

CONCORD CITY COUNCIL
WORK SESSION
JUNE 9, 2020

The City Council for the City of Concord, North Carolina, held a work session on June 9, 2020, at 4:00 p.m. with Mayor William C. Dusch presiding.

In order to maintain the safety of City residents, City Council, and staff, this meeting was conducted electronically via Zoom.

Council members were present as follows:

Members Present:

Mayor Pro-Tem John A. Sweat, Jr.
Council Member Andy Langford
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

Others Present:

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

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The following agenda was presented for discussion:

Public Hearings – public hearings were opened at the June 9, 2020 Work Session:

The City Attorney explained due to new legislation regarding virtual meetings, all public hearing items would be opened and heard at the June 9th Work Session and continued to the June 11th City Council meeting at which time action would be taken on the item. This allows for the 24 hour written comment period as required by the new legislation.

Conduct a public hearing pursuant to N.C. General Statute 159-12 to consider public comments relative to the proposed FY 2020-2021 budget for the City of Concord.

The City Manager stated the proposed annual budget was prepared in accordance with North Carolina General Statutes Chapter 159, Article 3, The Local Government Budget and Fiscal Control Act. All funds within the proposed budget are balanced, and all revenues and expenditures are identified for Fiscal Year 2020-2021. He thanked the Assistant City Managers; Finance Director; Budget staff; and all Department Directors for their efforts to provide the proposed budget documents.

The City-wide budget totals \$268,898,365 for all funds, including utilities and special revenue funds. The tax rate will remain at \$0.48 per \$100 of valuation which is the same tax rate since 2013.

No rate increases are anticipated for the Water, Stormwater, or Wastewater funds, despite a 2.4% increase in our wastewater treatment rates from WSAAC. No changes are recommended in electric rates at this time, but as is the practice, if there is a need to consider a Purchased Power Adjustment, changes would be implemented in the September time frame.

The proposed budget includes funds for reasonable performance-based merit increases. An overall average increase of 2% is recommended with merit increases to range from 1% to 3%, depending upon performance. A 1.5% market adjustment will be provided to all

employees effective July 1, 2020. This budget includes approval for funding 39 FT additional staff positions for FY 2020-2021.

The City Council's goal of maintaining a General Fund balance target between 30% and 35% of expenditures will be met.

A motion was made by Council Member Crawford and seconded by Council Member Langford to open the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

There was no one signed in to speak in favor or in opposition to the public hearing. Therefore, a motion was made by Council Member Crawford and seconded by Council Member McKenzie to table the public hearing for further consideration until June 11, 2020 at 6:00 p.m.—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

Conduct a public hearing and consider adopting an ordinance annexing five (5) parcels of land located at 3133 Roberta Road, 3233 Roberta Road, 3221 Roberta Road, 3494 Marlboro Dr. SW, and 3610 Shadowcrest Dr. SW., owned by Journey Capitol, LLC..

A motion was made by Council Member King and seconded by Mayor Pro-Tem Sweat to open the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

The Planning Manager, Starla Rogers, explained the request is for annexation of approximately 3.325 acres owned by Journey Capital, LLC. The authorized petitioner is Michael McManus of PresPro Custom Homes. The intent for annexation is to obtain water and sewer access for the development of single-family detached dwellings.

Mandy Chavis, PresPro/Journey Capital, signed in to speak in favor of the request. She stated she was available to answer any questions.

There was no further speakers signed in to speak in favor or in opposition to the public hearing. Therefore, a motion was made by Council Member Small and seconded by Mayor Pro-Tem Sweat to table the public hearing for further consideration until June 11, 2020 at 6:00 p.m.—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

Conduct a public hearing and consider adopting an ordinance amending the Historic Handbook Chapter 5, Section 9, Fences and Walls, as it relates to the allowance of decorative concrete block and other minor clarifications.

A motion was made by Council Member King and seconded by Council Member Langford to open the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

The Planning Manager explained the proposed amendment will clarify prohibited wall materials and allow decorative concrete block in certain situations. She stated the Historic Preservation Commission, at their May 13, 2020 meeting, unanimously voted to forward the amendment to the Planning and Zoning Commission. At their May 19, 2020 meeting, the Planning and Zoning Commission unanimously voted to forward the amendment to the City Council.

There was no one signed in to speak in favor or in opposition to the public hearing. Therefore, a motion was made by Council Member Langford and seconded by Council Member McKenzie to table the public hearing for further consideration until June 11, 2020 at 6:00 p.m.—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

Conduct a public hearing and consider adopting an ordinance amending Articles 5, 7, 8, 9, and 10 of the Concord Development Ordinance (CD) relative to Group One text changes.

A motion was made by Council Member Crawford and seconded by Council Member

Parsley to open the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

The Planning and Neighborhood Services Director, Steve Osborne and Deputy Director, Kevin Ashley, explained in detail the proposed amendments. In summary, the major changes involve: subdivision entry requirements; introduction of cluster development option; modernized multifamily design standards; change of nonresidential design standards to commercial and industrial design standards; height transition/compatibility requirements; temporary health care structures; allowance of very limited complimentary commercial uses in higher density districts as accessory uses; clarification of street connectivity requirements; and addition of traffic calming measures.

There was no one signed in to speak in favor or in opposition to the public hearing. Therefore, a motion was made by Council Member Crawford and seconded by Council Member McKenzie to table the public hearing for further consideration until June 11, 2020 at 6:00 p.m.—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

Presentations of Petitions and Requests:

Consider approving partial appropriation of Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding in the amount of \$16,852.51 to select public service agencies and organizations responding to immediate community needs related to COVID-19.

The Community Development Manager, Mary Carr, stated staff received requests for CARES Act funding from the following two (2) agencies who are meeting immediate resident needs as related to COVID-19 needs: Big Brothers and Big Sisters of Cabarrus County in the amount of \$8,857.51 to be used to aid families in the Logan Community and Cabarrus Health Alliance in the amount of \$7,995 to purchase masks (personal protection equipment to distribute to clients seeking services within clinics and testing sites located in Concord. The masks will be purchased from a Concord based business who has amended their manufacturing practices to now produce PPE items in response to COVID-19.

Consider adopting a resolution to sale 949 square feet of 96 Chestnut Drive, SW to Preferred Homes of Charlotte, LLC for \$313.72 for continued use and HVAC system access..

The Community Outreach Coordinator stated in the course of surveying 96 Chestnut Drive SW to subdivide for future construction of affordable housing, it was found that the neighboring home, 90 Chestnut Drive SW, was encroaching on the City property with the placement of an HVAC system. The owner of the neighboring property, Preferred Homes, LLC, is unable to move the unit, and requested to correct the encroachment by purchasing a minimal, 949 square foot, section to rectify the encroachment. This will not impact the new home construction or placement, nor will it diminish the lot size to thwart zoning regulations.

Consider awarding a bid to SRO Builders in the amount of \$122,667 to construct a new home at 98 Chestnut Drive, SW.

The Community Outreach Coordinator stated the home will be 1,144 square feet with three bedrooms and 2 bathrooms. Twelve contractors were solicited for bids on the project, with five submitting bids. The lowest bid, from SRO Builders, is under staff's estimated cost for this home. Funding for the construction will come from the City's allocation for affordable housing.

Consider awarding a bid to SRO Builders in the amount of \$118,984 to construct a new home at 524 Allison Street, SW.

The Community Outreach Coordinator stated staff solicited bids from twelve contractors and received five bids. The lowest bid, from SRO Builders, is under staff's estimated cost for this home. Funding for the construction will come from the City's allocation for

affordable housing.

Consider approving the allocation of \$385,000 in HOME funding and granting \$300,000 in bond issuance fees, originating from the developer, to Sari & Company for the rehabilitation of Coleman Mill, which will have 152 affordable housing units.

The Planning and Neighborhood Services Director stated this mill, which was placed on the National Register of Historic Places in 2015, creates a unique opportunity for redevelopment. Representatives from the development group, Sari and Company, have an agreement to purchase the 10.71-acre site. The conditional zoning for this project was approved in 2018. The Developer plans to build approximately 152 units of mixed income housing with a total project cost over \$28,000,000.

He stated they are requesting the \$385,000 in HOME funding for seven (7) units which will be allocated as floating HOME units. These funds will be paid back to the City at 2% interest as the debt service ratio exceeds 1.25%. In addition, Sari and Company request granting the bond issuance fees (originating from the developer), totaling \$300,000, to complete the rehabilitation of the building. Current construction schedule has an approximate start date of January, 2021. This project will be managed by the new non-profit created by the Housing Department, Concord Family Enrichment Association Corporation. The potential revenue for the Non-Profit is \$234,000 average per year.

He also stated the name will be Coleman Mill Apartments. A memorial to honor Warren C. Coleman will also be on site, but the design/type has not been selected yet.

Mr. Jim Sari, developer, was in attendance to answer questions.

Council Member Crawford asked how long it will take to complete the project. Mr. Sari stated he anticipates it will take 14-16 months to complete but is hopeful the complex could open earlier than that.

Mayor Pro-Tem Sweat asked Mr. Sari if he would solicit community input before deciding on the Warren C. Coleman memorial. Mr. Sari stated he hasn't decided yet what the memorial will look like but he would solicit community input.

Consider authorizing the City Manager to negotiate and execute a contract with Ratzlaff Construction for the construction of 120' x 65' Truck/Equipment Shed at the Brown Operations Center.

The Building and Grounds Director, Susan Sessler, stated five bids were submitted with Ratzlaff Construction being the lowest responsible bidder in the amount of \$304,032. This is the second phase of the Grounds Shed Expansion funded in a FY19/20 CIP in the amount of \$545,000. She stated the 7800 sq. ft. expansion of the Truck/Equipment Shed is needed to provide cover for trucks and equipment currently being stored in the open.

Consider awarding the total bid for the City of Concord's annual street preservation program to NJR Group, Inc and adopt a budget ordinance to appropriate funds from reserve funds.

The Transportation Director, Phillip Graham, stated Powell Bill receipts and General Fund revenues are being used to fund this work. Formal bids were opened on May 22, 2020 with NJR Group, Inc. submitting the lowest total bid in the amount of \$5,938,972.58. The project work includes patching, leveling, milling, resurfacing, pavement crack and joint sealing, re-striping, re-marking, and re-installation of permanent raised pavement markings on approximately 121 lane miles of designated streets and other City infrastructure. Contract Final Completion date is 365 days from the Notice to Proceed.

Consider approving the Master Plan for Marvin Caldwell Park..

The Parks and Recreation Director, Bob Dowless, stated staff contracted with Alfred Benesch Company to develop a new Master Plan, conceptual design and cost estimates for this park to help guide the department. He introduced consultant, Jon Wood with Alfred Benesch Company.

Mr. Wood presented the Master Plan in detail. He stated the development of the park is anticipated in the next 2-5 years. The Plan will address the following primary components: safety, connectivity, programs, athletics and events, and new amenities. He stated the total estimated cost is \$8.5 million.

Council Member Small asked when the Park improvements would be completed. Parks and Recreation Senior Planner, Jason Pauling, stated staff's goal is to have the design phase and phase 1 completed in 2-3 years. That time frame will depend on funding.

Mr. Wood stated there are several grants the City could apply for to assist with the cost of the improvements.

Consider adopting a budget ordinance amending the General Fund operating budget ordinance for consulting services by Nexsen Pruet, LLC.

Mayor Dusch stated Nexsen Pruet, LLC will provide recommendations and a plan for the revitalization of the Barber-Scotia campus through the engagement of the community and other interested stakeholders and in a manner which will preserve its history as a higher institution of learning and evaluate ways to maximize the value of said property for neighboring communities, the citizens of Concord and Barber-Scotia College. The services will also include the exploration and analysis of the legal ownership interest(s) on the Barber Scotia campus to include current campus financial liabilities. The amount will not exceed \$215,000 without further Council approval.

Council Member McKenzie stated Barber-Scotia is deeply rooted in the Concord community and is a historical structure in the downtown. He stated, in his opinion, the staff at Nexsen Pruet have the expertise, knowledge and experience to guide process of preserving the history of Barber-Scotia College.

Council Member Small stated it is her hope that the community will work together with Nexsen Pruet toward the goal of preserving the site.

Council Member Crawford asked who Nexsen Pruet would report to. Council Member McKenzie stated Nexsen Pruet would be reporting to the City Council.

Consider making appointments/reappointments to various City of Concord Boards and Commissions and to the CDDC Board of Directors.

Consider authorizing the City Manager to negotiate and execute a contract with Carolina Siteworks, Inc for the Parking Expansion project at the Alfred M. Brown Operations Center.

The Engineering Director, Sue Hyde, stated informal bids were taken for this project and Carolina Siteworks, Inc. was the low bidder with a total bid of \$138,971.80. Work is to include clearing and grubbing, grading, paving, fencing and seeding as necessary.

Consider adopting a resolution requesting NCDOT to abandon SR-2506 (Old Farm Rd).

The Engineering Director stated the majority of Old Farm Road has been within the corporate City limits and recently the final segment of Old Farm Road was annexed into the City when the property at the corner of Old Airport and Heglar Roads was annexed. The City already maintains roads off Old Farm Road and would like to add Old Farm Road to the City street system.

Consider approving a modification to the Interlocal Agreement with Cabarrus County administering the Central Area Plan.

The Engineering Director stated under the Agreement, the City agreed not to extend utilities into certain areas east of the then exiting City limits except under certain limited circumstances. The owners of 3887 NC Hwy 200 (Resto - PIN 5547 98 3063) and 1300 Hess Road (Ortiz - PIN 5640-93-0994) requested an exception to the Agreement in order to obtain water service for proposed single-family homes.

Staff has discussed these exception request with County staff and they are in agreement to modify the Agreement to allow the connections

Consider accepting a preliminary application from James Garmon.

The Engineering Director stated the property is located at 2643 Miami Church Road . The parcel is approximately 3.5 acres, zoned LDR and is developed with an existing building. This parcel is in subarea B of the City of Concord-Cabarrus County Interlocal agreement regarding the Central Area Plan. There is not sanitary sewer available to the parcel.

Consent Agenda:

Mayor Pro-Tem Sweat requested the Council consider removing Consent Agenda Item A from the June agenda and add to the July 9, 2020 City Council meeting agenda.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member McKenzie to remove Consent Agenda Item A from the June 11, 2020 agenda and add to the July 9, 2020 City Council agenda—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

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A motion was made by Council Member Parsley, seconded by Council Member King, 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; N.C. General Statute 143-318.11 (a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations.—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

A motion was made by Mayor Pro-Tem Sweat, seconded by Council Member King, to return to regular session—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

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Upon reconvening in open session, a motion was made by Council Member King and seconded by Mayor Pro-Tem Sweat to adopt the following resolution authorizing Eminent Domain for the Patterson Ave improvement project—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

**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 parcel of real property identified and defined, as follows:

Lying and being in the City of Concord, No. 12 Township, Cabarrus County, North Carolina, and being all of PIN: 5630-08-3942; Real ID: 12-025-0110.00 as recorded among the Cabarrus County Register of Deeds; and being more particularly described as follows:

Beginning at an existing IRON FOUND underneath the existing asphalt pavement of Woodsdale Place, SE (a purported 30' wide Public Right of Way), said IRON FOUND being near the northern edge of said pavement and being further described as being a common corner with the property of the Heirs of the Estate of Mary M. Gandy (now or formerly) (Deed Book 440 Page 497) (PIN: 5630-08-4991; Real ID: 12-025-0109.00) and also having NC (NAD 83/2011) Grid Coordinates of N: 608,858.94', E: 1,530,449.33' and being located North 02°38'53" East 8,932.19 feet (ground) from NCGS Monument "PENNEY" and being the POINT OF BEGINNING (POB) of the property to be described herein; thence leaving the POINT OF BEGINNING (POB) and running within the pavement of Woodsdale Place, SE

1. South 85°17'38" West 335.57 feet to a PIPE FOUND on the south side of the aforesaid Public Right of Way line of Woodsdale Place, SE, said PIPE FOUND being further described as being the southwestern corner of the land being described herein and also being located near an existing Utility Pole situated on the southern shoulder and south of the existing edge of pavement of said road; thence leaving said south side Public Right of Way of Woodsdale Place, SE and crossing the aforesaid pavement
2. North 43°52'37" East 31.75 feet to a COMPUTED POINT at the intersection of the western line of the land being described herein and the north side Public Right of Way of Woodsdale Place, SE, said COMPUTED POINT being further described as being situated on the common line of the land being described herein and the property of Daniel Jerome Santiago (now or formerly) Deed Book 13033 Page 187 (PIN: 5630-08-1913; Real ID: 12-025-0112.00); thence continuing along a line of the same bearing
3. North 43°52'37" East 104.52 feet to a PIPE FOUND on the line of the land being described herein at the common corner of Deed Book 13033 Page 187 and the property of Larry Y. Miller and wife, Carol M. Miller (now or formerly) Deed Book 1647 Page 16 (PIN: 5630-09-1020; Real ID: 12-025-0115.00); thence running along the common line of the land being described herein and Deed Book 1647 Page 16
4. North 44°36'55" East 58.90 feet to a PIPE FOUND on said line; thence leaving said line and running along the common line of the land being described herein and the western and southern purported Right of Way lines of the unopened portion of Patterson Street Extension; said common line also being a common line to the property described in Deed Book 122 Page 127
5. South 63°33'26" East 24.52 feet to an IRON FOUND; thence
6. North 43°06'40" East 136.02 feet to an IRON FOUND at the northeast corner of the land being described herein, said IRON FOUND being further described as being the northwest corner of Lot 4 of the L.H. SIDES and C.S. SMART property (Map Book 4 Page 9), and also being a common corner to the property of The Estate of Mary M. Gandy (now or formerly) Deed Book 440 Page 497 (Second Lot) (PIN: 5630-08-4991; Real ID: 12-025-0109.00); thence running with the common line of the land being described herein and Deed Book 440 Page 497 (PIN: 5630-08-4991; Real ID: 12-025-0109.00)
7. South 22°36'38" East 211.15 feet to a COMPUTED POINT on the aforesaid north side Public Right of Way of Woodsdale Place, SE; thence continuing along a line of the same bearing
8. South 22°36'38" East 6.59 feet to the Point of Beginning and containing 35,268 square feet or 0.810 acres of land, more or less, as shown on map titled, "Boundary Survey, The Property of The Estate of John Phifer," dated March 20, 2020 by the City of Concord Engineering Department.

Property subject to a 40' wide street Right of Way as described in the City Council Meeting minutes dated August 16, 1945 and being the same parcel conveyed to John Phifer by deed dated August 13, 1900 and was recorded on September 24, 1941 in Deed Book 165, at Page 168, Cabarrus County Registry.

WHEREAS, the parcel, identified as 39 Woodsdale Place (PIN 5630-08-3942, Tax ID No. 12-025-0110.00), is currently owned by all heirs known and unknown of John Phifer and is being acquired to construct a roadway for better public access to Patterson Avenue and Woodsdale Place; and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owners to acquire the above-described properties 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 to the Resolution.

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 properties described above.

Adopted this 9th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: Kim J. Deason, City Clerk

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There being no further business to be discussed, a motion was made by Council Member King and seconded by Council Member Langford to adjourn—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.



Kim J. Deason / City Clerk



William C. Dusch, Mayor