



City Council Agenda

Thursday, October 08, 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 October 6, 2020 City Council Work Session and the October 8, 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

If you would like to comment during the Persons Requesting to be Heard portion of the October 8, 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:

September 8 and September 10, 2020.

IV. Presentations

1. Presentation of a Proclamation recognizing the week of October 5-9, 2020 as Customer Service Week.

2. Recognize the Planning and Neighborhood Development Services Department for receiving the Marvin Collins Award from the North Carolina American Planning Association for the Union Streetscape Demonstration Project in the category of Engagement. The Marvin Collins Planning Award represents the highest standards of achievement in the planning profession in North Carolina. By undertaking the Union Streetscape Demonstration project, the City utilized a form of tactical urbanism to temporarily illustrate three design streetscape options to gain public feedback and to help finalize a decision. For two days and one night, the demonstration was staffed and displayed the look and feel of possible enhancements to sidewalk widths, outdoor dining and seating, street trees, on street parking and travel lane widths. The response was significant with easily more than a 1,000 people experiencing the demonstration. Through on-line and in-person survey's the public input was critical in helping staff and City Council to choose the current option that is in design. This out of the box hands on approach was innovative and garnered the attention of the selection committee. Special thanks should to be extended to the Buildings and Grounds, Transportation and Public Affairs

Departments for their assistance and also to the staff of the Concord Downtown Development Corporation. Without it, the demonstration would have been impossible. Additionally, recognition should go to City Management and City Council for being open to the demonstration project. Many cities would have been very hesitant to undertake such an unknown, but Concord saw it as another way to truly get public input by building it for the citizens to react.

V. Unfinished Business

VI. New Business

A. Informational Items

- 1. Presentation from Cabarrus Arts Council President and CEO, Noelle Scott.**

- 2. Cabarrus Visitor's Bureau President and CEO, Donna Carpenter, to provide an update regarding the effects of COVID on the tourism industry.**

B. Departmental Reports

C. Recognition of persons requesting to be heard

D. Public Hearings

E. Presentations of Petitions and Requests

- 1. Consider authorizing the City Manager and City Attorney to modify the existing loan with Carolina Courts to interest only for a three-month term covering the months of November 2020 through January 2021.** City Council approved a three-month loan modification with Carolina Courts (CEJS, LLC) in March 2020. This modification also included the provision for the City Manager and City Attorney to grant an additional three-month modification if conditions warranted. Both of the three-month modifications were executed which extended the interest only payments through the end of October 2020. Since the economic conditions have changed very little for venues such as Carolina Courts, they are asking City Council to extend the interest only period for an additional three months. If granted this extension would cover the months of November through January. City staff spoke with Carolina Courts' other two financiers -- F&M Bank and the Small Business Administration (SBA) -- and both of them are extending their loans for another three-month interest only period. The interest only payments would continue to be \$1,840.08 per month and the current loan balance is \$1,109,624. The monthly principal and interest payments are normally \$7,425.45. The loan expiration would be extended by the appropriate months if Council approves the modification.

Recommendation: Motion to authorize the City Manager and City Attorney to modify the existing loan with Carolina Courts to interest only for a three-month term covering the months of November 2020 through January 2021.

- 2. Consider amending a resolution for the City of Concord to declare its intentions to issue tax exempt bonds (secured by and payable solely from private development revenues, not City of Concord revenues) in the new amount not to exceed \$18,000,000 to finance the acquisition, rehabilitation and equipping of mixed income units to be known as Coleman Mill Apartments and for related purposes.** May of 2019, Council approved the issuance of a tax-exempt bond in the amount of \$14,000,000 payable solely from private development revenues to finance the acquisition, rehabilitation and equipping of The Coleman-Franklin-Cannon Mill property. This structure is one of the most significant pieces of Concord history as it was the nation's first African-American owned and operated textile mill. Representatives from the development group Sari and Company are continuing to secure tax-exempt financing from North Carolina Housing Finance Agency (NCHFA) to transform the 10.71-acre site, located at 625 Main St. SW, Concord NC, into approximately 152 units of mixed income housing to be known as the Coleman Mill Apartments. Anticipated start date is April 2021. Their plan includes a multi-purpose

room, which will house a memorial featuring Mr. Coleman and his legacy in and around Concord. Norman McCullough is assisting with the memorial. The Developer is requesting the bond increase due to the rising construction costs associated with supply chain issues resulting from COVID-19. The amended amount of the bond issuance is not to exceed \$18,000,000. These bonds would be used for acquisition, rehabilitation and equipping of the aforementioned development. These bonds will not be general obligations of the City but will be special obligations secured by and payable solely from the developer's revenues. Pursuant to Section 160A-456 of the NC General Statutes (NCGS), the municipality has all the power of a housing authority under the NC Housing Authorities Law found in Article 1 of Chapter 157 of the NCGS. This empowers the City to issue its notes and bonds in accordance with the law for the purpose of making loans to assist in housing construction or rehabilitation by private sponsors. The City has determined that providing financing for this development is consistent with the policy and purpose of the law. In order to meet NCHFA's submittal deadline, the Developer must include a resolution from the City which declares the intention to issue bonds. Although the adoption of this resolution will declare the City's intent to issue bonds, the resolution is not a binding commitment of the City to issue the bonds. If the City decides to move forward with the bond issuance, the City will designate a Bond Counsel and the developer will be responsible for all fees associated with the transaction.

Recommendation: Motion to amend a resolution for the City of Concord to declare its intentions to issue tax exempt bonds in the new amount not to exceed \$18,000,000 to finance the acquisition, rehabilitation and equipping of mixed income dwelling units to be known as Coleman Mill Apartments and for related purposes.

- 3. Consider adopting a reimbursement resolution declaring the intent of the City of Concord to reimburse itself for capital expenditures incurred in connection with the financing a fire station from the proceeds of an installment financing contract to be executed during fiscal year 2021.** The City plans to finance a fire station at 3300 Roberta Road. The project may have costs before the City completes the financing. The reimbursement resolution will allow the finance director to reimburse the City for these expenditures from the proceeds of the installment financing deal.

Recommendation: Motion to adopt a reimbursement resolution declaring the intent of the City of Concord to reimburse itself for capital expenditures incurred in connection with the financing a fire station from the proceeds of an installment financing contract to be executed during fiscal year 2021.

- 4. Consider approving a COPS hiring award from the US Department of Justice in the amount of \$1,000,000.** At the February 13, 2020 city council meeting, permission was granted for the police department to apply for the US Department of Justice COPS Hiring Grant. The police department was notified on September 24, 2020 that the City of Concord has been awarded a 3 year hiring grant in the amount of \$1,000,000 to hire 8 police officers. This award covers the salaries and fringe benefits of the officers. The start date of the grant will be when the department hires the first officer, (which will be after 07/01/2021), and the grant will run until all 8 positions have been filled for 36 months. The total local match over the life of the grant will be \$634,224. The local match required for the FY 21-22 budget for this grant will be approximately \$158,556, which is a 25% match of the salaries and benefits for 8 officers. This grant will not impact the current FY20-21 budget.

Recommendation: Motion to accept the COPS hiring grant in the amount of \$1,000,000 for 8 officers.

- 5. Consider authorizing the City Manager to negotiate and execute a contract with Odonnell Company to provide marketing & public relations services for the Rider Transit system.** The RFP process to select a marketing and public relations

firm began in August. Four (4) firms submitted proposals. The proposal review committee, comprised of Rider Transit staff, reviewed and scored the proposals. Based on the review of the technical and price proposals the committee recommended Odonnell Company as the best choice to provide marketing services for Rider, beginning November 1, 2020, running through June 30, 2024. The decision was based on Odonnell Company's extensive transit marketing experience, including working as Rider's most recent marketing partner since 2017, as well as their broad range of experience in other sectors and industries, the quality of their proposal, and the project team and their numerous in-house services and capabilities. The recommendation was approved unanimously by the Concord Kannapolis Transit Commission on September 23, 2020.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with the Odonnell Company.

- 6. Consider authorizing the City Manager to execute a development agreement for certain road improvements with Green Street Land Co., LLC.** Green Street Land Co., LLC will be developing a residential development a parcel located adjacent to Poplar Tent Rd and Harris Rd, which will require certain roadway improvements to mitigate traffic impacts. In June 2020, the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO) selected the intersection of Poplar Tent Rd and Harris Rd for STBGP-DA funds, Project No. HL-0001. As such, the attached Development Agreement specifies the in lieu payment for specific improvements, as shown that will be incorporated with the aforementioned project. The developer contribution will be up to \$275,000.

Recommendation: Motion to authorize the City Manager to execute a development agreement for certain road improvements with Green Street Land Co., LLC.

- 7. Consider adopting a resolution to convey a temporary construction easement to Concord Greenway Townhomes, LLC.** Concord Greenway Townhomes, LLC. is developing townhomes on Woodsdale Place. The City owns the parcel across the street from the townhome site and the developer is required to install an extension connecting Patterson to Woodsdale for emergency services. Concord Greenway Townhomes, LLC would like to go ahead and begin construction of the extension prior to the right-of-way being platted.

Recommendation: Motion to adopt a resolution to convey a temporary construction easement to Concord Greenway Townhomes, LLC.

- 8. Consider authorizing the City Manager to negotiate and execute a contract with Carolina Siteworks, Inc. for the construction of the Mountain Biking Second St. Parking.** The Mountain Biking Second St. Parking project consists of the construction of a 29 spaces parking lot. Approximately half of the parking lot will have asphalt paving and the rest will be stone base covered. The project was bid under the informal bidding process. Bids were taken on September 23, 2020 and 4 bids were received. The lowest responsible bidder was Carolina Siteworks, Inc. in the amount of \$127,945.40. Park & Recreation budgeted \$195,000 for the project and recommends to pave all the parking lot instead of half for a total cost of \$144,753.40.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Carolina Siteworks, Inc. in the amount of \$144,753.40 for the construction of the Mountain Biking Second St. Parking.

- 9. Consider authorizing the City Manager to negotiate and execute a contract with D. R. Reynolds Company, Inc. for design build services for Fire Station 12.** The Fire Station 12 project on Roberta Road has met the criteria for design build project delivery and a request for qualification statements was advertised on August 5, 2020. Eighteen statements were received with six companies being shortlisted for interviews. From the interviews, D. R. Reynolds Company, Inc., was selected. D. R. Reynolds is teaming with Pinnacle Architecture P.A., GAR Engineering and CESI to deliver the

project.. D. R. Reynolds Company, Inc. has completed a total of 26 fire stations since 2008 across North Carolina. The contract with D. R. Reynolds Company, Inc. would consist of two phases – preconstruction services and construction services. The contract will be a fixed fee for pre-construction services and a Guaranteed maximum Price (GMP) for construction services will come back for Council approval. The new fire station will be approximately 18,690 square feet and is preliminarily estimated at \$5,900,000.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with D. R. Reynolds Company, Inc. for design build services for Fire Station 12.

- 10. Consider authorizing the City Manager to negotiate and execute a contract with Garney Companies, Inc. for design build services on the NC Hwy 49 24-inch water main extension project.** City Council approved the criteria to be used for determining the circumstances under which design-build project delivery method is appropriate for City of Concord projects at the January 2020 council meeting. The NC Hwy 49 24-inch water main extension project has met that criteria and a request for qualification statements was advertised on June 11, 2020. Eleven statements were received with four companies being shortlisted for interviews. From the interviews, Garney Companies, Inc., was selected for design build services. Garney is teaming with Hazen and Sawyer who has extensive knowledge of the City’s water system. Garney Companies, Inc. has 59 year of experience specializing in water and wastewater utility infrastructure and has held the #1 contractor ranking in water transmission lines for 10 years in the Engineering News-Records. The Garney and Hazen team have completed 25 projects together, most recently the Irvins Creek Tributary project for Charlotte Water and they are currently working on the Yadkin Raw Water Supply for Union County. The contract with Garney Companies, Inc. would consist of three phases – phase 1a would be preconstruction services for alignment routing, phase 1B would be preconstruction services based on the set alignment and finally phase 2 would be construction services. The phases 1B and 2 would come back for City approval. The new water line will be approximately 18,000 linear feet and project cost is estimated at \$7,267,250.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Garney Companies, Inc. for design build services on the NC Hwy 49 24-inch water main extension project.

- 11. Consider approving a modification to the Interlocal Agreement with Cabarrus County administering the Central Area Plan.** The City entered into an Interlocal Agreement with Cabarrus County administering the Central Area Plan. Under the Agreement, the City agreed not to extend utilities into certain areas east of the then existing City limits except under certain limited circumstances. Timothy and Matthew Hogan has requested an exception to the Agreement in order to obtain water service for proposed two single-family homes at 3385 Westview Road (PIN 5640 69 7462).

Recommendation: Motion to approve a modification of the Interlocal Agreement regarding the Central Area Plan to allow the provision of water to 3385 Westview Road.

- 12. Consider a Preliminary Application from Michael David Barrett.** In accordance with City Code Chapter 62, Michael David Barrett has submitted a preliminary application to receive water service outside the City limits. The property is located at 175 Mary Circle. The parcel is approximately .66 acres, zoned LDR and is developed with an existing single family residence. Public water is available to the parcel however public sewer is not available. The lot is located in the Far Away Place Subdivision.

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 declaring a 1993 Pierce Fire Engine FD-108 surplus and donating the engine to the Cabarrus County School Board of Education to be used by the Concord High School Fire Academy program.** The Fire Department is requesting consideration in declaring a 1993 Pierce Fire Engine FD-108 surplus and donating the engine to the Cabarrus County Board of Education to be used by the Concord High School Fire Academy program. The program is in its twelfth year with a student enrollment of approximately 60 students per semester. The use of the fire unit will greatly enhance the program and give the students a sense of ownership in the program. The City previously donated a 1986 engine, which school system intends to donate to Rowan Cabarrus Community College to be used for the fire protection program.
- Recommendation:** Motion to adopt a resolution declaring a 1993 Pierce Fire Engine FD-108 surplus and donate the unit to the Cabarrus County Board of Education.
- B. 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: Streetscape TW, LLC (PIN 4671-90-1741) 10217 Harris Road and Fortius-Richardson, LLC (PIN 4690-44-0279) 703 Pitts School Road. 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: Streetscape TW, LLC and Fortius-Richardson, LLC.
- C. Consider Accepting an Offer of Infrastructure at The Mills Phase 2C Map 3, Duvier Subdivision, Courtyards at Poplar Tent Phase 1 Map 1 & 2, The Mills, Concord Pkwy and Kannapolis Hwy Retail, and Blue Anchor.** 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: 27,899 centerline feet of roadway, 475' of 12" water main, 4,786' of 8" water main, 5' of 6" water main, 12 hydrants, 2,946' of 8" sewer line, and 16 manholes.
- Recommendation:** Motion to accept the offer of infrastructure in the following subdivisions and sites: The Mills Phase 2C Map 3, Duvier Subdivision, Courtyards at Poplar Tent Phase 1 Map 1 & 2, The Mills, Concord Pkwy and Kannapolis Hwy Retail, and Blue Anchor.
- D. Consider approval of Change Order #001 in the amount of \$98,040 for the Hwy 29 Elevated Storage Tank project.** Change Order #001 will add an additional second logo to the tank bowl, add an additional 6 lights to illuminate the second logo, and install a concrete sealing agent to the concrete structure that will protect the concrete, prolong the overall aesthetics of the base, and make the structure easier to clean. The additional cost is \$98,040.00.
- Recommendation:** Motion to approve Change Order #001 for the Hwy 29 Elevated Storage Tank project in the amount of \$98,040.00.
- E. Consider adopting an ordinance to amend the FY2020-2021 operating budget and a project ordinance amendment for the Airport Operations and Projects which will appropriate funds received from State of North Carolina Department of Transportation.** Concord-Padgett Regional Airport received Funding in the amount of \$2,085,445 for 2020 and \$2,240,445 for 2021. Funds will be used for the purpose of funding improvements to the airport and paying debt service or related financing costs and expenses on revenue bonds or notes issued by the airport.
- Recommendation:** Motion to adopt a budget amendment and a project amendment for the FY2020/2021 Budget to appropriate NCDOT funds received.
- F. Consider accepting funds from the State of North Carolina Department of Transportation for the construction of the Apron Strengthening Project and to adopt a project amendment.** State funds have been allocated and awarded from the

State Transportation Improvement Program (STIP) for the State Fiscal Year 2020 in the amount of \$300,000 to the Concord-Padgett Regional Airport for the construction of the apron strengthening (Project 48401.3.1).

Recommendation: Motion to accept State Transportation Improvement Program (STIP) funds and adopt the project amendment.

- G. Consider approving a change to the classification/compensation system to include the following classification: HR Technician.** 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 HR Technician (Grade 210) with a salary range of \$48,520.10 (minimum) - \$64,289.14 (midpoint) - \$80,058.18 (maximum).

- H. Consider acceptance of the Tax Office reports for the month of August 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 August 2020.

- I. Consider Approval of Tax Releases/Refunds from the Tax Collection Office for the month of August 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 August 2020.

- J. Receive monthly report on status of investments as of August 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

- TAC
- MTC
- Centralina Regional Council
- 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.