. The proposed zoning would represent an intrusion of commercial zoning into a residential neighborhood.

A motion was made by Mayor Pro-Tem McKenzie and seconded by Council Member Crawford to adopt the following ordinance to **DENY** the rezoning from City of RC (Residential Compact) to City of Concord C-2 (General Commercial) the area described as follows and that the future land use designation of C (Commercial) is applied in the 2030 Land Use Plan—the vote: all aye.

ORD. #23-33

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF CONCORD, NORTH CAROLINA
FOR PROPERTY GENERALLY LOCATED AT 1089 GAITHER PL NW, CONCORD, NC

WHEREAS, the City of Concord, North Carolina, pursuant to the authority conferred by the North Carolina General Statutes 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, Chapter 160A, Art. 19, Session Laws of 1993, Chapter 247, House Bill 575 and Section 3.2.4.B.2 of the Concord Development Ordinance does hereby allow the Planning and Zoning Commission to be final approval authority for zoning changes of land, provided that at least three-fourths of the members present vote in the affirmative, and no appeal of the decision is taken; and

WHEREAS, Section 3.2.4.B.5 of the Concord Development Ordinance specifies that any person aggrieved by the decision of the Planning and Zoning Commission shall have the right to appeal the decision to the City Council within fifteen days of the decision of the Planning and Zoning Commission decision by giving written notice to the Administrator; and

WHEREAS, Section 3.2.4.B.2 of the Concord Development Ordinance specifies that a final approval decision shall not be in effect until the fifteen-day appeal period expires;

NOW, THEREFORE BE IT ORDAINED by the Planning and Zoning Commission of the City of Concord, North Carolina:

SECTION 1. That the P&Z Commission held a duly advertised public hearing on March 21, 2023. At the close of the public hearing, the P&Z Commission adopted the following "Statement of Zoning Consistency" as required by NC Gen Stat 160D-605.

- The subject property is approximately +/- 0.23 acres and currently zoned RC (Residential Compact).
- The subject property was annexed into the City effective June 30, 1992.
- The proposed zoning is not consistent with the 2030 Land Use Plan (LUP) as C-2 (General Commercial) is not a corresponding zoning classification to the Urban Neighborhood Land Use Category. However, the subject property is located adjacent to other properties zoned commercial and industrial, and is located within close proximity to major thoroughfares. The zoning would be compatible with the adjacent C-2 (General Commercial) zoning to the west.
- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning adjacent to the subject property and the adjacent commercial uses. The proposed zoning will allow for commercial uses to locate in the vicinity of the I-85 corridor.

The P&Z Commission then voted to recommend approval of the map amendment for PIN 5611-75-1678 from RC (Residential Compact) to C-2 (General Commercial), and designate the property C (Commercial) in the 2030 Land Use Plan. Since the rezoning would result in a comprehensive plan amendment, it is forwarded to City Council for hearing with a recommendation from the Planning and Zoning Commission.

SECTION 2. That the City Council held a duly advertised public hearing on April 13, 2023. At the close of the public hearing, the City Council adopted the following "Statement of Zoning Consistency" as required by NC Gen. Stat 160D-605.

- The subject property is approximately +/- 0.23 acres and currently zoned RC (Residential Compact).
- The subject property was annexed into the City effective June 30, 1992.
- The proposed zoning is not consistent with the 2030 Land Use Plan (LUP) as C-2 (General Commercial) is not a corresponding zoning classification to the Urban Neighborhood Land Use Category. However, the subject property is located adjacent to other properties zoned commercial and industrial, and is located within close proximity to major thoroughfares. The zoning would be compatible with the adjacent C-2 (General Commercial) zoning to the west.

- The zoning amendment is not reasonable and not in the public interest as it is not consistent with the existing zoning adjacent to the subject property and the adjacent residential uses. The proposed zoning would represent an intrusion of commercial zoning into a residential neighborhood.

SECTION 3: The City Council then voted to **DENY** the rezoning from City of RC (Residential Compact) to City of Concord C-2 (General Commercial) the area described as follows and that the future land use designation of C (Commercial) is applied in the 2030 Land Use Plan:

All that certain portion of, parcel or lot of land, lying and being in city of Concord, Cabarrus County, State of North Carolina, being more fully shown as designated on a boundary survey by CSC of NC, PC surveyors, dated March 8, 2023, and having the following metes and bounds, to wit:

BEGINNING AT IRON PIN SETTING ON PUBLIC RIGHT-OF-WAY OF GAITHER PLACE NW COMMON CORNER WITH N/F FRANCES M FORNEY AND BEEING 106.0' FROM INTERSECTION OF DAVIDSON HWY AND RUNNING ALONG RIGHT-OF-WAY OF GAITHER PL NW S 20°01'15"W FOR A DISTANCE OF 200.00' TO A IRON PIN, THENCE TURNING ALONG PROPERTY LINE OF N/F FRANCES M FORNEY N72°30'00"W FOR A DISTANCE OF 50.00' TO A IRON PIN AND THENCE TURNING ALONG PROPERTY OF N/F CSL N.C.SYSTME LP N20°01'15"E FOR A DISTANCE OF 200.00' TO A IRON PIN THENCE, TURNING ALONG THE PROPERTY LINE OF N/F FRANCES M FORNEY S72°30'00"E FOR A DISTANCE OF 50.00' TO POINT OF BEGINNING AND CONTAINING 0.23 ACRES. SAID PROPERTY AS DESCRIBED MAY BE SUBJECT TO ANY EASEMENT OR RIGHT-OF-WAYS.

SECTION 4. That the establishment of this district and subsequent issuance of Zoning Clearance Permits are hereby not authorized.

SECTION 5. That the above described property shall be perpetually bound to the uses authorized in the Concord Development Ordinance, as such may be amended from time to time and as provided for under Article 3 of the Concord Development Ordinance.

SECTION 6. That the effective date hereof is the 13th day of April, 2023

Adopted this 13th day of April, 2023

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

6. Conduct a public hearing for case Z-24-22 and consider adopting an ordinance amending the official zoning map for +/- 3.7 acres located at 2508 Poplar Tent Rd. from RM-2 (Residential Medium Density) to C-2 (General Commercial).

This item was withdrawn from consideration by the applicant.

E. Presentations of Petitions and Requests

1. Consider approving allocating \$80,000 of HOME Investment Partnership (HOME) funds to Habitat for Humanity Cabarrus County for the construction of two (2) new homes to be located at 285 and 291 Academy Avenue NW.

The City of Concord and Habitat for Humanity Cabarrus County have a well-established partnership of using HOME funds to create stable affordable housing opportunities for Concord residents who fall between 30-60% of area median income. This partnership, which began in early 2013, has seen 15 families purchase homes; five (5) on Broad Drive, five (5) on Ring Avenue, two (2) on Young Avenue, one (1) on Princess Avenue, one (1) on Shannon Drive SW and one (1) on Hemlock Street. The current HOME funding request of \$80,000 would be divided to \$40,000 to construct two (2) new homes located at 285 and 291 Academy Avenue NW in the Gibson Community. This joint effort allows both organizations to expand reach while working together toward the common goal of rebuilding neighborhoods/communities and promoting stability through home ownership.

Habitat continues to be committed to meeting the City's standards in construction with hardy plank siding, meeting SystemVision requirements and sealing the crawlspace. Construction would also include a front porch, two car parking pad and a landscaping package. Staff will also be working closely with Habitat to have additional visual enhancements (paint color, decorative porch railings, etc.) included on each house. As an existing partner, Habitat is familiar with all federal requirements and has been noted as a good steward of funding during HUD audits.

A motion was made by Council Member Langford and seconded by Council Member Stocks to approve allocating \$80,000.00 of HOME Investment Partnership (HOME) funds to Habitat for Humanity Cabarrus County for the construction of two (2) new homes to be located at 285 and 291 Academy Avenue NW—the vote: all aye.

2. Consider a motion to approve the purchase of 228, 234, 236, 240 McGill Avenue SW and parcel 5621-30-5459 (vacant lot), from Alex and Cammie Hamilton for \$200,000 using City General Funds and to adopt a budget ordinance amending the General Fund.

As a designated low-income community and a USDA-recognized food desert, Gibson Village has struggled with limited investment to benefit the residents. The area of McGill Avenue NW between Allison Street NW to Harris Street NW is a mixture of houses, vacant lots and dilapidated commercial structures. Two (2) such structures are located at 228, 234, 236, and 240 McGill Avenue SW. Code Enforcement and Community Development staff have been working with the owners, Alex and Cammie Hamilton to correct, or purchase, the buildings along with one (1) vacant parcel on Allison Street NW. These units have been on the radar of Code Enforcement for many years as Mr. Hamilton is unable to correct the significant building and environmental issues present. Due to the structures condition and limitations of the parcels, the City would demolish the buildings and replace them with a food hub/business incubator space that will be housed in shipping containers.

Staff has begun conversations with staff from Rowan Cabarrus Community College, Flywheel Foundation, and The Bulb regarding partnering and managing the site. Both Flywheel and The Bulb have community-based missions which focus on improving the community through education and access. The Flywheel Foundation, would be working directly with Concord and other partners to promote healthy entrepreneurship ecosystems through events, program partnerships, a learning management system, and an educational foundation for business success. While The Bulb would bring a barrier-free environment to promote accessibility for all. In addition to working to eliminate barriers, The Bulb focuses on providing education to communities related to wellness, food prep, and correct storage.

Tax value for all parcels is \$293,500. An offer, contingent on Council approval, has been accepted by the owner for \$200,000. The purchase would use the City's General Fund. A Phase I Environmental Site Assessment is underway and will be completed before the purchase is completed.

A budget ordinance is needed to appropriate anticipated excess sales tax to cover the purchase of the property, a Phase I Environmental study, asbestos testing, and demolition.

A motion was made by Council Member Crawford and Council to approve the purchase of 228, 234, 236, 240 McGill Avenue SW and parcel 5621-30-5459 (vacant lot), from Alex and

Cammie Hamilton for \$200,000 using City General Funds and to adopt a budget ordinance amending the General Fund—the vote: all aye.

3. Consider awarding the bid for rehabilitation of Hangar Taxilanes at Concord-Padgett Regional Airport.

Aviation Department received bids on March 23, 2023 for the improvements which include the following: The rehabilitation of bituminous concrete pavement for taxilanes that connect the main apron to existing t-hangars and corporate hangars. The five northern most taxilane pavements around the existing t-hangars will be rehabilitated using full depth asphalt pavement reclamation. The four southernmost taxilane pavements will be rehabilitated by milling the top two inches, repairing cracks, and replacing the milled asphalt with P-401 asphalt at existing elevations. Additionally, this project will include the remarking of the rehabilitated taxilanes.

Three bids were received and evaluated for responsiveness and compliance with FAA specifications. Aviation Staff in concurrence with outside consultant, Talbert, Bright and Ellington determined that the lowest bidder, Blythe Brothers, was responsive and compliant in meeting the FAA required specifications. The total bid including base bid and 6 alternates from Blythe Brothers is \$3,592,033. Funding will be derived from Federal Aviation Administration, Airport Improvement Program (AIP), North Carolina Department of Transportation, AIP and Aviation's Retained Earnings.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to award the bid for the Hangar Taxilane Rehabilitation at CPRA in the amount of \$3,592,033; authorize the City Manager to accept and execute grant offers from FAA and NCDOT; and to authorize the City Manager to execute contract to Blythe Brothers contingent upon final funding amount from FAA and NCDOT—the vote: all aye.

4. Consider authorizing the City Manager to negotiate and execute a contract with Kimley Horn Associates for full design services for Phase (A) of the Clarke Creek Greenway and 50% design for future Phases B & C for the total amount of \$515,000.

The Clarke Creek Greenway Corridor is identified in the adopted Open Space Connectivity Analysis Plan. Greenway development is a top priority project for the City, with a goal of the construction of 30 miles by 2030. The City of Concord was recently awarded a CMAQ grant to assist with construction for the approximately 1.6-mile, Phase (A), within this greenway corridor. Phase (A) section of this greenway will connect to the trailhead located at JE Jim Ramseur Park at 1252 Cox Mill Road and is proposed to connect to the Highland Creek, Winding Walk and Allen Mills neighborhoods.

Parks and Recreation has selected the firm Kimley Horn Associates of Charlotte through an RFQ process for professional design services for greenway development. Kimley Horn Associates has recently completed the preliminary design for the Clarke Creek Greenway Corridor. The design phase will include: Environmental, Design Development, Permitting, Construction Documents and Bid Documents for Phase (A); and Environmental and Design Development for Phases (B) & (C); including appropriate reimbursable expenses.

A motion was made by Council Member Sweat and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute a contract with Kimley Horn Associates in the amount of \$515,000 for full design services for Phase (A)—the vote: all aye.

5. Consider authorizing the City Manager to negotiate and execute a contract with Central Carolina Air Conditioning Company, LLC in the amount of \$116,425 for the carbon dust collector replacement project at the Coddle Creek Water Treatment Plant.

The City accepted multiple informal bids in March 2023. The low bidder was Central Carolina Air Conditioning Company, LLC. The existing equipment is at the end of its useful life and is no longer operating efficiently.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute a contract with Central Carolina Air Conditioning Company, LLC in the amount of \$116,425—the vote: all aye.

6. Consider authorizing the City Manager to negotiate and execute a contract with AM-Liner East, Inc. for the cured in place lining of 24,934 linear feet of sewer line and the rehabilitation of 113 manholes in the amount of \$1,189,069.35.

The City recently advertised and accepted formal bids for the 2023 sewer lining contract. 6 bids were received with Am-Liner East, Inc. being the low bidder at \$1,189,069.35. This total price does include a 5% (\$56,622.35) contingency.

A motion was made by Council Member Sweat and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute a contract with AM-Liner East, Inc. for the cured in place lining of 24,934 linear feet of sewer line and the rehabilitation of 113 manholes in the amount of \$1,189,069.35—the vote: all aye.

7. Consider approval of a Resolution to Lease Property for the long term Cellco/Verizon lease for attachments on the Downtown Water Tank.

The term length of this lease agreement requires a resolution and public advertising of contract amendment 6 which was approved in February. After the resolution is approved and proper advertisement has been completed, the City can fully execute addendum 6 as previously approved.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to approve and execute the following Resolution to Lease Property for the long term Cellco/Verizon lease for attachments on the Downtown Water Tank—the vote: all aye.

RESOLUTION TO LEASE PROPERTY

WHEREAS, pursuant N.C. Gen. Stat. §160A-272, the City Council of the City of Concord, North Carolina has determined that a portion of the real property of the City and located near the intersection of Cabarrus Avenue West and Spring Street Northwest, Concord, NC, having the Tax Map PIN 5620885011, and further known as the Downtown Water Tower, will not be needed by the City for up to forty (40) years; and

WHEREAS, the City Council desires to lease a portion of the real property to Cellco Partnership d/b/a Verizon Wireless for an annual lease payment of \$33,756.00 for the purpose of the installation of certain communications equipment, antenna and related appurtenances; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that the City Council hereby authorizes

1. The City Clerk to cause ta notice of the intent to lease to be published as required by N.C. Gen. Stat. § 160A-272 and § 160A-269. The notice shall describe the property, the amount of the offer, the terms under which the sale is to be made, and the terms under which the offer may be upset. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council, or;
2. If no qualifying upset bids are submitted, the City Manager and City staff to take necessary steps to execute the lease of the real property of the City located near the intersection of Cabarrus Avenue West and Spring Street Northwest, Concord, NC having the Map PIN 5620885011, and further known as the Downtown Water Tower.
3. The City reserves the right to withdraw the property from sale at any time, before the final high bid is accepted and reserves the right to reject, at any time, all bids.

Adopted this 13th day of April, 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

8. Consider authorizing the Transportation Department to apply for the Carbon Reduction Program (CRP) funding for upgrading the Traffic Signal Central System through the Cabarrus Rowan Metropolitan Planning Organization's (CRMPO) call for projects.

The Carbon Reduction Program (CRP) is a part of the Infrastructure Investment and Jobs Act (IIJA) through the Federal-Aid Highway Administration. The CRP application requires a 20% local match in funding and to maintain the project after completion. The Transportation Department maintains more than 160 signalized intersection, most of which are located on important and congested corridors such as Concord Mills Blvd, Poplar Tent Rd, US 29, US 601, NC 3, NC 49, and NC 73. This project will replace the current local (cabinet) and central (management software ran in the TMC) signals software. This includes upgrading both the current ATMS (advanced traffic management software) and the local software deployed in the traffic signal cabinets. NCDOT is currently pursuing a different platform that will meet their 2030 goals: transit signal priority, emergency vehicle pre-emption and integration with connected and autonomous vehicles. For the local software, there will be a hardware change required for the majority of the existing signals. This will accommodate any of the new software solutions that could be selected. This will also require engineering work for signal plan modifications in order to field deploy said hardware. Total project cost is estimated at \$1,500,000. Estimated City participation \$300,000 (20%).

A motion was made by Council Member Stocks and seconded by Council Member Sweat to authorize the Transportation Department to apply for the Carbon Reduction Program (CRP) funding for upgrading the Traffic Signal Central System through the Cabarrus Rowan Metropolitan Planning Organization's (CRMPO) call for projects—the vote: all aye.

9. Consider approving a City of Concord Co-Sponsorship Policy.

Staff has reviewed other Co-Sponsorship policies that are currently being used in other jurisdictions. Staff drafted the proposed Co-Sponsorship Policy for Council's review and approval to provide guidance to staff as they work with those in the community who request the City Council co-sponsor their event.

The policy guides the applicant through the application process, and will also assist City Council with understanding the costs of co-sponsoring events in the City.

A motion was made by Council Member Crawford and seconded by Council Member Stocks to approve the City of Concord's Co-Sponsorship Policy effective April 13, 2023—the vote: all aye.

10. Consider authorizing the City Manager to negotiate and execute a construction contract with Liles Construction for the construction of the Rocky River Golf Course Pump House Building.

Bids were received on March 2, 2023 for the demolition and replacement of the pump house building at Rocky River Golf Course. Liles Construction was the low bidder with a total bid of \$134,641.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with Liles Construction in the amount of \$134,641 for the construction of the Rocky River Golf Course Pump House Building—the vote: all aye.

11. Consider a Preliminary Application from John and Barbara Hawley, Jr.

In accordance with City Code Chapter 62, Barbara Hawley has submitted a preliminary application to receive water and sewer service outside the City limits. The property is located at 5405 Kiwi Court. This parcel is zoned county LDR and is developed with a single family house. In order to receive service, the property owner would need to obtain private easements from neighbors along either Piney Church Road or Meredith Court. The property owner indicates that a utility company ran over the leech fields which started the problems.

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

12. Consider appointing a voting delegate for the NCLM CityVision 2023 conference. (Work Session)

CityVision 2023 will be held April 25 -27 in Concord. Prior to the annual business meeting, an electronic voting process for board elections will be conducted. During CityVision, League members can attend the annual business meeting where the 2023-2024 electronic Board of Directors election results will be announced. Each member municipality is asked to designate one voting delegate who is eligible to cast a single vote for the 2023-2024 League Board of Directors in advance of the annual business meeting.

At the April 11, 2023 Work Session, the Council voted to appoint Mayor Dusch as the voting delegate for the City of Concord.

* * * * *

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

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

CONSENT AGENDA ITEM A

A contribution of \$160.50 from the Mayor’s Golf Tournament to Carolina Bears Youth Organization was approved and the following budget ordinance was adopted.

ORD. # 23-26

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	6,640,033	6,640,193	160
	Total			160

		<u>Expenses/Expenditures</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
4190-5470043	Golf Tournaments	6,660	6,820	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 13th day of April, 2023.

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 B

The policies and procedures manual for Concord's HOME Investment Partnerships Program (HOME) was amended to include specific developer language.

CONSENT AGENDA ITEM C

The Data Services Department was authorized to apply for the State and Local Cybersecurity Grant Program.

CONSENT AGENDA ITEM D

The City Manager was authorized to work with the Department of Justice to send future opioid settlement funds directly to Cabarrus County.

CONSENT AGENDA ITEM E

A License to Attach Banners to City of Concord property to Conder Flag Company was approved for the installation of temporary race banners on Bruton Smith Blvd and Hwy 29 to promote the Coca Cola 600 Memorial Weekend Race.

CONSENT AGENDA ITEM F

The maintenance agreements were approved and the offers of dedication on the following properties were accepted: Pulte Home Company, LLC.

CONSENT AGENDA ITEM G

The offers of dedication on the following plat and easements were accepted: Piper Landing Phase 1 Map 3, Annsborough Park Phase 1 Map 3, and The Villas at Tucker's Walk-COS.

CONSENT AGENDA ITEM H

An offer of infrastructure at Spring Meadow Subdivision Phase 2B Map 1 was accepted.

CONSENT AGENDA ITEM I

The following General Fund and General Fund Capital Project Fund amendments were adopted .

ORD. #23-27

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	
100-4323100	1% Local Govt Opt Sls Tx	9,354,188	9,864,188	510,000
Total				510,000

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4190-5987000	Transfer to Project Fund	8,000,000	8,510,000	510,000
Total				510,000

Reason: To appropriate anticipated excess sales tax revenue to fund a transfer to the project fund for the IT Network Switches project (\$260,000) and the Finance/HR ERP System project (\$250,000).

Adopted this 13th day of April, 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 23-28

CAPITAL PROJECT ORDINANCE
General Capital Projects

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

SECTION 1. The projects authorized are General Capital Projects for IT Switches and ERP System.

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

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

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
430-4501100	From General Fund	13,639,309	14,149,309	510,000
Total				510,000

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8804-5811295	IT Switches	0	260,000	260,000
8804-5811296	ERP System	0	250,000	250,000
Total				510,000

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 13th day of April, 2023.

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 budget amendment to amend the General Fund was adopted.

ORD. # 23-29

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; and

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	
100-4323200	1/2%-Article 40 Sales Tax	4,425,799	4,937,877	512,078
Total				512,078

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4520-5302000	Contractor – Residential	2,620,440	3,132,518	512,078
Total				512,078

Reason: To appropriate anticipated excess sales tax revenue to cover the contractual settlement due to Waste Pro.

Adopted this 13th day of April, 2023.

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 General Fund operating budget and General Capital Reserves Fund amendments were adopted to complete year-end transfer for future projects listed in the City's Capital Improvement Plan.

ORD. # 23-30

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	
100-4370000	Fund Balance Approp	6,640,193	16,140,193	9,500,000
Total				9,500,000

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4190-5981500	Transfer to Cap Reserve	0	9,500,000	9,500,000
Total				9,500,000

Reason: To transfer reserves from FYE2022 to the General Capital Reserve to fund capital projects.

Adopted this 13th day of April, 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 23-31

CAPITAL RESERVE FUND ORDINANCE

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

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

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

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

Fund 285 General Capital Reserve Fund				
		<u>Budget</u>	<u>Amended Budget</u>	<u>Inc(Dec)</u>
285-4501100	From			
285-4501100	General			
	Fund	\$20,620,332	\$30,120,332	\$9,500,000
8150-5811082				
8150-5811082	Future	\$15,935,687	\$25,435,687	\$9,500,000
	Projects			

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 13th day of April, 2023.

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 2023 Capital Fund Grant from HUD was accepted and the following budget ordinance was adopted.

ORD.# 23-32

GRANT PROJECT ORDINANCE
FY 2023 CAPITAL FUND GRANT
PROJECT NC19P00850123

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:

2023CFP Revenue	692-4703311	\$ 473,252
	692-4703311	

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

General Capital Activity	9215-5800290	\$ 335,000
	9215-5800290	
Operations	9215-5800250	138,252
	9215-5800250	
Total		\$ 473,252

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 13th day of April 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM M

The following resolution was adopted to amend Article I, Section D, Item 3 of the Purchasing Policy.

A RESOLUTION AMENDING THE PURCHASING POLICY
OF THE CITY OF CONCORD

WHEREAS, the City of Concord, North Carolina (herein "the City") has adopted a Purchasing policy: and

WHEREAS, the City desires to amend the policy;

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

1. Article I. GENERAL GUIDELINES, Section D. VENDOR RELATIONS, item
2. Gifts, Gratuities, Favors, and Discounts be amended to follow the NC General Statutes conflict of interest which is contained in NCGS 133-32:
3. Gifts, Gratuities, Favors, and Discounts (In accordance with N.C.G.S. 133-32)
 - (a) It shall be unlawful for any contractor, subcontractor, or supplier who:
 - (1) Has a contract with a governmental agency; or
 - (2) Has performed under such a contract within the past year; or
 - (3) Anticipates bidding on such a contract in the future
 to make gifts or to give favors to any officer or employee of a governmental agency who is charged with the duty of:
 - (1) Preparing plans, specifications, or estimates for public contract; or
 - (2) Awarding or administering public contracts; or
 - (3) Inspecting or supervising construction.
 It shall also be unlawful for any officer or employee of a governmental agency who is charged with the duty of:
 - (1) Preparing plans, specifications, or estimates for public contracts; or
 - (2) Awarding or administering public contracts; or
 - (3) Inspecting or supervising construction
 willfully to receive or accept any such gift or favor.
 - (b) intentionally deleted.
 - (c) intentionally deleted.

(d) This section is not intended to prevent a gift a public servant would be permitted to accept under G.S. 138A-32, or the gift and receipt of honorariums for participating in meetings, advertising items or souvenirs of nominal value, or meals furnished at banquets. This section is not intended to prevent any contractor, subcontractor, or supplier from making donations to professional organizations to defray meeting expenses where governmental employees are members of such professional organizations, nor is it intended to prevent governmental employees who are members of professional organizations from participation in all scheduled meeting functions available to all members of the professional organization attending the meeting. This section is also not intended to prohibit customary gifts or favors between employees or officers and their friends and relatives or the friends and relatives of their spouses, minor children, or members of their household where it is clear that it is that relationship rather than the business of the individual concerned which is the motivating factor for the gift or favor. However, all such gifts knowingly made or received are required to be reported by the donee to the agency head if the gifts are made by a contractor, subcontractor, or supplier doing business directly or indirectly with the governmental agency employing the recipient of such a gift.

No coworker may participate in the selection, award, or administration of a contract if they have a real or apparent conflict of interest. Such a conflict of interest would arise when the coworker receives a financial or personal benefit from a vendor being considered or under contract. Coworkers may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or suppliers.

Discounts offered to City employees should only be used if they are widely available to all City coworkers. All personal transactions should be made solely in the name of the individual coworker and never on an account in any way associated with City business. A list of approved discounts available to all coworkers can be located on the intranet home page using the link labeled "External Benefits for Coworkers". Any additional discount

programs should be reported to Human Resources and added to the approved list of external benefits prior to such discounts being issued.

Coworkers shall not accept gifts, or loans from vendors, or from any organizations, business firms, or individuals with whom they have official relationships because of City Government business. These limitations do not prohibit the acceptance of articles of negligible value, which are distributed generally, do not prohibit coworkers from accepting social courtesies that promote good public relations, and do not prohibit coworkers from obtaining loans from public lending institutions. This restriction applies to all City coworkers, and elected officials, and it is particularly important that inspectors, contracting officers, and enforcement officers guard against relationships that might be construed as evidence of favoritism, coercion, unfair advantage, or collusion. Any vendor found to have offered or engaged in unacceptable gifts or loans to any person covered by this section shall be ineligible for City business for a period of three (3) years.

This resolution shall be effective upon passage.

Adopted this 13th day of April 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

CONSENT AGENDA ITEM N

The City's Personnel Policies and Procedures Manual was amended to add Article 6.11 Paid Parental Bonding Leave.

CONSENT AGENDA ITEM O

The Tax Office collection reports for the month of February 2023 were accepted.

CONSENT AGENDA ITEM P

The Tax releases/refunds for the month of February 2023 were approved.

CONSENT AGENDA ITEM Q


The monthly report on investments as of February 28, 2023 was received.


* * * * *

A motion was made by Council Member Crawford and seconded by Council Member Parsley-Hubbard to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(3) to consult with the Attorney to protect the attorney-client privilege and to consider and give instructions concerning a judicial action titled City of Concord v. Barber Scotia College, Inc.; and N.C. General Statute 143-318.11(a)(4) to discuss matters relating to the location or expansion of business in the area served by this body—the vote: all aye.

* * * * *

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


Kim J. Deason, City Clerk


William C. Dusch, Mayor