

CONCORD CITY COUNCIL
REGULAR MEETING
JANUARY 11, 2024

A regular meeting of the City Council for the City of Concord, North Carolina, was held in the 3rd floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on January 11, 2024, at 6:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

Mayor Pro-Tem Jennifer Parsley-Hubbard
Council Member Lori A. Clay
Council Member Betty M. Stocks
Council Member JC McKenzie
Council Member Terry L. Crawford

Members Absent:

Council Member Andy Langford
Council Member John A. Sweat, Jr.

Others Present:

City Manager, Lloyd Wm. Payne, Jr.
City Attorney, Valerie Kolczynski
City Clerk, Kim Deason
Assistant City Managers
Department Directors

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

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

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Approval of Minutes:

A motion was made by Council Member Crawford and seconded by Council Member McKenzie to approve the minutes for the meetings of November 21, December 12, and December 14, 2023—the vote: all aye.

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Presentations:

- 1. Mayor Dusch presented a retirement plaque to Major Robert Ledwell for over 25 years of loyal and dedicated service with the City of Concord Police Department.**
- 2. Mayor Dusch presented a retirement plaque to Captain James Alan Lee, who served over 27 years of loyal and dedicated service with the City of Concord Police Department.**
- 3. Mayor Dusch presented a Proclamation recognizing January 15, 2024 as Dr. Martin Luther King, Jr. Day.**

Informational Items:

1. Receive the results of the Cabarrus County Arts & Prosperity Survey at the City Council Work Session.

The presentation was postponed until the February 6, 2024 City Council Work Session.

2. Receive a presentation regarding the Local Government Language Access Collaborative Program at the City Council Work Session.

The presentation was cancelled.

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.

Recognition of Persons Requesting to be Heard:

Vanessa Jones, 6729 Fox Ridge Circle, Davidson, NC, addressed the Council expressing her support for the Coleman Mill apartments project.

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

Public Hearings:

1. Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a five-year/85% tax-based infrastructure development grant to Concord Commerce Park to be located the corner of Concord Parkway and George Liles Parkway (PIN #'s 5509-75-4953 and 5509-86-7447) having an investment of approximately \$125,000,000 in real and personal property.

The proposed 1,287,000 square foot nine-building development will include a variety of uses which include manufacturing, warehousing, life science, distribution, and limited retail. The existing zoning is Campus District (CD) which permits all these uses and has a higher level of design standards than what is found in traditional I-2.

The total value of the City's five-year grant is estimated to equal \$2,550,000 depending on the actual investment. The City would still collect a five-year net revenue of \$450,000 after the incentive payment.

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

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

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to offer a contract for a five-year/85% tax-based infrastructure development grant to Concord Commerce Park for a total of 1,287,000 square foot nine-building development park consisting of manufacturing, warehousing, life science, distribution, and limited retail—the vote: all aye.

2. Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a three-year/85% tax-based center city district economic development incentive grant to Southpaw Investors, LLC to develop a restaurant space located at 325 McGill Avenue NW, Suite 10 having an investment of approximately \$1,385,000 in real and personal property.

Southpaw Investors, LLC, proposes to develop an approximately 3,950 square foot facility that will serve as Gianni's Restaurant. This facility will house restaurant functions and associated uses and is projected to accommodate approximately 177 diners and 3 kitchen employees. Southpaw Investors, LLC, is proposing to invest approximately \$1,385,000 in real and personal property.

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

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

A motion was made by Council Member Crawford and seconded by Council Member McKenzie to offer a contract for a three-year/85% tax-based center city district economic development incentive grant to Southpaw Investors, LLC to develop a restaurant space located at 325 McGill Avenue, Suite 10—the vote: all aye.

3. Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a three-year/35% tax-based municipal service district economic development incentive grant to Morris Building, LLC for tenant investment to develop the Sawmill Tavern, located at 56 Union Street South, and the adjacent Charros Restaurant, located 48 Union Street South having an investment of approximately \$1,122,930 in real and personal property.

Morris Building, LLC, proposes to develop an approximately 5,250 square foot facility that will serve as the Sawmill Tavern. This facility will house restaurant functions and associated uses and is projected to accommodate approximately 150 diners and 6 kitchen employees. Morris Building, LLC, is proposing to invest approximately \$544,555 in real and personal property.

Morris Building, LLC, is also proposing to develop an approximately 6,250 square foot facility that will serve as the Charros Restaurant. This facility will house restaurant functions and private dining space and is projected to accommodate approximately 202 diners and 8 kitchen employees. Morris Building, LLC, is proposing to invest approximately \$578,375 in real and personal property.

Morris Building, LLC, is proposing to invest a total of approximately \$1,122,930 in real and personal property in the two projects.

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

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

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to offer a contract for a three-year/35% tax-based municipal service district economic development incentive grant to Morris Building, LLC to develop the Sawmill Tavern and Charros Restaurant, located at 56 & 46 Union Street South—the vote: all aye.

4. Conduct a public hearing for case Z-26-23 and consider adopting an ordinance amending the official zoning map for +/- 1.29 acres located at 3010 New Town

Way, SW from RM-1 (Residential Medium Density) to AG (Agricultural) and to amend the 2030 Land Use Plan to modify the future land use designation of the parcel from “Industrial Employment” to “Open Space.”

The subject property consists of portions of two (2) parcels comprising +/- 1.29 acres located on the east side of George W. Liles Parkway SW and south of the intersection of George W. Liles Parkway SW and Hamrick Rd SW. The property is owned by Bootsmead Leasco, LLC and is part of the larger Grounds of Concord properties (formerly the site of Philip Morris). New Town Way SW is located on the western side of the Grounds of Concord properties and is accessed via George W. Liles Pkwy SW.

The applicant is requesting to rezone portions of the subject properties from RM-1 to AG (Agricultural) in order to construct a 50,750 square foot industrial facility with outdoor storage. The rezoning of the portions of the two (2) tracts will create the necessary 500-foot separation required for the outdoor storage associated with the proposed industrial facility.

The Planning and Zoning Commission heard the petition at their December 19, 2023 meeting and voted to forward the request to City Council with a recommendation that the zoning map be amended from RM-1 (Residential Medium Density) to AG (Agricultural) and to amend the 2030 Land Use Plan to designate the parcel as “Open Space.”

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

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

A motion was made by Council Member McKenzie and seconded by Council Member Stocks to adopt the following Statement of Consistency—the vote: all aye.

- The subject property for the rezoning petition is approximately +/- 1.29 acres and is currently zoned RM-1 (Residential Medium Density).
- The subject property was annexed into the City on June 30, 1983.
- The proposed zoning is not consistent with the 2030 Land Use Plan (LUP) as AG (Agricultural) is not a corresponding zoning classification to the Industrial-Employment (I-E) Land Use Category.
- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning adjacent to the subject property. The zoning amendment and subsequent LUP amendment are necessary to meet the outdoor storage separation requirements for the proposed industrial use facility to be constructed.

A motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Parsley-Hubbard to adopt the following ordinance amending the official zoning map from RM-1 (Residential Medium Density) to AG (Agricultural) and to amend the 2030 Land Use Plan to designate the parcel as “Open Space.”—the vote: all aye.

ORD.# 24-01

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF CONCORD, NORTH CAROLINA
FOR PROPERTY LOCATED AT 3010 NEW TOWN WAY SW, CONCORD, NC

WHEREAS, the City of Concord, North Carolina, pursuant to the authority conferred by the North Carolina General Statutes 160A-364 enacted an Official Zoning Ordinance for the City of Concord, North Carolina and the Area of Extraterritorial Jurisdiction on July 28, 1977; and

WHEREAS, the City of Concord, North Carolina, pursuant to the authority conferred by North Carolina General Statute 160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951, may from time to

time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

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

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

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

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

SECTION 1. That the P&Z Commission held a duly advertised public hearing on December 19, 2023. At the close of the public hearing, the P&Z Commission adopted the following "Statement of Zoning Consistency" as required by NC Gen Stat 160D-605.

- The two (2) parent parcels consist of approximately +/- 25.06 acres and are zoned RM-1 (Residential Medium Density), AG (Agricultural), and I-2 (General Industrial).
- The subject property for the rezoning petition is approximately +/- 1.29 acres and is currently zoned RM-1 (Residential Medium Density).
- The subject property was annexed into the City on June 30, 1983.
- The proposed zoning is not consistent with the 2030 Land Use Plan (LUP) as AG (Agricultural) is not a corresponding zoning classification to the Industrial-Employment (I-E) Land Use Category.
- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning adjacent to the subject property. The zoning amendment and subsequent LUP amendment are necessary to meet the outdoor storage separation requirements for the proposed industrial use facility to be constructed.

The P&Z Commission then voted to recommend approval of the map amendment for p/o PIN 5519-14-7860; p/o 5519-23-2971 from RM-1 (Residential Medium Density) to AG (Agricultural) and designate the property OS (Open Space) in the 2030 Land Use Plan. Since the rezoning would result in a comprehensive plan amendment, it is forwarded to City Council for hearing with a recommendation from the Planning and Zoning Commission.

SECTION 2. That the City Council held a duly advertised public hearing on January 11, 2024. At the close of the public hearing, the City Council adopted the following "Statement of Zoning Consistency" as required by NC Gen. Stat 160D-605.

The two (2) parent parcels consist of approximately +/- 25.06 acres and are zoned RM-1 (Residential Medium Density), AG (Agricultural), and I-2 (General Industrial).

- The subject property for the rezoning petition is approximately +/- 1.29 acres and is currently zoned RM-1 (Residential Medium Density).
- The subject property was annexed into the City on June 30, 1983.
- The proposed zoning is not consistent with the 2030 Land Use Plan (LUP) as AG (Agricultural) is not a corresponding zoning classification to the Industrial-Employment (I-E) Land Use Category.

- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning adjacent to the subject property. The zoning amendment and subsequent LUP amendment are necessary to meet the outdoor storage separation requirements for the proposed industrial use facility to be constructed.

The City Council then voted to **APPROVE** the map amendment by the required super-majority.

SECTION 3: That the Official Zoning Map is hereby amended by rezoning from City of Concord RM-1 (Residential Medium Density) to City of Concord AG (Agricultural) in the area described as follows and that the future land use designation of OS (Open Space) is applied in the 2030 Land Use Plan:

That certain parcel or tract of land situated, lying and being in the City of Concord, County of Cabarrus, State of North Carolina and being more particularly described as follows:

BEGINNING at a new 1/2" iron rod located on the margin of George Liles Parkway formerly Roberta Church Road SW (variable public right-of-way) also being the northwestern corner of Lot 28 of Roberta Woods Subdivision Phase 1 as described in Map Book 40, Page 105 and recorded in the Cabarrus County Registry;

thence with the margin of said George Liles Parkway the following four (4) bearings and distances: 1) North 11°57'25" West a distance of 72.27 feet to a new 1/2" iron rod; 2) North 11°57'25" West a distance of 4.60 feet to new 1/2" iron rod ; 3) North 02°52'33" West a distance of 104.86 feet to a new 1/2" iron rod ; 4) along the arc of a curve to the left said curve having an arc length of 238.12 feet a radius of 3870.00 feet (chord bearing of North 16°23'51" West and chord distance of 238.09 feet) to a calculated point located on said margin of George Liles Parkway ;

thence with the current zoning line South 47°52'02" East a distance of 316.11 feet to a calculated point located on a common line of Lots A and B as described in Map Book 87, Page 45 and recorded in said Registry;

thence with said zoning line South 47°52'02" East a distance of 173.35 feet to a new 1/2" iron rod being the northeastern corner of Lot 26 of said Roberta Woods Subdivision Phase 1 as described in Map Book 40 Page 105 and recorded in said Registry;

thence with the line of said Roberta Woods Subdivision Phase 1 South 73°45'46" West a distance of 285.99 feet to POINT AND PLACE OF BEGINNING.

containing an area of 56,312 square feet or 1.2928 acres.
as shown on a survey prepared by R. B. Pharr & Associates, P.A. dated October 18, 2023 Job No. 95459.

SECTION 4. That the establishment of this district and subsequent issuance of Zoning Clearance Permits are hereby authorized.

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

SECTION 6. That the effective date hereof is the 11th day of January 2024.

Adopted this 11th day of January 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

/s/ VaLerie Kolczynski, City Attorney

Presentations of Petitions and Requests:

1. Consider approving allocating \$40,000 of HOME Investment Partnership (HOME) funds to Habitat for Humanity Cabarrus County for the construction of 190 Duval Street NW.

The City of Concord and Habitat for Humanity Cabarrus County have a well-established partnership of using HOME funds to create stable, affordable housing opportunities for Concord residents who fall between 30-60% of area median income. This partnership, which began in early 2013, has seen 17 families purchase homes in the Logan and Gibson Neighborhoods. The current HOME funding request of \$40,000 would be to construct a new home located at 190 Duval Street NW located in the Gibson Community. This joint effort allows both organizations to expand reach while working together toward the common goal of rebuilding neighborhoods/communities and promoting stability through home ownership.

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

A motion was made by Council Member Stocks and seconded by Council Member McKenzie to approve allocating \$40,000 of HOME Investment Partnership (HOME) funds to Habitat for Humanity Cabarrus County for the construction of 190 Duval Street NW—the vote: all aye.

2. Consider adopting a resolution directing the application to the LGC for approval of Utilities Systems Revenue Bonds; requesting LGC approval of the Utilities Systems Revenue Bonds, Series 2024 and certain related matters.

The City is planning the issuance of revenue bonds of an amount not to exceed \$25,000,000 to fund improvements at the Hillgrove Water Treatment Plant and pay the costs of issuing the 2024 Bonds. The resolution authorizes the Finance Director to submit an application to the LGC for approval of the 2024 Bonds, approves the financing team for the bonds, and includes other relevant information related to the issuance of the bonds.

A motion was made by Mayor Pro-Tem Hubbard and seconded by Council Member Crawford to adopt the following resolution directing the application to the LGC for approval of Utilities Systems Revenue Bonds; requesting LGC approval of the Utilities Systems Revenue Bonds, Series 2024 and certain related matters—the vote: all aye.

RESOLUTION OF THE CITY OF CONCORD, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF UTILITIES SYSTEMS REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY’S UTILITIES SYSTEMS REVENUE BONDS, SERIES 2024 AND CERTAIN RELATED MATTERS

WHEREAS, the City Council (the “City Council”) of the City of Concord, North Carolina (the “City”) hereby determines that it is desirable to finance certain improvements to its

utilities systems (the "*Utilities Systems*"); and

WHEREAS, the City Council is considering the issuance of not to exceed \$25,000,000 City of Concord Utilities Systems Revenue Bonds, Series 2024 (the "*2024 Bonds*") to (1) finance various improvements to the City's water, wastewater and electric systems, including upgrades and process enhancements to the Hillgrove Water Treatment Plant (the "*Projects*") and (2) pay the costs of issuing the 2024 Bonds; and

WHEREAS, the City Council wishes to retain for the issuance of the 2024 Bonds (1) Parker Poe Adams & Bernstein LLP, as bond counsel; (2) First Tryon Advisors, as financial advisor; (3) U.S. Bank Trust Company, National Association, as trustee and (4) Raftelis Financial Consultants, Inc., as feasibility consultant (collectively, the "*Financing Team*"); and

WHEREAS, the City Council wants the Finance Director of the City to file with the Local Government Commission of North Carolina (the "*Commission*") an application for its approval of the 2024 Bonds, on a form prescribed by the Commission, and (1) request in such application that the Commission approve (A) the competitive sale by the Local Government Commission of the 2024 Bonds and (B) the City's use of the Financing Team and (2) state in such application such facts and to attach thereto such exhibits in regard to the 2024 Bonds and to the City and its financial condition as may be required by the Commission, and to take all other action necessary to the issuance of the 2024 Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONCORD, NORTH CAROLINA, AS FOLLOWS:

Section 1. That the 2024 Bonds are to be issued by the City for the purpose of providing funds, together with other available funds of the City, to (1) finance the Projects and (2) pay the costs of issuing the 2024 Bonds.

Section 2. That the Financing Team is hereby retained and approved and the Finance Director of the City is hereby authorized and directed to retain other professionals that may be necessary to carry out the intentions of the City Council as set forth in this Resolution.

Section 3. That the Finance Director of the City, with advice from the financial advisor and bond counsel, is hereby authorized, directed and designated to file an application with the Commission for its approval of the issuance of the 2024 Bonds.

Section 4. That the City Council finds and determines, and asks the Commission to find and determine, from the City's application and supporting documentation:

- (a) that the issuance of the 2024 Bonds is necessary or expedient;
- (b) that the not to exceed stated principal amount of the 2024 Bonds will be sufficient but is not excessive to finance the Projects;
- (c) that the Utilities Systems as now constituted, and as it will be constituted after the completion of the Projects, is feasible;
- (d) that the City's debt management procedure and policies are good; and
- (e) that the 2024 Bonds can be marketed at a reasonable interest cost to the City.

Section 5. That the City Council requests that the Commission sell the 2024 Bonds through competitive sale to the bidder whose bid results in the lowest interest cost to the City, determined on the basis of the true interest cost method.

Section 6. That the City Manager, the Finance Director and the City Clerk, with advice from the City Attorney, and their respective designees, individually or collectively, are each hereby authorized to do any and all other things necessary to complete the steps necessary for the competitive sale of the 2024 Bonds as set forth in this Resolution.

Section 7. This Resolution shall be in full force and effective on the date of its adoption.

Read, approved and adopted this 11th day of January, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

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

3. Considering authorizing the City Manager to negotiate and execute a contract with Talbert, Bright & Ellington (TBE) to provide engineering and design and bidding services for the northern portion of the general aviation apron and taxilane "A1" rehabilitation project at Concord-Padgett Regional Airport.

Starting in 2020, the airport has upgraded approximately 25 acres of pavement for GA and Corporate Aircraft with one exception, the tie-down area and in front of Hendrick Motorsport Hangar. Last year, approximately 60% of the hangar taxilanes have been rehabilitated from a pavement standpoint. The proposed project will complete the remaining hangar taxilane and apron. The project includes milling and replacing 2 inches of P-401 bituminous concrete on the northern portion of the apron system and taxilane "A1". The airport has advised FAA, Memphis ADO, that entitlement funding along with NCDOA funds will be utilized to pay for these improvements.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute a contract with TBE in the amount of \$317,831 for professional services—the vote: all aye.

4. Consider authorizing the City Manager to negotiate and execute a contract with Hazen and Sawyer for Engineering and Bid Phase Services for the Poplar Tent Area Booster Pump Station project in the amount of \$477,000.

The Poplar Tent Area Pump Station is the recently relocated pump station project that was originally to be located along Hwy 29 near George Liles Pkwy. The project was relocated due to complex issues with water line tie-ins and NCDOT issues. This location is intended to have a dual purpose of allowing movement of finished water from the Coddle Creek Water Treatment Plant to the areas served by the Hillgrove Water Treatment Plant and water purchased from Albemarle for redundancy and better usage of plant capacities, but also to eliminate the existing Rock Hill Church Rd Booster Pump Station. The Water Resources Department advertised an RFQ and received 7 interested firms. Hazen and Sawyer is the selected consultant at a negotiated fee of \$477,000.

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem Parsley-Hubbard to authorize the City Manager to negotiate and execute a contract with Hazen and Sawyer for Engineering and Bid Phase Services for the Poplar Tent Area Booster Pump Station project in the amount of \$477,000—the vote: all aye.

5. Consider authorizing the City Manager to negotiate and execute a contract with ESource for Advanced Metering Infrastructure (AMI) consulting services in the total amount of \$1,076,597.

The City recently publicly advertised an RFQ for AMI consulting services. City Staff interviewed all 6 respondents. The selected vendor is ESource. ESource has a history of large successful AMI deployment projects. The proposed scope will lead the City's AMI team through a very intentional process to assure all aspects of the AMI project are successful including technology selection, system integration, vendor contract negotiations, and deployment.

The proposed scope includes services that will be provided throughout the life of the project, including deployment support. The scope and fee is structured so the City only

pays for the task items needed to complete. The project schedule includes approximately one year of preliminary work (Phase 1 & 2) before the full scale deployment (Phase 3) would begin in early 2025. Phase 3 is estimated to last up to three years for full completion. The technology vendor and deployment contract(s) will come to Council for approval prior to advancing to Phase 3.

A motion was made by Council Member Crawford and seconded by Council Member McKenzie to authorize the City Manager to negotiate and execute a contract with ESource for Advanced Metering Infrastructure (AMI) consulting services in the total amount of \$1,076,597—the vote: all aye.

6. Consider accepting a Preliminary Application from William Niblock.

In accordance with City Code Chapter 62, William Niblock has submitted a preliminary application to receive water and sewer service outside the City limits. The property is located at 8805 Poplar Tent Road. It is zoned LDR. The parcel lot of record has been in existence as of 1978 as part of Beech Bluff and is being developed with a single family home. There is both water and sewer available.

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

7. Consider accepting a Preliminary Application from Skiold Nino and Mildrey Mendoza.

In accordance with City Code Chapter 62, Skiold Nino and Mildrey Mendoza have submitted preliminary applications for water service at 3802 Solen Drive Harrisburg, NC, which is located outside of the City limits. The property is currently developed with a single family home. The property is zoned RE and City sanitary sewer is not available to the parcel.

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

8. Consider a Preliminary Application from Matthew and Claudia Pigg.

In accordance with City Code Chapter 62, Matthew and Claudia Pigg have submitted a preliminary application to receive water service outside the City limits. The property is located at 3605 Mill Bridge Rd. It is zoned county AO (Agriculture/Open Space). The property is being developed with a single family home and City sanitary sewer is not available to this parcel.

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

9. Consider appointing or reappointing two elected officials to the Concord/Kannapolis Transit Commission. The Concord Kannapolis Transit Commission is comprised of two elected officials from each city (Concord and Kannapolis) that serve 3-year terms. The current Concord members' terms expired on 12/31/23. Current members are Council Member Stocks and Council Member Sweat. There is no limit to the number of times an elected official can be appointed to this board.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to reappoint Council Member Stocks and Council Member Sweat to serve on the Concord Kannapolis Transit Commission until 12/31/26—the vote: all aye.

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

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

CONSENT AGENDA ITEM A

The following resolution was adopted to update the current approved depositories for the City of Concord.

R E S O L U T I O N

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

Section 1. All pooling financial institutions (list attached), the *Financial Institutions*, are designated as a depository for the funds of the City, *the Corporation*, and to provide other financial accommodations indicated in this resolution.

Section 2. This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Corporation and certified to the Financial Institution as governing the operation of this Corporation's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation satisfactory to the Financial Institution, establishing the authority for the changes.

Section 3. The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation. Any Agent, so long as they act in a representative capacity as an Agent of the Corporation, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.

Section 4. All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of the resolution are hereby ratified, approved and confirmed.

Section 5. The Corporation agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Corporation. The Corporation authorizes the Financial Institution, at any time, to charge the Corporation for all checks, drafts, or other orders, for the payment of money, which are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.

Section 6. The Corporation acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Corporation to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.

Section 7. The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Corporation with the Financial Institution from time to time) the Financial Institution is

authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Corporation authorizes each Agent to have custody of the Corporation's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

Section 8. Corporation Agents.

<u>NAME</u>	<u>TITLE</u>
Jessica Jones	Finance Director
Kristin Roe	Deputy Finance Director
Madison Forte	Accounting Operations Manager

Section 9. This resolution shall be effective as of the adopted date.

Adopted this 11th day of January 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

CONSENT AGENDA ITEM B

The Information Technology Department was authorized to apply for the State and Local Cybersecurity Grant Program.

CONSENT AGENDA ITEM C

Concord-Padgett Regional Airport staff was authorized to accept the FY24 North Carolina Department of Transportation-Transportation Reserve Directed Funding (TRDF) and the following budget ordinance was adopted to amend the budget for the Airport capital projects to appropriate NCDOT grant funds received.

ORD.# 24-02

**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 – Transportation Reserve Directed Funding.

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

Revenues

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
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451-4357000 STATE AID 10,720,776 15,720,776 5,000,000
 451-4357000

Total 5,000,000

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
6311-5800454	NORTH APRON			
6311-5800454	ROADWAY	0.00	5,000,000	5,000,000
Total				5,000,000

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

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

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

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of January 2024.

CITY COUNCIL
 CITY OF CONCORD
 NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM D

The City Manager was authorized to accept the FY24 North Carolina General Assembly House Bill 259 Grant award and the following budget ordinance was adopted.

ORD.# 24-03

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

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

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

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

hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4603200	Police Grants	\$310,303	\$1,380,068	\$1,069,765
Total				\$1,069,765

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4310-5800429	Grant Expenditures	\$22,049.95	\$1,091,814.95	\$1,069,765
Total				\$1,069,765

Reason: To appropriate the FY24 North Carolina General Assembly House Bill 259 Grant award.

Adopted this 11th day of January 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM E

The City Manager was authorized to execute the Inter-jurisdictional Pre-treatment agreement with the Water and Sewer Authority of Cabarrus County.

CONSENT AGENDA ITEM F

The following resolution was adopted approving the new Water Shortage Response Plan.

RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the City of Concord, has been developed and submitted to the City Council for approval; and

WHEREAS, the City Council finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it

will provide appropriate guidance for the future management of water supplies for the City of Concord, as well as useful information to the Department of Environment Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Concord that the Water Shortage Response Plan entitled, Water Shortage Response Plan dated May 2023, is hereby approved and shall be submitted to the Department of Environment Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 11th day of January, 2024

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

CONSENT AGENDA ITEM G

The maintenance agreements were approved and the offers of dedication were accepted for the following properties: JPO Christenbury, LP.

CONSENT AGENDA ITEM H

The maintenance agreements were approved and the offers of dedication were accepted for the following properties: Niblock-Richardson Development III, LLC.

CONSENT AGENDA ITEM I

An offer of infrastructure at Settlers Landing Office, Lot 290 and Province Green Pump Station elimination was accepted.

CONSENT AGENDA ITEM J

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

ORD.# 24-04

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

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

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

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

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
650-4406000	Retained Approp Earnings	0	72,734	72,734
Total				72,734

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
7501-5210010	RRGC Operating Exp	1,055,713	1,128,447	72,734
Total				72,734

Reason: To appropriate prior year earnings to cover the cost of an irrigation cabinet.

Adopted this 11th day of January, 2024.

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 semi-annual debt status report as of December 31, 2023 was accepted.

CONSENT AGENDA ITEM L

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

CONSENT AGENDA ITEM M

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

CONSENT AGENDA ITEM N

The monthly report on status of investments as of November 30, 2023 was accepted.

ADDITIONAL CONSENT AGENDA ITEM O

A \$1,500 donation from the Mayor's Golf Tournament Fund to the International Center for Community Development (ICCD) was approved and the following budget amendment was adopted.

ORD. #24-05
AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

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

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

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

Account	Title	Revenues		(Decrease) Increase	
		Current Budget	Amended Budget		
100-4370000	Fund Appropriated	Balance	7,324,770	7,326,270	1,500
Total					1,500

Account	Title	Expenses/Expenditures		(Decrease) Increase	
		Current Budget	Amended Budget		
4190-5470043	Golf Tournaments		10,900	12,400	1,500
Total					1,500

Reason: To appropriate Mayor Golf Tournament reserves for a donation to the International Center for Community Development (ICCD) to assist with costs for The World Chef Competition.

Adopted this 11th day of January, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

* * * * *

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

William C. Dusch, Mayor

Kim J. Deason, City Clerk