



City Council Agenda

Thursday, August 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.

In order to maintain the safety of City residents, City Council, and staff, the August 11, 2020 City Council Work Session and the August 13, 2020 City Council meeting will be conducted electronically via Zoom and can be accessed with the following link:

Join Zoom Meeting:

<https://us02web.zoom.us/j/82744897457?pwd=UGh3OXI4UHFIZzhpTkpUWVF2a2tgQT09>

Phone Dialing alternative:

646-876-9923 or 312-626-6799

Meeting ID: 827 4489 7457 Password: 579922

Public Hearings will be conducted during the August 11, 2020 Work Session. If you would like to comment on a public hearing item or to comment during the Persons Requesting to be Heard portion of the August 13, 2020 City Council meeting click the following link:

<https://forms.gle/M37tMtHE3AFFjbBp8>.

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- I. Call to Order
- II. Pledge of Allegiance and Moment of Silent Prayer:
- III. Approval of Minutes:
July 7 and July 9, 2020.
- IV. Presentations
- V. Unfinished Business
- VI. New Business
 - A. Informational Items
 - B. Departmental Reports
 - C. Recognition of persons requesting to be heard
 - D. Public Hearings

1. Conduct a public hearing to consider adopting a resolution on the matter of abandoning a portion of the right-of-way of the former location of Wilshire Ave. SW between Old Charlotte Rd. SW and the new alignment of Wilshire Ave SW. The proposal includes the abandonment of the right-of-way and the granting of a permanent public utility easement to the City. Chris Lucas has applied for the right-of-way abandonment. Mr. Lucas, via his firm New South Properties, LLC, owns the property on both sides of the right of way proposed for abandonment.

Recommendation: Motion to adopt a resolution to abandon a portion of the right-of-way of the former location of Wilshire Ave. SW between Old Charlotte Rd. SW and the new alignment of Wilshire Ave SW.

2. Conduct a public hearing and consider adopting an ordinance for annexation of a portion of a parcel (+/- 1.135 acres) located generally east of HWY 601 South and south of NC

HWY 49 North (3505 US Hwy 601 South). The petitioner for the annexation is Jerry Rigsby of Cambridge Corners LLC. The property is a portion of parcel number 5539-94-4060 (3502 US Hwy 601 South). The majority of the parcel (62.03 acres) was annexed into the City limits on January 14, 1999. However, the subject 1.135 acres was omitted for unknown reasons. The petitioner submitted a preliminary plat for the development of townhomes over the entire parcel and annexation of the subject property is necessary to complete the project as currently designed.

Recommendation: Consider making a motion to adopt the annexation ordinance and set the effective date for August 13, 2020.

E. Presentations of Petitions and Requests

1. Consider approving an amendment to the Cabarrus County Parking Deck Interlocal Agreement between Cabarrus County and the City of Concord. In October 2018, Cabarrus County and the City of Concord entered into the Cabarrus County Parking Deck Interlocal Agreement. In the existing agreement, the City authorized a contribution of \$3,000,000 to the cost of construction of the project. In return for the City's contribution, the County agreed to designate 142 parking spaces in the completed deck for the City's use. The existing agreement designates 50 of the City's spaces as reserved individual spaces (i.e. nested). The remaining 92 are located in the general use area of the parking deck (i.e. floating). The existing agreement only allows the City to collect revenue on the 50 nested spaces. Any revenue derived from the other 92 spaces must go to the County. The proposed amendment removes the nested designation and gives the City flexibility to lease and collect revenues on the 142 floating spaces (e.g. leasing spaces for downtown economic development projects). The proposed amendment leaves flexibility in the future to assign individual spaces if the County mutually agrees. Upon City Council's approval, the amendment would go to the Cabarrus County Commission for approval.

Recommendation: Motion to approve an amendment to the Cabarrus County Parking Deck Interlocal Agreement between Cabarrus County and the City of Concord.

2. Consider approving the appropriation of Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding in the amount of \$149,818.08 to Prosperity Unlimited to respond to immediate community mortgage needs related to COVID-19. On April 2, 2020, official notification was issued for the City of Concord in regards to The Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136). The CARES Act allocated supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to coronavirus. Additionally, the CARES Act provides flexibilities that make it easier to use the funds by granting waivers, removes the spending cap regulated for public service agencies and alternative requirements. Within the notification, Concord was awarded \$400,339 to respond to the growing effects of this historic public health crisis. To date Council has allocated \$250,520.92 to various agencies to assist with these immediate needs of Concord residents. However, one area of growing concern is the potential loss of housing for many Concord residents who are facing eviction or foreclosure due to COVID-19 related job loss. The CARES Act did include a temporary moratorium for renter and an initial forbearance period of up to 180 days, upon a borrower's request for Federally backed loans, but this has or will be ending. Staff has received a request for the remaining CARES funding of \$149,818.08 to be allocated to Prosperity Unlimited to provide mortgage assistance following, to the greatest extent feasible, guidelines set forth in the former Foreclosure Prevention Fund that was implemented by the North Carolina Housing Finance Agency. Prosperity Unlimited will aid residents who have suffered a job loss due to COVID-19 with mortgage assistance, help develop a crisis management budget, educate them about possible options to prevent foreclosure and assist with mitigation options if needed.

Recommendation: Motion to approve appropriation of Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding in the amount of \$149,818.08 to Prosperity Unlimited to respond to immediate community mortgage needs related to COVID-19.

3. Consider adopting a spending plan as proposed by the City Manager to spend the remaining balance of \$1,145,979.33 of the City allocated \$1,252,112.42 received from Cabarrus County as part of the Coronavirus Relief Fund (CRF) established under the federal CARES Act. North Carolina counties are receiving funding as part of the Coronavirus Relief Fund (CRF) established under the federal CARES Act. The CRF allocation for Cabarrus

County totaled \$3,771,761 during Round 1 and \$4,200,908 during Round 2 for a grand total of \$7,972,669. The City of Concord has already been reimbursed \$106,133.09 by Cabarrus County for COVID-19 related expenses that were submitted to Cabarrus County for review on June 18, 2020 and has since then received the remaining balance of \$1,145,979.33, which will be used to cover the expenses proposed in the City Manager's spending plan.

Recommendation: Motion to adopt the spending plan as proposed by the City Manager to spend the remaining balance of \$1,145,979.33 of the City allocated \$1,252,112.42 received from Cabarrus County as part of the Coronavirus Relief Fund (CRF) established under the federal CARES Act.

4. **Consider making an appointment to the Historic Preservation Commission (HPC) and to the Barber Scotia Property Task Force Committee.** An appointment to the HPC is needed to fill the current alternate position vacancy. An appointment to the Barber Scotia Property Task Force Committee is needed to fill Robbie Carney's position on the Committee.

Recommendation: Motion to make an appointment to the HPC and to the Barber Scotia Property Task Force Committee.

5. **Consider awarding a bid for construction of concrete foundations at the new Delivery 6 / Substation P site on Heglar Rd.** Electric Systems staff received formal bids on July 27, 2020 for construction of concrete foundations that will be used to construct Delivery 6 / Substation P. Foundations include transformer, control houses, circuit breaker and steel structure pads. Three (3) bids were received and evaluated by staff. The lowest qualified bidder was GridTech Power in the amount of \$349,662. Staff has reviewed the GridTech Power bid and is confident they can perform the work as bid.

Recommendation: Motion to award a bid to GridTech Power for construction of concrete foundations at the new Delivery 6 / Substation P site on Heglar Rd. in the amount of \$349,662.

6. **Consider adopting a project ordinance for additional funding for the implementation of the AMI metering project.** Funding will allow the continued remediation of water devices already deployed and continue the deployment of water devices into remaining areas. Additional funding of \$500,000 will be allocated from savings in other water projects in the previous year.

Recommendation: Motion to adopt a project ordinance for additional funding for the implementation of the AMI metering project.

7. **Consider authorizing the City Manager to negotiate and execute a contract with Cleary Construction, Inc. for the installation of the Poplar Tent Rd 24-inch Water Line Extension.** The Poplar Tent Rd 24-inch Water Line Extension project consists of the installation of approximately 4,463 linear feet of 24-in water transmission main along Poplar Tent Rd. between International Dr. and Rock Hill Church Rd. This new water line will further facilitate the pressure zone changes associated with the construction of the Hwy 29 water tank. The project was bid under the formal bidding process. Bids were taken on July 28, 2020 and 7 bids were received. The lowest responsible bidder was Cleary Construction, Inc. in the amount of \$2,762,964.05, which is within budget.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Cleary Construction, Inc. in the amount of \$2,762,964.05 for the installation of the Poplar Tent Rd 24-inch Water Line Extension.

8. **Consider a Preliminary Application from Carolina Development Services.** In accordance with City Code Chapter 62, Carolina Development Services has submitted a preliminary application to receive water and sewer service outside the City limits. The properties are located along Hwy 601 and total area is approximately 436 acres. Some of the properties are within Midland Town limits and all are outside Concord's planning area. The parcels are currently zoned OI, LI, and CR. The applicant proposes to develop with a mixed use development. There are no concerns over capacity and the applicant would be required to install any and all necessary infrastructure necessary to serve the proposed development.

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

VII. Consent Agenda

- A. **Consider adopting a resolution to convey a public utility easement to Duke Energy Carolina, LLC.** Duke Energy is serving the new permanent Fire Station 10. An easement is required for the service line to the building.

Recommendation: Motion to adopt a resolution to convey a public utility easement to Duke Energy Carolina, LLC.

- B. Consider authorizing the City Manager to accept \$25,000 from the NC Governor's Highway Safety Program to fund overtime expenses for DWI enforcement and to adopt a budget ordinance to appropriate the grant funds.** The police department received official notification of a \$25,000 grant award from the NC Governor's Highway Safety Program. The funds will be used for overtime DWI enforcement expenses. The approval to apply was granted by City Council at their November 14, 2019 meeting. The official award documents have been received and will be presented to the City Manager upon approval of acceptance of the grant funds.
- Recommendation:** Motion to authorize the City Manager to accept \$25,000 from the NC Governor's Highway Safety Program to fund overtime expenses for DWI enforcement and to adopt an ordinance to amend the FY 20-21 budget to appropriate the funds.
- C. 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: Naman Speedway, LLC (PIN 4599-31-0667) 7200 Scott Padgett Pkwy. 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: Naman Speedway, LLC.
- D. 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: Courtyards at Poplar Tent Phase 2, Tuckers Walk Phase 1, Cypress Village Phase 1 Map 2, Campbell Farms Map 2, and The Haven at Rocky River 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: Courtyards at Poplar Tent Phase 2, Tuckers Walk Phase 1, Cypress Village Phase 1 Map 2, Campbell Farms Map 2, and The Haven at Rocky River Map 2.
- E. Consider adopting an ordinance to amend the General Fund to include the funding for the annual street resurfacing contract for the prior year.** The details of the final resurfacing contract were not completed in time to enter a purchase order in June. The funding in the prior year budget was not spent and it closed into fund balance at year end. Staff is recommending that these funds be appropriated in the current year budget so the contact can be finalized and the work can be performed. The total amount of this amendment is \$5,898,823 with \$2,205,000 of this amount being taken from Powell Bill reserves.
- Recommendation:** Motion to adopt an ordinance to amend the General fund to include the funding for the annual street resurfacing contract for the prior year.
- F. Consider amending Article 8.18, Social Media Policy, of the City of Concord Personnel Policy and Procedures.** Staff has amended the Social Media Policy to add Section VII, VII, Public Comment Guidelines - Including the Blockage of and Removal of Comments That Do Not Comply with the Social Media Policy.
- Recommendation:** Motion to amend Article 8.18, Social Media Policy, of the City of Concord Personnel Policy and Procedures.
- G. Consider approving a change to the classification/compensation system to include the following classification: Fire Administration Manager.** The addition of this new classification 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 the Fire Administration Manager (Grade 109) with a salary range of \$52,324.55 (minimum) - \$69,330.02 (midpoint) - \$86,335.52 (maximum).
- H. Receive quarterly report on water and wastewater extension permits issued by the Engineering Department in the second quarter of 2020.** In accordance with City Code Chapter 62, attached is a report outlining the water and wastewater extension permits that were issued between April 1, 2020 and June 30, 2020.
- Recommendation:** Motion to receive the second quarter water and wastewater extension report for 2020.
- I. Consider acceptance of the Tax Office reports for the month of June 2020.** The Tax Collector is responsible for periodic reporting of revenue collections for the Tax Collection Office.
- Recommendation:** Motion to accept the Tax Office collection reports for the month of June 2020.

- J. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of June 2020.** G.S. 105-381 allows for the refund and/or release of tax liability due to various reasons by the governing body. A listing of various refund/release requests is presented for your approval, primarily due to overpayments, situs errors and/or valuation changes.

Recommendation: Motion to approve the Tax releases/refunds for the month of June 2020.

- K. Receive monthly report on status of investments as of June 30, 2020.** A resolution adopted by the governing body on 12/9/1991 directs the Finance Director to report on the status of investments each month.

Recommendation: Motion to accept the monthly report on investments.

VIII. Matters not on the agenda

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

IX. General comments by Council of non-business nature

X. Closed Session (if needed)

XI. Adjournment

*IN ACCORDANCE WITH ADA REGULATIONS, PLEASE NOTE THAT ANYONE WHO NEEDS AN ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE CITY CLERK AT (704) 920-5205 AT LEAST FORTY-EIGHT HOURS PRIOR TO THE MEETING.