



# City Council Agenda

Thursday, March 11, 2021

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 March 9, 2021 City Council Work Session and the March 11, 2021 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 March 9, 2021 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 March 11, 2021 City Council meeting click the following link:

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

\* \* \* \* \*

**I. Call to Order**

**II. Pledge of Allegiance and Moment of Silent Prayer:**

**III. Approval of Minutes:**

January 28, January 29, February 9, and February 11, 2021

**IV. Presentations**

- 1. **Recognition of US Air Force Captain, John Alexander Sweat, Jr., and US Marine Corp Major, Ruth Brooks, for their inductions into the North Carolina Military Veterans Hall of Fame.** US Air Force Captain, John Alexander Sweat, Jr., and US Marine Corp Major, Ruth Brooks, were inducted into the North Carolina Military Veterans Hall of Fame on Saturday, February 20, 2021.

**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 for case Z(CD)-24-20 and consider adopting an ordinance amending the official zoning map for +/- 9.58 acres located at 3070 Zion Church Rd from County O-I (Office Institutional) to RC-CD (Residential Compact-Conditional District).** The Planning and Zoning Commission heard case Z(CD)-24-20 at their February 16th and 18th meetings and unanimously voted to

forward the request to City Council with a recommendation that the zoning map be amended to RC-CD (Residential Compact-Conditional District) and that the Land Use Plan be modified from Industrial Employment to Urban Neighborhood. The purpose of the rezoning and Land Use Plan amendment is to establish a residential neighborhood with a maximum of 45 Single Family Detached Lots.

**Recommendation:** Consider adopting an ordinance amending the official zoning map from Cabarrus County O-I (Office Institutional) to City of Concord RC-CD (Residential Compact-Conditional District) and to amend the 2030 Land Use Plan for the subject site from Industrial/Employment to Urban Neighborhood.

#### **E. Presentations of Petitions and Requests**

##### **1. Consider increasing membership on the Public Arts Committee with a representative from Parks and Recreation and three at-large members.**

Currently, the Public Arts Committee consists of ten (10) members. The members include two from City Council: Andy Langford and Ella Mae Small; two from the Planning Department: Sarah Gay and Starla Rogers; the Director of Concord Downtown Development Corporation, which is now the Downtown Development Manager: Johnson Bray; the Director of Cabarrus Arts Council: Noelle Scott; a Cabarrus Arts Council Board Member, Rebecca Collins; a Local Community Member: Tara Bengle; an Artist: Julia Lawing; and a Downtown Building Owner: Justin Mueller. During the Public Arts Committee meeting on February 18th, it was discussed and recommended that the Committee be expanded to include Montana Maurer from the Parks and Recreation Department and three at-large members with the goal of increasing diversity on the Committee. The decision for a Parks and Recreation employee is due to the city-wide opportunities to include art along greenways and within recreation centers. If City Council concurs with the additional members the City Clerk will receive applications and a Council subgroup will make recommendations to the full board for consideration.

**Recommendation:** Motion to approve the addition of Montana Maurer from the Parks and Recreation Department and three at-large members be added to the Public Arts Committee.

##### **2. Consider adopting an ordinance ordering the demolition of the structure located at 53 Corban Ave. SW (PIN# 5620-96-0884) owned by Obafemi Balogun and wife Marie Ann Balogun.**

The structure is located on a single parcel, which has a building tax value of \$77,600, per Cabarrus County land records. Upon inspection, the structure was considered to be dilapidated. Michael Coble, Code Enforcement Officer, opened the case November 9, 2020. The Finding of Fact and Order to Repair or Demolish was issued on November 30, 2020. The Order to Repair or Demolish said structure was not extended. The Order to Repair or Demolish expired on January 4, 2021. After contacting the owners on multiple occasions, the owner agreed to sign a hold harmless, indemnity, and release form for the Concord Police Code Enforcement Division to contract to clean and clear the premises. No Civil penalties have been imposed.

**Recommendation:** Motion to adopt an ordinance ordering the demolition of the structure located at 53 Corban Ave SW.

##### **3. Consider awarding a bid to Carolina Siteworks Inc. for sitework and grading at 114 Union Cemetery Rd. for purpose of future construction of Delivery Station #4.**

Considerable site work and grading is necessary for planned construction of Delivery Station #4. Civil engineering was completed and formal bids were received on February 19, 2021 with six respondents submitting proposals. All bids were evaluated for compliance with the specifications and for relevant project experience. The lowest bidder, Carolina Siteworks Inc., at \$477,413, was determined to be a responsible and responsive bidder. They have completed or are in progress on several projects for the City, including the BOC round-a-bout and the Spring St. round-a-bout. The work is expected to take 150 days to complete.

**Recommendation:** Motion to award a bid for \$477,413 to Carolina Siteworks Inc. for sitework and grading at 114 Union Cemetery Rd. for purpose of future construction of Delivery Station # 4.

4. **Consider authorizing the City Manager to negotiate and execute a contract with Ramey Kemp & Associates, Inc. for site design and engineering of 51 Rider Transit bus stop sites.** Rider Transit is seeking a consultant to provide site design and engineering, including assistance with right-of-way acquisition and production of construction documents and construction cost estimates, for the improvement of 51 existing bus stop sites within its service area. The work from this project will ultimately be used to help Rider Transit staff coordinate construction and implementation of its bus stop amenity program. A team consisting of staff from Rider Transit, the City of Concord Transportation Department, and the City of Kannapolis Engineering Department, selected Ramey Kemp & Associates, Inc. through a request for qualifications process, from which four firms submitted statements of qualification. With professional services contracts, FTA requires that the most qualified firm be selected, with price negotiated following firm selection. Total negotiated cost will not exceed \$320,700. Eighty percent of the project will be paid for using FTA 5339 Bus and Bus Facilities grant funding that has already been set aside. The remaining twenty percent will be split evenly by Concord and Kannapolis, resulting in a total cost of \$32,070 to each City.

**Recommendation:** Motion to authorize the City Manager to negotiate and execute a contract with Ramey Kemp & Associates, Inc. for site design and engineering of Rider Transit bus stop sites.

5. **Consider supporting an application to increase Congestion Mitigation and Air Quality (CMAQ) funding for C-5603G - Bruton Smith Boulevard/Weddington Road Intersection.** In January 2017, staff requested to apply for CMAQ funding for enhancements at the Intersection of Bruton Smith Blvd and Weddington Rd. In June 2018, City Council approved entering into an agreement for the construction phase of the project, consisting of the extension of dual left turn lanes, addition of a right turn lane and associated striping on Bruton Smith Blvd at Weddington Rd. The total estimate for this project was \$182,100. NCDOT would participate in 80% of the estimated cost (\$145,680). The City of Concord agreed to participate in 20% of the estimated cost (\$36,420). Under this Project Agreement, overpayment would be the responsibility of the City of Concord. In September 2019, staff received authorization by NCDOT for the construction phase of the said project. The following month of October 2019, NCDOT suspended the project due to implementing measures to reduce expenditures statewide. In September 2020, staff received a letter lifting the suspension of C-5603G, allowing the City to advertise the project for construction. The project was advertised in December 2020 and received no bid submittals. The project was re-advertised in February 2021 and received 2 total bids, with the lowest bid received of \$308,476. Due to the increase of funding, and inflation of construction costs, staff proposes to submit in the current call for CMAQ projects the amount of the difference of \$126,377. Therefore, if approved, the City of Concord would be responsible for \$25,275 (20%), and NCDOT would be responsible for \$101,102 (80%).

**Recommendation:** Motion to consider supporting an application to increase Congestion Mitigation and Air Quality (CMAQ) funding for C-5603G - Bruton Smith Boulevard/Weddington Road Intersection.

6. **Consider entering into an agreement between the City of Concord, the City of Albemarle, and the City of Kannapolis to conduct a water treatment plant expansion study.** The agreement will allow for a study to be conducted to determine the expansion options for the Albemarle water treatment plan. The total fee is estimated to be \$60,000. Albemarle will pay the consultant 100% of the cost. Concord and Kannapolis will each reimburse Albemarle 25% of the costs.

**Recommendation:** Motion to enter into an agreement between the City of Concord, the City of Albemarle, and the City of Kannapolis to conduct a water treatment plant expansion study.

- 7. Consider authorizing the City Manager to negotiate and execute a contract with Insituform Technologies, LLC. for the lining of 27,497 linear feet sewer lines and rehabilitation of 108 manholes.** The Water Resource department performs inspections of the City's sewer lines and identifies those that need to be repaired or replaced. Lines that would cause excessive disturbance to the public if they were repaired or replaced by conventional methods, are earmarked for the cure-in-place pipe rehabilitation method (CIPP). The CIPP method allows the sewer lines to be rehabilitated without the disturbances to the public caused by the conventional method of excavation and replacement. This project was publicly bid and four (4) bids were received, the lowest responsible bidder was Insituform Technologies, LLC. in the amount of \$865,178.58. The total amount of the lowest responsible bidder is below the budgeted amount.

**Recommendation:** Motion authorizing the City Manager to negotiate and execute a contract with Insituform Technologies, LLC. in the amount of \$865,178.58 for the rehabilitation of 27,497 linear feet of sewer lines and 108 manholes.

- 8. Consider authorizing the City Manager to negotiate and execute a contract with Carolina Siteworks Inc. for the 2-inch water line replacement on Gold St. NW and Howerton Ave. NW, Crowell Dr. SW and Vee Ave. SW, and Crowell Dr. NW and Cedar Dr. NW.** The existing 2-inch water lines on Gold St. NW, Crowell Dr. SW, and Crowell Dr. NW have reached the end of its useful life and need to be replaced. The total length of water lines to be replaced by this project is 1,876 linear feet. The project was publicly bid under the informal bidding process, two (2) bids were received and the lowest responsible bidder was Carolina Siteworks Inc. in the amount of \$249,446.12. The total amount of the lowest responsible bidder is within the budgeted amount.

**Recommendation:** Motion authorizing the City Manager to negotiate and execute a contract with Carolina Siteworks Inc. in the amount of \$249,446.12 for the 2-inch water line replacement on Gold St. NW, Crowell Dr. SW, and Crowell Dr. NW.

- 9. Consider authorizing the City Manager to negotiate and execute a contract with RNF Construction, LLC for the relocation of the Market St. Sewer main.** Due to the relocation of the existing generator that powers the Police HQ and the City Hall, the existing sewer main in the alleyway behind the Police HQ will have to be relocated. The proposed location of the generator is in close proximity to the existing sewer line and would make it very difficult to maintain. Several sites were considered for the relocation of the generator, but there were no better alternatives. A new alignment for the sewer was designed to make the line accessible for maintenance. This project was publicly bid under the formal bidding process, 3 bids were received and the lowest responsible bidder was RNF Construction, LLC in the amount of \$295,381.90.

**Recommendation:** Motion to authorize the City Manager to negotiate and execute a contract with RNF Construction, LLC in the amount of \$295,381.90 for the relocation of the existing Market St. Sewer main.

- 10. Consider a Preliminary Application from Freedom Homes.** In accordance with City Code Chapter 62, Freedom Homes has submitted a preliminary application to receive sewer service outside the City limits. The property is located at 258 Litaker Lane. The lot size is 1.08 acres and zoned MDR. Water service is not available to the parcel.

**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 the 2021 Federal Legislative Agenda and State Legislative Priorities.** Council heard presentations on Federal and State priorities during the January 2021 Annual Planning Session.  
**Recommendation:** Motion to approve the 2021 Federal Legislative Agenda and State Legislative Priorities.
- B. Consider approving the current Concord ABC Board Travel Policy.** The ABC Board is required by the NC General Statute to have their travel policy approved each year by City Council. NC General Statute 18B-700, Appointment and organization of local ABC boards, section (g2) states the following: Travel Allowance and Per Diem Rates. - "Approved travel on official business by the members and employees of local boards shall be reimbursed pursuant to G.S. 138-6 unless the local board adopts a travel policy that conforms to the travel policy of the appointing authority and such policy is approved by the appointing authority. The local board shall annually provide the appointing authority's written confirmation of such approval to the Commission and a copy of the travel policy authorized by the appointing authority. Any excess expenses not covered by the local board's travel policy shall only be paid with the written authorization of the appointing authority's finance officer. A copy of the written authorization for excess expenses shall be submitted to the Commission by the local board within 30 days of approval." No changes have been made to the ABC Board travel policy.  
**Recommendation:** Motion to approve the Concord ABC Board Travel Policy.
- C. Consider adopting the annual updates to the City's UAS Policy Manual for calendar year 2021.** Annual updates were made to the City's UAS Policy Manual for calendar year 2021.  
**Recommendation:** Motion to adopt the annual updates made to the City's UAS Policy Manual.
- D. Consider adopting an ordinance amending the City of Concord Code of Ordinances, Chapter 62, Water and Wastewater Utilities.** The proposed amendment would clarify pipe material standards in water mains 12" and greater, clarify that the one-time fee for pump stations applies to expansions, and corrects references to State Departments and administrative codes that have been revised.  
**Recommendation:** Motion to adopt an ordinance amending the City of Concord Code of Ordinances, Chapter 62, Water and Wastewater Utilities.
- E. Consider authorizing the Fire Department to apply for the Staffing for Adequate Fire & Emergency Response Grant (SAFER) through the Federal Emergency Management Association (FEMA).** The Concord Fire Department is seeking authorization to apply for the 2020 SAFER grant through the Federal Emergency Management Association (FEMA). The SAFER Grant is a three-year grant performance period. If awarded, the grant will cover 100% of the associated salaries for 3 years. The grant is associated with the personnel request associated with FY 18 staffing study which has been presented for the FY22 budget cycle. There are 6 full-time employees (FTE's) associated with this grant request and the FY22 budget request.  
**Recommendation:** Motion to authorize the Fire Department to apply for the Staffing for Adequate Fire & Emergency Response Grant (SAFER) through the Federal Emergency Management Association (FEMA).
- F. Consider authorizing the City Manager to accept and execute the Airport Coronavirus Response Grant in the amount of \$38,549 and to adopt a budget amendment.** Last month, the Federal Aviation Administration (FAA) released specific airport allocations for the Coronavirus Response and Relief Supplemental Appropriations Act. Concord Padgett Regional will receive \$38, 549 in grant funds. These funds will be used specifically for relief from rent and minimum annual guarantees to on-airport car rental, on-airport parking, and in-terminal concessions.

**Recommendation:** Motion to accept and execute the FAA grant and to adopt a budget amendment.

- G. Consider authorizing the City Manager to accept and execute the Airport Coronavirus Response Grant in the amount of \$1,777,077 and to adopt a budget amendment.** Last month, the Federal Aviation Administration released specific airport allocations for the Coronavirus Response and Relief Supplemental Appropriation Act. Concord-Padgett Regional Airport will receive \$1,777,077 in grant funds. These funds will be used for cost related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport and debt service payments.

**Recommendation:** Motion to accept and execute the FAA grant and to adopt a budget amendment.

- H. Consider accepting an offer of infrastructure at Courtyards at Poplar Tent PH 2, 7-Eleven Store on Harris Road, Birchwood Commons, Wilkinson Ct. Townhomes, The Grounds Roadway Utilities, The Mills at Rocky River PH 1 and PH 2 roadways.** Birchwood Commons, 40 LF of 8-inch water line, 54 LF of 4-inch water line, 2 valves and 3 fire hydrants, Wilkinson Ct. Townhomes, 391 LF of 2-inch water line and 6 valves, 7-Eleven Store on Harris Road, 12 LF of 6-inch water line, 11 LF of 2-inch water line, 2 valves, 1 Fire Hydrant, 404 LF of 8-inch sanitary sewer line and 2 manholes, The Grounds Roadway Utilities, 1,686 LF of 12-inch water line, 799 LF of 8-inch water line, 23 LF of 4-inch water line, 8 valves and 4 fire hydrants, 698 LF of 8-inch sanitary sewer and 6 manholes, The Mills PH 1 and PH 2, 5,863 LF of roadway, Courtyards at Poplar Tent PH 2, 1,324 LF of 8-inch water line, 305 LF of 2-inch water line, 4 valves and 4 hydrants, 1363 LF of 8-inch sanitary sewer and 10 manholes.

**Recommendation:** Motion to accept the offer of infrastructure acceptance in the following subdivisions and sites. Courtyards at Poplar Tent PH 2, 7-Eleven Store on Harris Road, Birchwood Commons, Wilkinson Ct. Townhomes, The Grounds Roadway Utilities, The Mills at Rocky River PH 1 and PH 2 roadways.

- I. 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: White Park, LLC (First amended and restated agreement DB 14004 Page 146). Access easements and SCM maintenance agreements are being offered by the owners.

**Recommendation:** Motion to approve the maintenance agreements and accept the offers of dedication on the following properties: White Park, LLC.

- J. Consider adopting an ordinance to amend the FY 2020/2021 Budget Ordinance for the General Fund to appropriate miscellaneous proceeds received.** The City of Concord received insurance reimbursements to cover repairs and replacement of damaged vehicles and property as well as proceeds from the sale of surplus firearms. The attached budget ordinance will appropriate these funds to the respective impacted departments.

**Recommendation:** Motion to adopt an ordinance to amend the FY 2020/2021 Budget Ordinance for the General Fund to appropriate miscellaneous proceeds received.

- K. Consider adopting an ordinance to amend the FY 2020/2021 Budget Ordinance for the Aviation Fund to appropriate additional fuel revenue.** Fuel sales at the airport are exceeding original budget estimates. The attached budget ordinance will appropriate these funds to cover the additional related fuel costs.

**Recommendation:** Motion to adopt an ordinance to amend the FY 2020/2021 Budget Ordinance for the Aviation Fund to appropriate additional fuel revenue.

- L. Consider adopting an ordinance amending the operating budgets for Stormwater and Wastewater for the OPEB (Other Postemployment Benefits) contribution.** Staff is recommending additional funding to the OPEB fund based on current reserves in the Stormwater and Wastewater operating funds. The City is

aggressively working to address the outstanding liability for Concord's total OPEB liability of \$30.5 million as of June 30, 2020. The following additional amounts will be sent to the trust that holds our OPEB reserves, upon City Council approval: Wastewater \$1,109,007 and Stormwater \$302,236. These amounts are in addition to the OPEB contribution of \$998,165 that was approved across all funds in the Original FY21 Budget. After this contribution is made, the City will have approximately \$12 million in the OPEB Trust Fund.

**Recommendation:** Motion to adopt an ordinance amending the operating budgets for Wastewater and Stormwater to fund the City's OPEB liability.

**M. Receive the quarterly report on water and wastewater extension permits issued by the Engineering Department in the fourth 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 October 1, 2020 and December 31, 2020.

**Recommendation:** Motion to receive the fourth quarter water and wastewater extension report for 2020.

**N. Consider acceptance of the Tax Office reports for the month of January 2021.** 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 January 2021.

**O. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of January 2021.** 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 January 2021.

**P. Receive monthly report on status of investments as of January 31, 2021.** 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 reports 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 Community 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.