



City Council Agenda

Thursday, November 14, 2019

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:

October 8 and October 10, 2019.

IV. Presentations

- 1. Recognition of Mandy Smith-Thompson as the Environmental Educators of North Carolina Outstanding Practitioner of the Year for 2019.** Each year, the Environmental Educators of North Carolina recognizes individuals for their contributions to environmental literacy and environmental education across the state. As Outstanding Practitioner of the Year, Mandy was recognized at the State conference in September for creating programs that have led to cleaner streams, addressing the need for native plants in Concord, assembling Cabarrus area environmental educators, installing a pollinator meadow, and more. She partners and collaborates with outside organizations, including Cabarrus County Schools, Concord Wildlife Alliance, Master Gardeners, and NC Wildlife Federation. Mandy is known for putting projects into motion; many that help solve some of the environmental issues she teaches about. She reminds humans of how the natural world works and where we fit into it. Mandy has served the City as a Certified Environmental Educator, Master Naturalist, Habitat Steward and a Master Gardener since 2007.

- 2. Recognition of Greg Spears for a Second Place finish in the International SWANA Road-E-O Competition.** After placing second in the North Carolina SWANA Road-E-O event in May, Greg was invited to compete in the SWANA International Road-E-O held October 25, 2019 in Glendale AZ. The international competition promotes skill and safety in solid waste and gives front line employees an opportunity to show off their on-the-job skills operating machinery, driving trucks and repairing equipment. As an obstacle course competition, competitors are judged on time, accuracy and safety components. Greg competed in the Roll-Off competition with 11 other operators from across the county and was awarded 2nd place overall for his efforts.

- 3. Presentation of an award from the North Carolina Water Works Association to the City of Concord Wastewater Department for their selection as the 2019 Collection System of the Year.** The mission of the North Carolina Collection System of the Year Award is to identify and recognize the municipality that protects the public health and the natural beauty of the environment through pro-active practices of management, operations and maintenance beyond what is required of its NCDEQ collection system permit. Recipients of the award demonstrate that they perform quality collection system maintenance procedures through the efficient use of labor, materials, equipment, and innovative methods to keep their collection system in good working condition to minimize health hazards and property damage that occur due to sanitary sewer over flows during both wet weather and dry weather conditions. The award honors the collection system

personnel that serve their community with a high level of professionalism and diligent work in the operation and maintenance of their wastewater collection system facilities.

V. Unfinished Business

VI. New Business

A. Informational Items

1. Presentation by Concord Wildlife Association (CWA) President, Glenda Steele.

CWA President will make a presentation to update Council on what CWA has done since it was founded several years ago and to re-affirm the City's commitment to the Association.

B. Departmental Reports

C. Recognition of persons requesting to be heard

D. Public Hearings

E. Presentations of Petitions and Requests

1. Consider adopting a resolution to sell 445 Cabarrus Avenue W in the amount of \$182,500. The City of Concord has continued to focus on housing with the development of the Hawthorne Street, SW area. Previously, the City has built and sold ten (10) homes on Hawthorne Street, which have provided much needed affordable housing for low to moderate income households. Through the City's efforts, Hawthorne Street has become a beautiful example of how affordable housing can improve an area and encourage market growth. The City's standards for new construction include hardy plank siding, meeting SystemVision requirements and a landscaping package among other points. To ensure the viability and attractiveness of the neighborhood, covenants have been attached to all City built properties. In December of 2018, Council approved the construction of its eleventh new home on Hawthorne Street, continuing the City efforts of transforming the Hawthorne neighborhood. That home is currently complete and has generated much interest from potential buyers. A purchase price was advertised via flyers on site of \$185,000 and staff received an offer of \$182,500.

Recommendation: Motion to adopt a resolution to sell 445 Cabarrus Avenue W in the amount of \$182,500.

2. Consider adopting a resolution to sell 135 square feet of 524 Allison Street NW to Bridlewood Properties for \$212 for continued use as a driveway. In June of 2019, Council approved construction of a home at 524 Allison Street NW. When the property was surveyed, it was found that the neighboring home, 534 Allison Street NW, was encroaching on the City property with a section of their driveway. The owner of the neighboring property, Brindlewood Properties, explored options of moving the drive, but they determined the lot would not accommodate moving the drive. As the section needed to correct the encroachment is minimal, 135 square feet, Brindlewood Properties requested to purchase the section to rectify. Staff recommends selling this portion as it will correct the encroachment. Moreover, it will not impact the new home construction or placement, nor will it diminish the lot size to thwart zoning regulations.

Recommendation: Motion to adopt a resolution to sell 135 square feet of 524 Allison Street NW to Bridlewood Properties for \$212 for continued use as a driveway.

3. Consider approving a new logo for Concord-Padgett Regional Airport in conjunction with the 25th Anniversary. On April 12, 2018, City Council approved the name change from Concord Regional Airport to Concord-Padgett Regional Airport. In January 2019, the Federal Aviation Administration approved the name change. Staff is recommending a new logo for the Airport to incorporate the name change. The new logo will incorporate the City-wide initiative on branding and be compatible with letterhead, business cards and uniformity on directional signage throughout the airport.

Recommendation: Motion to approve a new logo for the airport in conjunction with the 25th Anniversary.

4. **Consider authorizing the City Manager to negotiate and execute an agreement with NCDOT to overlay 4 signs on I-85 to update the name of Concord-Padgett Regional Airport.** In April 2018, the City Council unanimously voted to change the name of Concord Regional Airport to Concord-Padgett Regional airport. In January 2019, the FAA approved the naming making this update official. Staff received an estimate of \$10,085.16 to overlay the current signage along I-85, of which \$7,973.76 is for labor and traffic control for the Interstate Maintenance Unit and \$2,111.40 is for materials.

Recommendation: Motion to authorize the City manager to negotiate and execute an agreement with NCDOT to overlay 4 signs on I-85 to update the name of Concord-Padgett Regional Airport

5. **Consider recognizing the Bedford Farms Homeowners Association into the City's Partnerships for Stronger Neighborhoods program.** Bedford farms is a residential development with approximately 95 households located off Heglar Road near Old Farm Road South. The neighborhood boundaries are Old Farm Road, Langley Drive, Fairport Drive SE and Ainsley Place SE. Officers for the Association are: President – Don Tanner, Vice President – Tony Caldwell, Treasurer – Lisa Fay, Secretary – Brittan Williams; and At-Large Member – Richard Dissler. The association hosts monthly meetings at Fire Station #8. Officer elections are held in January or February every two years. The association has submitted all the required documentation for recognition. Attached are the application materials and location map.

Recommendation: Motion to recognize Bedford Farms Homeowners Association into the Partnerships for Stronger Neighborhoods program.

6. **Consider recognizing the Parkview Estates Neighborhood Watch Group into the City's Partnerships for Stronger Neighborhoods program.** Parkview Estates is a residential development with approximately 87 households located off Central Heights drive near WW Flowe Park and adjacent to the Kiser Woods and Hearthwood recognized neighborhoods. Falls Lake Drive, SW is the main drive into the neighborhood from Central Heights Drive, Hollis Circle, SW, New River Drive, SW, and Hearth Lane are also streets within the neighborhood. Officers for the Organization are: President – Tommy Barnes, Vice President – Gamiel Gamble, Treasurer – Doug VanDyke; and Secretary – Alane Hemphil. The group hosts monthly meetings on the third Saturday of each month. The neighborhood organization has submitted all the required documentation for recognition. Attached are the application materials and location map.

Recommendation: Motion to recognize Parkview Estates Neighborhood Watch Group into the Partnerships for Stronger Neighborhoods program.

7. **Consider authorizing the City Manager to negotiate and execute a contract with K-Co Enterprises, Inc. for the communications tower construction project at Concord Fire Station #5 and the decommission of the current tower and site clearing at 7225 Weddington Road.** Formal bids were opened Wednesday, November 6, 2019. Three bids were submitted with K-Co Enterprises, Inc. being determined to be the lowest responsible bidder in the amount of \$248,900. The bid is within budget with allowance for other project related expenses. The current project fund balance is \$422,931. The completion of the Weddington Road communications tower relocation will fulfill one of City Council's strategic goals.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with K-Co Enterprises, Inc. for the construction of a new communications tower at Concord Fire Station #5 and the decommission of the current tower site in the amount of \$248,900.

8. **Consider authorizing the City Manager to negotiate and execute a contract with Propst Construction Company for the Virginia Street Rehabilitation project.** This

contract consists of the selected Contractor performing all necessary work to remove concrete roadway and curb and existing sidewalk and construct the proposed asphalt roadway, new concrete curb and sidewalk from Hillcrest to Corban, as well as placing new water main and abandoning the existing water main, and performing other associated work as noted in the Virginia Street Rehabilitation construction plans. Transportation and Water Project Funds are being used to fund this project. No formal bid for this work was received on October 16, 2019. The work was re-advertised and two formal bids were received on October 30, 2019 with Propst Construction Company submitting the lowest bid in the amount of \$1,842,008.30. Contract final completion date is 270 days from the Notice to Proceed.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Propst Construction Company in the amount of \$1,842,008.30 for the Virginia Street Rehabilitation project.

- 9. Consider authorizing the City Manager to negotiate and execute a contract modification with Cellco Partnership, dba Verizon, for the installation of additional communication antennas to their existing installation on the downtown water tank.** Cellco Partnership, dba Verizon, has requested to modify their existing communication installation on the downtown water tank by adding additional antennas. All new equipment will be housed inside the existing screened area. No additional ground space is needed for this installation.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract modification with Cellco Partnership, dba Verizon, for the installation of additional communication antennas on the downtown tank.

- 10. Consider authorizing the City Manager to negotiate and execute a contract with Recreational Ventures, Inc., dba Court One, for the resurfacing of the tennis courts at Les Myers, Caldwell, Dorton, and Beverly Hills Parks.** As part of the regular maintenance program of the City's tennis courts, the Parks and Recreation department resurfaces the courts every four years. A bid package for the resurfacing of fourteen (14) courts was sent out to four companies that specialize in this type of work. Bids were received on October 24, 2019 and one bid was received from Recreational Ventures, Inc., dba Court One, in the amount of \$110,951, which is lower than the approved budget amount. Under the informal bidding procedure, contracts may be awarded even if only one bid is received.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Recreational Ventures, Inc., dba Court One, for the resurfacing of fourteen (14) tennis courts.

- 11. Consider authorizing the City Manager to negotiate and execute a change order with Sealand Contractors Corporation for the construction of intersection improvements for the C-4918A project.** The City is under contract with Sealand Contractor Corp for the construction of intersection improvements at Concord Parkway, Poplar Tent Road and McGill Avenue. This project is funded by a CMAQ grant with City participation at 20%. The contract proposal was a unit price bid that did not include any contingency per standard NCDOT bid proposals. The contract is paid based upon unit prices and actual quantities used. Several items quantities have run over what was estimated including undercut, milling, borrow, and retaining wall. Total original contract amount was \$2,437,746.61. The requested change order amount is \$219,397 to pay for actual quantities used. The net amount to the City will be \$43,879.40 after reimbursement from NCDOT. There is funding available in the existing capital project account.

Recommendation: Motion to authorize the City Manager to negotiate and execute a change order with Sealand Contractors Corporation for the construction of intersection improvements for the C-4918A project.

- 12. Consider providing agreement to the Department of the Army to proceed with award of contract for the Stricker Branch restoration project.** The City entered

into a project partnership agreement in December 2009 with the Department of the Army for the design and construction of Concord's stream restoration. Paragraph A.5 of said agreement requires written agreement before contract award if the total project cost exceeds \$6,280,000. In April, prior to bidding, the CORP's Rough Order of Magnitude (ROM) estimate for construction was \$3,100,000 which included contingency. The project was advertised and was restricted to Small Businesses only. The CORP received one bid and after evaluation determined that the bidder was responsible and the bid was an awardable bid. The CORP is able to secure their portion of the addition money and is requesting that the City contribute their additional portion. Options under the agreement include termination of agreement which the City would be responsible for 35% of obligations already incurred (estimated that \$803,567 spent with no constructed project), defer award but to three years (CORP portion goes back into Section 206 program with no guarantee that they can secure the funding again), or agree to the award which would include an estimated additional \$290,000 of funding. The Water Resources Department would include the additional funding in the next CIP year.

Recommendation: Motion to agree to proceed with construction contract award for the Stricker Branch Stream restoration.

- 13. Consider supporting the North Carolina Department of Transportation (NCDOT) abandonment and addition of maintenance of a public right-of-way.** The City of Concord realigned Wilshire Avenue years ago. The North Carolina Department of Transportation (NCDOT) would like to abandon maintenance of the section of right-of-way where the old roadway was located and add maintenance to the realigned section of roadway. The City does have utility infrastructure in that area and would need to have a public utility easement retained if the right-of-way was abandoned in the future.

Recommendation: Motion to support the abandonment and the addition of maintenance by the North Carolina Department of Transportation of a public right-of-way.

- 14. Consider a Preliminary Application from Bradley Palmer.** In accordance with City Code Chapter 62, Bradley Palmer has submitted a preliminary application for water service outside the City limits. The property is located at 1367 Zion Church Road E. The property is currently zoned LDR and developed with a single family home. There is not sanitary sewer service available to this property.

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

- 15. 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 outside the City limits. The property is located at 3044 Fountainview Avenue. The parcel is zoned MDR 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.

- 16. Consider a Preliminary Application from Leslie Duncan.** In accordance with City Code Chapter 62, Leslie Duncan has submitted a preliminary application to receive water service outside the City limits. The property is located at 5101 US Hwy 601S. The parcel is currently developed with a single family home and zoned LDR.

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

VII. Consent Agenda

- A. Consider approving a License to Attach Banners to City of Concord property to Conder Flag Company for the placement of temporary banners on Bruton Smith**

Blvd and Hwy 29. Conder Flag Company has requested to place banners on City light poles on Bruton Smith Boulevard (between I-85 and Hwy 29) and Hwy 29 (Exit 49 area between Mecklenburg County and the Rocky River) for the 2019 Speedway Christmas event. The design of the banners is attached for your reference. The City will receive \$15 for each attachment. As required, the North Carolina Department of Transportation has reviewed and approved the banner design. The applicant may install the banners no earlier than November 20, 2019 and must remove the banners no later than January 6, 2020.

Recommendation: Motion to approve a License to Attach Banners to City of Concord Property to Conder Flag Company for the placement of temporary race banners on Bruton Smith Blvd and Hwy 29.

- B. Consider adopting an ordinance to amend the City of Concord Code of Ordinances, Chapter 58 Traffic and Vehicles, Article VII, Parking.** The City of Concord Code of Ordinances, Chapter 58 Traffic and Vehicles, Article VII Parking, prohibits at certain locations, as outlined under Sec. 58-245 that "No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device". The proposed amendment would add a clear definition of restricting parking from designated bicycle areas to protect the flow of cycle traffic.

Recommendation: Motion to adopt an ordinance to amend the City of Concord Code of Ordinances, Chapter 58, Traffic and Vehicles, Article VII, Parking.

- C. Consider accepting the conveyance of 4.463 acres located at 419 Kerr Street, currently J.B. Long Park, from Forest Hill United Methodist Church (Deed Book, 721, page 350).** The 4.463-acre property, under consideration for conveyance, would be developed into a neighborhood passive park for the Gibson Mill area. The property has a useable shelter and open space for a future playground. The shelter and open space could provide the Parks & Recreation Department the opportunity for additional programming and events for the neighborhood. Parks & Recreation staff would explore the potential to provide connectivity to the existing Gibson ballfield, restrooms, parking lot and the future passive park.

Recommendation: Motion to accept the conveyance of 4.463 acres located at 419 Kerr Street, currently, J.B. Long Park, from Forest Hill United Methodist Church (Deed Book, 721, page 350).

- D. 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: DT Retail Properties, LLC, (PIN 5539-59-5746) 895 Union Street South. 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: DT Retail Properties, LLC.

- E. Consider accepting an Offer of Dedication of utility easements and public rights-of-ways in various subdivisions.** In accordance with CDO Article 5 the following final plats and easements are now ready for approval: Poplar Point Townhomes and Cypress Village Subdivision. 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: Poplar Point Townhomes and Cypress Village Subdivision.

- F. Consider accepting an Offer of Infrastructure at Bedford Farms Phase 1 and Phase 2 Map 1, Allen Mills Phase 2 Map 1, Foxcreek Phase 4, Roberta Ridge Phase 1 Map 4, Pitts School Rd water line, Villages at Skybrook N Phase 3-2 Map 3, and Park View Estates Phase 2B Map 3.** 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: 4,413' of roadway, 1,436' of 24" water main, 1,060' of 12" water main, 6,301' of 8" water main, 786' of 6" water

main, 294' of 2" water main, twelve hydrants, 5,438' of 8" sewer main and 27 manholes.

Recommendation: Motion to accept the offer of infrastructure in the following subdivisions and sites: Bedford Farms Phase 1 and Phase 2 Map 1, Allen Mills Phase 2 Map 1, Foxcreek Phase 4, Roberta Ridge Phase 1 Map 4, Pitts School Rd water line, Villages at Skybrook N Phase 3-2 Map 3, and Park View Estates Phase 2B Map 3.

- G. Consider adopting a resolution providing for the issuance, sale and delivery of utilities system revenue refunding bond and the associated bond order authorizing the issuance of utilities system revenue refunding bonds of the City of Concord.** Staff is requesting approval to proceed with the refunding of the 2009 utilities system revenue bonds. The City has determined to issue its Utilities System Revenue Refunding Bond, Series 2019 (the "2019 Bond") in an aggregate principal amount not to exceed \$7,000,000 to provide funds, together with other available funds, to refund the City's outstanding Utilities Systems Revenue Refunding Bonds, Series 2009B maturing on or after December 1, 2020 (the "Refunded Bonds") in order to achieve debt service savings and to pay costs of issuance of the 2019 Bond. J.P. Morgan presented the lowest bid, 1.67% fixed rate, with a payoff date of 12/1/2022. The refunding will result in an estimated net present value savings of \$683,460 or 6.26% refunding bonds.

Recommendation: Motion to adopt a resolution providing for the issuance, sale and delivery of utilities system revenue refunding bond and the associated bond order authorizing the issuance of utilities system revenue refunding bonds of the City of Concord and authorize City Manager to execute any required financing contract.

- H. Consider authorizing the police department to apply for grant funding from the NC Governor's Highway Safety Program.** The police department is seeking approval to apply for grant funding from the NC Governor's Highway Safety Administration aimed at preventing alcohol related traffic deaths and injuries on streets and highways in the City of Concord. The grant money would be used on overtime expenses for DWI enforcement. The grant does not require a local match from the city. Applications will be accepted January 1, 2020 through January 31, 2020. Grants awarded will be for the 2021 federal fiscal year, which begins Oct. 1, 2020.

Recommendation: Motion to authorize the police department to apply for grant funding from the NC Governor's Highway Safety Program.

- I. Consider adopting an ordinance to amend the aviation project ordinance to adjust the financing proceeds to actual.** The hangar financing has been completed and the final financing proceeds need to be adjusted to the actual amount financed, \$910,000.

Recommendation: Motion to adopt an ordinance to amend the aviation project ordinance to adjust the financing proceeds to actual.

- J. Consider adopting ordinances to amend the general fund budget ordinance and the general capital project ordinance to reclass funding for the Streetscape project.** The current general fund operating budget includes \$200,000 for initial startup costs associated with the Streetscape project. Staff is recommending that these funds be transferred to the general capital project fund and that a project be set up for the Streetscape project.

Recommendation: Motion to adopt ordinances to amend the general fund budget ordinance and the general capital project ordinance to reclass funding for the Streetscape project.

- K. Consider approving funding for the Concord Family Enrichment Association and to adopt a budget ordinance to appropriate the funding.** The Concord Family Enrichment Association (CFEA) has certain start-up expenses such as legal fees and filing fees that must be paid in a timely fashion. CFEA does not currently have a

revenue stream, and Public Housing Funds cannot be used to pay incurred expenses. The CFEA Board of Directors is requesting that the City of Concord appropriate \$1,000 to CFEA to help cover initial start-up costs.

Recommendation: Motion to approve funding for the Concord Family Enrichment Association and to adopt a budget ordinance appropriating the funds.

- L. Consider approving a change to the classification/compensation systems to include the following reclassification: Clearwater Artist Studio Coordinator.** This reclassification will increase the ability to attract and retain employees and provide enhanced expertise for the City of Concord.

Recommendation: Motion to approve the addition of Clearwater Artist Studio Coordinator (Grade 109) with a salary range of \$50,800.53 (minimum) - \$67,310.70 (midpoint) - \$83,820.89 (maximum).

- M. Receive quarterly report on water and wastewater extension permits issued by the Engineering Department in the third 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 July 1, 2019 and September 30, 2019.

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

- N. Consider accepting the required annual information on the City's Identity Theft Program.** Staff is required to review the City's Identity Theft Detection and Prevention Program each year to ensure that the City is in compliance and also to ensure the policy remains current. Staff is also required to disclose to City Council any identity theft issues that have occurred over the last year. Staff has reviewed the current policy and has found no issues. The identity theft instances over the past twelve months have been identified and are listed for your review in the attached document.

Recommendation: Motion to accept the annual report on the City's Identity Theft Program.

- O. Consider acceptance of the Tax Office reports for the month of September 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 September 2019.

- P. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of September 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 September 2019.

- Q. Receive monthly report on status of investments as of September 30, 2019.** 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**
- 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.

