

CONCORD CITY COUNCIL
REGULAR MEETING
FEBRUARY 8, 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 February 8, 2024, at 6:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

Council Member Andy Langford
Council Member Lori A. Clay
Council Member Betty M. Stocks
Council Member JC McKenzie
Council Member Terry L. Crawford
Council Member John A. Sweat, Jr.

Members Absent:

Mayor Pro-Tem Jennifer Parsley-Hubbard

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 Sweat to approve the minutes for the meetings of December 19, 2023, January 9 and January 11, 2024—the vote: all aye.

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Presentations:

- 1. Mayor Dusch recognized the City for receiving the designation of Tree City USA for the fifth consecutive year.**
- 2. Mayor Dusch presented a Proclamation recognizing the month of February as Black History Month.**

Informational Items:

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

Cabarrus Arts Council Executive Director, Liz Fitzgerald, presented the survey results at the February 6th Work Session.

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

The Diversity, Equity, and Inclusion Strategist presented the program review at the February 6th Work Session.

Departmental Reports:

1. Downtown Streetscape update

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

2. Parks & Recreation Bond update

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

Public Hearings:

1. Conduct a public hearing and consider adopting the 2024 Revision of the City of Concord Comprehensive Transportation Plan.

The City of Concord Comprehensive Transportation Plan (CTP) is the City's long-range transportation document for local roadway improvements. The CTP's Map shows existing and future alignments of thoroughfares and collector streets along with pedestrian, bicycle, greenway and transit facilities in the City while its associated Street Appendix shows schedules consisting of existing cross sections and rights-of-way, future cross sections, and future rights-of-way. The CTP is a coordinated sub-set of the Cabarrus-Rowan MPO's Comprehensive Transportation Plan (CRMPO-CTP). The Cabarrus-Rowan MPO is the designated planning agency for all transportation projects in Cabarrus and Rowan counties, and the CRMPO-CTP is a financially unconstrained view of the future roadway network in Cabarrus and Rowan counties.

As planning documents from adjoining jurisdictions, the State, and the MPO change, roadway networks expand, development occurs, and land use changes. The current City of Concord CTP is evaluated annually by staff to reflect changes to street classifications and future roadway, pedestrian, bicycle, greenway alignments, as well as transit. Public comment is essential in providing a complete and comprehensive CTP, and this public hearing is an opportunity for developers and citizens to formally participate in the process. An up-to-date CTP is a tool that the public and City staff from multiple departments use in planning infrastructure needs and requirements. The 2024 Revision of the CTP's Map, upon adoption by City Council, will be recorded at the Cabarrus County Register of Deeds.

A motion was made by Council Member McKenzie 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 McKenzie to close the public hearing—the vote: all aye.

A motion was made by Council Member McKenzie and seconded by Council Member Crawford to adopt the 2024 Revision of the City of Concord Comprehensive Transportation Plan—the vote: all aye.

Presentations of Petitions and Requests:

1. Consider entering into an Agreement with the North Carolina Department of Transportation (NCDOT) covering work to be performed under Project Agreement ID No. 12790, TIP # BL-0087 - WBS Elements 50848.1.1, 50848.2.1, and 50848.3.1 for the Construction of Sidewalks along Elm Ave, Glenn St, Crowell Dr and Cedar Dr.

On December 8, 2022, City Council supported the application to pursue Transportation Alternatives Program (TAP) funding through the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO). Subsequently, the funds were awarded for the subject project. This agreement is for the construction of sidewalks on Elm Avenue from Glenn Street to Alexander Street, Glenn Street from Elm Avenue to Academy Avenue, Crowell Drive from Clearwater Arts Center driveway to Cedar Avenue, and Cedar Drive from Georgia Street to Beech Street. The total estimate for this Project is \$1,625,000, NCDOT will participate in 80% of the estimated cost, \$1,300,000. The City of Concord will participate in 20% of the estimated cost, \$325,000. Under this Project Agreement, overpayment will be the responsibility of the City of Concord.

A motion was made by Council Member Clay and seconded by Council Member Sweat to approve entering into an Agreement with the North Carolina Department of Transportation (NCDOT) covering work to be performed under Project Agreement ID No. 12790, TIP # BL-0087

- WBS Elements 50848.1.1, 50848.2.1, and 50848.3.1 for the Construction of Sidewalks along Elm Ave, Glenn St, Crowell Dr and Cedar Dr—the vote: all aye.

2. Consider authorizing City Manager to execute amendment #2 to the North Apron Access Road, Work Authorization 2204, Project No. 2203-2204.

Last year, the General Assembly appropriated \$5.0 million for a new access road for a corporate hangar at Concord Padgett Regional Airport (CPRA). The initial professional services contract did not include utilities as part of the scope work. The original design contract was approved prior to the appropriations Preliminary cost estimates for the proposed roadway is under the \$5.0 million. It is the best interest of the City to move forward with the design of the utilities while completing the design for the new roadway . The total cost for Amendment #2 is \$89,876. The North Carolina Department of Aviation executed and approved the grant on January 11, 2024.

A motion was made by Council Member Langford and seconded by Council Member Crawford to authorize the City Manager to execute amendment #2 to the North Apron Access Road, Work Authorization 2204, Project No. 2203-2204—the vote: all aye.

3. Consider awarding two bids in the amount of \$288,029.56 to Siemens and ABB for new 48.3 & 15.5 kV circuit breakers.

Delivery 1, located at 801 Florence Ave, is being upgraded to include a new main breaker as well as a replacement feeder breaker. Siemens will supply the 48.3kV breakers for a total cost of \$181,029. Sub K, located at 434 Business Blvd, is being upgraded to replace all four of the feeder breakers. ABB will supply the 15.5kV breakers for a total cost of \$107,000.56.

Bid specifications for 48.3 & 15.5 kV breakers were developed and a formal bid opening was held on January 11, 2024. Six manufacturers submitted bids, which were evaluated by staff for adherence to specifications. GE was the lowest bidder for schedule I. However, GE's bid did not include all the equipment specified, therefore GE withdrew the bid. This made Siemens the lowest bidder. Concord's high voltage substations currently contain Siemens breakers.

JST was the lowest bidder for schedule II. Electric Department staff and the Consulting Engineer are unfamiliar with JST breakers. User and reference lists were requested, but not received when requested. Therefore, it was not recommended to award the bid to JST. The next lowest bidder was ABB. ABB is a well-known manufacturer with equipment in many City substations.

A motion was made by Council Member McKenzie and seconded by Council Member Clay to award two bids in the amount of \$288,029.56 to Siemens and ABB for new 48.3 & 15.5 kV circuit breakers—the vote: all aye.

4. Consider adopting a bond order authorizing the issuance of utilities system revenue bonds of the City of Concord.

City Council previously adopted a resolution at a meeting held on January 10, 2024 making certain findings of fact and directing the application to the Commission for approval of City of Concord, North Carolina Utilities Systems Revenue Bonds, Series 2024 (the "2024 Bonds") and hereby further determines to issue 2024 Bonds in an aggregate principal amount not to exceed \$25,000,000 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.

A motion was made by Council Member Crawford and seconded by Council Member Langford to adopt the following bond order authorizing the issuance of utilities system revenue bonds of the City of Concord—the vote: all aye.

**BOND ORDER AUTHORIZING THE ISSUANCE OF UTILITIES SYSTEMS
REVENUE BONDS OF THE CITY OF CONCORD, NORTH CAROLINA**

WHEREAS, the City of Concord, North Carolina (the "City") is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.*, as amended (the "Act"), to issue, subject to the approval of the Local Government Commission of North Carolina (the "Commission"), at one time or from time to time revenue bonds of the City for the purposes as specified in the Act; and

WHEREAS, the City Council of the City (the "City Council") previously adopted a resolution at a meeting held on January 10, 2024 making certain findings of fact, which findings are incorporated herein by reference, and directing the application to the Commission for approval of City of

Concord, North Carolina Utilities Systems Revenue Bonds, Series 2024 (the “2024 Bonds”) and hereby further determines to issue 2024 Bonds in an aggregate principal amount not to exceed \$25,000,000 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, subject to the approval of the Commission, will issue the 2024 Bonds under (1) the General Trust Indenture dated as of February 1, 1993, as amended (the “General Indenture”), between the City and NationsBank of North Carolina, N.A., the successor to which is U.S. Bank Trust Company, National Association, as trustee (the “Trustee”), and (2) Series Indenture, Number 12 dated as of April 1, 2024 (the “Series Indenture” and together with the General Indenture, the “Indentures”) between the City and the Trustee; and

WHEREAS, in conjunction with the issuance of the 2024 Bonds, the City Council has determined that it is in the best interest of the City to make certain amendments to the General Indenture with the primary purpose of (1) modernizing provisions to reflect current market standards for utilities systems revenue bonds, (2) conforming covenants and other provisions to reflect current operations of the Utilities Systems (as defined in the General Indenture) and (3) providing operational and financial flexibility for the future performance of the Utilities Systems (the “Proposed Amendments”);

WHEREAS, the City will obtain consent from the owners of the 2024 Bonds to the Proposed Amendments and, once the City has received the consent of the owners of a majority in aggregate principal amount of bonds outstanding under the General Indenture, the Proposed Amendments will become effective;

WHEREAS, an application has been filed with the Secretary of the Commission requesting approval of the 2024 Bonds as required by the Act, and the Secretary of the Commission has notified the City Council that the application has been received by the Commission; and

WHEREAS, copies of the forms of the following documents relating to the transactions described above have or will be filed with the City:

1. the Series Indenture;
2. the Notice of Sale, to be dated the date of delivery thereof (the “Notice of Sale”);
3. the Preliminary Official Statement to be dated on or about March 21, 2024 (the “Preliminary Official Statement”) with respect to the 2024 Bonds; and
4. the Proposed Amendments.

NOW, THEREFORE BE IT ORDERED BY THE CITY COUNCIL OF THE CITY, as follows:

Section 1. The 2024 Bonds are hereby authorized and will be issued pursuant to the Act to raise the money required to finance (a) the cost of the Projects and (b) the costs of issuing the 2024 Bonds.

Section 2. The aggregate principal amount of the 2024 Bonds authorized by this order shall not exceed \$25,000,000. The 2024 Bonds hereby authorized shall be special obligations of the City, secured by and paid solely from the proceeds thereof or from revenues, income, receipts and other money received or accrued by or on behalf of the City from or in connection with the operation of the City’s Utilities Systems.

Section 3. The issuance of the 2024 Bonds by the City, in substantially the form to be set forth in the Series Indenture, is hereby in all respects approved and confirmed, and the form and content of the provisions of the General Indenture and the Series Indenture with respect to the 2024 Bonds (including without limitation the maturity dates and rates of interest) are hereby approved and confirmed and are incorporated herein by reference. The proceeds from the sale of the 2024 Bonds will be deposited in accordance with the Series Indenture.

The principal of, premium, if any, and interest on the 2024 Bonds shall not be payable from the general funds of the City, nor shall they constitute a legal or equitable pledge, charge, lien, or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the Indentures. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, or interest on the 2024 Bonds, and no holder of the 2024 Bonds has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 4. The form and content of the Series Indenture and the respective exhibits thereto are hereby in all respects approved and confirmed, and the Mayor, the City Manager, the Finance Director and the City Clerk of the City, or anyone serving in such capacity (collectively, the “*Authorized Officers*”) are hereby authorized, empowered, and directed to execute and deliver the Series Indenture for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions, or deletions therein as shall to them seem necessary, desirable, or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions, or deletions therein, and that from and after the execution and delivery of the Series Indenture, the Authorized Officers are hereby authorized, empowered, and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Series Indenture as executed. The Trustee is hereby appointed as Registrar and Paying Agent under the Indentures.

Section 5. The Local Government Commission is hereby requested to sell the 2024 Bonds through a 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. The form and content of the Proposed Amendments are hereby in all respects approved and confirmed, and the Authorized Officers are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the amended and restated general trust indenture reflecting the Proposed Amendments if and when such Proposed Amendments become effective, for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions therein. The Authorized Officers, or their respective designees, are hereby authorized, empowered and directed, individually and collectively, to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the Proposed Amendments.

Section 7. The form and content of the Notice of Sale and the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the use of the Notice of Sale, the Preliminary Official Statement and the final Official Statement to be dated on or about date of delivery thereof (collectively, the “*Official Statement*”) are in all respects authorized, approved and confirmed. The City authorizes the preparation of the final Official Statement, substantially in the form of the Preliminary Official Statement, together with such changes as are necessary to reflect the final terms of the 2024 Bonds. The Authorized Officers are hereby authorized to deliver the final Official Statement.

Section 8. The Mayor, the City Manager or the Finance Director of the City is hereby authorized to execute a no-arbitrage certificate to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder.

Section 9. No stipulation, obligation or agreement herein contained or contained in the 2024 Bonds, the General Indenture, the Series Indenture or any other instrument related to the issuance of the 2024 Bonds shall be deemed to be a stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity, and no such officer, agent or employee shall be personally liable on the 2024 Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

Section 10. The Authorized Officers, or their respective designees, are hereby authorized, empowered, and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by (1) this Bond Order, (2) the General Indenture and (3) the Series Indenture; except that none of the above will be authorized or empowered to do anything or execute any document which is in contravention, in any way, of (a) the specific provisions of this Bond Order, (b) the specific provisions of the General Indenture or the Series Indenture, (c) any agreement to which the City is bound, (d) any rule or regulation of the City, or (e) any applicable law, statute, ordinance, rule, or regulation of the United States of America or the State of North Carolina.

Section 11. The Authorized Officers, or their respective designees, are hereby authorized and directed to prepare and furnish, when the 2024 Bonds are issued, certified copies of all the proceedings and records of the City relating to the 2024 Bonds, and such other affidavits, certificates, and documents as may be required to show the facts relating to the legality and marketability of the 2024 Bonds as such facts appear on the books and records in such party’s custody and control or as otherwise known to them; and all such certified copies, certificates,

affidavits, and documents, including any heretofore furnished, will constitute representations of the City as to the truth of all statements contained therein

Section 12. All acts and doings of the Authorized Officers, or their respective designees, that are in conformity with the purposes and intents of this Bond Order and in the furtherance of the issuance of the 2024 Bonds, the execution, delivery, and performance of the Series Indenture and the implementation of the Proposed Amendments, including their on-going administration, are hereby in all respects approved and confirmed. Any provision in this Bond Order that authorizes more than one officer of the City to take certain actions shall be read to permit such officers to take the authorized actions either individually or collectively.

Section 13. If any one or more of the covenants, agreements or provisions contained in this Bond Order is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or is for any reason whatsoever held invalid, then such covenants, agreements or provisions will be null and void and will be deemed separable from the remaining agreements and provisions and will in no way affect the validity of any of the other agreements and provisions of this Bond Order or of the 2024 Bonds authorized hereunder.

Section 14. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 15. This Bond Order is effective immediately on its adoption and pursuant to Section 159-88 of the General Statutes of North Carolina, as amended, need not be published, or subjected to any procedural requirements governing the adoption of ordinances or resolutions by the City other than the procedures set out in the Act.

Read, approved, and adopted this 8th day of February 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

5. Consider adopting an updated reimbursement resolution declaring the intent of the City of Concord to reimburse itself for capital expenditures incurred in connection with the financing of public safety facilities and communications building from the proceeds of an installment financing contract.

City Council previously adopted a reimbursement resolution on June 8, 2023 related to (1) the construction of public safety facilities, including a new fire station, police substation and associated furnishings at Concord-Padgett Regional Airport and (2) the construction of a Communications Building on property behind Fire Station 3 (collectively, the “Projects”). The updated resolution updates the cost, description and timing of the Projects.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to adopt the following updated reimbursement resolution declaring the intent of the City of Concord to reimburse itself for capital expenditures incurred in connection with the financing of public safety facilities and communications building from the proceeds of an installment financing contract—the vote: all aye.

Resolution Declaring The Intent Of The City of Concord To Reimburse Itself For Capital Expenditures Incurred In Connection With the financing of Public Safety Facilities and Communications Building From The Proceeds Of An Installment Financing Contract

WHEREAS, the City Council of the City of Concord, North Carolina (the “City”) by resolution adopted on July 13, 2000 has authorized the City’s Finance Director to take such action as may be required to declare the intent of the City to reimburse itself for capital expenditures made in anticipation of the execution and delivery of tax-exempt obligations and installment financings;

WHEREAS, the City Council previously adopted a reimbursement resolution on June 8, 2023 related to (1) the construction of public safety facilities, including a new fire station, police substation and associated furnishings at Concord-Padgett Regional Airport and (2) the

construction of a Communications Building on property behind Fire Station 3 (collectively, the “Projects”);

WHEREAS, the City Council is adopting this resolution to update the cost, description and timing of the Projects;

WHEREAS, the City reasonably expects to receive the proceeds from one or more installment financing contracts (the “Contract”) to finance the Projects and currently expects to enter in the Contract in 2024 or 2025:

WHEREAS, the City desires to proceed with the Projects and will incur additional capital expenditures (the “Capital Expenditures”) in connection therewith before the execution and delivery of the Contract; and

WHEREAS, the City will advance moneys from funds currently on hand to pay for the Capital Expenditures and the City intends, and reasonably expects, to reimburse itself for the Capital Expenditures from a portion of the proceeds from the Contract entered into by the City;

NOW, THEREFORE, BE IT RESOLVED by the City as follows:

Section 1. **Official Declaration of Intent.** The City presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the City on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Contract. The City reasonably expects to execute and deliver the Contract to finance all or a portion of the costs of the Projects and the maximum principal amount of the Contract currently expected to be executed and delivered by the City to pay for all or a portion of the costs of the Projects is \$15,700,000.

Section 2. **Compliance with Regulations.** This Resolution is a declaration of official intent of the City under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the City’s intent to reimburse itself for the Original Expenditures from proceeds of the Contract.

Section 3. **Itemization of Capital Expenditures.** The Finance Director of the City or her designee, with advice from bond counsel, is hereby authorized, directed and designated to act on behalf of the City in determining and itemizing all of the Original Expenditures incurred and paid by the City in connection with the Projects during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Contract.

Section 4. **Effective Date.** This Resolution shall become effective immediately upon the date of its adoption.

ADOPTED AND APPROVED this 8th day of February 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

6. Consider adopting an ordinance adding Article X Social Districts to the City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks, and other Public Places.

In September of 2021, NC passed a law (HB890) that allows local city and county governments to create alcohol social districts (social districts). Social districts loosen restrictions for pedestrians carrying open alcohol containers away from on-premises alcohol outlets (bars and restaurants) where the beverage was purchased. Social districts require signage denoting boundaries, responsible consumption messages on cups, Alcoholic Beverage Control (ABC) licensure, clearly defined days, and hours of operation, and posted maps and signage at boundaries.

Staff conducted extensive research on other NC Cities with Social Districts. Key points of the ordinance were discussed with the downtown merchants who attended the in-person Merchant Meeting held on December 11, 2023.

A motion was made by Council Member Crawford and seconded by Council Member Sweat to adopt the following ordinance adding Article X, Social Districts, to the City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks, and other Public Places effective August 1, 2024—the vote: all aye.

ORD.# 24-06

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 50 OF THE CONCORD CODE OF ORDINANCES

WHEREAS, the City Council of the City of Concord, North Carolina, has adopted a Code of Ordinances; and

WHEREAS, the City Council of the City of Concord is authorized from time to time to amend the Concord Code of Ordinances of the City of Concord; and

WHEREAS, the City Council of the City of Concord recognizes the need to amend the Concord Code of Ordinances of the City of Concord and hereby adopts the following changes to the Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina, after due consideration and in the best interests of its citizens and property of Concord, that:

Section 1. That Chapter 50, **Article X Social Districts**, of the Concord Code of Ordinances be hereby added.

Section 2. That Article X Chapter 50, **Section 50-307 – Purpose and intent**, of the Concord Code of Ordinances be hereby added and stated as follows:

(a) Pursuant to the provisions of G.S. § 160A-205.4, et seq, one or more social districts may be created within the city and the city hereby creates and designates the following social district:

(1) Downtown Concord Social District which is designated as shown on a map dated February 8, 2024; the map is available in the office of the city clerk, and signage and/or markings shall be posted clearly delineating the boundaries of the social district.

(b) The Downtown Concord Social District shall be created, designated, and managed in accordance with the requirements contained in G.S. § 160A-205.4 and Chapter 18B.

(c) Any person who violates this article, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor.

Section 3. That Article X Chapter 50, **Section 50-308 – Definitions**, of the Concord Code of Ordinances be hereby added and stated as follows:

Non-permittee means and refers to a person holding no ABC permits issued by the North Carolina Alcoholic Beverage Control Commission.

Permittee means and refers to a person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission established under G.S. § 18B-200:

- (1) An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1).
- (2) An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).
- (3) An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5).
- (4) A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
- (5) A distillery permit issued pursuant to G.S. 18B-1100(5).

Person means and refers to an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.

Premises means and refers to a fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee has control through a lease, deed, or other legal process.

Social district means and refers to a defined outdoor area in which a citizen may consume alcoholic beverages sold by a permittee. This term does not include the permittee's licensed premises, or an extended area allowed under G.S. § 18B-904(h).

Section 4. That Article X Chapter 50, **Section 50-309 – Application**, of the Concord Code of Ordinances be hereby added and stated as follows:

(a) The provisions and terms contained in this article shall be applicable between the hours of 11:00 a.m. and 10:00 p.m., Monday through Sunday. At all other times, the provisions and terms contained in this article are not in effect and all provisions of state and local laws concerning the possession and consumption of alcohol shall be in full force and effect.

(b) Any alcoholic beverage purchased for consumption in a social district shall (i) only be consumed in that social district and (ii) be disposed of before the person in possession of the alcoholic beverage exits that social district unless the person is reentering the licensed premises where the alcoholic beverage was purchased. A violation of this section is a class 3 misdemeanor.

Section 5. That Article X Chapter 50, **Section 50-310 – Requirements for sale of alcoholic beverages**, of the Concord Code of Ordinances be hereby added and stated as follows:

A permittee located in or contiguous to a social district may sell alcoholic beverages for consumption within that social district in which it is located in or contiguous to in accordance with the following requirements:

(1) The permittee shall only sell and serve alcoholic beverages on its licensed premises.

(2) The permittee shall only sell alcoholic beverages for consumption in the social district in which it is located in a container that meets all of the following requirements:

- a. The container clearly identifies the permittee from which the alcoholic beverage was purchased.
- b. The container clearly displays a logo or some other mark that is unique to the social district in which it is sold.
- c. The container is not made of glass.
- d. The container displays, in no less than 12-point font, the statement, "Drink Responsibly—Be 21."
- e. The container shall not hold more than sixteen (16) fluid ounces.

(3) The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.

Section 6. That Article X Chapter 50, **Section 50-311 – Requirements for possession and consumption of alcoholic beverages**, of the Concord Code of Ordinances be hereby added and stated as follows:

The possession and consumption of an alcoholic beverage in a social district is subject to all of the following requirements:

(1) Only alcoholic beverages purchased from a permittee located in or contiguous to the social district may be possessed and consumed in that social district.

(2) Alcoholic beverages shall only be in containers meeting the requirements set forth in this article.

(3) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in this article.

(4) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. § 18B-1010.

(5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the social district in which the beverage was purchased unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

(6) A participating non-permittee business is required to always display the uniform sign during the times when the social district is active as to whether the business allows for patrons to enter their business with alcohol.

(7) All permittee and non-permittee businesses that are part of a social district and allow customers to bring alcoholic beverages onto their premises are required to clearly post signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point.

(8) During the days and hours when the social district is in effect as set forth in this Article, a non-permittee business that allows customers to bring alcoholic beverages onto its premises is required to allow law enforcement officers access to the areas of the premises accessible by customers.

(9) A violation of this section is a class 3 misdemeanor.

Section 6. That Article X Chapter 50, **Section 50-312 – Public Assembly**, of the Concord Code of Ordinances be hereby added and stated as follows:

When a public assembly (as that term is used in article VIII of this chapter) is held pursuant to the issuance of an assembly permit (as that term is used in article VIII of this Chapter) the terms of the assembly permit supersede the provisions of this article within the boundaries of the special event. Any alcohol purchased within the boundaries of the public assembly may be taken outside of the public assembly, as long as the alcohol is to be taken from the boundary of the public assembly into the boundary of a social district. Any alcohol purchased from a permittee may be taken into a public assembly, as long as the alcohol is to be taken from the boundary of the social district into the boundary of a public assembly.

Section 7. That Article X Chapter 50, **Section 50-313 – Severability**, of the Concord Code of Ordinances be hereby added and stated as follows:

If any section, phrase, sentence, or portion of this article is held void, invalid, unconstitutional, or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

Section 8. This Ordinance shall be effective on the 1st day of August 2024.

Adopted this the 9th day of February 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

7. Consider approving the Concord Co-Sponsorship applications for annual recurring events in 2024 and January 2025.

In 2023, City Council approved multiple co-sponsorship applications, three of which are events that occur annually. In 2024, these events will include the Concord International Festival in October, two Art Walks on Union in April and September, and the MLK Jr. March and Wreath Laying Ceremony in January 2025. Applicants will still be required to submit the required application and supporting documents for review. These applications will only be brought back before City Council if there is a substantial increase in costs to the City, for the in-kind services requested.

A motion was made by Council Member Stocks and seconded by Council Member Sweat approve the recurring Concord Co-Sponsorship applications for events that will take place in 2024 and January 2025—the vote: all aye.

8. Consider approving benefit plan rates for the City of Concord for FY25 and authorize the City Manager to negotiate, conclude, and execute contracts with plan providers.

The City continues to offer three market competitive medical plans administered by BCBSNC. Coworkers have the flexibility to choose the plan that is best for their families' needs. At the beginning of FY24, the City increased the number of coworkers in the Solid Waste Department and brought IT in-house, resulting in an increase in enrollment and total members covered by the plans.

Due to favorable plan experience, Gallagher is projecting no increase to the budget on a per coworker per year basis; however, the additional headcount and plan enrollment shifts result in a \$917,000 increase to the gross medical budget (\$14,417,000). The recommendation is to keep

coworker medical contributions the same, for the fifth year in a row. The net budget after coworker contributions is estimated at \$12,900,000. For FY25, staff is projecting no increase to the medical budget with no changes at all. The recommendation for FY25 is to leave coworker contributions unchanged from FY24.

A motion was made by Council Member Langford and seconded by Council Member Sweat to approve the plan design for the City of Concord benefit plans for FY25 and authorize the City manager to negotiate, conclude, and execute contracts with plan providers—the vote: all aye.

9. Consider authorizing the City Manager to negotiate and execute a contract with Double D Construction Services, Inc. for the asbestos abatement and demolition of City owned buildings at 228 and 234-240 McGill Ave.

The buildings located at 228 and 234-240 McGill Ave have a combined area of 8,789 square feet and are in poor structural conditions. The project consists of the abatement of asbestos containing materials, the demolition and disposal of the buildings, and the filling-in of any voids left after the demolition. The project was publicly bid and five (5) bids were received. The lowest responsive bidder was Double D Construction Services, Inc. in the amount of \$132,609.13.

A motion was made by Council Member Stocks and seconded by Council Member Sweat to authorize the City Manager to negotiate and execute a contract with Double D Construction Services, Inc. for the asbestos abatement and demolition of the buildings located at 228 and 234-240 McGill Ave in the amount of \$132,609.13—the vote: all aye.

10. Consider a Preliminary Application from Bonds Real Estate.

In accordance with City Code Chapter 62, Bonds Real Estate has submitted a preliminary application to receive water service outside the City limits. The property is located at 2701 Derita Road. It is zoned LI (Limited Industrial). The parcel is contiguous to the City limits and is already served by sewer. The existing well is failing.

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

Consent Agenda:

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

CONSENT AGENDA ITEM A

The Fire and Life Safety Department was authorized to apply for the FY2023 Department of Homeland Security Assistance Firefighters Grant.

CONSENT AGENDA ITEM B

The 2023 Cabarrus County Matching Incentive Grant award on behalf of Concord Rotary Club was accepted to be used for bicycle repair stations along with concrete pads, bike racks and benches at City recreation facility locations.

CONSENT AGENDA ITEM C

The City Manager was authorized to execute a contract with Martin Starnes & Associates, CPAs, P.A. for the audit of City of Concord accounts for fiscal year ending June 30, 2024.

CONSENT AGENDA ITEM D

The offers of infrastructure at Annsborough Park PH 1 MP 2, Olde Homestead Subdivision PH 1 MP 2, Starbucks-George Liles, Cannon Run PH 2 MP 2A were accepted.

CONSENT AGENDA ITEM E

The maintenance agreements were approved and the offers of dedication were accepted for the following properties: Christenbury Village located at 9620 Christenbury Parkway, Concord, NC, Parcel ID # 4589-27-3947.

CONSENT AGENDA ITEM F

The maintenance agreements were approved and the offers of dedication were accepted for the following properties: Cabarrus County Warehouse located 484 & 508 Cabarrus Avenue and 40 Ramdin Ct.

CONSENT AGENDA ITEM G

The maintenance agreement was approved and the offer of dedication was accepted for the following property: Platinum at Rocky River, LLC.

CONSENT AGENDA ITEM H

A \$1,750 donation from the Mayor's Golf Tournament Fund to Run Cabarrus was approved and the following budget amendment was adopted.

ORD.# 24-07

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 Balance Appropriated	7,328,670	7,330,420	1,750
	Total			1,750

Account	Title	Expenses/Expenditures		(Decrease) Increase
		Current Budget	Amended Budget	
4190-5470043	Golf Tournaments	14,800	16,550	1,750
	Total			1,750

Reason: To appropriate Mayor Golf Tournament reserves for a donation to Run Cabarrus.

Adopted this 8th day of February, 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 I

A \$2,400 donation from the Mayor's Golf Tournament Fund To Step Up to Leadership was approved and the following budget amendment was adopted.

ORD.# 24-08

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	
100-4370000	Fund Balance Appropriated	7,326,270	7,328,670	2,400
	Total			2,400

<u>Expenses/Expenditures</u>				
Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4190-5470043	Golf Tournaments	12,400	14,800	2,400
	Total			2,400

Reason: To appropriate Mayor Golf Tournament reserves for a donation to Step Up to Leadership.

Adopted this 8th day of February, 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 J

The following ordinance was adopted to amend the FY 2023/2024 Budget Ordinance for the General Fund to appropriate contingency funds to cover repairs to the parking deck elevator.

ORD.# 24-09

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
Total				

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4190-5351000	Maintenance – Buildings	111,991	140,973	28,982
4190-5992000	Contingency	1,281,702	1,252,720	(28,982)
Total				0

Reason: To appropriate contingency funds to cover the cost of repairs to the parking deck elevator.

Adopted this 8th day of February, 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 following ordinances were adopted to amend the FY2023/2024 Budget Ordinance to appropriate insurance reimbursements received.

ORD.# 24-10

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	
100-4353100	Insurance Reimbursement	0	32,915	32,915
Total				32,915

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4550-5362000	Accident Repairs	0	11,729	11,729
4513-5352000	Maintenance-Equipment	11,237	14,305	3,068

6120-5352000	Maintenance-Equipment	97,083	115,201	18,118
	Total			32,915

Reason: To appropriate insurance proceeds for insurance repairs and elevator damage.

Adopted this 8th day of February 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 24-11

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	
610-4353100	Insurance Reimbursement	0	25,000	25,000
	Total			25,000

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
7240-5244000	Materials	6,242,453	6,267,453	25,000
	Total			25,000

Reason: To appropriate insurance proceeds for switchgear damage.

Adopted this 8th day of February 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

AN ORDINANCE TO AMEND FY 2023-2024 BUDGET ORDINANCE

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

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

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

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
690-4353100	Insurance Reimbursement	0	130,299	130,299
Total				130,299

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
1000-5443000	Contract Cost – Maint	124,118	254,417	130,299
Total				130,299

Reason: To appropriate insurance proceeds for fire-damaged units.

Adopted this 8th day of February 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 L

The following delinquent utility accounts were transferred to collection losses: Electric \$507,313.03; Water \$106,072.70; Wastewater \$82,767.34; Stormwater \$17,508.88; and Environmental Services \$9,891.27.

CONSENT AGENDA ITEM M

The fourth quarter water and wastewater extension report for 2023 was received.

CONSENT AGENDA ITEM N

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

CONSENT AGENDA ITEM O

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

CONSENT AGENDA ITEM P

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

* * * * *

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

William C. Dusch, Mayor

Kim J. Deason, City Clerk