



# City Council Agenda

Thursday, July 13, 2023

6:00 PM

3rd floor Council Chambers at City Hall

Cell phones are to be turned off or placed on vibrate during the meeting. Please exit the Council Chambers before using your cell phone.

The agenda is prepared and distributed on Friday preceding the meeting to Council and news media. A work session is then held on the Tuesday preceding the regular meeting at 4:00 pm.

## I. Call to Order

## II. Pledge of Allegiance and Moment of Silent Prayer

## III. Approval of Minutes

May 23, June 6, and June 8, 2023.

## IV. Presentations

1. Presentation of a retirement plaque recognizing Bob Dowless for over 19 years of service with the City of Concord.
2. Recognition of Charlie Bridges for over 20 years of service to the City of Concord.
3. Presentation to Aviation Director, Dirk Vanderleest, for earning the distinction of "Accredited Airport Executive" through the American Association of Airport Executives.
4. Presentation to Jackson Joseph and the City of Concord Cemetery Maintenance Crew from Fred Y. McConnell American Legion Post 51 for their dedication and care given to the 1,531 documented war casualties and veterans buried in Oakwood Cemetery.
5. Presentation of Certificates of Appreciation to Jean King, Steve Bradley and Cesar Correa for their six years of dedicated service to the City of Concord Planning and Zoning Commission and Board of Adjustment.
6. Presentation of the Concord Kannapolis Area Transit (Rider) NCPTA 2023 Safety Award. Concord Kannapolis Area Transit (Rider) received a 2023 Safety Award for Urban/Regional/Small Urban Fixed Route under One Million miles from the North Carolina Public Transportation Association. The award timeframe covers January 1, 2022 through December 31, 2022.
7. FY 2023-2024 Budget Video

## V. Unfinished Business

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

The request is for voluntary annexation of +/- 47.52 acres of property on Copperfield Blvd. The property is currently zoned C-2 (General Commercial) and I-1 (Light Industrial) in the City of Concord ETJ. If approved, a rezoning hearing will not be required as this parcel is located in the ETJ. The subject parcel is located within the Mixed Use Activity Centers (MUAC) Land Use Category of the 2030 Land Use Plan.

As a request from the petitioner at the June 8, 2023 City Council meeting, the City Council continued this matter until the July 13, 2023 City Council meeting. The petitioner is again requesting continuance of this request until the August 10, 2023 City Council meeting.

**Recommendation:** Consider continuing the public hearing until the August 10, 2023 City Council meeting or consider conducting the public hearing to consider adopting the annexation ordinance.

## **VI. New Business**

### **A. Informational Items**

1. Geraldine Gardner, Centralina Regional Council, to receive final feedback from Council regarding the timeline/proposed plan to update the City's Strategic Plan.

### **B. Departmental Reports**

1. Downtown Streetscape

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

### **D. Public Hearings**

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

Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. MS Assets, LLC, and MS XTEC, LLC, propose to develop an approximately 46,500 SF facility that will serve as the North American headquarters focusing on powertrain technology.

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

**Recommendation:** Conduct a public hearing and consider offering a contract for a three-year/85% tax-based economic development incentive grant to MS Assets, LLC, and MS XTEC, LLC, to develop a new North American headquarters facility focusing on powertrain technology located at 570 Pitts School Road, Concord, North Carolina 28027.

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

Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. Old Dominion Freight Line, Inc., proposes to develop an approximately 60,000 SF Interstate Motor Freight Terminal to allow for a Less Than Truckload one and two-day deliveries of goods and commodities needed to support local and interstate commerce. These are items consumers need and expect to find at their local grocery, department, retail, home improvement, construction supply, or other types businesses involved in everyday life. Old Dominion Freight Line, Inc., proposes to invest approximately \$18,000,000 in real and personal property. The estimated infrastructure costs for utilities, site work, and site development are \$183,016 (\$210,468.40 including 15% contingency).

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

**Recommendation:** Conduct a public hearing and consider offering a contract for a one-year/85% tax-based Infrastructure Development Grant to Old Dominion Freight Line, Inc., to locate at 2980 New Town Way SW, Concord, North Carolina 28027.

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

A public hearing is required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), on the proposed plan to issue multifamily housing revenue bonds, in one or more series, in an aggregate principal amount of up to \$20,630,000 (the "Bonds"), for the purpose of financing the acquisition of the historic Coleman Mill and the renovating and equipping therein by STC Coleman Mill, LLC, a North Carolina limited liability company, or an affiliated or related entity (the "Borrower"), of a qualified residential rental project (as defined in Section 142(d) of the Code) to be known as Coleman Mill Lofts (the "Development"). The Development will consist of 150 units in two residential buildings located at 625 Main Street SW in the City of Concord, North Carolina. The Development will be owned or operated by the Borrower. The housing bonds, when and if issued by the City, will be issued pursuant to Article 1 of Chapter 157 and Section 160D- 1311(b) of the General Statutes of North Carolina and shall not be a debt of the State of North Carolina (the "State"), the City or any political subdivision thereof and none of the State, the City, or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds be payable out of any funds or properties other than those of the City derived solely from payments made by the Borrower.

City Council previously approved an allocation of \$19,130,000 but the developer is now requesting an increase to the bond amount of \$1,500,000 for a new total of \$20,630,000. In order to issue the higher amount of bonds, a new public hearing must be held and the attached updated TEFRA approval resolution must be approved.

**Recommendation:** Motion to adopt a resolution providing approval of a multifamily housing facility to be known as Coleman Mill Lofts and the financing thereof with multifamily housing revenue bonds in an aggregate principal amount not to exceed \$20,630,000.

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

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

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

**Recommendation:** Conduct a public hearing and consider a resolution to abandon a +/- 225-foot long alley within the M.L. Widenhouse Subdivision.

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

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

**Recommendation:** Consider adopting the annexation ordinance and set the effective date for July 13, 2023.

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

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

**Recommendation:** Consider adopting the annexation ordinance and set the effective date for July 13, 2023.

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

The Planning and Zoning Commission heard the above referenced petition at their June 20, 2023 meeting and voted to forward the request to City Council with a recommendation that the zoning map be amended from RC (Residential Compact) to PUD (Planned Unit Development) and to amend the 2030 Land Use Plan to designate the parcel as "Urban Neighborhoods."

**Recommendation:** Consider adopting an ordinance amending the official zoning map from RC (Residential Compact) to PUD (Planned Unit Development) and to amend the 2030 Land Use Plan to designate the parcel as "Urban Neighborhoods."

## **E. Presentations of Petitions and Requests**

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

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

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

A redline copy of the agreement illustrates the proposed changes, and the current agreement is included for comparison. A revised Exhibit C (map of proposed subareas) is also included. It is anticipated that Board of County Commissioner approval of the agreement will occur in August.

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

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

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

Enabling retroactive grants for completed, qualified façade projects since June 1, 2022, would allow downtown property owners or business tenants to recoup the corresponding grant amount for façade improvements previously made, but for which a façade grant was not applied for prior to the project work starting. Adding patios and decks as qualified façade projects would help encourage these types of improvements to take advantage of the streetscape improvements and outdoor dining. By also adding an option for the applicant to receive up to three partial grant payments as the work progresses would allow an applicant to recoup funding along the way instead of solely at project completion.

**Recommendation:** Consider updating the Downtown Façade Improvement Grant program to enable retroactive funding of completed, qualified façade projects since June 1, 2022.

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

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

**Recommendation:** Motion to approve and adopt the Master Plan for W.W. Flowe Park.

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

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

Electric - Electricity for stage & sound;

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

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

Parks & Recreation - Kids Zone;

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

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

Building & Grounds - Event layout and logistical support;

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

Water - Provide street sweeper after the festival;

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

**Recommendation:** Motion to approve the Concord Co-Sponsorship application for the Concord International Festival, to be held September 30, 2023.

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

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

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

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

**Recommendation:** Motion to approve Neighborhood Matching Grant award distribution requests for FY23-24 applicants as recommended.

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

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

**Recommendation:** Motion to award bid for electric materials in the amount of \$353,448 to WESCO Distribution, Inc. for the purchase of 10,800 feet of 750 primary feeder cable and 11,000 feet of 1/0 primary feeder cable.

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

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

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

**Recommendation:** Motion to authorize the City Manager to execute a contract with J.D. Goodrum Co, Inc. and adopt a budget ordinance to appropriate the funds.

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

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

**Recommendation:** Motion to award the total bid and authorize the City manager to negotiate and execute a contract with to Blythe Construction Inc. in the amount of \$3,137,926.91 for the City of Concord's annual streets preservation program and approve the attached budget ordinance to appropriate funds from reserve funds.

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

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

**Recommendation:** Motion to award the City of Concord's annual contract for the Installation of Traffic Signal Equipment and Associated Construction and Maintenance Work to Carolina Power & Signalization LLC.

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

Member jurisdictions are adopting the resolution to affirm our membership and support of the transition of the Yadkin-Pee Dee Water Management Group to a non-profit. The non-profit structure will provide many benefits including increased grant funding opportunities and independent management of finances.

**Recommendation:** Motion to adopt the resolution authorizing membership in and the incorporation of the Yadkin-Pee Dee Water Management Group.

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

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

**Recommendation:** Motion to adopt capital project ordinance amendments and operating budget amendments for the Fleet Services Facility project.

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

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

**Recommendation:** Motion to adopt a resolution to convey a temporary construction easement to HSREI, LLC.

**13. Consider amending the Sewer Allocation Policy.**

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

**Recommendation:** Motion to amend the Sewer Allocation Policy.

**14. Consider a Preliminary Application from Michael Cipriani.**

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

**Recommendation:** Motion to accept the preliminary application and have the owner proceed to the final application phase excluding annexation.

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

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

**Recommendation:** Motion to appoint the Concord Kannapolis Area Transit (Rider) Director as Concord's alternate for the Metropolitan Transit Commission Ex Officio position.

**VII. Consent Agenda**

**A. Consider supporting an amended application for Congestion Mitigation and Air Quality (CMAQ) funds to be submitted to the North Carolina Department of Transportation (NCDOT) for supplemental funding towards TIP Project C-5603I, US 601 at Flowes Store Rd/Miami Church Rd.**

In January 2017, City Council passed a resolution supporting the application for Congestion Management Enhancements on US 601 at Flowes Store Rd/Miami Church Rd involve constructing an additional lane and sidewalk on US 601 from Flowes Store Rd/Miami Church Rd to Zion Church Rd., E/NC 49 Interchange. The additional lane, with taper, will begin 550' east of Flowes Store Rd and be added in the westbound direction. A municipal agreement was executed between NCDOT and the City of Concord in August 2018. The total cost at the time was \$2,361,470, split 80/20 (\$1,889,176 CMAQ and \$472,294 City). The project was suspended November 2019 due to NCDOT funding and subsequently lifted in November 2020. Staff have worked with the design consultant Kimley-Horn and Associates to develop a plans and revised costs estimates.

The revised estimate, including the current engineering phase, future right-of-way, and construction phases totals \$5,631,400. Staff are requesting approval to apply for additional funding to make this whole in the amount of \$2,625,653.60 in CMAQ funding (80%), and match \$656,413.40 from the City's Transportation Project Fund (20%).

**Recommendation:** Motion to consider supporting the amended application for Congestion Mitigation and Air Quality (CMAQ) funds to be submitted to the North Carolina Department of Transportation (NCDOT) for supplemental funding towards TIP Project C-5603I, US 601 at Flowes Store Rd/Miami Church Rd.

**B. Consider supporting an amended application from the Parks and Recreation Department for Federal Congestion, Mitigation and Air Quality (CMAQ) Funding for Phase A of the Clarke Creek Greenway, also known as the Clarke Creek. Greenway.**

Clarke Creek Greenway provides significant connectivity benefits for residents in Highland Creek, Winding Walk, Allen Mills, Edington and Granary Oaks neighborhoods to the future JE Jim Ramsey Park, Cox Mill Elementary School, Cox Mill High School, and Carolina International School. This project will include the bridge connection as well as about 1.52 miles of greenway trails. It is a high priority

identified in the adopted City of Concord Open Space Connectivity Analysis. Funding has been identified in the City CIP process for design of the greenway in FY23 and CMAQ projects typically require at least a 20% local match for construction. Staff is requesting approval to apply for additional funding in the amount of \$2,663,558. According to the Cabarrus-Rowan MPO additional funding has been allocated for CMAQ for an 80/20 split. The CMAQ funding would be \$2,130,846 and the 20% City match in the amount of \$532,712 has been identified as part of the Parks & Recreation Reserve Fund.

The Congestion Mitigation and Air Quality Program began with the passage of the Clean Air Act Amendments by the US Congress in 1990. These amendments require measures to reduce vehicle emissions in non-attainment areas, which are urban environments that do not meet those emission standards, including the Charlotte-Mecklenburg Metropolitan Region.

Bicycle and Pedestrian Projects are eligible for CMAQ funding if they directly reduce the number of vehicular trips to a destination and divert said trips to non-motorized modes. The application will provide calculations for reductions in Carbon Monoxide (CO), particulate matter, Nitrogen Oxide (NOx), and Volatile Organic Compounds (VOC).

**Recommendation:** Motion to consider supporting an application for Clarke Creek Greenway to be submitted as a Congestion Mitigation and Air Quality (CMAQ) project to NCDOT through the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO).

**C. Consider authorizing the City Manager to accept \$25,000 from the NC Governor's Highway Safety Program to fund overtime expenses for traffic safety enforcement and to adopt a budget ordinance to appropriate the grant funds.**

The Concord Police Department received official notification of a \$25,000 grant award from the NC Governor's Highway Safety Program for the 23-24 fiscal year. The funds will be used for overtime traffic related enforcement expenses. The approval to apply was granted by City Council at their January 12, 2023 meeting. The official award documents have been received and will be presented to the City Manager for signature upon approval of acceptance of the grant funds.

**Recommendation:** Motion to authorize the City Manager to accept \$25,000 from the NC Governor's Highway Safety Program to fund overtime expenses for traffic safety enforcement and to adopt a budget ordinance to appropriate the grant funds.

**D. Consider authorizing the City Manager to accept the 2023 Community Waste Reduction and Recycling Grant Award from the NC Department of Environmental Quality and to adopt a budget ordinance appropriating the grant funds.**

The Concord Solid Waste Services Department has been awarded a 2023 Community Waste Reduction and Recycling Grant in the amount of \$20,000. This grant is funded through the NC Department of Environmental Quality and will be used to conduct outreach enforcement efforts, including auditing and tagging of contaminated carts, followed by targeted education to areas with highest rates of contamination. A 20% local match (\$4,000) has already been approved in the FY23-24 budget. The approval to apply for this award was granted on February 9, 2023 at the Concord City Council meeting.

**Recommendation:** Motion to authorize the City Manager to accept the 2023 Community Waste Reduction and Recycling Grant Award from the NC Department of Environmental Quality and to adopt a budget ordinance appropriating the grant funds.

**E. Consider accepting an Offer of Dedication of utility easements and public rights-of-ways in various subdivisions.**

In accordance with CDO Article 5, the following final plats and easements are now ready for approval: Oaklawn Development Phase 3. Various utility easements and public rights-of-ways are offered by the owners.

**Recommendation:** Motion to accept the offer of dedication on the following plat and easements: Oaklawn Development Phase 3.

**F. Consider accepting an Offer of Dedication of an access easement and approval of the maintenance agreement.**

In accordance with the CDO Article 4, the following access easements and maintenance agreements are now ready for approval: Westwinds Center, LLC (PIN's 4680-71-1123 and 4680-70-0490) 7010 and 7550 Westwinds Blvd; Kroger Fulfillment Network, LLC (PIN 5539-42-3541) 227 NC HWY 49; The Salvation Army (PIN 5630-19-0770, 5630-19- 1640, 5630-19-2505 and 5630-19- 3602) 45 Ashlyn Drive SE; and The Mooresville Group, LLC (PIN 5527-42 -8038) 1002 Holden Avenue SW. Access easements and SCM maintenance agreements are being offered by the owners.

**Recommendation:** Motion to approve the maintenance agreements and accept the offers of dedication on the following properties: Westwinds Center, LLC, Kroger Fulfillment Network, LLC, The Salvation Army, and The Mooresville Group, LLC.

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

In accordance with CDO Article 5, improvements have been constructed in accordance with the City's regulations and specifications. The following are being offered for acceptance: 819 LF of Roadway, 2,145 LF of 12-inch water line, 4,319 LF of 8-inch water line, 340 LF of 6-inch water line, 834 LF of 2-inch water line, 17 valves, 14 fire hydrants, 173 LF of 18-inch sanitary sewer line, 257 LF of 15-inch sanitary sewer line, 6,457 LF of 12-inch sewer line, 7,396 LF of 8-inch sanitary sewer line, 77 manholes.

**Recommendation:** Motion to accept an offer of infrastructure at Copperfield PH 2 Northeast Gateway Ct. NE, Kensley East Subdivision, Piper Landing Subdivision PH 1 MP 2, Cumberland Subdivision Phase 2, Odell School Landings Off-site public 8-inch sewer, Annsborough Park PH 1 MP 1, Sherwood Hills Sewer.

**H. Consider adopting changes to the fee schedule to include revisions related to the change in the system development fees for water and sewer connection.**

These additional changes are needed to fully implement the new System Development Fees.

**Recommendation:** Motion to adopt the revised fee schedule.

**I. Consider approving a donation of \$2,500 from the Mayor's Golf Tournament fund to Multi-Cultural Community Student Union and to adopt a budget ordinance appropriating the donation amount.**

The funds are being requested to assist with providing academic, emotional, and social support to children in the Logan Community and Cabarrus County.

**Recommendation:** Motion to approve a donation of \$2,500 from the Mayor's Golf Tournament fund to Multi-Cultural Community Student Union and to adopt a budget ordinance appropriating the donation amount.

**J. Consider adopting an amendment to the Aviation project fund.**

The amendment is needed to amend the budget to include a transfer of State Aid that was missing from the FY24 ordinance.

**Recommendation:** Motion to adopt an amendment to the Aviation project fund.

**K. Consider adopting a Capital Project Ordinance amendment for an increase in grant funding for the Hangar-Taxilane Rehabilitation.**

The Finance Department is recommending an increase in the overall Federal AID for the Aviation Department by \$302,023 for the Hangar Taxilane Rehabilitation project.

**Recommendation:** Motion to adopt a Capital Project Ordinance amending the Hangar-Taxilane Rehabilitation project.

**L. Consider adopting an ordinance to amend the Water project budget to cleanup various project budgets.**

The attached budget amendment cleans up system development fee revenue based on actual amounts to date and allocates undesignated funds to the future projects account. The budget amendment also allocates a transfer from the water fund that was approved in June 2023 to the Chlorine Room Rehab project.

**Recommendation:** Motion to adopt an ordinance to amend the Water project budget to cleanup various project budgets.

**M. Consider approving a change to the classification/compensation system to include the following classification: Server Engineer.**

The addition of this new classification will increase the ability to attract and retain employees and provide enhanced expertise for the City of Concord

**Recommendation:** Motion to approve the addition of the Server Engineer (Grade IT05) with a salary range of \$68,695.30 (minimum) - \$90,677.80 (midpoint) - \$113,347.25 (maximum).

**N. Consider approving a change to the classification/compensation system to include the following classification: Development Services Technician II.**

The addition of this new classification will increase the ability to attract and retain employees and provide enhanced expertise for the City of Concord.

**Recommendation:** Motion to approve the addition of the Development Services Technician II (Grade 207) with a salary range of \$40,940.55 (minimum) - \$54,246.27 (midpoint) - \$67,551.95 (maximum)

**O. Consider approving a change to the classification/compensation system to include the following classification: Grants Analyst.**

The addition of this new classification will increase the ability to attract and retain employees and provide enhanced expertise for the City of Concord.

**Recommendation:** Motion to approve the addition of the Grants Analyst (Grade 209) with a salary range of \$48,641.50 (minimum) - \$64,449.98 (midpoint) - \$80,258.48 (maximum).

**P. Consider approving a change to the classification/compensation system to include the following classification: Grant Compliance Coordinator.**

The addition of this new classification will increase the ability to attract and retain employees and provide enhanced expertise for the City of Concord

**Recommendation:** Motion to approve the addition of the Grant Compliance Coordinator (Grade 209) with a salary range of \$48,641.50 (minimum) - \$64,449.98 (midpoint) - \$80,258.48 (maximum).

**Q. Consider accepting the semiannual debt status report as of June 30, 2023.** The City's debt report as of June 30, 2023 is presented for City Council's review.

**Recommendation:** Motion to accept the City's semiannual debt status report as of June 30, 2023.

**R. Consider acceptance of the Tax Office reports for the month of May 2023.**

The Tax Collector is responsible for periodic reporting of revenue collections for the Tax Collection Office.

**Recommendation:** Motion to accept the Tax Office collection reports for the month of May 2023.

**S. Consider Approval of Tax Releases/Refunds from the Tax Collection Office for the month of May 2023.**

G.S. 105-381 allows for the refund and/or release of tax liability due to various reasons by the governing body. A listing of various refund/release requests is presented for your approval, primarily due to overpayments, situs errors and/or valuation changes.

**Recommendation:** Motion to approve the Tax releases/refunds for the month of May 2023.

**T. Receive monthly report on status of investments as of May 31, 2023.**

A resolution adopted by the governing body on 12/9/1991 directs the Finance Director to report on the status of investments each month.

**Recommendation:** Motion to accept the monthly report on investments.

#### **VIII. Matters not on the Agenda**

- Transportation Advisory Committee (TAC)
- Metropolitan Transit Committee (MTC)
- Centralina Regional Council
- Concord/Kannapolis Transit Commission
- Water Sewer Authority of Cabarrus County (WSACC)
- WeBuild Concord
- Public Art Commission
- Concord United Committee

#### **IX. General Comments by Council of Non-Business Nature**

#### **X. Closed Session (If Needed)**

#### **XI. Adjournment**

\*IN ACCORDANCE WITH ADA REGULATIONS, PLEASE NOTE THAT ANYONE WHO NEEDS AN ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE CITY CLERK AT (704) 920-5205 AT LEAST FORTY-EIGHT HOURS PRIOR TO THE MEETING.

