

CONCORD CITY COUNCIL  
REGULAR MEETING  
OCTOBER 12, 2023

A regular meeting of the City Council for the City of Concord, North Carolina, was held in the 3<sup>rd</sup> floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on October 12, 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 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  
Assistant City Managers  
Department Directors

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

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

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**Approval of Minutes:**

A motion was made by Mayor Pro-Tem McKenzie and seconded by Council Member Langford to approve the minutes for the meetings of August 22, September 12, and September 14, 2023—the vote: all aye.

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**Informational Items:**

The Concord United Committee presented their annual report to the Mayor and City Council at the October 10<sup>th</sup> Work Session.

**Departmental Reports:**

**1. Downtown Streetscape Update**

The Planning and Neighborhood Services Department Design Manager, Kaylee Caton, and Concord Downtown Development Corporation Manager, Paige Grochoske, provided an update on the downtown streetscape project.

**2. Parks and Recreation Bond Update**

The Finance Director, Jessica Jones, and the Parks and Recreation Interim Director, Sheila Lowry, provided the financial and projects updates.

**Recognition of Persons Requesting to be Heard:**

- Ben Spencer, 6123 Village Drive, NW, addressed the Council regarding the new restrooms that are proposed in the Dorton Park renovations.
- Katrina Truster, 72 Huey Street, NW, addressed the Council regarding the proposed Dorton Park renovations.

- Chasity Dolan and Jason Dolan, 5648 York Street, addressed the Council regarding the Dorton Park renovations and the proposed new restrooms.
- Lauren Goss, 6176 Village Drive, NW, addressed the Council regarding the proposed Dorton Park renovations.
- Roland Jordan addressed the Council regarding community issues he feels should be addressed.
- Kimberly DeLaney addressed the Council regarding the proposed amendment to the Concord Development Ordinance for tiny homes. Ms. DeLaney is the founder of Tiny Homes Big Movement in Concord.

**1. Consider adopting an ordinance annexing +/- 11.13 acres at 2976 Zion Church Rd., PIN 5529-85-3566, owned by Ready Mix of the Carolinas, LLC, for the construction of a ready-mix concrete facility.**

The request is for voluntary annexation of +/- 11.13 acres of property on Zion Church Rd. The property is currently zoned Cabarrus County GI (General Industrial). The developer is proposing to annex the property into Concord and conditionally zone it as Heavy Industrial (I-2 CD) for the construction of a ready -mix concrete facility. The subject parcel is located within the Industrial Employment (IE) Land Use Category of the 2030 Land Use Plan where I-2 CD is listed as a corresponding zoning district.

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

Michael Newman was in attendance to answer any questions the Council may have had.

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 Sweat and seconded by Council Member Parsley-Hubbard—the vote: all aye.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to adopt the following annexation ordinance and set the effective date for October 12, 2023—the vote: all aye.

ORD.# 23-106

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD, NORTH CAROLINA TO INCLUDE +/- 11.13 ACRES OF PROPERTY LOCATED AT 2976 ZION CHURCH RD, CONCORD, NC**

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by the City of Concord, on October 12<sup>th</sup>, 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 October 12, 2023, after due notice by The Independent Tribune on October 1<sup>st</sup>, 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 12<sup>th</sup> day of October 2023:

*All that tract or parcel of land, lying and being in Township 11, Cabarrus County, North Carolina containing 485,210 square feet or 11.134 acres and being more particularly described as follows (basis of bearing is the North Carolina State Plane Coordinate System NAD 83 (2011):*

*Commencing at a point marked by an 1/2" rebar set on the west right of way line of Zion Church Road, NC State Route 1155 (60' public right of way), said point being the southeast corner of the subject parcel belonging to Ready Mix of the Carolinas, LLC (deed recorded in Deed Book 8071, Page 199, Cabarrus County Register of Deeds) and the northeast corner of the property*

belonging to Kory Vincent Yetter (Deed Book 12824, Page 142), said point also being the Point of Beginning; thence, leaving the west right of way line of Zion Church Road along the common boundary line with Kory Vincent Yetter, generally along an existing creek, the following sixteen (16) courses:

*N43°34'13"W a distance of 175.10 feet to a point; N61°49'58"W a distance of 122.92 feet to a point; N61°34'52"W a distance of 114.81 feet to a point; N80°00'37"W a distance of 128.33 feet to a point; N45°43'39"W a distance of 46.13 feet to a point; N72°54'49"W a distance of 52.69 feet to a point; N42°16'18"W a distance of 43.74 feet to a point; N83°13'35"W a distance of 31.86 feet to a point; N51°14'55"W a distance of 250.38 feet to a point; N70°01'18"W a distance of 306.71 feet to a point; S87°05'52"W a distance of 43.98 feet to a point; N75°47'48"W a distance of 77.80 feet to a point; N55°31'24"W a distance of 190.44 feet to a point; N79°00'11"W a distance of 92.64 feet to a point; N71°57'34"W a distance of 137.95 feet to a point; N80°30'42"W a distance of 59.24 feet to a point; thence, leaving the creek and along the common boundary line with Americam, Inc. (Deed Book 652, Page 143) N11°57'33"E a distance of 164.93' feet to a point marked by an 1-1/2" open top pipe, said point having North Carolina State Plane Coordinates N: 595,931.25 sFT, E: 1,527,492.68 sFT; thence, along the common boundary line with Velocity Property Management, Inc. (Deed Book 15546, Page 229) S81°12'29"E a distance of 485.20 feet to a point, said point being N51°31'15"W, 1.02 feet from an 1/2" open top pipe southeast of the property line; thence, along the common boundary line with Brent A. Powell and Marie Ladonna Powell (Deed Book 14617, Page 235) S77°39'34"E a distance of 175.87 feet to a point marked by an 1/2" rebar set; thence, along the common boundary line with John Daniel Sossoman, Sr. and Brenda H. Sossoman (Deed Book 763, Page 208) S77°32'48"E a distance of 211.94 feet to a point marked by an 1/2" rebar set; thence along the common boundary line with PMR Investments Inc. (Deed Book*

*806, Page 102) S77°45'41"E a distance of 210.10 feet to a point marked by an 1/2" open top pipe; thence, along the common boundary line with Russell Edward Moose (no deed reference) S48°51'36"E a distance of 747.02 feet to a point marked by an 1/2" rebar set on the west right of way line of Zion Church Road; thence, along a curve to the right in the west right of way line of Zion Church Road an arc distance of 270.89 feet to a point marked by an 1/2" rebar set, said curve having a radius of 1,480.73 feet, a chord bearing of S04°02'44"W, and a chord distance of 270.51 feet, said point also being the Point of Beginning.*

SECTION 2. Upon and after the 12<sup>th</sup> day of October 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 12<sup>th</sup> day of October 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**2. Consider adopting an ordinance amending Article 9 "Special Purpose and Overlay Districts" of the Concord Development Ordinance (CDO) to create the Neighborhood Infill Residential District (NRD).**

The City has received an increasing number of inquiries regarding the development of smaller homes either on smaller lots or within one overall parcel. Earlier this year, staff presented an

ordinance to Council to allow for the development of tiny and cottage home communities on a “by-right” basis in RC and RV zoning with specific design standards. After discussion, Council directed staff to develop a site-plan controlled zoning district to allow these types of development.

Staff has drafted the Neighborhood Infill Residential District which is proposed to contain the design standards for tiny and cottage homes. These design standards are identical to those that were reviewed by the Council in March and April. The NRD district is intended to allow the addition of design standards for other types of infill residential uses as needed in the future. At their September 19, 2023 meeting, the Planning and Zoning Commission unanimously recommended the amendment to Council.

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

There was no one signed in to speak in favor or in opposition to the request. Therefore, a motion was made by Council Member Sweat and seconded by 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 Sweat to adopt the following Statement of Consistency—the vote: all aye

- The proposal is consistent with the 2030 Land Use Plan in that Section 5.2 (General Land Use Challenges and Opportunities) states that the City should foster infill and redevelopment. Furthermore, Goal 9 contains several policies and objectives relative to affordable housing and infill development options.
- The proposal is reasonable in that it allows for the development of infill housing and provides for affordable housing opportunity.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to adopt the following ordinance amending Article 9, “Special Purpose and Overlay Districts” to add Section 9.14 “Neighborhood Infill Residential District” to adopt design standards to permit tiny and cottage home developments through site plan controlled zoning approval—the vote: all aye.

ORD.# 23-107

#### 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 9 “Special Purpose and Overlay Districts,” be amended to include Section 9.14 “Neighborhood Infill Residential District “as follows:

*Summary: This Article provides information on special purpose zoning districts in the City of Concord including Planned Unit Development, Planned Residential Development, Mixed Use Districts, Traditional Neighborhood Districts, Manufactured Home Park District, Public Interest District, Conservation Subdivision and Residential County Originated and Neighborhood Infill Residential. It also includes information on the overlay districts of the Historic Preservation, Airport, Manufactured Home Park, and the Copperfield Boulevard Corridor Overlay District.*

9.1 Planned Unit Development (PUD)	2
9.2 Planned Residential Development (PRD)	7
9.3 Mixed Use Districts	13
9.4 Traditional Neighborhood District (TND)	50
9.5 (Hold)	-
9.6 Manufactured Home Park (MHP) District	61
9.7 Public Interest Development (PID) District	62
9.8 Historic Preservation Overlay (HPOD) Districts	64
9.9 Airport Overlay (AOD) District	74
9.10 Copperfield Boulevard Corridor Overlay (CBCOD) District	79
9.11 Low Impact Development (LID) Standards	81
9.12 Residential County Originated	94
9.13 Conservation Subdivision (CS) District	95
9.14 Neighborhood Infill Residential District	109

**9.14 NEIGHBORHOOD INFILL RESIDENTIAL (NRD) DISTRICT.**

**9.14.1 Intent.**

This district is intended to allow for the efficient development and redevelopment of housing in underutilized areas. Neighborhood infill standards provide the opportunity for property owners to achieve more efficient urban-type development that can be achieved through conventional suburban development. These standards provide for a range of different infill housing types that may be deemed appropriate in particular geographic areas on a case-by-case basis.

**9.14.2 Purposes.**

This ordinance is adopted for the following purposes:

- A. To guide the future growth and development consistently with the comprehensive plan;
- B. To guide site analysis to plan appropriate areas for development of higher density residential development;
- C. To provide for compatible development of housing on underutilized properties by allowing for additional review of individual projects on a case-by-case basis;
- D. To ensure availability of adequate infrastructure for development on smaller parcels;
- E. To ensure that adequate on-street and/or off-street parking and safe vehicular movement is provided;
- F. To provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups;
- G. To provide buffering adjacent to lower density residential uses; and
- H. To meet demand for varied housing types in an urban setting.

**9.14.2 Applicability and Compliance.**

The NRD district may be applied only to land designated as Urban Neighborhood by the 2030 Land Use Plan. The NRD district is a site plan-controlled district that requires Planning and Zoning Commission review and approval.

**9.14.3 Definitions**

- A. **Cottage Home:** A site-built single-family detached dwelling not exceeding 1,500 square feet of heated floor area, meets applicable requirements of the North Carolina State Building and Housing Codes, and is placed on a permanent foundation.

- B. Cottage Home Development:** A neighborhood consisting of cottage homes, either on individually platted lots or on one parcel, sharing driveways, common areas, site improvements and amenities.
- C. Tiny Home:** A site-built single-family detached dwelling not exceeding 600 square feet of heated floor area, meets applicable requirements of the North Carolina State Building and Housing Codes, and is placed on a permanent foundation. A tiny home that is located on the same lot as a principal dwelling unit is an accessory dwelling unit.
- D. Tiny Home Development:** A neighborhood consisting of tiny homes, either on individually platted lots or on one parcel, sharing driveways, common areas, site improvements and amenities.

**9.14.4 Application Procedure and Approval Process**

NRD developments shall be processed as a conditional district zoning amendment (with a site plan required) and shall follow the procedures established in Section 3.2.

**9.14.4.1 Development Types**

The following are specific development standards applicable to different types of development that are deemed appropriate as infill projects.

**A. Tiny Homes**

1. Tiny home developments are permissible subject to the following dimensional requirements. A tiny home that is located on the same lot as a principal dwelling is an accessory dwelling unit (See Section 8.3.3.C). A tiny home on wheels is considered a recreational vehicle and is permissible only as a temporary dwelling in accordance with other applicable sections of this ordinance.

Feature	Minimum Requirement
Maximum Density	18 units per acre
Minimum Street Frontage (overall parcel)	50 feet on a public street
Minimum Lot Size (overall parcel)	10,000 sf
Maximum Lot Size (overall parcel)	2 acres
Minimum number of dwellings	4
Maximum number of dwellings	18
Maximum lot size (if subdivided)	4,000 sf
Minimum lot size (if subdivided)	None
Maximum floor area	600 sf
Minimum lot width (if subdivided)	None
Minimum setback from public street	10 feet
Minimum front setback	5 feet <sup>1</sup>
Minimum side setback	5 feet <sup>2</sup>
Maximum building height	2 stories
Minimum open space	30 percent of overall tract
Perimeter buffer	8' type A (see Section 11.4.2. Must be within common space and

	cannot lie within an individual platted lot
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1. Minimum distance from front lot line, or from common area/vehicular access if individual units are not subdivided.
  2. Ten (10) feet is required between units if the individual units are not subdivided.
2. Tiny homes may be developed either on individually platted lots or within one overall parcel.
3. Each development shall provide common elements and site improvements for the benefit of each dwelling unit. These elements shall include a central green or common area and a pedestrian network that connects to public sidewalk.
4. Parking shall be provided at a rate of 2 spaces per unit and may be provided within an individual driveway and/or within a common parking area. To the greatest extent possible, parking shall be located either on the side or rear of the homes, or under the home, if elevated.
5. Low Impact Development (LID) measures for stormwater treatment are encouraged.
6. Sixty percent (60%) of all individual lots or dwellings shall front the common open space. Common open space shall be provided at a rate of 350 square feet of area for each dwelling.
7. Common areas may include an amenity structure.
8. Each development shall be served by a privately maintained shared drive at least 20 feet in width, including proper access easements for the benefit of all dwellings.
9. Developments shall be designed in order to adequately accommodate solid waste collection at the public street.
10. Tiny home developments proposing individually platted lots shall follow the subdivision process detailed in Article 5.

## B. Cottage Homes

1. Cottage home developments are permissible only subject to the following dimensional requirements.

Feature	Minimum Requirement
Maximum Density	18 units per acre
Minimum Street Frontage (overall parcel)	50 feet on a public street
Minimum Lot Size (overall parcel)	15,000 sf
Maximum Lot Size (overall parcel)	2 acres
Minimum number of dwellings	4
Maximum number of dwellings	18
Maximum lot size (if subdivided)	5,000 sf
Minimum lot size (if subdivided)	None
Maximum floor area	1,500 sf
Minimum lot width (if subdivided)	20 feet
Minimum setback from public street	10 feet
Minimum front setback	5 feet <sup>1</sup>
Minimum side setback	5 feet <sup>2</sup>
Maximum building height	2 stories
Minimum open space	30 percent of overall tract

Perimeter buffer	8' type A (see Section 11.4.2. Must be within common space and cannot lie within an individual platted lot
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1. Minimum distance from front lot line, or from common area/vehicular access if individual units are not subdivided.
2. Ten (10) feet is required between units if the individual units are not subdivided.
3. Cottage homes may be developed either on individually platted lots or within one overall parcel.
4. Each development shall provide common elements and site improvements for the benefit of each dwelling unit. These elements shall include a central green or common area and a pedestrian network that connects to public sidewalk.
5. Parking shall be provided at a rate of 2 spaces per unit and may be provided within an individual driveway and/or within a common parking area. To the greatest extent possible, parking shall be located either on the side or rear of the homes, or under the home if elevated.
6. Low Impact Development (LID) measures for stormwater treatment are encouraged.
7. Sixty percent (60%) of all individual lots or dwellings shall front the common open space. Common open space shall be provided at a rate of 350 square feet of area for each dwelling.
8. Common areas may include an amenity structure.
9. Each development shall be served by a privately maintained shared drive at least 20 feet in width, including proper access easements for the benefit of all dwellings.
10. Developments shall be designed in order to adequately accommodate solid waste collection at the public street.
10. Cottage home developments proposing individually platted lots shall follow the subdivision process detailed in Article 5.

**SECTION 2:** That this Ordinance be effective immediately upon adoption.

Adopted on October 12, 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. Presentations of Petitions and Requests:**

**1. Consider authorizing the City Manager to execute a contract with M.H. Graves Construction Company for the construction of site improvements and amenities at nineteen of Rider Transit's existing bus stops.**

Within the scope of the contract, fourteen bus stop sites are within Concord; five sites are within Kannapolis. The work generally includes demolition of existing infrastructure, addition of concrete landing pads, curb and gutter, sidewalk connections, storm-water controls, and installation of bus stop amenities including bus stop shelters with related accessories and seating systems. In total, six Tolar bus shelter systems and thirteen Simme-Seat systems will be installed.

The first bid opening occurred on July 21, 2023 and one bid was received. The project was re-advertised and the second bid opening occurred on September 6, 2023. One bid was also received then. M.H. Graves Construction Company submitted the low total bid in the amount of \$397,991. The engineering estimate for the project was \$460,042.

FTA funding will cover 80% (\$318,392.80) of the total cost. The remaining 20% (\$79,598.20) will be split 50/50 between Concord and Kannapolis (\$39,799.10 each). This request (based on the engineering estimate) was recommended for approval by the Concord Kannapolis Transit Commission at its August 2, 2023 meeting.



A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to authorize the City Manager to execute a contract with M.H. Graves Construction Company in the amount of \$397,991.00 for the construction of site improvements and amenities at nineteen of Rider Transit's existing bus stops—the vote: all aye.

**2. Consider awarding a bid and authorize the City Manager to execute a contract for Broadlinx Telecom Inc. to provide labor services for installation and maintenance of the City of Concord's Fiber Optic Network**

This work provides for the installation, removal, upgrade, and maintenance of fiber network optic lines on an as-needed basis and includes but is not limited to installing/removing strand lashing fiber, installing/removing down guys and anchors, installing aerial storage loops, pulling fiber and installing locate wire in conduit. Bids were received on September 28, 2023 with Broadlinx Telecom, Inc submitting the lowest responsive bid. The contract term is through June 30, 2024 and is not to exceed \$400,000 per the approved FY24 budget.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to award a bid and authorize the City Manager to execute a contract for Broadlinx Telecom Inc. to provide labor services for installation and maintenance of the City of Concord's Fiber Optic Network not to exceed \$400,000—the vote: all aye.

**3. Consider authorizing the City Manager and staff to move forward with the bidding process for the renovations to Marvin Caldwell Park as part of the bond referendum based on final design.**

Action was taken on this item at the October 10, 2023 Work Session.

**4. Consider authorizing the City Manager and staff to approve the final design for the new J.E. 'Jim' Ramseur Park as part of the General Obligation bond referendum, and permit staff to proceed to the project bid stage.**

Based on recommendations from the 2016 Comprehensive Parks & Recreation Master Plan and City Council strategic goals, a new community park for the northwest region of Concord has been a high priority for the City. Public input was gathered in three surveys with over 1,500 responses and a public workshop during 2020. Using that information staff, and the design firm Woolpert, prepared a detailed Master Plan for J.E. 'Jim' Ramseur Park that was initially adopted by Council on August 10, 2021.

The 28.6 acre park property sits along Cox Mill Road immediately north of Cox Mill Elementary School. The Plan features 6 pickleball courts and shelter, a splash pad, a large open lawn space and amphitheater, multiple playgrounds, small and large dog park areas, basketball courts, restrooms, pavilions and shelters, an outdoor environmental education area, greenway trail and significant walking trail and sidewalks, 272 vehicle parking spaces (10 accessible spaces), a maintenance building, and vehicular connections to both Cox Mill Road and the entrance driveway with Cox Mill Elementary School. The Plan also features an approximately 40,000 square foot recreation center.

On May 12, 2022, the Council adopted a revised Master Plan removing the recreation center from the current phase of Ramseur Park citing cost considerations. The recreation center was placed into a 'future phase' category to be constructed as funds became available after the current bond program was completed.

One change has been made from the revised Plan; the environmental education area has shifted location further west on the property placing it adjacent to the wetland and providing easier access to the County-owned Soil & Water Conservation District property north of the project site. All other park features and amenities remain in the same general locations as they were on the Plan.

A motion was made by Council Member King and seconded by Council Member Stocks to authorize City staff to move forward with the bidding process for the bond-funded construction of J.E. 'Jim' Ramseur Park per the final design documents—the vote: all aye.

**5. Consider authorizing the City Manager to negotiate and execute a contract with Ground Thunder Construction, Inc. for the construction of four Pickle Ball courts at Les Myers Park and approve the attached budget amendment.**

This project will construct four new pickle ball courts at Les Myers Park and will include grading, storm drain system, retaining wall, asphalt placing, painting, striping the courts and other appurtenances. The project was bid under the formal bidding process and bids were taken on September 28, 2023. Four (4) bids were received, and the lowest responsible bidder was Ground Thunder Construction, Inc. in the amount of \$340,634.36. The original budget for the project was \$160,000.00, but due to construction cost increases and the need to replace and extend the existing retaining wall the project is \$180,634.36 over budget. Additional project funding will come from cost savings from other Park and Recreation projects as summarized in the attached budget amendment.

Following discussion about the increase in the estimated cost for the project, 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 Ground Thunder Construction, Inc. in the amount of \$340,634.36 for the construction of four new Pickle Ball courts at Les Myers Park and to approve the following budget amendment—the vote: all aye.

ORD.# 23-108

**CAPITAL PROJECT ORDINANCE AMENDMENT  
Parks & Recreation Projects-Les Myers Park**

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

SECTION 1. The projects authorized are the projects included for the Les Myers Park.

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:

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

**Expenses/Expenditures**

<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
8300-5811068	Future Projects-P&R McEachern-Hospital	\$113,758	\$0	(\$113,758)
8300-5811018	Phase	\$1,336,903	\$1,270,027	(\$66,876)
8300-5811001	Les Myers Park	\$160,000	\$340,634	\$180,634

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 12th day October 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. Consider authorizing the City Manager to negotiate and execute a construction contract with Ground Thunder Construction Inc. for the construction of the Equipment Shed and Restroom located at the Alfred M. Brown Operations Center.**

Bids were received on September 27, 2023 for the construction of an equipment shed and restroom located at the Brown Operations Center. The equipment shed placement aligns with the space needs assessment/master plan that was completed for the campus in 2010. Five bids were received and Ground Thunder Construction Inc. was the low bidder with a total bid of \$1,163,018.87.

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem McKenzie to authorize the City Manager to negotiate and execute a contract with Ground Thunder Construction Inc. in the amount of \$ 1,163,018.87 for the construction of the Equipment Shed and Restroom located at the Alfred M. Brown Operations Center—the vote: all aye.

**7. Consider authorizing a contract amendment with HDR Engineering for construction administration, project management, and material testing for the basin repairs/improvements and the GAC facility construction at the Hillgrove WTP.**

The City of Concord (City) operates the Hillgrove Water Treatment Plant (HGWTP), which requires upgrades and process enhancements to continue producing high quality water that meets regulatory requirements. HDR Engineering, Inc. of the Carolinas (Consultant) developed the design for the construction of a new granular activated carbon (GAC) contactor building, a new GAC pump station, a new finished water chemical mixing vault, installation of new plate settlers in the sedimentation basins, a new rapid mixer, four (4) new sedimentation basin influent valves, concrete basin rehabilitation, and associated site work, piping, and electrical modifications. This scope of services covers project management, construction administration, materials testing and special inspections, and resident project representative services associated with the project.

The construction duration is assumed to be 22 months to substantial completion and 24 months to final completion. If approved, the project total will be \$1,872,910. The expenses for these services are included in the overall project budget.

A motion was made by Council Member Sweat and seconded by Council Member Langford to approve a contract amendment with HDR Engineering—the vote: all aye.

**8. Consider authorizing a contract amendment with Garver for construction administration, construction observation, project management, and material testing for the chlorine room rehab project at the Coddle Creek WTP.**

The Scope of Services shall consist of Construction Phase Services (CPS) for the Coddle Creek Water Treatment Plant (WTP) Chlorine Feed System Improvements project. CPS will consist of the following primary activities: Task 800 Construction Phase Project Management, Task 900 Construction Administration, and Task 1000 Construction Observation.

Construction duration is estimated at seven (7) months including Contractor mobilization and equipment procurement periods. If approved, the project total will be \$153,413.24. The expenses for these services are included in the overall project budget.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to approve a contract amendment with Garver—the vote: all aye.

**9. Consider reservation of bi-annual "true-up" sewer allocation.**

The City's Sewer Allocation Policy (Section 2-F) allows City Council to reserve the bi-annual "true-up" sewer allocation until the next bi-annual "true-up" is received. On August 2, 2023, the City received capacity distribution #8 from WSACC which included a bi-annual true-up amount of 167,761 gal/day.

A motion was made by Council Member Sweat and Council Member Crawford approving the reservation of the distribution #8 "true-up" sewer allocation—the vote: all aye.

**10. Consider amending Article 5.10 Political Activities in the Personnel Policies and Procedures manual to reflect an exception for holding political office for the Cabarrus County School Board and/or running in a partisan election for the Cabarrus County School Board.**

Staff recommends an update to Article 5.10 Political Activities to allow City coworkers to hold a political office for the Cabarrus County School Board and/or run for office in partisan elections for the Cabarrus County School Board.

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem McKenzie to amend Article 5.10 Political Activities in the Personnel Policies and Procedures manual—the vote: all aye.

\* \* \* \* \*

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**

The following ordinance was adopted on second reading to approve, amend, restate, and extend a nonexclusive franchise for operation of the CMS Landfill to BFI Waste Systems of North America, Inc.

ORD.# 23-98

**AN ORDINANCE FURTHER AMENDING, EXTENDING AND RESTATING A  
NONEXCLUSIVE FRANCHISE TO BFI WASTE SYSTEMS OF NORTH AMERICA, INC.**

Whereas, the disposal of municipal solid waste is a statutory responsibility and a fiscal concern of the City of Concord (referred to below as City or Franchisor); and

Whereas, the City disposes of its municipal solid waste at the sanitary landfill operated by BFI Waste Systems of North America, Inc., known as Charlotte Motor Speedway Landfill V (formerly known as BFI-CMS Landfill and CMS Development Corporation Landfill V), located in the City of Concord (the “CMS Landfill”). (BFI Waste Systems of North America, Inc. may be referred to below as Franchisee or BFI); and

Whereas, BFI Waste Systems of North America, Inc. is currently operating its CMS Landfill pursuant to permits and authorizations granted by the State of North Carolina; and

Whereas, pursuant to a Contract for Disposal of Solid Waste by and between the City, and CMS Development Corp. and Browning-Ferris Industries of South Atlantic, Inc. (the predecessors to BFI Waste Systems of North America, Inc. by merger), dated August 1, 1990 (the “1990 Solid Waste Disposal Contract”), and under its Solid Waste Management Plan dated January 31, 1992, the City has confirmed its plan to rely upon the CMS Landfill for the disposal of municipal solid waste generated within the City; and

Whereas, the City granted or renewed the Franchise to BFI Waste Systems of North America, Inc., on February 10, 2005 by ORD 05-07 (the “2005 Franchise”) for the operation of the CMS Landfill, and restated and amended the 2005 Franchise for the operation of the CMS Landfill on November 12, 2009 by ORD 09-95 (the “2009 Franchise Amendment”); and

Whereas, the City now agrees to further restate, extend, and amend the 2005 Franchise for the operation of the CMS Landfill consistent with the City’s Solid Waste Management Plan and the terms contained in this Ordinance;

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

Pursuant to G.S. 160A-76, and G.S. 130A-294 et. seq., hereby further restates, extends, and amends the 2005 Franchise to BFI Waste Systems of North America, Inc., as previously amended and restated by the 2009 Franchise Amendment, to operate a sanitary landfill within the City of Concord, North Carolina, pursuant to the following terms:

The 2005 Franchise, as amended by the 2009 Franchise Amendment, is for the operation of a sanitary landfill intended to receive ordinary household waste, commercial solid waste, industrial solid waste, and special waste, including asbestos, ash and industrial processed waste, petroleum contaminated soil, wastewater treatment sludge, and such other non-hazardous waste as approved by the State of North Carolina.

The geographic territory intended to be served by the sanitary landfill is the City of Concord, Cabarrus County, the State of North Carolina and the following counties in the State of South Carolina: Cherokee, York, Lancaster, Chesterfield and Chester; the population intended to be served is the population of the City of Concord, Cabarrus County, the State of North Carolina and the following counties in the State of South Carolina: Cherokee, York, Lancaster, Chesterfield and Chester.

The duration of the 2005 Franchise, as amended by the 2009 Franchise Amendment and this amendment, is through the life-of-site of the CMS Landfill, but for a period not to exceed 60 years from the date of this amendment.

The 2005 Franchise, as amended by the 2009 Franchise Amendment and this amendment, is a non-exclusive franchise for the operation of a sanitary landfill by BFI Waste Systems of North America, Inc. within the geographic boundary line of property currently owned or under option by BFI Waste Systems of North America, Inc. located at 5105 Morehead Road in Concord, North Carolina and described in Exhibit A, which depicts the expanded boundaries of the site (the "Site"); this franchise does not grant to Franchisee the exclusive right to operate a sanitary landfill within the city limits of Concord, and it does not grant to Franchisee a franchise to operate a sanitary landfill in any location outside the Site.

In granting, further restating, extending, and amending the 2005 Franchise, as amended by the 2009 Franchise Amendment, it is estimated that the operating capacity for the CMS Landfill as currently permitted or submitted for permitting is approximately 15.2 million tons. It is further estimated that Franchisee currently has contracts to receive approximately 99,000 tons per month. Pursuant to this 2005 Franchise, as amended by the 2009 Franchise Amendment, the Franchisee may accept an average of 120,000 tons of municipal solid waste per month each calendar year with a maximum monthly volume not to exceed 140,000 tons per month. Based on the current contracted and average tonnages, the projected useful life of the CMS Landfill ranges from approximately 7 years to 9 years. Consistent with the terms of their 1990 Solid Waste Disposal Contract, the Franchise Agreement made and entered into as of February 10, 2005 and the life-of-site term of this 2005 Franchise, as amended by the 2009 Franchise Amendment and this amendment, the parties intend for the City to be able to dispose of its solid waste at the CMS Landfill through the life-of-site of the CMS Landfill. Based on this intent, the contract terms and this amended Franchise, the parties recognize the potential for future expansion opportunities at the CMS Landfill and agree to continue in the future to work in good faith and in accordance with the terms of their agreements, this franchise and the requirements of applicable laws and regulations to fulfill their intent.

The Franchisee is required to continue accepting for disposal municipal solid waste generated within the City of Concord, North Carolina, pursuant to the terms of the 1990 Solid Waste Disposal Contract, as that Contract may have been amended from time to time. Further, the Franchisee hereby agrees to provide airspace for the disposal of all residential municipal solid waste generated within the City of Concord, North Carolina through and including February 9, 2035. If the CMS Landfill should reach capacity before February 9, 2035 so that Franchisee could not continue to accept the monthly volume of waste at the CMS Landfill anticipated by this franchise and still provide airspace at the CMS Landfill for the disposal of all residential municipal solid waste generated with the City of Concord, North Carolina through and including February 9, 2035, Franchisee agrees to erect a transfer station on the Site and, if necessary, transport all residential municipal solid waste generated within the City of Concord, North Carolina to another location for disposal pursuant to law as required to meet the obligations of this paragraph. The erection of said transfer station and the transportation and disposal of all residential municipal solid waste generated within the City of Concord, North Carolina through and including February 9, 2035 shall be at the sole expense of the Franchisee. The City agrees to cooperate with the Franchisee in providing any required approvals and assist in obtaining all required authorizations for the siting of a transfer station.

Host fees will be paid and managed during the active life of the Landfill as follows:

With the exception of residential waste generated within the City of Concord, Franchisee will pay to the City a "Solid Waste Host Fee" of \$0.75 per ton of solid waste deposited in the Landfill.

The City will place \$0.25 of each \$0.75 Solid Waste Host Fee" in an interest-bearing account. This account will be maintained throughout the intended term of the franchise. At the expiration of this franchise, if Franchisee has met its obligation to provide to the City disposal for all

residential waste generated during the term of the franchise, then all principal and interest contained in the account will be paid to Franchisee (or its successor). If Franchisee defaults on its obligation to provide to the City disposal for all residential waste generated during the term of this 2005 Franchise, as amended by the 2009 Franchise Amendment and this amendment, then the principal and interest contained in the account will be paid to the City.

Franchisee will provide the funding necessary for the City to perform or contract to provide a curbside recycling collection program. Franchisee will pay to the City \$.90 per ton of solid waste disposed in the landfill, with the exception of residential waste generated within the City of Concord, for the City's recycling program (the "Recycling Host Fees"). Franchisee guarantees that the Recycling Host Fees paid are and will be in addition to the "Solid Waste Host Fees" described in sections 7 (a) and (b) above. Franchisee will pay the City for the term specified Recycling Host Fees of no less than \$65,000.00 per month. Should the City be unable to secure a responsible contractor to provide for the collection of recyclables for the amounts stipulated in the preceding sentences in this sub-section (c), then Franchisee will at the City's option either: 1) Provide the required curbside recycling collection services; or 2) Increase the Recycling Host Fees to a commercially reasonable amount to pay for the cost of the required curbside recycling services. Additionally, each June 30, Franchisee will adjust these fees upward or downward, in an amount commensurate with the percentage change in the Consumer Price Index for Urban Wage Earners and Clerical Workers (All Items) as published by the US Department of Labor, as of June 30 of the prior year.

Solid Waste Host Fees and Recycling Host Fees shall be paid monthly, every twenty-one (21) days after the end of each calendar month during which Solid Waste has been accepted for disposal at the Landfill or at such other intervals as may be agreed to by the parties in writing. Franchisee will provide to the City a copy of its annual report to the State at the time the report is submitted to the State and, at the City's request, will make its daily log and supporting documents available for review at reasonable times and intervals.

Nothing in this 2005 Franchise, as amended by the 2009 Franchise Amendment and this amendment, shall authorize Franchisee to modify the CMS Landfill in a manner which would cause the City of Concord to incur any additional capital expenditures in the provision or delivery of services to the CMS Landfill such as potable water, storm water, sanitary sewer, utilities or roads as a result of such modification, unless Franchisee agrees to pay all additional costs associated with delivering those services.

That this Ordinance be effective immediately upon adoption at second reading.

Adopted on first reading this 14th day of September 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH AROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

Adopted on second reading this 12<sup>th</sup> day of October 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH AROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM B**

The Housing Department was authorized to implement its flat rate rent for Public Housing units.

**CONSENT AGENDA ITEM C**

Clearwater Arts Center & Studios was authorized to apply for the FY24 Grassroots Grant.

**CONSENT AGENDA ITEM D**

The maintenance agreements were approved and the offers of dedication were accepted on the following properties: Kroger Fulfillment Network, LLC.

**CONSENT AGENDA ITEM E**

The offers of dedication were approved on the following plat and easements: Christenbury Townhomes Phase 1 and Cannon Run Phase 2-A.

**CONSENT AGENDA ITEM F**

The North Carolina Department of Transportation - Division of Aviation (NCDOT) FY24 grant award was accepted and the following budget ordinance was adopted to appropriate NCDOT grant funds received.

ORD.# 23-114

**GRANT PROJECT ORDINANCE  
FY24 State Aid to Airports**

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 **State Aid to Airport Projects**.

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:

**Revenues**

<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
451-4357000	STATE AID	7,993,099	10,420,776	2,427,677
451-4357000				
451-4603400				
451-4603400	FUTURE GRANTS	398,000	0	(398,000)
	<b>Total</b>			<b>2,029,677</b>

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

**Expenses/Expenditures**

<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
6300-5800442				
6300-5800442	HANGAR TAXILANE REHAB	1,715,950	3,876,863	2,160,913
6310-5986000				
6310-5986000	TRANSFER TO AVIATION	398,000	266,764	(131,236)
	<b>Total</b>			<b>2,029,677</b>

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 12th day of October 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH AROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM G**

The North Carolina Department of Transportation-FY24 North Carolina Department of Transportation-State Transportation Improvement Program (STIP) grant award was accepted and the following budget ordinance was adopted to appropriate grant funds received.

ORD.# 23-113

**GRANT PROJECT ORDINANCE  
FY24 State Aid to Airports**

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 **State Aid to Airport Projects**.

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>				
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
451-4357000	STATE AID	10,420,776	10,720,776	300,000
451-4357000				
<b>Total</b>				<b>300,000</b>

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>
6300-5800441				
6300-5800441	NORTH APRON EXPANSION	4,122,060	4,422,060	300,000
<b>Total</b>				<b>300,000</b>

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 12th day of October 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH AROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM H**

A \$2,500 donation from the Mayor's Golf Tournament Fund to Vegan Love Culture Foundation was approved and the following budget ordinance was adopted appropriating the donation.

ORD.# 23-115

**AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE**

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8<sup>th</sup> 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	
100-4370000	Fund Balance Appropriated	7,250,044	7,252,544	2,500
	<b>Total</b>			<b>2,500</b>

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4190-5470043	Golf Tournaments	8,400	10,900	2,500
	<b>Total</b>			<b>2,500</b>

Reason: To appropriate Mayor Golf Tournament reserves for a donation to Vegan Love Culture Foundation.

Adopted this 12th day of October, 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH AROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM I**

The following ordinance was adopted to amend the FY 2023/2024 Budget Ordinance for the General Fund to appropriate unspent FY 2023 funds for the McGill property.

ORD.# 23-112

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8<sup>th</sup> 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	
100-4370000	Fund Appropriated	Balance 7,250,044	7,322,270	72,226
<b>Total</b>				<b>72,226</b>

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4910-5570000	Land-Capital	0	72,226	72,226
<b>Total</b>				<b>72,226</b>

Reason: To appropriate unspent funds appropriated in the prior year to cover additional costs related to the purchase of the McGill property.

Adopted this 12th day of October, 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH AROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM J**

The following ordinance was adopted to amend the FY 2023/2024 Budget Ordinance for the General Fund to appropriate excess FY23 sales tax revenue to contingency.

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 8<sup>th</sup> 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**

<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
100-4332400	Utility Franchise Tax	4,818,092	4,843,319	25,227
100-4323100	1% Local Gvt Opt Sls Tx	11,903,867	11,977,520	73,653
100-4323200	½%-Article 40 Sales Tax	5,705,117	5,746,750	41,633
100-4323300	½%-Article 42 Sales Tax	6,103,894	6,150,882	46,988
100-4323400	½%-Article 44 Sales Tax	5,017,722	5,043,088	25,366
<b>Total</b>				<b><u>212,867</u></b>

**Expenses/Expenditures**

<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
4190-5992000	Contingency	1,068,835	1,281,702	212,867
<b>Total</b>				<b><u>212,867</u></b>

Reason: To appropriate excess FY23 sales tax to contingency.

Adopted this 12th day of October, 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH AROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM K**

The following ordinance was adopted to amend the Concord-Padgett Regional Airport operating budget to adjust for the Non-Federal Reimbursable agreement with DOT-Federal Aviation Administration for the modifications to the MALSR for the runway widening project.

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 **Airport Projects**.

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>		
<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
680-4406000	Retained Earnings Appropriation	770,993	912,730	141,737
<b>Total</b>				<b>141,737</b>

Section 4. The following amounts are appropriated for the project

		<u>Expenses/Expenditures</u>		
<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
4530-5550000	Equipment-Capital	148,000	289,737	141,737
<b>Total</b>				<b>141,737</b>

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 12th day of October 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH AROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM L**

The following Aviation Project Fund budget amendment for the Long-Term Parking Upgrade at the Concord-Padgett Regional Airport was adopted.

ORD.# 23-109

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 **Airport Projects**.

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 amounts are appropriated for the project

		<u>Expenses/Expenditures</u>		
<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
6306-5500449	Long Term Parking			
6306-5500449	Upgrade	2,054,576	1,239,190	(815,386)
6306-5986000				
6306-5986000	Transfer To Aviation	1,500	816,886	815,386
		<b>Total</b>		<b>0</b>

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 12th day of October 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH AROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM M**

Revisions to the policies and procedures manual for Concord’s Community Development Block Grant (CDBG) to include new requirements were approved.

**CONSENT AGENDA ITEM N**

This item was removed from the Consent Agenda and placed on agenda as item #10 under Presentations of Petitions and Requests.

**CONSENT AGENDA ITEM O**

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

**CONSENT AGENDA ITEM P**

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

**CONSENT AGENDA ITEM Q**

The monthly report on status of investments as of August 31, 2023 was received.

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

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William C. Dusch, Mayor

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Kim J. Deason, City Clerk