



City Council Agenda

Thursday, April 09, 2020

6:00 PM

35 Cabarrus Avenue, W, Concord NC 28025

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:

March 10, March 12, and March 24, 2020.

IV. Presentations

- 1. Recognition of Leigh Ann Sells for over 24 years of service with the City of Concord's Finance Department.** Leigh Ann began her employment with the City of Concord in 1996. She spent her career within the Finance Department, holding various positions. Leigh Ann is married to Jimmy Sells and has 2 children. She looks forward to spending her retirement with her family, especially her grandchildren. City staff would like to thank Leigh Ann for her dedicated and professional service. She has always been one of the kindest and unselfish members of the Finance team. If someone needed help, you could always count on Leigh Ann.

V. Unfinished Business

VI. New Business

A. Informational Items

B. Departmental Reports

C. Recognition of persons requesting to be heard

D. Public Hearings

- 1. Conduct a public hearing and consider adopting the Five-Year Agency Plan for the Concord Housing Department that updates the Policies that govern the Public Housing Program.** The Housing Department is required to submit a Five-Year Agency Plan to the United States Department of Housing and Urban Development (HUD) every five years. This plan must be submitted seventy-five (75) days prior to the beginning of the fiscal year. The plan must be available for public review for forty-five (45) days prior to adoption and submission. The plan has been completed and ready for review since Monday, February 10, 2019. The only update to this year's plan is the addition of VASH vouchers for Veterans. A public hearing must be held prior to adoption for any public comments relative to the proposed changes in the department's Five-Year Plan.

Recommendation: Motion to adopt the Five-Year Agency Plan for the City of Concord Housing Department.

- 2. Conduct a public hearing and consider the approval of an agreement between the City of Concord and Bootsmead LeaseCo, LLC to extend sewer infrastructure at 2321 Concord Pkwy S. in Concord.** The Grounds at Concord (the former Philip Morris property) is one of the most significant economic development sites in the state. The City would extend sewer infrastructure to the site as described in the agreement in order to stimulate investment in the local economy, support economic growth in the City, and create jobs. Phase 1 is already a planned project in the City's Capital Improvement Plan and would consist of the City extending sewer infrastructure and

related appurtenances necessary to reach the property line of the site at an estimated cost of \$1,600,000. Cabarrus County would agree to pay the City \$500,000 at \$100,000 per year for a five-year period toward the expense of Phase 1 in a separate agreement. Bootsmead would not reimburse the City for Phase 1. Phase 2 would consist of the City extending approximately 7,000 linear feet of sewer main infrastructure and related appurtenances necessary to bring service from the property line of the site to a point in the interior of the site at an estimated cost of \$3,000,000. All of the City's costs for design and construction of Phase 2 would be subject to reimbursement from Bootsmead, except the City will pay for the cost to increase the size of main from 8 inches to 12 inches. For each and every parcel sold from the approximately 1,600 acre Grounds at Concord site, Bootsmead would remit 10% of the per acre sale price to the City until the total and actual cost of Phase 2 is reimbursed. See attached map showing approximate location of the extension. Final alignment would be determined once the project is designed.

Recommendation: Conduct a public hearing; and consider approving an agreement between the City of Concord and Bootsmead LeaseCo, LLC to extend sewer infrastructure at 2321 Concord Pkwy S. in Concord.

E. Presentations of Petitions and Requests

- 1. Receive a presentation from Sandra Torres regarding the Concord International Festival and consider co-sponsoring the event.** El Puente Hispano is planning to hold an International Festival September 19, 2020 in downtown Concord. On behalf of El Puente Hispano, Ms. Torres will provide information on the upcoming Festival. El Puente Hispano is also requesting the City of Concord co-sponsor the event.

Recommendation: Receive the presentation and consider making a motion to co-sponsor the Concord International Festival to be held in downtown Concord September 19, 2020.

- 2. Consider authorizing the Concord ABC Board to retain extra Distribution of Funds.** The Concord ABC Board is in land negotiations for a new store location. Therefore, the Board is requesting authorization to retain extra distribution of funds to be used for this new location.

Recommendation: Motion to authorize the Concord ABC Board to retain extra distribution of funds for a new store location.

- 3. Consider authorizing the City Manager and City Attorney to enter into a loan modification with Carolina Courts.** Due to the COVID-19 virus, Carolina Courts ceased operations on March 12th. With no income, they have asked F&M Bank and the City of Concord to consider modifying their loans to interest-only to assist them in getting through the pandemic. F&M Bank holds the first mortgage, and they approved a six-month interest only modification starting in April. The City of Concord holds the second mortgage and the proposal is to modify the loan for a three-month period with the authority given to the City Manager and City Attorney to modify it for an additional three months if conditions warrant. Council would have to approve any modification beyond a six-month period. The interest-only payments would be \$1,840.08 per month. The current monthly payments are \$7,425.45 and the loan term is 15 years with the expiration of July 1st, 2034. The interest rate is two percent. The current loan balance is \$1,109,624. The loan expiration would be extended by the appropriate months if Council approves the modification.

Recommendation: Motion to authorize the City Manager and City Attorney to modify the existing loan with Carolina Courts to interest-only for a three-month term with the ability to extend the term by an additional three months if conditions warrant.

- 4. Consider adopting the 2020 Cabarrus County Long Range Public Transportation Master Plan.** Concord Kannapolis Area Transit (Rider) and Cabarrus County Transportation Service (CTS), along with the cities of Concord, Kannapolis, and Cabarrus County, initiated a Long Range Public Transportation Master Plan study in

2018 with the intent of creating a strong vision for improved public transportation throughout Cabarrus County to address current and future needs. More than 1,200 members of the community participated in the multipronged outreach effort, providing a strong foundation through a variety of means for input from community members, including pop-up events, in person and online surveys to current riders and non-riders, public meetings and focus groups with key stakeholders, and city and county leadership. These activities guided the development of the study and helped the study team define the priorities for the plan. This information, along with demographic and market analysis, were considered when crafting the recommendations. This approach, coupled with strong ridership, regular calls for service to new areas within and outside the county and increasing travel times throughout the region, the need for expanding transit options is clear. This ambitious plan provides recommendations for the next 20 years and defines operational, capital, and personnel improvements in six phases. The plan was presented to the Concord Kannapolis Transit Commission on 2/26/20 and was unanimously adopted. Please see the attached for more information.

Recommendation: Motion to adopt the 2020 Cabarrus County Long Range Public Transportation Master Plan.

5. **Consider authorizing the City Manager to negotiate and execute a contract with Electrical Engineering Consulting & Testing, P.C. in the amount of \$73,925 for final engineering and project management services for the switchgear replacement project at the Coddle Creek Water Treatment Plant.** This contract provides project management services and final design for the switchgear replacement project at the Coddle Creek Water Treatment Plant.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Electrical Engineering Consulting & Testing, P.C. in the amount of \$73,925 for final engineering and project management services for the switchgear replacement project at the Coddle Creek Water Treatment Plant.

6. **Consider authorizing the City Manager to negotiate and execute a contract with The Ryan Company in the amount of \$1,296,900 for construction services for the switchgear replacement project at the Coddle Creek Water Treatment Plant.** The contract provides construction services for the switch gear replacement project at the Coddle Creek Water Treatment Plant. This bid includes the base bid, a 3 year extended warranty, and the remote racking option.

Recommendation: Motion to authorize the City Manager to execute a contract with The Ryan Company in the amount of \$1,296,900 for construction services for the switchgear replacement project at the Coddle Creek Water Treatment Plant.

7. **Consider authorizing the City Manager to negotiate and execute a contract with Landdesign, Inc. for engineering services relating to the design of the Coddle Creek Tributary Outfall Extension to Westridge Lane and to and across the Grounds property.** The Coddle Creek Tributary Outfall Extension is a future year capital improvement project for the Water Resources Department in order to take the Roberta Woods pump station offline. This project is needed to be expedited in order to facilitate economic development at the Grounds site. The contract with Landdesign, Inc would be a fixed fee for engineering and surveying services not to exceed \$418,190.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Landdesign, Inc. for engineering and surveying services relating to the design of the Coddle Creek Tributary Outfall Extension to Westridge Lane and to and across the Grounds property.

8. **Consider authorizing the City Manager to negotiate and execute a contract with AM-Liner East, Inc. for the lining of sewer lines and rehabilitation of manholes.** The Water Resource department performs inspections of the City's sewer lines and identifies those that are in need of repair or replacement. Lines that would cause excessive disturbance to the public if they were replaced by conventional methods,

are earmarked for the cure-in-place pipe rehabilitation method (CIPP). The CIPP method allows the sewer lines to be rehabilitated without the disturbances to the public caused by the conventional method of excavation and replacement. This project was publicly bid and eight (8) bids were received. The lowest responsible bidder was AM-Liner East, Inc in the amount of \$800,461.20. There was a lower bid than AM-Liner East, but this bidder was not considered responsible.

Recommendation: Motion authorizing the City Manager to negotiate and execute a contract with AM-Liner East, Inc in the amount of \$800,461.20 for the rehabilitation of 23,197 linear feet of sewer lines and 97 manholes.

- 9. Consider abandoning a right of way across property on Perry Street (PIN 5509 23 7558).** There is a right of way agreement in Deed Book 638 Page 216 to the NC Department of Transportation for road improvements. In 1996, the City annexed this area and certain roads were changed from NCDOT maintained to City maintained and Perry Street was included in that change. The property is proposed to be developed and a portion of the right of way granted under the agreement is no longer needed. Transportation agrees with this abandonment.

Recommendation: Motion to adopt a resolution authorizing the Abandonment of Right of Way.

- 10. Consider authorizing the City Manager to negotiate and execute a construction contract with ALS of North Carolina, LLC for the construction of the Downtown Pedestrian Signal Upgrade project (TIP# EB-5902) contingent upon NCDOT's concurrence of award.** The City of Concord has a municipal agreement with NCDOT for the Downtown Pedestrian Signal Upgrade– EB-5902. The work included in this project consist of upfitting four downtown intersections with pedestrian signals. The intersections include Cabarrus Avenue and Spring Street, Cabarrus Avenue and Church Street, Corbin Avenue and Church Street, and Corban Avenue and Spring Street. The lowest responsive and responsible bidder was ALS of North Carolina, LLC. in the amount of \$198,128.10.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with ALS of North Carolina, LLC. in the amount of \$198,128.10 for the Downtown Pedestrian Signal Upgrade project (TIP #EB-5902) contingent upon NCDOT's concurrence of award.

- 11. Consider a Preliminary Application from Brian Webb.** In accordance with City Code Chapter 62, Brian Webb has submitted a preliminary application to receive water and sewer service outside the City limits. The property is located at 550 Devereaux Place NE. The parcel is zoned RM-1 and the applicant wants to develop with a single family home. Per NCGS 160A-58.1(b)(4), the City may not require annexation since the single lot is part of a subdivision as defined in GS 160A-376.

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

- 12. Consider adopting a resolution ratifying a Declaration of a State of Emergency.** The City of Concord Code of Ordinances, Section 26-37(c) requires that, "Whenever a state of emergency is declared by the mayor, the City Attorney shall prepare a resolution ratifying the existence of a state of emergency and the need for continuing the state of emergency. The city council shall approve or disapprove the resolution within seven days from the date of the original declaration by the mayor and at least every 14 days thereafter unless the state of emergency is terminated sooner." Mayor Dusch declared a State of Emergency in Concord at 12:00 p.m. on March 19, 2020. The City Council held an emergency meeting on March 24, 2020 to adopt a resolution to ratify said declaration. Adoption of the attached resolution is required pursuant to Sec 26-37(c).

Recommendation: Motion to adopt a resolution to ratify a Declaration of a State of Emergency.

VII. Consent Agenda

- A. Consider approving the suspension of CK Transit Rider fares and implement rear loading of transit vehicles until further notice.** Suspending fares and allowing rear loading of the vehicles will allow a safer environment for the Rider bus drivers as well as ensure that citizens have access to the basic service transportation during this pandemic. CATS, Gastonia, Cary, Raleigh, Triangle Transit, and Durham have made similar implementations. This is a temporary suspension and will be rescinded when the COVID-19 situation has been resolved.
- Recommendation:** Motion to suspend CK Transit Rider fares and implement rear loading of transit vehicles until further notice.
- B. Consider suspending disconnection as a remedy for nonpayment of utility service charges including suspending late fees and grant authority to the City Manager to return to normal operations once the State of Emergency Declaration has ended.** The North Carolina Utilities Commission has issued an order to compel all public utilities to suspend disconnection of utility services as a remedy for nonpayment of charges and to suspend late fees. The order is attached to this agenda item. The N.C. Attorney General is asking municipal and local utilities that provide water, power, gas, or other vital services to residents, to pledge the following during this state of emergency: not to disconnect your residents from utility services, and to suspend late fees for nonpayment of utility service. The Customer Service Policies & Procedures grants authority to the City Manager to act during emergency situations. The City Manager had previously instructed staff to discontinue disconnections as a remedy for nonpayment. Upon receiving the information from the N.C. Attorney General, late fees were also suspended. Your approval will give clear direction to staff and City residents regarding utility operations. Staff is also recommending the City Manager be authorized to return utility operations to normal once the N.C. State of Emergency ends.
- Recommendation:** Motion to suspend disconnection as a remedy for nonpayment of utility service charges including suspending late fees and authorize the City Manager to return to normal operations once the State Emergency Declaration has ended.
- C. Consider adopting a resolution to amend the City's Customer Service Policies and Procedures, Article 5.10, Emergency Disconnection During Extreme Weather/Emergencies.** The City Manager has authority to make decisions regarding disconnection during times of unusual conditions, such as hot or cold weather and other emergency situations. Staff is recommending that the Customer Service Policies and Procedures be amended to clearly state that the City Manager may make decisions regarding utility service during times of emergencies in the City.
- Recommendation:** Motion to adopt a resolution to amend the City's Customer Service Policies and Procedures, Article 5.10, Emergency Disconnection During Extreme Weather/Emergencies.
- D. Consider authorizing the Police Department to apply for The Bureau of Justice Assistance (BJA) FY 2020 Coronavirus Emergency Supplemental Funding Program (Opportunity ID BJA-2020-18553).** The Coronavirus Emergency Supplemental Funding (CESF) Program will provide funding to assist in preventing, preparing for, and responding to the coronavirus. The City of Concord is eligible to receive up to \$34,597 based on previous JAG allocations and it can be used on equipment (including law enforcement and medical personal protective equipment), supplies (such as gloves, masks, sanitizer), training, and travel expenses. There is no local match required for the grant.
- Recommendation:** Motion to authorize the Police Department to apply for The Bureau of Justice Assistance (BJA) FY 2020 Coronavirus Emergency Supplemental Funding Program (Opportunity ID BJA-2020-18553).

- E. 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: Campbell Farms Charlotte, LLC, (PIN 5538-41-2397) 5840 & 5860 Flowes Store Road; and Ellenwood Charlotte, LLC, (PIN 4670-63-8898) 10595 Ellenwood Road. Access easement and SCM maintenance agreement is being offered by the owners.
Recommendation: Motion to approve the maintenance agreements and accept the offers of dedication on the following properties: Campbell Farms Charlotte, LLC and Ellenwood Charlotte, LLC.
- F. 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: Bedford Farms Phase 4, Ellenwood Park, and Campbell Farms. 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: Bedford Farms Phase 4, Ellenwood Park, and Campbell Farms.
- G. Consider accepting an Offer of Infrastructure at Pendleton Phase 2 Map 4, Birchwood Commons, Christenbury Outlot 5, Wayforth Phase 2, Carvana, and Hunton Forest Phase 2-2 Map 5.** In accordance with the CDO Article 5 improvements have been constructed in accordance with the City's regulations and specifications. The following is being offered for acceptance: 616' of 12" water main, 3' of 10" water main, 3,561' of 8" water main, 30' of 6" water main, 83' of 4" water main, 4 hydrants, 3,092' of 8" sewer line, and 18 manholes.
Recommendation: Motion to accept the offer of infrastructure in the following subdivisions and sites: Pendleton Phase 2 Map 4, Birchwood Commons, Christenbury Outlot 5, Wayforth Phase 2, Carvana, and Hunton Forest Phase 2-2 Map 5.
- H. Consider adopting an ordinance ordering the demolition of the structure located at 93 James St, SW (PIN# 5620-85-2811) owned by Sheila Louise Nance, Sandra Lynette Carmon, Teresa Lavette Nance Anderson, James Hayes Nance, Richard Bryant Nance, Glenn Allen Nance, Sandy Berlin Nance, County of Cabarrus, Andrew Phillips & Frederick Kruas, (Guardian Ad Litem ad Terrance Culbertson).** The structure is located on a single parcel and has a building tax value of \$ 52,160, per Cabarrus County land records. Upon inspection, the structure was considered to be dilapidated. Desmond Miller, Code Enforcement Officer, opened the case February 28, 2019. The Finding of Fact and Order to Repair or Demolish was issued on December 19, 2019. The last compliance date was January 20, 2020. The order to repair or demolish expired on March 23, 2020. There has been no attempt to come into compliance with this case. No civil penalties have been imposed.
Recommendation: Motion to adopt an ordinance ordering the demolition of the structure located at 93 James St, SW.
- I. Consider adopting a General Fund operating budget amendment to recognize matching funds from Cabarrus County for Emergency Management operations.** The Concord Fire Department has received \$1,000 in matching funds from Cabarrus County. Staff is recommending that these funds be allocated to Emergency Management operations.
Recommendation: Motion to adopt a General Fund operating budget amendment to recognize matching funds from Cabarrus County for Emergency Management operations.
- J. Consider adopting a General Fund operating budget amendment to fund the Samuel Leder Scholarship with proceeds from the Mayor's Golf Tournament.** City Council previously approved a contribution of \$5,000 for the Samuel Leder Scholarship. The proceeds will be taken from the Mayor's Golf Tournament Fund.

Staff is requesting that the attached amendment be approved so budgets can be adjusted to actual contributions from the Mayor's Golf Fund.

Recommendation: Motion to adopt a General Fund operating budget amendment to fund the Samuel Leder Scholarship with proceeds from the Mayor's Golf Tournament.

- K. Consider adopting a General Fund operating budget amendment and a Streetscape project budget amendment and approve the use of contingency funds.** City Council authorized the City Manager to negotiate and execute an engineering contract with McGill Associates, PA at the March 12, 2020 Council Meeting. The Streetscape project currently has \$200,000 allocated for the engineering costs and an additional \$305,000 will be needed due to the expanded scope of the project. The General Fund contingency account has an available balance of \$300,000 and City Council is being asked to release those funds for the Streetscape design. The additional \$5,000 will be taken from excess revenues that have been collected. Staff is requesting that these funds, \$305,000, be transferred to the Streetscape project fund.

Recommendation: Motion to adopt a General Fund operating budget amendment and a Streetscape project budget amendment and approve the use of contingency funds.

- L. Consider adopting a General Fund Capital Project fund ordinance to close the Parking & Access Road project.** The Parking & Access Road project at the Brown Operation's Center has been eliminated. Staff is recommending that those funds be placed in the reserve account so they can be allocated to future projects.

Recommendation: Motion to adopt a General Fund Capital Project fund ordinance to close the Parking & Access Road Project.

- M. Consider adopting a Transportation Capital Project ordinance for the Dorland Realignment project.** The Dorland Realignment project has been eliminated. Staff is recommending that the \$200,000, previously allocated to this project, be placed in reserves for future transportation projects.

Recommendation: Motion to adopt a Transportation Capital Project ordinance amendment for the Dorland Realignment project.

- N. Consider adopting a Wastewater capital project ordinance for the Grounds project located at the former Phillip Morris site.** As presented in the public hearing section of this agenda meeting, the City will be entering into agreements with developers as well as Cabarrus County to extend sewer to the property known as The Grounds. The total project is estimated to cost \$5.6 million. The county will contribute \$500,000, paid over 5 years; the developer will contribute \$3 million; and the City will receive funds when property is sold at The Grounds. Development Fees will be used to complete the funding in the amount of \$2.1 million. This project will be completed in phases and money will also be funded in phases. This amendment will set up the project so preliminary work can begin.

Recommendation: Motion to adopt a Wastewater capital project ordinance for the Grounds project located at the former Phillip Morris site.

- O. Consider acceptance of the Tax Office reports for the month of February 2020.** 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 February 2020.

- P. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of February 2020.** 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 February 2020.

- Q. Receive monthly report on status of investments as of February 29, 2020.** 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

- TAC
- MTC
- Centralina Council of Government (CCOG)
- Concord/Kannapolis Transit Commission
- WSACC
- Public Art Advisory Committee
- Concord Family Enrichment Association
- PTT Committee
- Barber Scotia Task Force 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.