

CONCORD CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 9, 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 November 9, 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  
City Clerk, Kim J. Deason  
Assistant City Managers  
Department Directors

\* \* \* \* \*

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

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

\* \* \* \* \*

**Approval of Minutes:**

A motion was made by Council Member Sweat and seconded by Council Member Crawford to approve the minutes for the meetings of October 10, and October 12, 2023—the vote: all aye.

**Presentations:**

- 1. Mayor Dusch presented a Proclamation recognizing the month of November as National Native American Heritage Month.**
- 2. During the November 7<sup>th</sup> Work Session, Mayor Dusch presented the 2023 Collection System of the Year Award to the City of Concord Water Resources Department.**
- 3. Interim Police Chief, Jimmy Hughes, and Mayor Dusch presented a plaque to Cabarrus County Assistant District Attorney for her role in prosecuting local offenders responsible for contributing to violence and drug crimes.**

## **Unfinished Business:**

### **1. 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.**

The Master Plan for Marvin Caldwell Park was adopted in June 2020. The Plan was based on public input from two community meetings; one held October 2019 and the second held January 2020. Items highlighted from the community meetings include a splash pad, covered basketball court, walking trails, parking, multi- use field, playgrounds and moving the Robert Mathis Amphitheater closer to the Daniel Pharr building.

The City of Concord received three grants for construction of amenities from the conceptual master plan. Carolinas Thread Trail and PARTF included greenway construction along Irish Buffalo Creek within the park. Other PARTF amenities were the splash pad and new Logan Optimist shelter. The amenities identified in the LWCF were identified inclusive playground, covered basketball courts, multi-purpose field and small diamond field.

The following changes have occurred from the Master Plan process to the design process: 1) The small diamond field had to move with the multi-purpose field due to bank erosion. The two fields swapped spots to allow for more space needed for the multi-purpose field; 2) The greenway alignment had to go around the top of the larger field not along the creek as originally planned due to bank erosion; 3) The trail head parking on both ends of the park was not in the original cost estimate and will be added as a bid alternate; and 4) A road was identified to circle around the Daniel Pharr building to allow for full movement but this has been removed to pedestrian only due to topography, tree saving and spacing. The final design has a new Rober Mathis Amphitheater, a new Logan Optimist shelter, new splash pad, new playground, new covered basketball court, new restroom/storage facility, greenway multi-purpose field and space for a community garden. The expanded parking will add an additional 68 spaces and 14 accessible spaces bringing the total to 149 spaces and 17 accessible spaces.

A motion was made by Council Member Stocks and seconded by Council Member Sweat to authorize City staff to move forward with the bidding process for the bond funded renovations to Marvin Caldwell Park as identified in the final design documents—the vote: all aye.

## **Informational Items:**

1. At the November 7<sup>th</sup> Work Session, the WSACC Engineering Director, Chad VonCannon, updated the Mayor and Council on the progress and estimated completion of each phase of the Rocky River expansion.

## **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.

### **2. Parks & Recreation Bond update**

The Parks and Recreation staff and Finance Director provided an update on the Parks and Recreation Bond projects.

## **A. Recognition of Persons Requesting to be Heard**

- Barbi Jones, 950 Flannery Place, addressed the Council in regards to childcare facilities within Concord and Cabarrus County.
- Robert Neal, 341 Melrose Drive, addressed the Council in regards to a Veteran's Day event that was being held in the Logan Community.
- Anissa Manni, 5644 Yorke Street, addressed the Council in regards to the Dorton Park renovation project.
- Scott Brewer, 536 Union St, S, addressed the Council in regards to the Crisis Stabilation Home the State is proposing to construct on South Union Street.
- DeAnne Hobbs, 513 Union St, S, addressed the Council in regards to the Crisis Stabilation Home as well.

### **Public Hearings:**

#### **1. 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 Nicolock Paving Stones, LLC, to locate at 3010 New Town Way SW, Concord, NC 28027.**

The 50,000 SF manufacturing facility will include manufacturing of concrete pavers, splitting of retaining walls, architectural landscape products for manufacture and wholesale distribution. The project is proposing an investment of approximately \$22,000,000 in real and personal property and expects to create approximately 30 full-time jobs with average yearly wages between \$65,000 and \$75,000. The total value of the City's three-year grant is estimated to equal \$231,826 depending on the actual investment. The City would still collect a three-year net revenue of \$40,910 after the incentive payment. Please see the attached grant analysis for additional details.

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

A motion was made by Council Member Crawford and seconded by Council Member Sweat to offer a contract for a three-year/85% tax-based economic development incentive grant to Nicolock Paving Stones, LLC to manufacture concrete pavers, splitting of retaining walls and architectural landscape products for manufacture and wholesale distribution located at 3010 New Town Way SW, Concord, NC 28027—the vote: all aye.

#### **2. Consider adopting an ordinance annexing +/- 3.17 acres on Quay Rd., PINs 4589-43-9666; 4589-53-1551; 4589-43-9724, are owned by Elizabeth & Ray Kirkpatrick and Ryan & Emily Hyatt (the authorized petitioner for the annexation is FRED-Charlotte HC, LLC).**

The request is for voluntary annexation of +/- 3.17 acres of property on Quay Rd. The property is currently zoned Cabarrus County LI (Limited Industrial). If annexation is approved, the request for zoning to City of Concord RC-CD (Residential Compact - Conditional) will be presented to the Planning and Zoning Commission. The annexation petition has been submitted as an addition to the previously approved conditional rezoning of 9001 Quay Rd. This annexation will provide an opportunity to propose a modification to the location of a previously approved storm water pond, and provide additional open space, including a dog path and walking path. The subject parcel is

located within the Mixed-Use Activity Center (MUAC) Land Use Category of the 2030 Land Use Plan where RC-CD is listed as a corresponding zoning district.

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

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

A motion was made by Council Member Stocks and seconded by Council Member Sweat to adopt the following annexation ordinance and set the effective date for November 9, 2023—the vote: all aye.

ORD.# 23-116

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CONCORD,  
NORTH CAROLINA TO INCLUDE +/- 3.17 ACRES OF PROPERTY LOCATED AT 8961 &  
8971 QUAY RD, CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by the City of Concord, on November 9<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 November 9, 2023 after due notice by The Independent Tribune on October 29<sup>th</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 9<sup>th</sup> day of November 2023:

TRACT 1A:

TOGETHER WITH THE FOLLOWING: BEGINNING AT A POINT WHERE THE MECKLENBURG/CABARRUS COUNTY LINE INTERSECTS THE COMMON PROPERTY LINE OF THE HEREIN DESCRIBED PROPERTY AND THE PROPERTY OF PALISADES PROPERTIES, INC. ET. AL., AS RECORDED IN DEED BOOK 2833, PAGE 166 (MCRD) AND DEED BOOK 10737, PAGE 93 (CCRD) , SAID POINT LOCATED N67°34'02"E, 256.77 FEET FROM THE SOUTHEAST CORNER OF KING'S GRANT APARTMENTS AS RECORDED IN MAP BOOK 58, PAGE 630 (MCRD); THENCE, WITH THE COUNTY LINE, S48°25'36"E, 33.38 FEET TO A POINT, A CORNER WITH JERRY V. & ELIZABETH M. TAYLOR, A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 336, PAGE 513 AND DEED BOOK 382, PAGE 678 (CCRD), A PORTION OF THE TAYLOR PROPERTY LYING IN MECKLENBURG COUNTY (PARCEL NUMBER 02918106) AND A PORTION LYING IN CABARRUS COUNTY (PARCEL 4589439666000); THENCE, WITH THE PORTION OF THE TAYLOR PROPERTY LYING IN CABARRUS COUNTY , N67°34'02"E, 7.26 FEET TO A POINT; THENCE, N74°41'17"E, 370.37

FEET TO A POINT ON THE APPARENT RIGHT OF WAY LINE OF QUAY ROAD; THENCE, N74°41'17"E, 29.76 FEET TO A POINT NEAR THE CENTERLINE OF QUAY ROAD; THENCE, WITH THE CENTER OF QUAY ROAD, N41°01'06"W, 33.30 FEET TO AN EXISTING MAGNETIC NAIL, A CORNER WITH PALISADES PROPERTIES INC; THENCE, WITH PALISADES PROPERTIES INC., S74°41'17"W, 27.37 FEET TO AN EXISTING IRON PIPE; THENCE S74°41'17"W, 5.29 FEET TO AN EXISTING IRON ROD ON THE APPARENT RIGHT OF WAY LINE OF QUAY ROAD; THENCE S74°41'17"W, 354.90 FEET TO AN EXISTING IRON PIPE; THENCE S67°34'02"W, 23.76 FEET TO THE POINT OF BEGINNING, BEING 12,281 SQ. FT. LYING IN CABARRUS COUNTY OF WHICH 928 SQ. FT, IS WITHIN THE PUBLIC RIGHT OF WAY OF QUAY ROAD.

TRACT 3A: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 382, PAGE 678 (CCRD), SAID PORTION KNOWN AS CABARRUS COUNTY PARCEL 4589439666000, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT, SAID POINT BEING THE INTERSECTION OF THE MECKLENBURG/CABARRUS COUNTY LINE AND THE COMMON PROPERTY LINE OF THE PROPERTIES DESCRIBED IN DEED BOOK 336, PAGE 513 (CCRD) AND IN DEED BOOK 382, PAGE 678 (CCRD),

SAID POINT BEING IN THE EASTERN LINE OF MECKLENBURG COUNTY PARCEL 02918106 (A PORTION OF THE COMBINED PROPERTIES DESCRIBED IN DEED BOOK 336, PAGE 513 AND DEED BOOK 382, PAGE 678 (CCRD)), AND BEING A CORNER WITH CABARRUS COUNTY PARCEL 45895315510000 (A PORTION OF DEED BOOK 336, PAGE 513 (CCRD)); THENCE, WITH THE COUNTY LINE AND MECKLENBURG COUNTY PARCEL 02918106, N48°25'36"W, 179.11 FEET TO A POINT ON THE LINE OF RAY & EMILY HYATT AS RECORDED IN DEED BOOK 33453, PAGE 977 (MCRD); THENCE, WITH HYATT, N67°34'02"E, 7.26 FEET TO A POINT; THENCE, N74°41'17"E, 370.37 FEET TO A POINT ON THE APPARENT RIGHT OF WAY LINE OF QUAY ROAD; THENCE, N74°41'17"E, 29.76 FEET TO A POINT NEAR THE CENTERLINE OF QUAY ROAD; THENCE, WITH THE CENTER OF QUAY ROAD, S41°01'06"E, 51.15 FEET TO AN EXISTING MAGNETIC NAIL AND S32°16'11"E, 111.30 FEET TO A POINT, A CORNER WITH CABARRUS COUNTY PARCEL 45895315510000; THENCE, WITH CABARRUS COUNTY PARCEL 45895315510000, S74°56'41"W, 27.35 FEET TO AN EXISTING IRON PIPE; THENCE, S74°56'41"W, 4.40 FEET TO A POINT ON THE APPARENT RIGHT OF WAY OF QUAY ROAD; THENCE S74°56'41"W, 332.40 FEET TO THE POINT OF BEGINNING, BEING 58,942 SQ. FT LYING IN CABARRUS COUNTY, OF WHICH, 4,635 SQ. FT. IS WITHIN THE PUBLIC RIGHT OF WAY OF QUAY ROAD.

TRACT 3B: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 336, PAGE 513 (CCRD), SAID PORTION KNOWN AS CABARRUS COUNTY PARCEL 45895315510000, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT, SAID POINT BEING THE INTERSECTION OF THE MECKLENBURG/CABARRUS COUNTY LINE AND THE COMMON PROPERTY LINE OF THE PROPERTIES DESCRIBED IN DEED BOOK 336, PAGE 513 (CCRD) AND IN DEED BOOK 382, PAGE 678 (CCRD), SAID POINT BEING IN THE EASTERN LINE OF MECKLENBURG COUNTY PARCEL 02918106 (A PORTION OF THE COMBINED PROPERTIES DESCRIBED IN DEED BOOK 336, PAGE 513 AND DEED BOOK 382, PAGE 678 (CCRD)), AND BEING A CORNER WITH CABARRUS COUNTY PARCEL 4589439666000 (A PORTION OF DEED BOOK 382, PAGE 678 (CCRD)), THENCE, WITH CABARRUS COUNTY PARCEL 4589439666000N, N74°56'41"E, 332.40 FEET TO THE APPARENT RIGHT OF WAY LINE OF QUAY ROAD; THENCE N74°56'41"E, 4.40 FEET TO AN EXISTING IRON PIPE; THENCE, N74°56'41"E, 27.35 FEET TO THE CENTERLINE OF QUAY ROAD; THENCE WITH THE CENTERLINE OF QUAY ROAD, S29°54'17"E, 90.29 FEET TO AN EXISTING MAGNETIC NAIL; THENCE, S30°58'49"E, 50.76 FEET TO AN EXISTING

MAGNETIC NAIL; THENCE, S32°29'21"E, 91.91 FEET TO A POINT, A CORNER WITH H. BRYANT & PEGGY L. WALLACE, AS RECORDED IN DEED BOOK 5290, PAGE 786 (MCRD) AND DEED BOOK 336, PAGE 515 (CCRD); THENCE, WITH WALLACE, S81°36'21"W, 34.77 FEET TO A POINT ON THE APPARENT RIGHT OF WAY OF QUAY ROAD; THENCE, CONTINUING WITH WALLACE, S81°36'21"W, 272.10 FEET TO A POINT ON THE MECKLENBURG/CABARRUS COUNTY LINE, A CORNER WITH MECKLENBURG COUNTY PARCEL 02918106; THENCE, WITH THE COUNTY LINE AND MECKLENBURG COUNTY PARCEL 02918106, N48°25'36"W, 225.33 FEET TO THE POINT OF BEGINNING; BEING 66,924 SQ. FT LYING IN CABARRUS COUNTY, OF WHICH, 6,976 SQ. FT. IS WITHIN THE PUBLIC RIGHT OF WAY OF QUAY ROAD.

SECTION 2. Upon and after the 9<sup>th</sup> day of November, 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 9<sup>th</sup> day of November 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**Presentation of Petitions and Requests:**

**1. Consider an update to the FY24 Compensation Plan Grade Assignments.**

In July of 2023, the City contracted with Guerrilla HR to conduct a comprehensive market pricing study to help formulate the City's overall compensation strategy and address internal equity as well as external competitiveness.

Becky Drozd, HR & Compensation Consultant, with Guerrilla HR will be present at the November City Council work session to present information from the comprehensive market pricing study.

Staff recommends implementing the results of the compensation study and updating the FY24 compensation plan grade assignments to reflect these changes.

A motion was made by Mayor Pro-Tem McKenzie and seconded by Council Member Langford to table the request until the November 21<sup>st</sup> 2<sup>nd</sup> Work Session—the vote: all aye.

**2. Consider approving a City loan assumption by Smith Sports, LLC for property at PIN # 5620-87-4199 with a ten year term at 2% interest.**

The City of Concord has a loan for CEJS LLC (Carolina Courts) that ends in April 2035 with an interest rate of 2% and monthly payments of \$7,425.45. The loan assumption by Smith Sports, LLC would reduce the term to ten years with a maturity date of November 2033. The interest rate would remain the same and the monthly loan payments would be \$8,290.15. The loan balance assumed would be \$900,971.19.

Smith Arenas is purchasing Carolina Courts with the goal of increasing activities and sporting events at the facility. They intend to work closely with the Cabarrus Visitors Bureau to attract tournaments that result in hotel stays and spending in the local economy for food and entertainment. Another goal of Smith Arenas is to better connect the facility with Downtown to have a greater impact on the local businesses.

Closing on the property is expected to be in early December and the first loan payment to the City will begin on January 1, 2024.

A motion was made by Council Member Parsley-Hubbard and seconded by Council Member Sweat to approve a loan assumption by Smith Sports, LLC for property at PIN # 5620-87-4199 with a ten-year term at 2% interest—the vote: all aye.

**3. Consider abandoning easements across property at Red Hill Subdivision (Niblock Homes, LLC, PIN 5611 52 6444 0000).**

There is a sewer easement recorded in Deed Book 1945 Page 158 and a Board of Light and Water easement recorded in Deed Book 302 Page 402. This parcel is being developed with a single-family subdivision and the sanitary sewer is being rerouted to accommodate the approved subdivision plan. There is no longer a need for the existing easements.

A motion was made by Council Member Langford and seconded by Council Member Sweat to adopt the following resolution authorizing the abandonment of an easement—the vote: all aye.

**RESOLUTION RELEASING EASEMENT**

WHEREAS, an easement was granted in Deed Book 1945 Page 158 and Deed Book 302 Page 402 recorded in the Cabarrus County Registry to the City of Concord and the Board of Light and Water Commissioners for the construction and maintenance of sewer and electric facilities; and

WHEREAS, as a result of development on the property, the easements are no longer needed; and

WHEREAS, the release of the easements would not be contrary to the public interest;

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

1. That the easements recorded in Deed Book 1945 Page 158 and Deed Book 302 Page 402 and more particularly shown on Exhibit "A" is hereby ordered abandoned, and all rights and interest of the City are released.
2. The City's property rights in the released easement shall be conveyed by the City Attorney and other necessary staff or the Mayor to the property owners of record.
3. The City Attorney and other City staff are hereby directed to take all necessary steps to enforce this resolution.

Adopted this 9<sup>th</sup> day of November 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

#### **4. Consider a Preliminary Application from John David Mills.**

In accordance with City Code Chapter 62, John David Mills has submitted a preliminary application to receive water service outside the City limits. The property is located at 4210 Mills Circle. This parcel is within subarea A of the Central Area Plan Interlocal agreement with the county. It is zoned county AO (Agricultural). The parcel is a single service lot of record in existence as of June 30, 2008, and is currently developed with a single-family home.

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

\* \* \* \* \*

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

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

#### **CONSENT AGENDA ITEM A**

The 2023 Patrick Leahy Bulletproof Vest Partnership Grant from the United States Department of Justice was accepted and the following budget ordinance appropriating the grant funds was adopted.

ORD.# 23-117

#### **AN ORDINANCE TO AMEND FY 2023-2023 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:

<b>Account</b>	<b>Title</b>	<b><u>Revenues</u></b>		<b>(Decrease) Increase</b>
		<b>Current Budget</b>	<b>Amended Budget</b>	
100-4603200	Police Grants	\$306,997	\$310,303	\$3,306
<b>Total</b>				<b>\$3,306</b>

<b>Account</b>	<b>Title</b>	<b><u>Expenses/Expenditures</u></b>		<b>(Decrease) Increase</b>
		<b>Current Budget</b>	<b>Amended Budget</b>	
4310-5212000	Uniforms	\$185,565	\$ 188,871	\$3,306
<b>Total</b>				<b>\$3,306</b>

Reason: To appropriate the 2023 Patrick Leahy Bulletproof Vest Partnership award.

Adopted this 9th day of November, 2023.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

**CONSENT AGENDA ITEM B**

An offer of infrastructure at Westwinds Production Facility-NASCAR was accepted.

**CONSENT AGENDA ITEM C**

The offer of dedication on the following plat and easements: Cannon Run Subdivision Phase 3, Ramdin Court NW, and Axial Bonds Farm, Tract 1 were approved.

**CONSENT AGENDA ITEM D**

The reallocation of \$10,655.01 in Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding was approved to repair ventilation issue at Coltrane LIFE Center.

**CONSENT AGENDA ITEM E**

The 2021 Capital Fund Grant award from HUD was accepted and the following budget ordinance in the amount of \$1,724 was adopted.

ORD.# 23-118

GRANT PROJECT ORDINANCE  
FY 2021 CAPITAL FUND GRANT

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

SECTION 1. The project authorized and amended is FY2021 Capital Fund Grant.

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 & 4. The following revenues and expenditures/expenses 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>
692-4703309	2021 CFP			
692-4703309	Revenue	\$377,668	\$379,392	\$1,724
<i>Total Revenue Increase (Decrease)</i>				<u>\$1,724</u>

**Expenditures**

<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
9213-5988000	Transfer to			
9213-5988000	Housing	\$138,357	\$140,081	\$1,724
<i>Total Exp Increase (Decrease)</i>				<u>\$1,724</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 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 9th day of November, 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 F**

The 2022 Capital Fund Grant award from HUD was accepted and the following budget ordinance in the amount of \$1,681 was adopted.

ORD.# 23-119

GRANT PROJECT ORDINANCE  
FY 2022 CAPITAL FUND GRANT

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

SECTION 1. The project authorized and amended is FY2022 Capital Fund Grant.

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 & 4. The following revenues and expenditures/expenses 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>
692-4703310	2022 CFP			
692-4703310	Revenue	\$469,854	\$471,535	\$1,681
<i>Total Revenue Increase (Decrease)</i>				<b>\$1,681</b>

**Expenditures**

<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
9214-5800250				
9214-5800250	Operations	\$112,636	\$114,317	\$1,681
<i>Total Exp Increase (Decrease)</i>				<u>\$1,681</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 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 9th day of November, 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 G**

The 2023 Capital Fund Grant award from HUD was accepted and adopt the following budget ordinance in the amount of \$1,489 was adopted.

ORD.# 23-124

GRANT PROJECT ORDINANCE  
FY 2023 CAPITAL FUND GRANT

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

SECTION 1. The project authorized and amended is FY2023 Capital Fund Grant.

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 & 4. The following revenues and expenditures/expenses are anticipated to be available to the City of Concord for the project:

<b>Revenues</b>		<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
<b>Account</b>	<b>Title</b>			
692-4703311	2023 CFP			
692-4703311	Revenue	\$473,252	\$474,741	\$1,489
<i>Total Revenue Increase (Decrease)</i>				\$1,489

<b>Expenditures</b>		<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</b>
<b>Account</b>	<b>Title</b>			
9215-5800250				
9215-5800250	Operations	\$138,252	\$139,741	\$1,489
<i>Total Exp Increase (Decrease)</i>				\$1,489

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 9th day of November, 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 H**

The following Aviation Project Fund budget amendment was adopted to transfer project funds from the North Apron Roadway to the Hangar TaxiLane Rehabilitation project at the Concord-Padgett Regional Airport.

ORD.# 23-120

**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 TaxiLane 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 N.C. Department of Transportation – Division of Aviation.

SECTION 3. The following amounts are appropriated for the project:

<u>Account</u>	<u>Title</u>	<u>Expenses/Expenditures</u> <u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
6309-5800454				
6309-5800454	North Apron Roadway	1,605,200	361,683	(1,243,517)
6300-5800442				
6300-5800442	Hangar TaxiLane Rehab	1,715,950	2,959,467	1,243,517
	<b>Total</b>			<b>0.00</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 9th day of November, 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 I**

The following ordinance was adopted to amend the FY 2023/2024 Budget Ordinance for the Electric Fund.

ORD.# 23-121

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	
610-4406000	Retained Earnings Appr	1,260,955	4,260,955	3,000,000
	<b>Total</b>			<b>3,000,000</b>

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
7200-5990002	Approp to Reserve-Stabil	0	3,000,000	3,000,000
	<b>Total</b>			<b>3,000,000</b>

Reason: To appropriate a portion of prior year earnings to increase the rate stabilization reserve.

Adopted this 9th day of November, 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 Wastewater Project Fund project ordinance was adopted.

ORD.# 23-122

**CAPITAL PROJECT ORDINANCE AMENDMENT**  
**Wastewater Bruton Smith Sewer Upsize**

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 Wastewater Bruton Smith Sewer Upsize project.

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

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

**Revenues**

<b>Account</b>	<b>Title</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>(Decrease) Increase</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>
8402-5811082	Future Projects	798,271	1,038,271	240,000
8402-5801185	Bruton Smith Sewer Upsize	240,000	0	(240,000)
	<b>Total</b>		<b>0</b>	<b>0</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 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 9th day November, 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 Water Project fund project ordinance was adopted.

ORD.23-123  
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>
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8700-5811347	Coddle Creek Dewatrng	300,000	0	(300,000)
8700-5811352	Chlorine Room Rehab	1,400,000	1,700,000	300,000
8700-5811331	Hillgrve Settling Basn Im	7,030,000	284,302	(6,745,698)
8700-5811330	Hillgrove Improvements	15,070,000	21,815,698	6,745,698

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 9th day of November, 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 third quarter water and wastewater extension report for 2023 was received.

**CONSENT AGENDA ITEM M**

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

**CONSENT AGENDA ITEM N**

The Tax Office collection reports for the month of September 2023 were approved.

**CONSENT AGENDA ITEM O**

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

**CONSENT AGENDA ITEM P**

The monthly report on status of investments as of September 30, 2023 was received.

\* \* \* \* \*

A motion was made by Council Member Crawford and seconded by Council Member Parsley-Hubbard to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(3) to consult with the Attorney to protect the attorney-client privilege and give instructions concerning a judicial action titled Long vs. Concord and N.C. General Statute 143-318.11(a)(4) to discuss the location or expansion of businesses located in this area—the vote: all aye.

\* \* \* \* \*

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

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William C. Dusch, Mayor

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Kim J. Deason, City Clerk