



City Council Agenda

Thursday, February 13, 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

January 7 and January 9, 2020 **APPROVED**

IV. Presentations

V. Unfinished Business

- A. **Consider continuing a public hearing to a date certain concerning annexation of four (4) parcels located on the northeast side of the Rocky River Road and Lower Rocky River Road intersection.** The authorized petitioner for the annexation is Keith Rains, PE, of McKim and Creed. This request was tabled at the December 12, 2019 City Council meeting to allow adoption of the Conservation Subdivision standards and to permit the applicant time to adjust the site plan in order to meet those new standards. The applicant has not yet completed a site plan that staff can verify would meet the intent of the Conservation Subdivision standards. Therefore, the applicant has requested the Council consider continuing the request until the March 12, 2020 City Council meeting. Staff supports the petitioner's request.

Recommendation: Consider making a motion to continue the public hearing until March 12, 2020. **REQUEST CONTINUED - ACTION TAKEN AT FEBRUARY 11TH WORK SESSION**

VI. New Business

A. Informational Items

- 1. **Receive an update on the concordnc.gov website update project (Work Session only).** As part of the current year budget, the City has contracted with Granite Sky Creative Group to design and host a new concordnc.gov. Granite Sky's project team (Mia Holshouser and Jerod Brown) will present an update on the design process and proposed design elements to ensure consensus before proceeding into the full design phase. We anticipate launching the new website in April or May. **UPDATE RECEIVED**

B. Departmental Reports

C. Recognition of persons requesting to be heard

D. Public Hearings

- 1. **Conduct a public hearing to consider adopting a resolution to abandon the right-of-way of an unopened portion of Belt Rd. between Ruben Linker Rd. NW and Weddington Rd.** The proposal includes the abandonment of unopened, unimproved right-of-way of Belt Rd. between Ruben Linker Rd. NW and Weddington Rd. and the granting of a permanent public utility easement to the City. This closure was requested by Bonds Family Ltd. Partnership.

Recommendation: Motion to adopt a resolution to abandon the right-of-way of an unopened portion of Belt Rd. between Ruben Linker Rd. NW and Weddington Rd. **APPROVED**

- 2. **Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider extending the termination date of an agreement by one year between**

the City of Concord and 4540 Fortune Ave, LLC for a 3-year / 85% tax based Economic Development Incentive Grant to locate at 4540 Fortune Ave in Concord. 4540 Fortune Ave LLC completed its speculative class A office/high tech building in 2017, but at this point have not applied for grant payments. General Motors announced on January 23, 2020 that it will open a new technical center focused on performance and racing in the facility. 4540 Fortune Ave LLC requests to initiate payments with Tax Year (TY) 2020, meaning the grant termination date would need to be extended. Grant payments are made only with proof of taxes paid. Taxes are usually paid the following January (e.g. TY 2020 taxes are paid Jan. 2021). In order to allow for three scheduled payments for TY's 20-22, the termination date would need to be extended beyond the current date of October 12, 2022 to allow more time for the new occupant to pay TY 2022 taxes in January 2023 and for the City to process the final payment. See attached original agreement and proposed amendment.

Recommendation: Consider a motion to extend the termination date of an agreement by one year between the City of Concord and 4540 Fortune Ave, LLC for a three year / 85% tax based Economic Development Incentive Grant to locate at 4540 Fortune Ave in Concord, pursuant to NC General Statutes Sec. 158-7.1.

APPROVED

- 3. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a 3-year / 85% tax based Economic Development Incentive Grant to Project Bluebird to locate at Aviation Blvd. in Concord, NC.** Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. Project Bluebird is involved in the aviation industry. The project proposes a \$2.5 million - \$4.4 million investment in personal property. Project Bluebird is expected to create 40 to 70 new jobs with average wages at \$84,000. The total value of the City's 3-year grant is estimated to equal \$28,194.84 - \$48,649.92 depending the project's investment. The City of Concord would collect a 3-year net revenue of \$4,975.56 - \$8,585.28. See attached grant analysis for additional details.

Recommendation: Consider offering a contract for a 3-year / 85% Economic Development Incentive Grant to Project Bluebird to locate at Aviation Blvd. in Concord, NC, pursuant to NC General Statutes Sec. 158-7.1. **APPROVED**

- 4. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a 5-year / 85% tax based Economic Development Incentive Grant to Project Grand to locate at 2321 Concord Pkwy S. in Concord, NC.** Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. Project Grand is a professional provider of high-end integrated kitchen cabinets, appliance, and customized furnishings including closet systems, vanity suites, and interior doors. Project Grand specializes in R&D, manufacturing, sales, installation, and services of integrated kitchen cabinets and customized furnishings. The Concord location would include a total of 700,000 – 800,000 SF of facilities developed over 5 years on a 60-acre site consisting of an operation center, product display center, intelligent manufacturing center and east coast hub warehouse. Project Grand represents a \$70 million investment in real property and a \$16 million investment in personal property. The Company expects to create 256 jobs with average wages of \$42,542. The total value of the City's 5-year grant is estimated to equal \$803,515 dependent on the actual investment. The City of Concord would collect a 5-year net revenue of \$141,797.00. See attached grant analysis for additional details.

Recommendation: Consider offering a contract for a 5-year / 85% Economic Development Incentive Grant to Project Grand to locate at 2321 Concord Pkwy S. in Concord, NC, pursuant to NC General Statutes Sec. 158-7.1. **APPROVED**

E. Presentations of Petitions and Requests

- 1. Consider adopting an ordinance ordering the demolition of the structure located at 1108 Elrond Dr. (PIN# 4670-84-6990) owned by Bradford B. Clinton and wife Lynette D. Clinton.** The structure is located on a single parcel, and prior to a fire in September 2018, had a building tax value of \$360,560 per Cabarrus County land records. Upon Inspection the structure was considered to be dilapidated. Chuck Brock, Code Enforcement Manager, opened the case November 21, 2018. The Finding of Fact and Order to Repair or Demolish was issued on December 31, 2018. The order to repair or demolish said structure was extended numerous times, the last compliance date was January 17, 2020. The order to repair or demolish expired on January 17, 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 1108 Elrond Dr. (PIN# 4670-84-6990) owned by Bradford B. Clinton and wife Lynette D. Clinton. **APPROVED**

- 2. Consider authorizing the City Manager to negotiate and execute a water purchase contract with Aqua North Carolina, Inc.** Aqua North Carolina requested emergency water service from the City many months ago to support their water system servicing approximately 70 customers in the Country Acres Neighborhood. The City installed a water meter to temporarily support their water system. Aqua has requested to continue this supplementary water service into the future. Aqua needs a signed water purchase contract as required by the Utilities Commission. Aqua will be required to pay all applicable connection fees and will be billed monthly for their water use.

Recommendation: Motion to authorize the City Manager to negotiate and execute a water purchase contract with Aqua North Carolina, Inc. **APPROVED**

- 3. Consider authorizing the City Manager to negotiate and execute a contract with EST Building Systems for the replacement of roofing materials at Academy Recreation Center and Logan Recreation Center.** Parks & Recreation have a CIP in place for the installation of air condition in the gymnasiums at Logan, Academy and Hartsell Recreation Centers. This CIP also funds roof replacement associated with this air conditioning project. The cost of this work is \$120,750 and includes a 20 year warranty. Our Electric Systems Department has agreed to convert the electrical service to the Hartsell HVAC units from single phase to three phases. This upgrade in service allows for two (2) 15-ton units to be placed on the ground instead of six (6) five-ton units on the roof of the gymnasium.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with EST Building Systems for the replacement of roofing systems on Logan and Academy Recreation Centers. **APPROVED**

- 4. Consider authorizing the City Manager to negotiate and execute an agreement with Republic Services, Inc, for the disposal of the Coddle Creek Water Treatment Plant Lagoons Sludge.** This agreement with the Republic Services, Inc. landfill is to dispose of the sludge removed from the Coddle Creek WTP. The price for disposal is \$80.00 per ton. It is estimated that approximately 3,866 tons will be removed at a cost of \$309,333.

Recommendation: Motion to authorize the City Manager to negotiate and execute an agreement with Republic Services, Inc. for the disposal of the Coddle Creek Water Treatment Plant Lagoons Sludge. **APPROVED**

- 5. Consider authorizing the City Manager to negotiate and execute a contract with Ike's Construction, Inc. for the installation of a HVAC System at Hartsell, Logan, and Academy Recreation Centers.** This contract will install a new HVAC system at the gymnasiums at Logan, Hartsell and Academy Recreation Centers. The project was bid under the formal bidding rules and two bids were received on January 30, 2020. The two bids were returned unopened to the bidders and the project was re-advertised as required by NCGS 143-132. Bids were received a second time on February 6, 2020.

This time one bid was received, which staff was allowed to open per NCGS 143-132. The lowest responsible bidder was Ike's Construction, Inc in the amount of \$619,600.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Ike's Construction, Inc in the amount of \$619,600 for the installation of a new HVAC system at Logan, Hartsell and Academy Recreation Centers.

APPROVED

- 6. Consider authorizing the City Manager to negotiate and execute a construction contract with Traffic Control Devices, Inc for the construction of the communications cable and conduit for the City's Intelligent Transportation System (ITS) project contingent upon NCDOT's concurrence of award.** The City of Concord has a municipal agreement with NCDOT for the Concord ITS Expansion Project - U-5522. The work included in this project consisted of three phases; equipment purchase, digital message board installation and communication cable and conduit installation. The first two phases are complete and this is the last part of the grant agreement. Three bids were received on January 30th and the lowest bid was considered non-responsive due to not having the required NCDOT prequalified bidder status. The next lowest responsive and responsible bidder was Traffic Control Devices, Inc in the amount of \$332,007.85 for the primary bid (NC 73 between Stanley Drive and Odell School Road), alternate 1 (Odell School Road and Harris Road between 73 and Poplar Tent Road) and alternate 4 (NC Hwy 49 between General Services Drive and NC Hwy 601).

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Traffic Control Devices, Inc in the amount of \$332,007.85 for the communication cable and conduit for the City of Concord's Intelligent Transportation System primary bid, alternate 1, and alternate 4 contingent upon NCDOT's concurrence of award. **APPROVED**

- 7. Consider a Preliminary Application from Journey Capital, LLC.** In accordance with City Code Chapter 62, Journey Capital, LLC has submitted a preliminary application to receive water and sewer service on three lots outside the City limits. The property is located at 3133, 3221 and 3233 Roberta Road. Each parcel is approximately .66 acres, zoned MDR and a single family home is being proposed on each.

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

VII. Consent Agenda **APPROVED IN ONE MOTION**

- A. Consider adopting a resolution updating the current approved depositories for the City of Concord.** The attached resolution and the attached list of pooling banks for North Carolina, is submitted for City Council approval. Although the City has a contract with Wells Fargo, the central depository for the City, the City also has relationships with many other financial institutions in regards to investment activities and debt relationships. A list of pooling banks is attached for your review. This list represents banks that the North Carolina State Treasurer's office currently works with to receive deposits for State agencies. These banks agree to comply with State guidelines to operate as a depository of State funds. Staff is requesting that these financial institutions be approved for the City.

Recommendation: Motion to adopt a resolution to approve depositories for the City of Concord.

- B. Consider approving the current Concord ABC Board Travel Policy.** The ABC Board is required by the NC General Statute to have their travel policy approved each year by City Council. NC General Statute 18B-700, Appointment and organization of local ABC boards, section (g2) states the following: Travel Allowance and Per Diem Rates. - "Approved travel on official business by the members and employees of local boards shall be reimbursed pursuant to G.S. 138-6 unless the local board adopts a travel policy that conforms to the travel policy of the appointing authority and such policy is approved by the appointing authority. The local board shall annually provide

the appointing authority's written confirmation of such approval to the Commission and a copy of the travel policy authorized by the appointing authority. Any excess expenses not covered by the local board's travel policy shall only be paid with the written authorization of the appointing authority's finance officer. A copy of the written authorization for excess expenses shall be submitted to the Commission by the local board within 30 days of approval." No changes have been made to the ABC Board travel policy.

Recommendation: Motion to approve the Concord ABC Board Travel Policy.

- C. Consider accepting the 2019 Veterans Affairs Supportive Housing (HUD-VASH) Voucher Award from the US Department of Housing and Urban Development (HUD) and to adopt a budget ordinance in the amount of \$93,376.** HUD has awarded the Housing Department the 2019 Veterans Affairs Supportive Housing (HUD-VASH) Voucher Award in the amount of \$93,376 to help eligible homeless veterans find housing in the Concord area. Case management and clinical services are to be provided by the VA Medical Center in Salisbury.

Recommendation: Motion to accept the 2019 Veterans Affairs Supportive Housing (HUD-VASH) Voucher Award from HUD and adopt a budget ordinance in the amount of \$93,376.

- D. Consider accepting the 2019 Family Self Sufficiency (FSS) Grant Award from the US Department of Housing and Urban Development (HUD) and to adopt a budget ordinance in the amount of \$51,491.** HUD has awarded the Housing Department the Family Self Sufficiency (FSS) for federal year 2019 in the amount of \$51,491 to pay the salary and benefits of the program coordinator whose primary responsibility is to guide and connect participants to needed training and resources. Participants in the program gain access to the support they need in order to achieve their self-sufficiency goals and move up the economic ladder.

Recommendation: Motion to accept the 2019 Family Self Sufficiency (FSS) Grant Award from the US Department of Housing and Urban Development (HUD) and adopt a budget ordinance in the amount of \$51,491.

- E. Consider authorizing the Police Department to apply for the 2020 COPS Hiring Program grant.** The Police Department is requesting to apply for the competitive 2020 COPS Hiring Program grant. The department is seeking up to 8 patrol officers and 1 human trafficking / child sex crimes investigator. The anticipated start date of the grant, if awarded, is October 1, 2020. The grant lasts three years with a 25% local match for salary and fringe benefits. If the grant is received for all 9 positions, the required 25% match would be approximately \$128,374 over the 36-month period. Grant funds would cover the other 75%, which is approximately \$385,122.

Recommendation: Motion to authorize the Police Department to apply for the 2020 COPS Hiring Program grant.

- 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: Poplar Pointe Townhomes, LLC, (PIN 4680-78-8587) 8400 Poplar Tent Road; CV NLA II LP, (PIN 5519-33-1655) 1925, 1935 & 1945 Concord Parkway South; and White Park, LLC, (PIN 5601-81-0498) 4359-4403 Republic Court NW. 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: Poplar Pointe Townhomes, LLC, CV NLA II LP, and White Park, LLC.

- G. 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: Park View Estates, Phase 3, Map 2. 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: Park View Estates, Phase 3 Map 2.

- H. **Consider accepting an Offer of Infrastructure at Wayforth at Concord and Edenton at Cox Mill Ph 1 Map 2.** 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: 2,165' of 8" water main, 66' of 6" water main, 100' of 2" water main, 1 hydrant, 2,425' of 8" sewer line, and 14 manholes.

Recommendation: Motion to accept the offer of infrastructure in the following subdivisions and sites: Wayforth at Concord and Edenton at Cox Mill Ph 1 Map 2.

- I. **Consider adopting an ordinance to amend the FY 2019/2020 Budget Ordinance for the General Fund, Electric Fund, Water Fund, and Wastewater Fund to appropriate bond proceeds from the issuance of the 2019 Revenue Refunding Bonds to cover the refunding of the 2009B Revenue Bonds.** The City of Concord issued the 2019 Revenue Refunding Bonds on December 10, 2019 to refund the 2009B Revenue Bonds. The attached budget ordinance will appropriate the bond proceeds in the respective funds to cover the payoff of the 2009B Revenue Bonds.

Recommendation: Motion to adopt an ordinance to amend the FY 2019/2020 Budget Ordinance for the General Fund, Electric Fund, Water Fund, and Wastewater Fund to appropriate bond proceeds from the issuance of the 2019 Revenue Refunding Bonds to cover the refunding of the 2009B Revenue Bonds.

- J. **Consider adopting ordinances to amend the Golf project fund and the Golf operating fund to include additional money needed for the bunker project at the golf course.** The bunker restoration project needs an additional \$8,755 in funding in order to complete the project. The Golf Course will be funding this additional funding from their operating accounts. The total cost is \$443,740.

Recommendation: Motion to adopt ordinances to amend the Golf project fund budget ordinance and the Golf operating fund ordinance to include additional money needed for the bunker project at the golf course.

- K. **Consider adopting a project amendment for the Mills at Rocky River Greenway recreation project.** The Carolina Thread Trail is contributing \$1,700 to the City that will cover the cost of trail adjustments that may be needed. Once the survey work is complete, staff will get the easement documents together for other property owners and the HOA to make necessary neighborhood connections and correct the trail if its location is outside the easement.

Recommendation: Motion to adopt a project amendment for the Mills at Rocky River Greenway recreation project.

- L. **Consider adopting an amendment to the Transit operating budget to allocate FTA grant funds for the purchase of Computer Aided Dispatch/Automated Vehicle Location system.** City Council approved the purchase of the Computer Aided Dispatch/Automated Vehicle Location system during the January 2020 City council meeting. This item allocates the FTA grant funding resources for the purchase. This system will provide Rider Transit staff and consumers real time location information.

Recommendation: Motion to adopt an amendment to the Transit operating budget to allocate FTA grant funds for the purchase of Computer Aided Dispatch/Automated Vehicle Location system.

- M. **Consider adopting an amendment to the Transit operating budget to allocate grant funds for the purchase of a digital fare system.** City Council approved the purchase of the digital fare system during the January, 2020 meeting. This amendment allocates the grant funds for the purchase of the digital fare system. The system will allow more flexible options for customers to purchase transit passes and fares.

Recommendation: Motion to adopt an amendment to the Transit operating budget to allocate grant funds for the purchase of a digital fare system.

N. Consider approving a change to the classification/compensation system to include the position of Housing Specialist. Consider approving a change to the classification/compensation system to include the following classification: Housing Specialist (Grade 205) with a salary range of \$34,093.08 (minimum) - \$45,002.87 (midpoint) - \$56,253.58 (maximum).

Recommendation: Motion to approve the addition of the Housing Specialist.

O. Consider approving a change to the classification/compensation system to include the position of Deputy Solid Waste and Recycling Director. Consider approving a change to the classification/compensation system to include the following classification: Deputy Solid Waste & Recycling Director (Grade 114) with a salary range of \$80,333.98 (minimum) - \$106,442.54 (midpoint) - \$132,551.08 (maximum).

Recommendation: Motion to approve the addition of Deputy Solid Waste & Recycling Director.

P. Receive quarterly report on water and wastewater extension permits issued by the Engineering Department in the fourth quarter of 2019. In accordance with City Code Chapter 62, attached is a report outlining the water and wastewater extension permits that were issued between October 1, 2019 and December 31, 2019.

Recommendation: Motion to receive the fourth quarter water and wastewater extension report for 2019.

Q. Consider accepting the Tax Office reports for the month of December 2019. 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 December 2019.

R. Consider Approval of Tax Releases/Refunds from the Tax Collection Office for the month of December 2019. 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 December 2019.

S. Receive monthly report on status of investments as of December 31, 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

- **Concord/Kannapolis Transit Commission**
- **WSACC**
- **Public Art Advisory Committee**
- **Concord Family Enrichment Association**
- **PTT 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.