

CONCORD CITY COUNCIL
 WORK SESSION MEETING
 JULY 09, 2019

The City Council for the City of Concord, North Carolina, held a work session on July 09, 2019, at 4:00 p.m., in the Council Room of City Hall, with Mayor William C. Dusch presiding. Council members were present as follows:

Members Present:

Council Member W. Brian King
 Council Member Ella Mae P. Small
 Council Member JC McKenzie
 Council Member Terry L. Crawford
 Council Member Jennifer H. Parsley
 Council Member John A. Sweat, Jr.

Others Present:

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

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A Moment of Silence and brief memorial was held for Mayor Pro-Tem Samuel M. Leder who passed away unexpectedly the evening of June 30, 2019.

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Presentations:

1. Recognition of Price Memorial AME Zion Church for their 30th year in the City's Adopt A Street Program.
2. Presentation of a retirement plaque to Archie Coble for 30 years of loyal and dedicated service to the City of Concord Fire Department.
3. Presentation of the 2019 Best 100 Fleets of North America Award to Fleet Services.
4. Presentation of Certificates of Appreciation to outgoing Board/Commission Members Clyde Kluttz, Jr and Warren Nance, Jr.
5. Administer the Oath of Office to newly appointed Board/Commission Members.

Unfinished Business:

1. Continue a public hearing and consider adopting a resolution renaming a portion (approximately half) of the public street named Melrose Drive, SW to Balknight Dr, SW.

The City Manager stated the applicant has requested this item be continued.

A motion was made by Council Member Crawford, seconded by Council Member Small, and duly carried, to continue the public hearing to the regularly scheduled August 8, 2019 City Council meeting—the vote: all aye.

Informational Items:

1. Presentation by NCDOT in regards to design alternatives for project U-3415A

(widening from Gable Oaks Ln to George W. Liles Parkway). (Work Session).

The Transportation Director, Phillip Graham, stated NCDOT staff were present to present the preferred alternative design for the Poplar Tent Road widening project from Gable Oaks to George Liles Parkway.

Sean Epperson, NCDOT Division Project Team Lead, and Brian Query, Project Manager, presented the information.

Mr. Epperson stated several concepts were reviewed for the intersection at George Liles Parkway when NCDOT originally developed the project. He stated NCDOT has selected a preferred alternative for this project and has met with City staff. He further stated it is anticipated construction will begin in 2023 with completion estimated in 2026.

The City Manager asked how this project would interface with the widening of Hwy 73 project. Mr. Epperson stated NCDOT staff would have to review that issue.

Mr. Epperson stated the preferred alternative is a round-about option. He showed the Council conceptual images of the proposed alternative.

The Council reviewed the conceptual designs and discussed the proposed with Mr. Epperson.

The Council thanked Mr. Epperson and Mr. Query for their presentation.

2. Presentation by Cabarrus County and their Architects to present preliminary exterior plans for the Cabarrus County Courthouse. (Work Session).

Mr. Kyle Bilafer, Cabarrus County Area Manager, introduced Mr. Tom Potts of Silling Associates.

Mr. Potts presented conceptual designs of the new Courthouse. He explained the different levels of the building and the materials that would be used for the exterior of the building. He also explained the conceptual design of the Market Street Plaza.

The Council thanked Mr. Potts and Cabarrus County staff for the presented information.

Public Hearings

1. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a three year / 85% tax based Economic Development Incentive Grant to Project Wavy to locate at 2321 Concord Pkwy, S.

The City Manager stated the applicant has requested this item be continued.

A motion was made by Council Member King, seconded by Council Member Crawford, and duly carried, continue the public hearing to the regularly scheduled August 8, 2019 City Council meeting—the vote: all aye.

2. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a three year / 85% tax based Economic Development Incentive Grant to Project Sim to locate at 7075-A Aviation Blvd.

Economic Development Corporation (EDC) Existing Industry Director, Page Castrodale, explained this request. She stated FlyRight is proposing a \$3 - \$5 million investment in personal property for a new simulator. FlyRight expects to create 10 immediate full-time jobs with an average wage of \$60,000 or more.

3. Conduct a public hearing to consider adopting an ordinance amending Articles 1

and 6 of the Concord Development Ordinance (CDO) relative to procedures for zoning violations and permit revocation.

The Planning and Neighborhood Development Services Deputy Director, Kevin Ashley, explained the proposed amendments. He stated the amendments correct cross references. The amendment also clarifies the issuing entity, either the Administrator or a Commission/Board, has the authority to begin permit revocation.

Presentations of Petitions and Requests

1. Consider adopting a policy setting the requirements for citizen requests of street renaming's within the City of Concord.

The Planning and Neighborhood Development Services Planning Manager, Starla Rogers, stated staff surveyed regulations of multiple cities and counties in regards to citizen requests for renaming of City streets.

She explained the proposed policy would require a pre-application meeting with City staff, an application containing a minimum of 80% property owners abutting the street, applicant and City notification of adjoining property owners, and a public hearing by City Council.

She also stated if the City street is a NCDOT maintained street the applicant would be required to submit an application and the Council would consider adopting a resolution in support of renaming the street.

Council Member McKenzie asked if the proposed 80% requirement would be required for requests that involve NCDOT streets. Staff stated it would not be a requirement.

After some discussion, it was the consensus of the Council to include the 80% requirement when submitting an application for renaming of a NCDOT maintained City street.

2. Receive a presentation on options for improvements to the Union Street streetscape, review the results of the public input that was received through a demonstration project and consider selecting one of the options for the purpose of finalizing plans.

Senior Planner, Kaylee Caton, stated staff conducted a demonstration project on May 31, 2019 and June 1, 2019 where a section of sidewalks were transformed to resemble two of the options that were identified in the 2016 Downtown Master Plan.

The purpose of the demonstration was to gather public input. A survey was also conducted from May 31st until June 10th with 747 participating.

She explained the design options and presented conceptual images of each. She also presented the survey results. She stated 63% choose Option 1; 21% for Option 2; 6% for Option 3; and 10% for Option 4.

The Planning and Neighborhood Development Services Director, Steve Osborne, presented some questions and concerns staff received.

3. Consider recognizing the Hearthwood Homeowners Association into the City's Partnership for Stronger Neighborhoods Program.

The Community Outreach Coordinator, Cherie Jzar, stated Hearthwood HOA has submitted the required documentation for recognition.

4. Consider approving Neighborhood Matching Grant requests submitted by Recognized Neighborhoods.

The Community Outreach Coordinator stated nine applications were received for a total of \$22,637 grant funds being requested. She stated the neighborhood organizations must match the funds requested with cash, in-kind donations of goods and services, or contributions of volunteer time. The maximum grant amount that may be requested for FY19-20 is \$3,000. She further stated all recognized neighborhoods were invited to apply for grant funds.

5. Consider authorizing the City Manager to negotiate and execute a contract with Agio, LLC to provide two (24 months) programs for cyber security related technology services.

The Technologies Edge Director, Charlie Bridges, stated Program 1, Agio Cybersecurity 360 Program will provide monthly governance calls, penetration testing, social engineering pretexting, security awareness seminars, security policy development, data mapping, incident response policy/plan development and tabletop exercises.

Program 2, Agio Managed Detection and Response Program will provide a unified security management solution to monitor the City's environment 24/7/365 to help create and maintain a strong security posture. Five modules are included: asset discovery, security information and event management (SIEM), active threat detection, vulnerability scanning and security operations center.

6. Consider authorizing the City Manager to negotiate and execute a contract with Armstrong Glen, PC for architectural and engineering services relating to the design of the Electric Equipment Shed.

The Engineering Director, Sue Hyde, stated the City has not contracted with Armstrong Glen previously but the company does have experience constructing this type of building.

7. Consider authorizing the City Manager to enter into a contract with Landmark Structures I, LP for the construction of a new elevated water storage tank and a contract amendment with HDR, Inc for construction administration services.

The Water Resources Director, Christie Putnam, stated this tank was identified in the Water Master Plan to increase pressure and fire flow to the triangle area. The lowest responsive bidder was Landmark Structures I, L.P. in the amount of \$4,975,000 for the concrete base structure. Staff also requested amending the current design contract with HDR to include construction administration services in an amount not to exceed \$311,600.

8. Consider accepting and executing a grant from the FAA for the purchase of the Aircraft Rescue and Fire Fighting (ARFF) truck and to adopt a budget amendment.

The Aviation Director, Dirk Vanderleest, stated the Aviation Department submitted a Project Application to the FAA dated March 11, 2019 for a grant of Federal Funds for a project to acquire one new 1500 Gallon Aircraft Rescue Fire Fighting (ARFF) Vehicle. The application was approved and the FAA has agreed to fund ninety 90% of the project. The maximum obligation under the grant is \$589,019. The 10% match will be from the Fire Department budget.

9. Consider approving a Letter of Agreement for Concord-Padgett Regional Airport to participate in the NCDOT Division of Aviation Airport Safety / Maintenance Program (SPAM) and to adopt a resolution of commitment.

The Aviation Director stated the SPAM Program was created by the Division of Aviation to assist airports with airfield safety and maintenance related improvements at 100% state funding. A new agreement must be submitted in order for the Division of Aviation to continue to fund projects at the Concord-Padgett Regional Airport and a resolution of commitment is required.

10. Consider adopting a resolution amending the Customer Service Policies and Procedures.

The Finance Director, Pam Hinson, explained the proposed changes. She stated the major changes to the policy relate to authority, payment agreements and the new water loss protection plan. Article 3.13, Extensions of Time for Payment of Bills is being amended to update the City's current process related to an extension of time to pay the utility bill. Currently the process is very time consuming, as staff sets up around 200 payment plans a month. The proposed new procedures should allow staff to work with a customer over the phone instead of requiring the customer to visit the office. The plan should also increase collection percentages as customers will be required to pay their outstanding balances much quicker. A customer who has kept the payment agreement in the past, would qualify for one payment agreement per quarter. Each customer will be given an additional 2 weeks to pay their outstanding bill. If a customer has extenuating circumstances, that customer can discuss a longer time period for payment with the Customer Service Manager or his/her designee.

Article 3.11, Leaks and Waterline Breaks - Adjustments is being amended to include the Water Loss Program adopted by City Council as part of the 2020 Budget. The Water Loss program will begin immediately for those who do not opt out.

Article 1.3, Authority is being amended to allow the Customer Service Supervisor the authority to work with customers on issues. Currently the Customer Service Manager handles all customer appeal issues.

11. Consider a preliminary application from the Byrd Family Trust.

The Engineering Director, Sue Hyde, stated the three preliminary application requests listed are for water service only. Sewer service is unavailable; therefore, staff did not recommend annexation.

12. Consider a preliminary application from Jurg and Marianne Knusel.

13. Consider a preliminary application from Patricia Markin

Consent Agenda

There were no comments made regarding the Consent Agenda.

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A motion was made by Council Member Crawford, seconded by Council Member Sweat, and duly carried, to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(3) to consult with the Attorney to protect the attorney-client privilege—the vote: all aye.

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Upon reconvening in open session, a motion was made by Council Member McKenzie, seconded by Council Member Sweat, and duly carried, to adopt the following resolution authorizing negotiated purchase or eminent domain to acquire property—the vote: all aye.

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE OR EMINENT DOMAIN TO ACQUIRE PROPERTY

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire a portion of the property owned by Timothy J. Diver, unmarried, property bearing PIN 5539-59-9174, for the purpose of making improvements to Union Street, said property being described as follows:

Timothy J. Diver

RE: Deed Book 10567, Page 207 – PIN 5621-56-2532

Temporary Construction Easement:

Lying and being in the City of Concord, No. 12 Township, Cabarrus County, North Carolina, crossing Deed Book 10567, Page 42 (PIN: 5539-69-1061; Real ID: 11-027-0049.00) as recorded among the Cabarrus County Register of Deeds; and being more particularly described as follows:

Beginning at an existing N.C.D.O.T. Right of Way Monument located at the east side intersection of Tulip Avenue, SW and Union Street, South; said Right of Way Monument being further described as being the POINT OF BEGINNING (POB) of the Temporary Construction Easement Area to be described herein; thence leaving the POINT OF BEGINNING (POB) and running along the south side Public Right of Way of Union Street, South

1. South 54°57'57" East 116.66 feet to a COMPUTED POINT on the east side line of Lot 1 of Block "D" of the map of D. H. BLACKWELDER ESTATE (Map Book 8, Page 65); said line also being described as the eastern line of Deed Book 10567, Page 207 (PIN: 5539-59-9174; Real ID: 12-051-0015.00) and a common line with Lot 65 of Cinnamon Hill Map Two, Phase Two (Map Book 24, Page 50); the property of Ricardo M. Ortiz (now or formerly) Deed Book 11757, Page 227 (PIN 5539-69-1008; Real ID: 11-027-0050.00); thence leaving said Public Right of Way and running along the common line of the aforesaid Lot 1 and Lot 65
2. South 28°24'51" West 2.82 feet to a COMPUTED POINT; thence leaving said common line and running across Lot 1
3. North 54°49'51" West 119.47 feet to a COMPUTED POINT on the Public Right of Way line on the aforesaid east side intersection of Tulip Avenue, SW and Union Street, South; thence running along said Public Right of Way
4. North 79°40'44" East 3.54 feet to the Point of Beginning and containing 314 square feet or 0.007 acres of land, more or less and as shown on map titled, "Easement Plat Property of Timothy J. Diver" dated Feb. 02, 2018 by City of Concord Engineering Department and is attached as Exhibit "A" for further reference.

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owners to acquire the above-described property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONCORD, THAT:

The City of Concord will acquire by condemnation or negotiated conveyance for the purposes stated above the property and interest therein described above.

The City Attorney is authorized and directed to acquire by negotiated offer or, in the alternative, institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes, to acquire the property described above.

Adopted this 11th day of July, 2019.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA


/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

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


Kim J. Deason, City Clerk


William C. Dusch, Mayor