

CONCORD CITY COUNCIL
REGULAR MEETING
JULY 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 July 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 joined the meeting via Zoom
Council Member W. Brian King
Council Member Betty M. Stocks
Council Member Terry L. Crawford
Council Member Jennifer Parsley-Hubbard
Council Member John A. Sweat, Jr.

Others Present:

City Manager, Lloyd Wm. Payne, Jr.
City Attorney, Valerie Kolczynski
City Clerk, Kim J. Deason
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 Parsley-Hubbard to approve the minutes for the meetings of May 23, June 6, and June 8, 2023—the vote: all aye.

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Presentations:

During the July 11th Work Session, Mayor Dusch presented a retirement plaque recognizing Bob Dowless for over 19 years of service with the City of Concord.

Mayor Dusch presented a Certificate of Appreciation to Charlie Bridges for over 20 years of service to the City of Concord.

Mayor Dusch presented the Aviation Director, Dirk Vanderleest, the “Accredited Airport Executive” through the American Association of Airport Executives.

Tom Faggart presented made a presentation to Jackson Joseph and the City of Concord Cemetery Maintenance Crew from Fred Y. McConnell American Legion Post 51 for their dedication and care given to the 1,531 documented war casualties and veterans buried in Oakwood Cemetery.

Mayor Dusch presented a Certificate of Appreciation to Steve Bradley for his six years of dedicated service to the City of Concord Board of Adjustment.

Mayor Dusch presented the Concord Kannapolis Area Transit (Rider) NCPTA 2023 Safety Award to Transit Director, LJ Weslowski.

The FY 2023-2024 Budget Video was presented.

Unfinished Business:

- 1. Continue a public hearing and consider adopting an ordinance annexing +/- 47.52 acres at 1085 Copperfield Blvd, p/o PIN 5622-65-8770, owned by Copperfield, Inc.**

Action was taken on this request at the July 11th City Council Work Session.

Departmental Reports:

1. Downtown Streetscape Update

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

Recognition of Persons Requesting to be Heard:

Glitz Coley, addressed the Council in regards to damage to his property from Google fiber installation. He stated property owners were not notified of the installation and asked who authorized the installation. Mayor Dusch explained to Mr. Coley that Google Fiber has authorization to install the fiber in the City's right-of-way and Google Fiber is an independent company and the City is not involved in the installation. Therefore, the City is not required to notify residents of the installation.

Public Hearings:

- 1. Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a three-year/85% tax-based economic development incentive grant to MS Assets, LLC, and MS XTEC, LLC, to develop a new North American headquarters facility focusing on powertrain technology located at 570 Pitts School Road, Concord, North Carolina 28027 and having an investment of approximately \$6,849,000 in real and personal property.**

MS Assets, LLC, and MS XTEC, LLC, propose to develop an approximately 46,500 SF facility that will serve as the North American headquarters focusing on powertrain technology.

The facility will house office functions as well as manufacturing and assembly operations such as the machining and assembly of various casted parts. The company's customers are primarily in the automotive sector, but the company plans to extend to other markets such as medical, aerospace and military. MS Assets, LLC, and MS XTEC, LLC, to invest approximately \$6,849,000 in real and personal property. The project expects to create approximately 39 new jobs with full-time average hourly wages of approximately \$34 per hour. The total value of the City's three-year grant is estimated to equal \$47,396 depending on the actual investment. The City would still collect a three-year net revenue of \$8,364 after the incentive payment. Please see attached grant analysis for additional details.

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

No one 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 Council Member Crawford and seconded by Council Member Parsley-Hubbard to offer a contract for a three-year/85% tax-based economic development incentive grant to MS Assets, LLC, and MS XTEC, LLC, to develop a new North American headquarters facility focusing on powertrain technology located at 570 Pitts School Road, Concord, North Carolina 28027—the vote: all aye.

- 2. Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a one-year/85% tax-based infrastructure development grant to Old Dominion Freight Line, Inc., to locate at 2980 New Town Way SW, Concord, North Carolina 28027 and having an investment of approximately \$18,000,000 in real and personal property.**

Old Dominion Freight Line, Inc., proposes to develop an approximately 60,000 SF Interstate Motor Freight Terminal to allow for a Less Than Truckload one and two-day deliveries of goods and commodities needed to support local and interstate commerce. These are items consumers

need and expect to find at their local grocery, department, retail, home improvement, construction supply, or other types businesses involved in everyday life. Old Dominion Freight Line, Inc., proposes to invest approximately \$18,000,000 in real and personal property. The estimated infrastructure costs for utilities, site work, and site development are \$183,016 (\$210,468.40 including 15% contingency).

The facility will include approximately 102 dock doors with trailer, tractor, and employee parking and will be constructed on an approximately 40-acre site. The project expects to create approximately 100 new jobs with full-time average wages of approximately \$80,000 and hourly wages of approximately \$25-\$30 per hour. The total value of the City's one-year grant is estimated to equal \$73,440 depending on the actual investment. The City would still collect a one-year net revenue of \$12,960 after the incentive payment. Please see attached grant analysis as well as the site plan and estimated infrastructure costs for additional details.

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

No one signed in to speak in favor or in opposition to the request. Therefore, a motion was made by Council Member King and seconded by Council Member Crawford to close the public hearing—the vote: all aye.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to offer a contract for a one-year/85% tax-based Infrastructure Development Grant to Old Dominion Freight Line, Inc., to locate at 2980 New Town Way SW, Concord, North Carolina 28027—the vote: Aye – King, Stocks, Crawford, Parsley-Hubbard, and Sweat; Nay - McKenzie.

3. Conduct a public hearing and consider adopting a resolution providing approval of a multifamily housing facility to be known as Coleman Mill Lofts and the financing thereof with multifamily housing revenue bonds in an aggregate principal amount not to exceed \$20,630,000.

A public hearing is required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), on the proposed plan to issue multifamily housing revenue bonds, in one or more series, in an aggregate principal amount of up to \$20,630,000 (the "Bonds"), for the purpose of financing the acquisition of the historic Coleman Mill and the renovating and equipping therein by STC Coleman Mill, LLC, a North Carolina limited liability company, or an affiliated or related entity (the "Borrower"), of a qualified residential rental project (as defined in Section 142(d) of the Code) to be known as Coleman Mill Lofts (the "Development").

The Development will consist of 150 units in two residential buildings located at 625 Main Street SW in the City of Concord, North Carolina. The Development will be owned or operated by the Borrower. The housing bonds, when and if issued by the City, will be issued pursuant to Article 1 of Chapter 157 and Section 160D- 1311(b) of the General Statutes of North Carolina and shall not be a debt of the State of North Carolina (the "State"), the City or any political subdivision thereof and none of the State, the City, or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds be payable out of any funds or properties other than those of the City derived solely from payments made by the Borrower.

City Council previously approved an allocation of \$19,130,000 but the developer is now requesting an increase to the bond amount of \$1,500,000 for a new total of \$20,630,000.

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

Gerald Burgess spoke in favor of the project. He stated closing on the property is expected in mid-August and the construction team is ready to begin following the closing.

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

A motion was made by Council Member Stocks and seconded by Mayor Pro-Tem McKenzie to adopt the following resolution providing approval of a multifamily housing facility to be known as Coleman Mill Lofts and the financing thereof with multifamily housing revenue bonds in an aggregate principal amount not to exceed \$20,630,000—the vote: all aye.

KNOWN AS COLEMAN MILL LOFTS IN THE CITY OF CONCORD, NORTH CAROLINA AND
THE FINANCING THEREOF WITH MULTIFAMILY HOUSING REVENUE BONDS IN AN
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,630,000

WHEREAS, the City Council (the "City Council") of the City of Concord, North Carolina (the "City") met in Concord, North Carolina at 6:00pm on the 13th day of July, 2023; 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 has agreed to issue its tax-exempt multifamily housing revenue bonds (the "Bonds") for the purpose of financing the acquisition of the historic Coleman Mill and the renovating and equipping therein by STC Coleman Mill, LLC, a North Carolina limited liability company, or an affiliated or related entity (the "Borrower"), of a qualified residential rental project (as defined in Section 142(d) of the Internal Revenue Code of 1986, as amended (the "Code")) to be known as Coleman Mill Lofts (the "Development"); and

WHEREAS, the Development will consist of 150 units in two residential buildings and related facilities located at 625 Main Street SW in the City of Concord, North Carolina; and

WHEREAS, Section 147(f) of the Code requires that any bonds issued by the City for the Development may only be issued after approval of the plan of financing by the City Council of the City following a public hearing with respect to such plan; and

WHEREAS, on this day the City held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto); and

WHEREAS, on October 13, 2022, the City Council adopted a resolution approving the issuance of not to exceed \$19,130,000 of tax-exempt bonds for the Development for purposes of satisfying the requirements of Section 147(f) of the Code; and

WHEREAS, the Borrower has determined that the amount of tax-exempt debt to be provided to finance the costs of the Development is more than originally anticipated and the Borrower has requested the City Council to approve the issuance of the Bonds in an amount not to exceed \$20,630,000; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds, or to constitute the Bonds an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

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

1. The proposed housing development consisting of the acquisition, construction, rehabilitation and equipping of the Development described above in the City by the Borrower and the issuance of the City's multifamily housing revenue bonds therefor in an amount not to exceed \$20,630,000 are hereby approved for purposes of Section 147(f) of the Code.
2. This resolution shall take effect immediately.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

4. Conduct a public hearing and consider adopting a resolution on the matter of closing the right-of-way of an unopened alley running parallel to Corban Ave SE.

The proposal includes the abandonment of the right -of-way for a +/- 225- foot long alley that runs behind 125 Corban Ave SE. This alley was originally part of the M.L. Widenhouse Subdivision, which was platted in 1914. The alley was never opened and is unimproved. Charles Stapleton and Stephanie Stapleton filed the application, and they are the owners/developers of Greenway Village Park, an eight-unit single family development proposed on adjacent land at 164 Wilkinson Court, SE. The applicant owns a majority of the property adjacent of the alley and each property owner adjacent to the alley will receive half of the portion of the alley being abandoned. However, the General Statutes have a provision to alter the division of the abandoned right-of-way by the filing of a plat, signed by all adjacent owners.

Staff provided notice to the petitioner and all adjacent property owners in accordance with the requirements of the NC General Statutes. All City departments have reviewed the petition and there were no objections to the petition.

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

An adjacent property owner (name and spelling was illegible) addressed the Council stating that she did receive a Letter of Intent to Close from staff but did not fully understand what would happen once the right-of-way was closed.

No other 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 Stocks to close the public hearing—the vote: all aye.

A motion was made by Mayor Pro-Tem McKenzie and seconded by Council Member Crawford to continue the until the August 10, 2023 City Council meeting to allow staff time to clarify the request with the adjacent property owner—the vote: all aye.

5. Conduct a public hearing and consider adopting an ordinance annexing +/- 0.16 acres at 786 Bartram Ave, PIN 5539-30-7799, owned by Antigone Powell and Marsaille Powell.

The request is for voluntary annexation of +/- 0.16 acres of property on Bartram Ave. This property is located in the Hallstead Subdivision, on the northeast side of the Zion Church Rd and Zion Church Rd East intersection. The property is currently zoned Cabarrus County MDR (Medium Density Residential).

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

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 Council Member Parsley-Hubbard to close the public hearing—the vote: all aye.

A motion was made by Council Member Crawford and seconded by Council Member Parsley-Hubbard to adopt the following annexation ordinance and set the effective date for July 13, 2023—the vote: all aye.

ORD.# 23-67

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD,
NORTH CAROLINA TO INCLUDE +/- 0.16 ACRES OF PROPERTY LOCATED AT 786
BARTRAM AVENUE, CONCORD, NC**

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by the City of Concord, on July 13th, 2023 to annex the area described below; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petitions; and

WHEREAS, the City Clerk has certified the sufficiency of the petitions and a public hearing on the question of this annexation was held at Concord City Hall, 35 Cabarrus Avenue West, on July 13, 2023 after due notice by The Independent Tribune on July 2nd, 2023; and

WHEREAS, the City Council finds that the petitions meet requirements of G.S. 160A-58.1;

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

SECTION 1. By virtue of the authority granted by G.S. 160A-58.1, the following described territory is hereby annexed and made part of the City of Concord, as of the 13th day of July 2023:

Being All of Lots 121 in the Final Plat of Hallstead Phase 1, Map 2, recorded in Map Book 54 and Page 6 in the Cabarrus County, North Carolina Public Registry.

SECTION 2. Upon and after the 13th day of July, 2023 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Concord and shall be entitled to the same privileges and benefits as other parts of the City of Concord. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the City of Concord shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

SECTION 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Concord.

Adopted this 13th day of July 2023

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

6. Conduct a public hearing and consider adopting an ordinance annexing +/- 63.5 acres at 1201/1241 Odell School Rd, PIN p/o 4681-64-7428, owned by UNICA, UBO, for the construction of ninety-three (93) single-family detached homes.

The request is for voluntary annexation of +/- 63.5 acres of property on Odell School Rd. The property is currently zoned Cabarrus County LDR (Low Density Residential). The developer has proposed to construct ninety-three (93) single-family detached homes on the site, where RM-2 design standards will be utilized.

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

Justin Mueller, Developer of the project, spoke in favor of the request. He stated he is proposing to construct 93 homes with a selling price of \$850,000. He also stated if the annexation request is approved he would be requesting a rezoning of the property.

Council Member Parsley-Hubbard asked Mr. Mueller if he was aware of the sewer allocation issue in Concord at the present time and if he is planning on closing on the property if the property is rezoned. Mr. Mueller stated that he was aware of the sewer allocation issue at the present time, but sees the need of this type of housing in Concord.

Council Member Stocks thanked Mr. Mueller for sharing information to the residents at the community meeting. She asked if Mr. Mueller understood that sewer may not be available for five years. Mr. Mueller stated he was aware of that and stated the purchasing contract is written to accommodate that.

Council Member Parsley-Hubbard asked the Planning and Neighborhood Development Services Director what zoning the developer is looking at. The Planning and Neighborhood Development Services Director stated once the property is annexed staff meets with the developer to confirm the zoning classification the developer is wanting.

No one else signed in to speak in favor or in opposition to the request. Therefore, a motion was made by Council Member King and seconded by Council Member Parsley-Hubbard to close the public hearing—the vote: all aye.

Mayor Pro-Tem McKenzie stated he was concerned with approving an annexation and not having sewer to allocate to the project. He stated he was also concerned with the location of the project and the existing congestion in that area. He further stated, in his opinion, the timing is not good for this project.

Council Member Stocks stated she is also not comfortable with annexing this property and not having sewer to allocate to the project.

Council Member King stated he understood the sewer concerns, but Mr. Mueller stated he understood the issue and is willing to wait for sewer allocation.

Following the discussion, a motion was made by Council Member Crawford and seconded by Council Member King to adopt the following annexation ordinance and set the effective date for July 13, 2023—the vote: Aye – King, Crawford, Parsley-Hubbard, and Sweat; Nay – Stocks and McKenzie.

ORD.# 23-68

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE +/- 63.5 ACRES OF PROPERTY LOCATED AT 1201/1241 ODELL SCHOOL RD, CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by the City of Concord, on July 13th, 2023 to annex the area described below; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petitions; and

WHEREAS, the City Clerk has certified the sufficiency of the petitions and a public hearing on the question of this annexation was held at Concord City Hall, 35 Cabarrus Avenue West, on July 13, 2023 after due notice by The Independent Tribune on July 2nd, 2023; and

WHEREAS, the City Council finds that the petitions meet requirements of G.S. 160A-58.1;

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

SECTION 1. By virtue of the authority granted by G.S. 160A-58.1, the following described territory is hereby annexed and made part of the City of Concord, as of the 13th day of July 2023:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN THE CITY OF CONCORD, COUNTY OF CABARRUS, STATE OF NORTH CAROLINA, SAID TRACT BEING BOUNDED ON THE WEST BY ODELL MEADOWS LLC., ODELL SCHOOL ROAD LLC., AND JOHNNY'S LLC., ON THE NORTH BY UNICA U B O AND ODELL SCHOOL ROAD (60' PUBLIC RIGHT-OF-WAY), ON THE EAST BY WILLIAM SCOTT & RALPH ALLEN JUSTICE, ON THE SOUTH BY M/I HOMES OF CHARLOTTE LLC., AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN NGS MONUMENT, "SELF" WITH GRID COORDINATES: NORTHING OF 619079.78 AND EASTING OF 1488451.65; THENCE S 29°03'52" W, 3496.63 FEET TO A FOUND IRON ROD ON THE SOUTHERN RIGHT-OF-WAY LINE OF ODELL SCHOOL ROAD; THENCE ALONG WITH ODELL SCHOOL ROAD, S 77°00'54" W, 978.25 FEET TO A SET MAG NAIL NEAR THE CENTER OF ODELL SCHOOL ROAD; THENCE TURNING ALONG WITH THE COMMON BOUNDARY LINE WITH WILLIAM SCOTT & RALPH ALLEN JUSTICE S 31°30'59" W, 33.46 FEET TO A SET IRON ROD ON THE SOUTHERN RIGHT-OF-WAY LINE OF ODELL SCHOOL ROAD, THE PLACE AND POINT OF BEGINNING; THENCE CONTINUING WITH THE WILLIAM SCOTT & RALPH ALLEN JUSTICE THE FOLLOWING 3 CALLS: S 31°30'59" W, 1266.74 FEET TO A SET IRON ROD; THENCE S 51°04'15" E, 658.42 FEET TO A FOUND IRON ROD; THENCE S 11°10'25" W, 751.51 FEET TO A FOUND IRON ROD, A COMMON CORNER OF WILLIAM SCOTT & RALPH ALLEN JUSTICE AND M/I HOMES OF CHARLOTTE LLC.; THENCE ALONG THE COMMON BOUNDARY LINE WITH M/I HOMES OF CHARLOTTE LLC. THE FOLLOWING 2 CALLS: S 11°07'48" E, 485.31 FEET TO A FOUND IRON ROD; THENCE N 84°10'26" W, 2269.23 FEET TO A FOUND IRON PIPE, A COMMON CORNER OF M/I HOMES OF CHARLOTTE LLC. AND LYNN & JANET P.

CASKEY; THENCE ALONG THE COMMON BOUNDARY LINE WITH LYNN & JANET P. CASKEY N 01°39'42" W, 64.31 FEET TO A FOUND IRON PIPE, A COMMON CORNER OF LYNN & JANET P. CASKEY AND JAMES & MARY B. HAYNES; THENCE ALONG THE COMMON BOUNDARY LINE WITH JAMES & MARY B. HAYNES N 02°54'03" W, 223.77 FEET TO A FOUND IRON PIPE, THE COMMON CORNER OF JAMES & MARY B. HAYNES AND JOHNNY'S LLC., A NC LIMITED LIABILITY COMPANY; THENCE ALONG THE COMMON BOUNDARY LINE WITH JOHNNY'S LLC., A NC LIMITED LIABILITY COMPANY N 14°00'36" E, 8.21 FEET TO A FOUND IRON ROD, A COMMON CORNER OF JOHNNY'S LLC., A NC LIMITED LIABILITY COMPANY AND ODELL SCHOOL ROAD LLC.; THENCE ALONG THE COMMON BOUNDARY LINE WITH ODELL SCHOOL ROAD LLC. N 64°30'17" E, 706.47 FEET TO A FOUND IRON ROD, A COMMON CORNER OF ODELL SCHOOL ROAD LLC. AND ODELL MEADOWS LLC.; THENCE ALONG THE COMMON BOUNDARY LINE WITH ODELL MEADOWS LLC. N 64°29'29" E, 936.66 FEET TO A FOUND IRON ROD; THENCE ALONG A NEW BOUNDARY LINE THE FOLLOWING 10 CALLS: N 64°29'29" E, 98.66 FEET TO A SET IRON ROD; THENCE N 41°55'04" E, 585.71 FEET TO A SET

IRON ROD; THENCE S 48°04'56" E, 145.00 FEET TO A SET IRON ROD; THENCE N 41°55'04" E, 140.29 FEET TO A SET IRON ROD; THENCE ALONG WITH A CURVE TO THE LEFT, WITH A RADIUS OF 705.50 FEET, AND A CHORD BEARING OF N 36°03'002" E, A DISTANCE OF 127.90 FEET TO A SET IRON ROD; THENCE N 31°30'59" E, 1018.57 FEET TO A SET IRON ROD; THENCE N 25°14'21" E, 100.60 FEET TO A SET IRON ROD; THENCE N 31°30'59" E, 10.21 FEET TO A SET IRON ROD; THENCE N 22°55'46" W, 94.02 FEET TO A SET IRON ROD; THENCE N 13°27'35" E, 25.00 FEET TO A SET IRON ROD; THENCE ALONG WITH THE SOUTHERN RIGHT-OF-WAY OF ODELL SCHOOL ROAD S 77°22'31" E, 194.73 FEET TO A THE PLACE AND POINT OF BEGINNING; CONTAINING 63.30 ACRES, MORE OR LESS.

SECTION 2. Upon and after the 13th day of July, 2023 the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Concord and shall be entitled to the same privileges and benefits as other parts of the City of Concord. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the City of Concord shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

SECTION 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Concord.

Adopted this 13th day of July 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

7. Conduct a public hearing for case Z(CD)-04-23 and consider adopting an ordinance amending the official zoning map for +/- 0.83 acres located at 114 Kerr St. NW/217 Cedar Drive NW from RC (Residential Compact) to PUD (Planned Unit Development) and amend the 2030 Land Use Plan to modify the future land use designation of the parcel from "Civic Institutional" to "Urban Neighborhoods".

The Planning and Zoning Commission heard the above referenced petition at their June 20, 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 PUD (Planned Unit Development) and to amend the 2030 Land Use Plan to designate the parcel as "Urban Neighborhoods."

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

No one 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 Crawford to adopt the following Statement of Consistency—the vote: all aye.

- The subject property is approximately 0.83 acres and consists of two two-story structures previously used as a church and education building.
- The two structures were constructed in 1942 and 1960 and contain a total of approximately 15,133 square feet.
- The proposed amendment is not consistent with the 2030 Land Use Plan as the PUD (Planned Unit Development) zoning classification is not considered to be compatible with the Civic/Institutional land use category. However, the existing structures have functioned in their current configuration for more than 60 years and the proposed uses are compatible with those existing in the surrounding neighborhood. The request provides a mix of residential, office, gallery and artists spaces and artisanal related specialty retail within a mixed-use setting.
- The zoning amendment is reasonable and in the public interest as the petition proposes the redevelopment of an underutilized structure into an integrated mixed-use development in close proximity to the Clearwater Arts Studios and recreational opportunity. Within the structures are mixed-income affordable and workforce loft apartments along with complimentary nonresidential uses.

A motion was made by Mayor Pro-Tem McKenzie and seconded by Council Member Sweat to adopt the following ordinance amending the official zoning map from RC (Residential Compact) to PUD (Planned Unit Development)—the vote: all aye.

ORD. #23-69

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CONCORD,
NORTH CAROLINA FOR PROPERTY GENERALLY LOCATED AT 114 KERR ST NW/217
CEDAR DR 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 June 20, 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 0.83 acres and consists of two two-story structures previously used as a church and education building.
- The two structures were constructed in 1942 and 1960 and contain a total of approximately 15,133 square feet.
- The proposed amendment is not consistent with the 2030 Land Use Plan as the PUD (Planned Unit Development) zoning classification is not considered to be compatible with the Civic/Institutional land use category. However, the existing structures have functioned in their current configuration for more than 60 years and the proposed uses are compatible with those existing in the surrounding neighborhood. The request provides a mix of residential, office, gallery and artists spaces and artisanal related specialty retail within a mixed-use setting.
- The zoning amendment is reasonable and in the public interest as the petition proposes the redevelopment of an underutilized structure into an integrated mixed-use development in close proximity to the Clearwater Arts Studios and recreational opportunity. Within the structures are mixed-income affordable and workforce loft apartments along with complimentary nonresidential uses.

The P&Z Commission then voted to recommend approval of the map amendment for PIN 5620-57-9483 from RC (Residential Compact) to PUD (Planned Unit Development), and designate the property UN (Urban Neighborhoods) 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 July 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 0.83 acres and consists of two two-story structures previously used as a church and education building.
- The two structures were constructed in 1942 and 1960 and contain a total of approximately 15,133 square feet.
- The proposed amendment is not consistent with the 2030 Land Use Plan as the PUD (Planned Unit Development) zoning classification is not considered to be compatible with the Civic/Institutional land use category. However, the existing structures have functioned in their current configuration for more than 60 years and the proposed uses are compatible with those existing in the surrounding neighborhood. The request provides a mix of residential, office, gallery and artists spaces and artisanal related specialty retail within a mixed-use setting.
- The zoning amendment is reasonable and in the public interest as the petition proposes the redevelopment of an underutilized structure into an integrated mixed-use development in close proximity to the Clearwater Arts Studios and recreational opportunity. Within the structures are mixed-income affordable and workforce loft apartments along with complimentary nonresidential uses.

The City Council then voted to **APPROVE** the map amendment, subject to the following conditions, which have been offered by the petitioner and/or mutually agreed upon during the course of the hearing:

1. Compliance with the “Cedar and Kerr St. Development” site plan dated 5/3/23 and “Cedar and Kerr St. Development” Landscape Plan dated 5/3/23; and
2. Compliance with the architectural elevations as indicated on “Cedar and Kerr Mixed-Use”, sheets A-3 and A-18, dated 5/4/2023; and
3. Uses shall be limited to 13 multifamily residential units, office space, incubator office area, gallery and artist studio space, artisanal related specialty retail and coffee shop/café; and
4. Dumpster enclosure materials should be adjusted to coordinate with the elevations for the building; and
5. Technical site review and approval plan shall be required; and
6. The project shall comply with all State and Federally mandated standards such as stormwater requirements, floodplain protection requirements, Building Code, minimum Fire Code requirements, North Carolina Department of Transportation (NCDOT) or City of Concord minimum safety standards; and
7. Site design elements not specifically identified as a deviation shall adhere to applicable City standards.

SECTION 3: That the Official Zoning Map is hereby amended by rezoning from City of Concord RC (Residential Compact) to City of Concord PUD (Planned Unit Development) the area

described as follows and that the future land use designation of UN (Urban Neighborhoods) is applied in the 2030 Land Use Plan:

Adopted this 13th day of July, 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

A Motion was made by Mayor Pro-Tem McKenzie and seconded by Council Member Crawford to approve to amend the 2030 Land Use Plan to designate the parcel as Urban Neighborhoods—the vote: all aye.

Presentations of Petitions and Requests:

1. Consider adopting an interlocal agreement with Cabarrus County regarding an extension of the Central Area Plan.

As a result of lawsuits in the early 2000s, the City and Cabarrus County entered into an agreement to develop a framework regarding the provision of utilities within areas in the unincorporated central portion of the County. The County developed the “Central Area Plan” which set forth service areas and procedures for provision of utilities. The City and County both adopted the Plan and in 2008, entered into an interlocal agreement, which contained requirements on the provision of water and sewer within the service areas. With this agreement, both parties also agreed to follow the provisions of the Plan as they relate to utilities, zoning and land use. The agreement was effective for a period of fifteen (15) years with an expiration date of June 29, 2023.

One provision required the City and County to conduct reviews every five (5) years to determine if the agreement was continuing to accomplish its purpose. Legal and Planning staff have conducted these reviews with County staff, and have agreed that the agreement is still effective and should be extended. All parties have agreed to the proposed revisions. The two staffs have also jointly coordinated minor revisions to the agreement to ease its administration. The changes include 1) allowing utility service to single service lots of records existing as of the date of the original agreement; 2) allowing utility capital improvement projects intended to resolve maintenance or operational issues, but not to serve new customers; 3) removing the term “employment center” which is not defined; and 4) referencing a boundary adjustment to Area A which is a result of an amended annexation agreement with the Town of Midland. These changes will help minimize Council and County Commission approval of small exceptions.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to adopt the interlocal agreement with Cabarrus County regarding an extension of the Central Area Plan—the vote: all aye.

2. Consider updating the Downtown Façade Improvement Grant program to enable retroactive funding for completed qualified façade projects since June 1, 2022.

The purpose of the Downtown Façade Improvement Grant Program is to encourage property owners or business tenants to improve their properties and to provide ways to activate the cityscape. The program helps to increase the vibrancy of Downtown Concord and the City's identity by highlighting the uniqueness of the community's core. It also supports small business development, artistry, and creative placemaking. Grant recipients may use funds for specified exterior building improvements including, but not limited to, lighting, signage, or awnings. Businesses must adhere to certain design guidelines and meet all program requirements detailed below to be eligible. Grant amounts are up to \$5,000 within the MSD. Projects within the High Impact Area that align with current streetscape improvements construction are eligible for up to \$10,000 in grant money. Grant funding requires a 50% private match.

Enabling retroactive grants for completed, qualified façade projects since June 1, 2022, would allow downtown property owners or business tenants to recoup the corresponding grant amount for façade improvements previously made, but for which a façade grant was not applied for prior to the project work starting. Adding patios and decks as qualified façade projects would help

encourage these types of improvements to take advantage of the streetscape improvements and outdoor dining. By also adding an option for the applicant to receive up to three partial grant payments as the work progresses would allow an applicant to recoup funding along the way instead of solely at project completion.

A motion was made by Council Member King and seconded by Council Member Sweat to approve updating the Downtown Façade Improvement Grant program to enable retroactive funding of completed, qualified façade projects since June 1, 2022—the vote: all aye.

3. Receive a presentation of the final Master Plan for W.W. Flowe Park and consider approval and adoption of the Plan.

Parks and Recreation Department staff, along with consultant McAdams, will present the final Master Plan for W.W. Flowe Park for Council's consideration. This plan provides recommendations for future development and renovations based on the approved bond referendum and public input. The future development and renovations include updates to existing building, facilities, added walking paths and future connectivity to area neighborhoods and school. This plan lays out a vision for development recommendations focusing on connectivity between neighborhoods and park amenities. Staff and the consultant secured public input through (2) two separate online surveys, public workshop at Fire Station 8 and received 546 participants, 8,897 responses, and 400 comments.

A motion was made by Council Member Sweat and seconded by Mayor Pro-Tem McKenzie to approve and adopt the Master Plan for W.W. Flowe Park—the vote: all aye.

4. Consider approving the Concord Co-Sponsorship application for the Concord International Festival, to be held on September 30, 2023.

El Puente Hispano and the City of Concord partner to present this event that celebrates diversity and multiculturalism through live music performances, cultural displays, and delicious food and drinks from around the world. The applicant is requesting the following in-kind services:

Electric - Electricity for stage & sound;

Solid Waste Services - Providing additional trash collection bins & clean up assistance;

Planning & Neighborhood Development - Communicating with Downtown businesses & location coordination;

Parks & Recreation - Kids Zone;

Police - Traffic enforcement & having a presence throughout the time of the event;

Fire - Food vendor fire inspections & safety preparedness during event;

Building & Grounds - Event layout and logistical support;

City Manager's Office - Event promotion and coordination; Funding for restroom trailers, Emergency Management coordination;

Water - Provide street sweeper after the festival;

Transportation - Coordinate with NCDOT following Council Approval on any affected DOT street closures; provide street barricades.

A motion was made by Council Member Crawford and seconded by Council Member King to approve the Concord Co-Sponsorship application for the Concord International Festival, to be held September 30, 2023—the vote: all aye.

5. Consider approving Neighborhood Matching Grant awards distribution requests for FY23-24 applicants.

The review committee determined that twelve projects best met the criteria for funding. The twelve recommended projects, if funded, total \$30,000, using all the allocated funds in the NMG FY23-24 adopted budget.

The following allocation of grant funds are recommended: 1) Bedford Farms - \$ 3,000 for their Walking Trail Project; 2) Brookvue - \$2,700 for their Playground Expansion Project; 3) Carriage Downs - \$1,800 for their Lawn to Woodlands Project; 4) Fairway Ridge - \$3,000 for their Street Sign Decorative Posts; 5) Glen Grove - \$3,000 for Playground Improvement Project; 6) Hidden Pond - \$2,550 for their Picnic Tables Project; 7) Morris Glen - \$3,000 for their Playground/Basketball Security Project; 8) Moss Creek - \$2,550 Tennis Court LED Lighting; 9) Park View Estates- \$2,200 for their Entrance Enhancements Project; 10) Sheffield Manor - \$1,600 for their Trash Receptacles Project; 11) Winding Walk - \$3,000 for their Traffic Safety Project; 12) Yates Meadow - \$2,600 for their Spruce It Up Project.

There were two projects not recommended for funding because they did not meet the minimum score required for funding.

The City Manager stated there is an addition of a 13th neighborhood to receive grant approval; Courtyards on Poplar Tent - \$1,200.

A motion was made by Council Member Stocks and seconded by Council Member Sweat to approve Neighborhood Matching Grant award distribution requests for FY23-24 applicants as recommended with the addition of Courtyards on Poplar Tent for \$1,200—the vote: all aye.

6. Consider awarding bid for electric materials for 10,800 feet of 750 primary feeder cable and 11,000 feet of 1/0 primary feeder cable to WESCO Distribution, Inc.

Electric Systems staff received two bids on May 5, 2023 for electric materials for the purchase of 10,800 feet of 750 primary feeder cable and 11,000 feet of 1/0 primary feeder cable. WESCO Distribution, Inc was the lowest bidder at \$353,448 and was compliant in meeting the required specifications.

A motion was made by Council Member Sweat and seconded by Mayor Pro-Tem McKenzie to award bid for electric materials in the amount of \$353,448 to WESCO Distribution, Inc. for the purchase of 10,800 feet of 750 primary feeder cable and 11,000 feet of 1/0 primary feeder cable—the vote: all aye.

7. Consider awarding the bid for the rehabilitation of the North and South Gravel lots at the Concord-Padgett Regional Airport to J.D. Goodrum Co, Inc.

The Aviation Department received three sealed bids on June 21, 2023 for improvements to the North and South Gravel Lots. The lowest bidder was J.D. Goodrum Co, Inc. in the amount of \$876,803.11. The Engineer's estimate for the construction was \$1,288,750.

These lots were used during the early days when Allegiant Airlines operated from Hangar A. Since the parking deck has been completed these lots have been used for overflow parking. The project consists of asphalt paving, lighting, shelters and revenue control systems. The project is being funded by NCDOT-Aviation.

A motion was made by Council Member Crawford and seconded by Council Member Parsley-Hubbard to authorize the City Manager to execute a contract with J.D. Goodrum Co, Inc—the vote: all aye.

8. Consider awarding the total bid for the City of Concord's annual street preservation program to Blythe Construction Inc. and approve the attached budget ordinance to appropriate funds from reserve funds.

One of Council's continuing goals is to improve the service levels and delivery of the City's annual street preservation program. Powell Bill receipts and General Fund revenues are being used to fund this work by contracted forces. Formal bids for this work were opened on June 7, 2023 with Blythe Construction Inc. submitting the lowest total bid in the amount of \$3,137,926.91. Work such as patching, leveling, milling, resurfacing, re-striping, re-marking, and re-installation of permanent raised pavement markings work on just under 22 lane miles of designated streets and 5,000 tons of patching on other City infrastructure will be performed, totaling a base bid of \$3,073,189.41. Additionally, the bid included an alternate for repairs the parking areas at Concord-Padgett Regional Airport, totaling \$64,737.50. Contract Final Completion date is 180 days from the Notice to Proceed.

A motion was made by Council Member Crawford and seconded by Council Member Stocks to award the total bid and authorize the City manager to negotiate and execute a contract with to Blythe Construction Inc. in the amount of \$3,137,926.91 for the City of Concord's annual streets preservation program and to adopt the following budget ordinance to appropriate funds from reserve funds—the vote: all aye.

ORD.# 23-70

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8th day of June, 2023, adopt a City budget for the fiscal year beginning July 1, 2023 and ending on June 30, 2024, 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 Appropriated	Balance \$0	\$1,113,376	\$1,113,376
Total				\$1,113,376

Account	Title	Expenses/Expenditures		(Decrease) Increase
		Current Budget	Amended Budget	
4514-5440000	Maintenance Contracts	\$55,000	\$95,000	\$40,000
4511-5241000	Resurfacing	1,999,551	3,072,927	1,073,376
Total				\$1,113,376

Reason: To appropriate Powell Bill reserves for the FY24 resurfacing contract in the amount of \$1,033,376 and unspent funds from the prior year for pavement striping that is included in the FY24 resurfacing contract.

Adopted this 13th day of July, 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

9. Consider awarding the City of Concord's annual contract for the Installation of Traffic Signal Equipment and Associated Construction and Maintenance Work to Carolina Power & Signalization, LLC.

This contract consists of providing traffic signal and associated construction/maintenance work in and adjacent to the City of Concord. This work provides for the installation, upgrade, or repair of signals on an as-needed basis and includes, but is not limited to: saw cutting roadway surfaces, placement of embedded loops and sealant, trenching, placement of conduit and junction boxes, installing poles, guys, span wire, cables, heads, visual detection equipment, and conduit. Quotes for this work were received on June 20, 2023 with Carolina Power & Signalization LLC submitting the lowest unit cost pricing. The contract is not to exceed \$150,000 per the FY 24 approved budget. The contract term is through June 30, 2024.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member King to award the City of Concord's annual contract for the Installation of Traffic Signal Equipment and Associated Construction and Maintenance Work to Carolina Power & Signalization LLC—the vote: all aye.

10. Consider adopting a resolution regarding the Yadkin-Pee Dee Water Management Group and the formation of a non-profit structure.

Member jurisdictions are adopting the resolution to affirm our membership and support of the transition of the Yadkin-Pee Dee Water Management Group to a non-profit. The non-profit

structure will provide many benefits including increased grant funding opportunities and independent management of finances.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member King to adopt the following resolution authorizing membership in and the incorporation of the Yadkin-Pee Dee Water Management Group—the vote: all aye.

**RESOLUTION OF THE CITY OF CONCORD AUTHORIZING JOINING AND
INCORPORATING THE YADKIN-PEE DEE WATER MANAGEMENT GROUP**

WHEREAS, many local governments in North Carolina who operate public water systems and other governmental and private entities have a vested interest in the Yadkin-Pee Dee Basin (“Basin”); and

WHEREAS, the Yadkin-Pee Dee Water Management Group has been a successful partnership between many of these governmental and private entities since 2016; and

WHEREAS, the Water Management Group has actively pursued nonprofit incorporation for nearly two years in order to enhance the long-term sustainability of the Group; and

WHEREAS, the Yadkin-Pee Dee Water Management Group Members have recommended that the Water Management Group form as a tax-exempt, non-profit corporation on or before June 30, 2023. The Water Management Group has also recommended that the eligible members who join the newly-incorporated Water Management Group adopt a standard resolution authorizing the incorporation of the Water Management Group using the Articles of Incorporation and Bylaws approved by the Water Management Group, all of which are attached to the Attorneys’ Memo dated April 12, 2023 to all eligible members of the Water Management Group as identified in the Organizational Documents; and

WHEREAS, the City of Concord is eligible to join in the formation of the Water Management Group and approves the incorporation of the Water Management Group as recommended by the Yadkin-Pee Dee Water Management Group Members.

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

1. On behalf of the City of Concord, Kevin Plemmons is authorized and directed to take all actions reasonably necessary or convenient to join the Yadkin-Pee Dee Water Management Group in accordance with the terms of the Organizational Documents; and
2. Kevin Plemmons is hereby designated as the Member Representative and Jeff Corley is hereby designated as the Alternate of the City of Concord, and the same are hereby authorized and directed to: attend the organizational meeting of the Water Management Group; adopt the Bylaws (as set forth in the Organizational Documents); elect officers and at-large directors; consider, vote and take action on such other matters as may come before the Water Management Group at that meeting; and discharge the duties and responsibilities of such positions as set forth in the Organizational Documents so long as each shall hold such position without any requirement for further approval or authorization from City of Concord. Without limiting the foregoing, said Member Representative and Alternate are authorized to consider, vote and take action on matters set forth by the Water Management Group in accordance with its bylaws, attached hereto. The Water Resources Director is authorized to remove Member Representatives and Alternates and appoint replacement Member Representatives and Alternates.

This the 13th of July 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

11. Consider adopting capital project ordinance amendments and operating budget amendments for the Fleet Services Facility project.

Council has previously approved contracts with C Design for pre-design and design services and a contract with Edifice for preconstruction construction manager at risk services. The schematic design phase is complete along with the estimate of the cost of work. The initial construction estimate based on the schematic drawings was \$27,350,159. The architects and construction manager at risk immediately began working on value engineering items in order to lower the cost. After the value engineering exercise, \$3,795,855 was reduced from the total estimate. Major items that were removed from the scope include the fueling station, automatic wash equipment, and four bays from the light duty side. The original construction estimate from the predesign report completed at the end of 2021 was \$16,940,946. Even though the construction estimate included escalation which exceeded predictions, construction cost in 2022 continued to rise due to inflation, supply chain disruptions, and material price increases. Several material categories continued with double digit price increases for the year. The estimated overage amount of construction cost is \$6,613,358. The overage will be covered with General Fund Capital Reserves and cost allocations from departments.

A motion was made by Council Member Stocks and seconded by Council Member Crawford to adopt the following capital project ordinance amendments and operating budget amendments for the Fleet Services Facility project—the vote: all aye.

ORD.# 23-71

**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 Fleet Services Facility.

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
430-4501285	From Gen Cap Reserve	18,162,012	23,749,065	5,587,053
430-4501620	From Water	2,618,896	2,967,590	348,694
430-4501600	From Stormwater	1,255,904	1,502,135	246,231
430-4501610	From Electric	2,520,486	3,220,259	699,773
430-4501630	From Transit	20,822	31,148	10,326
430-4501640	From Sewer	1,112,135	1,558,527	446,392
430-4501680	From Aviation	179,086	248,983	69,897
430-4501690	From Housing	21,664	36,756	15,092
430-4602000	Financing Proceeds	2,955,100	2,145,000	(810,100)
Total				<u>6,613,358</u>

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8800-5811285	Fleet Svcs. Facility	20,211,971	26,825,329	6,613,358
Total				<u>6,613,358</u>

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 13th day of July, 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.# 23-72

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>
8150-5987000	Transfer To Project Fund	9,592,076	15,179,129	5,587,053
8150-5811082	Future Projects	17,415,611	11,828,558	(5,587,053)

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 July, 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.# 23-73

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8th day of June, 2023, adopt a City budget for the fiscal year beginning July 1, 2023 and ending on June 30, 2024, as amended; and

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

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

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
680-4406000	Retained Earnings Appr	0	69,897	69,897
	Total			69,897

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4530-5987000	Transfer to Project Fund	179,086	248,983	69,897
	Total			69,897

Reason: To appropriate retained earnings to cover additional costs needed for the construction of a new fleet facility.

Adopted this 13th day of July, 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.# 23-74

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8th day of June, 2023, adopt a City budget for the fiscal year beginning July 1, 2023 and ending on June 30, 2024, as amended; and

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

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

amended as follows:

<u>Revenues</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
600-4406000	Retained Earnings Appr	0	246,231	246,231
Total				246,231

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
7100-5987000	Transfer to Project Fund	353,458	599,689	246,231
Total				246,231

Reason: To appropriate retained earnings to cover additional costs needed for the construction of a new fleet facility.

Adopted this 13th day of July, 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.# 23-75

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8th day of June, 2023, adopt a City budget for the fiscal year beginning July 1, 2023 and ending on June 30, 2024, as amended; and

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

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

<u>Revenues</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
610-4406000	Retained Earnings Appr	0	699,773	699,773
Total				699,773

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

7200-5987000	Transfer to Project Fund	1,109,506	1,809,279	<u>699,773</u>
Total				<u>699,773</u>

Reason: To appropriate retained earnings to cover additional costs needed for the construction of a new fleet facility.

Adopted this 13th day of July, 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.# 23-76

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8th day of June, 2023, adopt a City budget for the fiscal year beginning July 1, 2023 and ending on June 30, 2024, as amended; and

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

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

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
620-4406000	Retained Earnings Appr	0	348,694	<u>348,694</u>
Total				<u>348,694</u>

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
7340-5987000	Transfer to Project Fund	0	348,694	<u>348,694</u>
Total				<u>348,694</u>

Reason: To appropriate retained earnings to cover additional costs needed for the construction of a new fleet facility.

Adopted this 13th day of July, 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CAPITAL PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The projects authorized and amended are the projects included for CK Rider Transit 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 completion of the projects:

Revenues Account	Title	Current Budget	Amended Budget	(Decrease) Increase
630-4501100	Transfer from General Fund	6,481,484	6,486,647	5,163
630-4337000	Local Shared Revenue	7,688,149	7,693,312	5,163
				10,326

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

Exp. Account	Title	Current Budget	Amended Budget	(Decrease) Increase
7650-5987000	Transfer to Project Fund	14,822	25,148	10,326
				10,326

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. 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 July, 2023.

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 2023-2024 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8th day of June, 2023, adopt a City budget for the fiscal year beginning July 1, 2023 and ending on June 30, 2024, 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	
640-4406000	Retained Earnings Appr	0	446,392	446,392
	Total			446,392

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
7420-5987000	Transfer to Project Fund	640,785	1,087,177	446,392
	Total			446,392

Reason: To appropriate retained earnings to cover additional costs needed for the construction of a new fleet facility.

Adopted this 13th day of July, 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.# 23-79

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8th day of June, 2023, adopt a City budget for the fiscal year beginning July 1, 2023 and ending on June 30, 2024, 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	
690-4406000	Retained Earnings Appr	0	15,092	15,092
	Total			15,092

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
1000-5987000	Transfer to Project Fund	21,664	36,756	15,092
Total				15,092

Reason: To appropriate retained earnings to cover additional costs needed for the construction of a new fleet facility.

Adopted this 13th day of July, 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

12. Consider adopting a resolution to convey a temporary construction easement to HSREI, LLC.

HSREI, LLC is developing property on Henrick Auto Plaza and will require a public sewer extension. The existing sewer is located on City property at the Rocky River Golf Club. HSREI, LLC is requesting temporary construction easements in order to extend public sewer to their development site. Staff has reviewed and discussed with golf course personnel and if Council approves, the following conditions should apply: restore area to the existing grades, reestablish ground cover with sod to existing conditions (419 bermuda), temporary easement not to exceed six months unless agreed upon by both parties, no disruption of the green tees on hole 18, remove three trees (including stumps and all debris) with the construction easement area, type D buffer to be planted back (large holly species to be agreed upon between City Arborist and grantee) and phased construction fencing to be installed (fencing for safety and aesthetics to block off bore receiving pit and fencing for safety during trench installation of sewer main and manholes), and manholes to be installed flush with the ground.

A motion was made by Council Member Crawford and seconded by Council Member King to adopt the following resolution to convey a temporary construction easement to HSREI, LLC—the vote: all aye.

RESOLUTION GRANTING AN EASEMENT

WHEREAS, the City of Concord is owner of a parcel of land having a parcel identification number of 4599 52 7034 0000 in the Cabarrus County Registry; and

WHEREAS, HRSEI, LLC is requesting temporary construction easement on said lot to serve development off Hendrick Auto Plaza NW; and

WHEREAS, staff has reviewed the proposed plan and offers conditions upon granting requested easement: 1) restore area to the existing grades, 2) reestablish ground cover with sod to existing conditions (419 bermuda), 3) temporary easement not to exceed six months unless agreed upon by both parties, 4) no disruption of the green tees on hole 18, 5) remove three trees (including stumps and all debris) with the construction easement area, 6) type D buffer to be planted back (large holly species to be agreed upon between City Arborist and grantee), 7) phased construction fencing to be installed (fencing for safety and aesthetics to block off bore receiving pit and fencing for safety during trench installation of sewer main and manholes), and 8) manholes to be installed flush with the ground;

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

1. That easements as generally shown on Exhibit “A” is hereby ordered granted contingent upon the conditions listed above.

2. The easement shall be conveyed by the City Attorney and other necessary staff or the Mayor to Cabarrus County.
3. The City Attorney and other City staff are hereby directed to take all necessary steps to enforce this resolution.

Adopted this 13th day of July 2023.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

13. Consider amending the Sewer Allocation Policy.

City Council initially approved the Sewer Allocation Policy at their December 21, 2021 work session. The policy has been amended several times since that initial approval. The current proposed amendments are to allow for reserving the bi-annual capacity from WSACC (true-up) until the next bi-annual assessment is made in order to cover any negative distributions and to allow for one six month extension for projects that request such extension.

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.

14. Consider a Preliminary Application from Michael Cipriani.

In accordance with City Code Chapter 62, Michael Cipriani has submitted a preliminary application for water service outside the City limits. The property is located at 911 Silver Fox Road. The property is currently zoned LDR and the applicant is proposing a single family home. City sanitary sewer is not available to this parcel.

A motion was made by Council Member 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.

15. Consider appointing the Concord Kannapolis Area Transit (Rider) Director as Concord's alternate for the Metropolitan Transit Commission Ex Officio position.

In lieu of the City Manager serving as Concord's alternate for the Metropolitan Transit Commission Ex Officio position, it is staff's recommendation to appoint the Concord/Kannapolis Area Transit Director as the alternate.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to appoint the Concord Kannapolis Area Transit (Rider) Director as Concord's alternate for the Metropolitan Transit Commission Ex Officio position—the vote: all aye.

* * * * *

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

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

CONSENT AGENDA ITEM A

Parks and Recreation staff were authorized to submit an amended application for Congestion Mitigation and Air Quality (CMAQ) funds to the North Carolina Department of Transportation (NCDOT) for supplemental funding towards TIP Project C-56031, US 601 at Flowes Store Rd/Miami Church Rd.

CONSENT AGENDA ITEM B

Parks and Recreation staff were authorized to submit an application for Clarke Creek Greenway to be submitted as a Congestion Mitigation and Air Quality (CMAQ) project to NCDOT through the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO).

CONSENT AGENDA ITEM C

The City Manager was authorized to accept \$25,000 from the NC Governor's Highway Safety Program to fund overtime expenses for traffic safety enforcement and to adopt the following budget ordinance to appropriate the grant funds.

ORD.# 23-80

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8th day of June, 2023, adopt a City budget for the fiscal year beginning July 1, 2023 and ending on June 30, 2024, as amended; and

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

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

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
100-4603200	Police Grants	\$281,997	306,997	\$25,000
Total				<u>\$25,000</u>

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4310-5122000	Overtime	\$485,685	510,685	\$25,000
Total				<u>\$25,000</u>

Reason: To appropriate the NC Governor's Highway Safety Program overtime grant awarded in the amount of \$25,000.

Adopted this 13th day of July, 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 D

The City Manager was authorized to accept the 2023 Community Waste Reduction and Recycling Grant Award from the NC Department of Environmental Quality and to adopt the following budget ordinance appropriating the grant funds.

ORD.# 23-81

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8th day of June, 2023, adopt a City budget for the fiscal year beginning July 1, 2023 and ending on June 30, 2024,

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	
100-4603000	Grant Proceeds	\$0	20,000	\$20,000
Total				\$20,000

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4520-5299000	Supplies-Departmental	\$284,870	\$20,000	\$304,870
Total				\$20,000

Reason: To appropriate the NC Department of Environmental Assistance & Customer Service award for 2023 Community Waste Reduction & Recycling Grant to be utilized in conjunction with the City Partnership for Stronger Neighborhoods Program grant awarded in the amount of \$20,000.

Adopted this 13th day of July, 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 E

The offer of dedication on the following plat and easements was accepted: Oaklawn Development Phase 3.

CONSENT AGENDA ITEM F

The maintenance agreements were approved and the offers of dedication were accepted on the following properties: Westwinds Center, LLC, Kroger Fulfillment Network, LLC, The Salvation Army, and The Mooresville Group, LLC.

CONSENT AGENDA ITEM G

An offer of infrastructure at Copperfield PH 2 Northeast Gateway Ct. NE, Kensley East Subdivision, Piper Landing Subdivision PH 1 MP 2, Cumberland Subdivision Phase 2, Odell School Landings Off-site public 8-inch sewer, Annsborough Park PH 1 MP 1, Sherwood Hills Sewer was accepted.

CONSENT AGENDA ITEM H

The following revised fee schedule, effective August 1, 2023, was adopted to fully implement the new System Development Fees.

CONSENT AGENDA ITEM I

A donation of \$2,500 from the Mayor's Golf Tournament fund to Multi-Cultural Community Student Union was approved and the following budget ordinance was adopted appropriating the donation amount.

ORD.# 23-83

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8th day of June, 2023, adopt a City budget for the fiscal year beginning July 1, 2023 and ending on June 30, 2024, as amended; and

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

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

		<u>Revenues</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
100-4370000	Fund Balance Appropriated	1,113,376	1,115,876	2,500
Total				2,500

		<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	0	2,500	2,500
Total				2,500

Reason: To appropriate Mayor Golf Tournament reserves for a donation to the Multi-Cultural Community Student Union.

Adopted this 13th day of July, 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 amendment to the Aviation project fund was adopted.

ORD.# 23-84

CAPITAL PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized is the **FY24 State Aid**.

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

project within terms of a grant agreement with the N.C. Department of Transportation – Division of Aviation.

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

<u>Revenues</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
451-4603400	Future Grants	0	398,000	398,000
451-4603400				
Total				398,000

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

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
6310-5986000				
6310-5986000	Transfer to Aviation	0	398,000	398,000
Total				398,000

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 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 July, 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 Capital Project Ordinance was adopted to amend the Hangar-Taxilane Rehabilitation project.

ORD.# 23-85

CAPITAL PROJECT ORDINANCE AMENDMENT

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

SECTION 1. The project authorized is the **Hangar Taxi Lane Rehabilitation**.

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

project within terms of a grant agreement with the Federal Aviation Administration.

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

		<u>Revenues</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
451-4357300				
451-4357300	Federal Aid	14,164,304	14,467,027	302,723
		Total		302,723

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

		<u>Expenses/Expenditures</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
6300-5800442				
6300-5800442	Hangar TaxiLane Rehab	1,413,227	1,715,950	302,723
		Total		302,723

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 July, 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 following ordinance was adopted to amend the Water project budget to cleanup various project budgets.

ORD.# 23-86

**CAPITAL PROJECT ORDINANCE
Water 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 and amended are various Water 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:

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
429-4501620	Transfer from Water	28,336,765	29,736,765	1,400,000
429-4402150	System Devlpmnt Fees	4,261,080	5,149,785	888,705
8700-5811082	Future Projects	3,518,845	4,407,550	888,705
8700-5811352	Chlorine Room Rehab	0	1,400,000	1,400,000

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 13th day of July, 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 addition of the Server Engineer (Grade IT05) with a salary range of \$68,695.30 (minimum) - \$90,677.80 (midpoint) - \$113,347.25 (maximum) was approved.

CONSENT AGENDA ITEM N

The addition of the Development Services Technician II (Grade 207) with a salary range of \$40,940.55 (minimum) - \$54,246.27 (midpoint) - \$67,551.95 (maximum) was approved.

CONSENT AGENDA ITEM O

The addition of the Grants Analyst (Grade 209) with a salary range of \$48,641.50 (minimum) - \$64,449.98 (midpoint) - \$80,258.48 (maximum) was approved.

CONSENT AGENDA ITEM P

The addition of the Grant Compliance Coordinator (Grade 209) with a salary range of \$48,641.50 (minimum) - \$64,449.98 (midpoint) - \$80,258.48 (maximum) was approved.

CONSENT AGENDA ITEM Q

The City's semiannual debt status report as of June 30, 2023 was accepted.

CONSENT AGENDA ITEM R

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

CONSENT AGENDA ITEM S

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

CONSENT AGENDA ITEM T

The monthly report on investments as of May 31, 2023 was accepted.

* * * * *

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

William C. Dusch, Mayor

Kim J. Deason, City Clerk