



City Council Agenda

Thursday, July 08, 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.

I. Call to Order

II. Pledge of Allegiance and Moment of Silent Prayer

III. Approval of Minutes

June 8, and June 10, 2021

IV. Presentations

1. Presentation of retirement plaque to Sergeant Skip Hinson for over 28 years of service with the City of Concord Police Department. Sgt. Hinson retired from the Concord Police Department on July 1, 2021. Sgt. Hinson began his career as a patrol officer in 1993. He spent his career working in different areas of the department including patrol, the Problem Action Team and the Criminal Investigations Division. He was promoted to sergeant in 2008 and ended his career as a sergeant in the David District (Mills Mall area) of the City.

2. Presentation of Certificate of Appreciation to Dr. Lee Gray recognizing 9 years of service to the City of Concord Historic Preservation Commission.

V. Unfinished Business

VI. New Business

A. Informational Items

1. Presentation of the 2020 Community Health Needs Assessment. (Work Session)

Marcella Beam, Chief Community Health Officer and Healthy Cabarrus Executive Director for the Cabarrus Health Alliance, will present the 2020 Community Health Needs Assessment at the Tuesday, July 6th, City Council Work Session.

B. Departmental Reports

C. Recognition of persons requesting to be heard

D. Public Hearings

1. Conduct a public hearing to consider amending Section 8.8.4 of the Concord Development Ordinance (CDO) and Section 58-256 (c) of the City Code of Ordinances to clarify the use of recreational vehicles as residences. The proposed amendment quantifies the use of RV, travel trailers and campers on individual developed parcels and for security purposes. Planning staff has worked with Legal and Code Enforcement to draft minimum requirements based on recent enforcement actions.

Recommendation: Motion to adopt an ordinance amending Section 8.8.4 of the CDO and Section 58-256(c) of the City Code relative to recreational vehicles.

2. Conduct a public hearing to consider adopting an ordinance amending Chapters 1, 3, 4, 5, and Appendix A of the Historic Handbook relative to "160D and Minor" text changes. The Historic Preservation Commission has proposed to modify the Historic Handbook to be in compliance with 160D, update The Secretary of the Interior's Standards for Rehabilitation, clarify contradicting language in Chapter 5-Section 8, and update references and other clerical changes. See attached staff report for detailed information on the request and to view the specific changes.

Recommendation: Motion to adopt an ordinance amending the Historic Handbook Chapters 1, 3, 4, 5, and Appendix A relative to "160D and Minor" text changes.

- 3. Conduct a public hearing to consider amending the 2030 Land Use Plan's Future Land Use Map and the text of Section 4.3.2 for a parcel located on the north side of Concord Parkway generally between George W. Liles Parkway and Rock Hill Church Road.** The subject property is approximately 385 acres and is the northernmost property ownership of the Bootsmead LLC property, which was formerly known as the Philip Morris land. Article 1 of the Concord Development Ordinance (CDO) allows the Council to initiate amendments and to consider updates to the Land Use Plan (LUP). Council has requested that this amendment be initiated in order to change the subject property's future land use designation from Mixed Use Activity Center (MUAC) to Industrial Employment (IE).

Recommendation: Motion to adopt an ordinance amending the LUP's Future Land Use Map and the corresponding text contained in Section 4.3.2.

E. Presentations of Petitions and Requests

- 1. Consider awarding a bid to Holden Building in the amount of \$1,259,999 to complete the entire renovation of the Ceramics Center at ClearWater Arts Center & Studios located at 223 Crowell Drive NW using CDBG funds.** ClearWater is the realization, but still developing, unique initiative spearheaded by the City of Concord in conjunction with several partners, including the Gibson Village Neighborhood Association. Its purpose: to consciously and intentionally build a hub of creative, artistic activity that will help develop community growth, by inducting artists, and an art-centric set of spaces open and available for access and use, into this neighborhood. The proposed renovation will provide one (1) shared studio, a manager office, large classroom, glazing room, glaze mixing room, and a kiln room. A drawing of the proposed work is enclosed along with the bid tabulation sheet. The cost estimate for the project was \$934,005, but with COVID related price issues, the lowest responsible bid was \$1,259,999 from Holden Building. Ten (10) Construction companies requested bid documents with seven (7) submitting Prequalification for Single Prime Contractors Forms to show capacity before they were able to submit a bid. Ken Griffin, architect for this project, did confirm capacity of Holden Builders.

Recommendation: Motion to award a bid to Holden Building in the amount of \$1,259,999 to complete the entire renovations of the Ceramics Center at ClearWater Arts Center & Studios located at 223 Crowell Drive NW using CDBG funds.

- 2. Consider renaming a section of Roberta Church Rd to Elmwood PI SW.** With NCDOT's completed construction of George W. Liles Pkwy, there is a short dead-end section of Roberta Church Rd which NCDOT realigned to connect to Concord Pkwy S. This realigned section of roadway needs to be assigned a new street name for safety and emergency-response reasons. There is already a separate section of Roberta Church Rd located off of Roberta Rd near Stough Rd which can potentially be confused with this particular street section. The name "Elmwood" was randomly selected by the Planning Department staff. Cabarrus County Planning Department has indicated that the name would be acceptable as a street name since it is not used anywhere else in the county. There are two single-family residential homes and one business for which staff would need to assign new addresses. Planning Department staff will give guidance to the property owners concerning the address change process. The Sign Shop in the Transportation Department would need to replace one green street blade at Concord Pkwy S and one at Oakview Dr. SW, making the cost very minimal.

Recommendation: Motion to rename the realigned section from Roberta Church Rd to Elmwood PI SW, if no other names are suggested.

- 3. Consider approving a salary increase as requested by the Concord ABC Board Members.** The Concord ABC Board Members have requested an increase in salary of \$75 per meeting. The last increase was approved in November 2016. The current rate is \$250 for the Chairman and \$200 for Members.

Recommendation: Motion to approve a salary increase of \$75 per meeting for the Concord ABC Board Members.

- 4. Consider approving Neighborhood Matching Grant awards distribution request for FY21-22 applicants.** The review committee determined that nine projects best meet the criteria for funding. The following twelve recommended projects, if funded, total \$30,000 which is the full NMG program amount included in the FY22 adopted budget: 1) Hidden Pond Seating Project - Request \$1,705 matching grant funds to support the Pond Seating Project; 2) Winding Walk Pet Stations and Benches Project - Request \$3,000 matching grant funds to support the installations of neighborhood pet stations to help keep the Winding Walk community clean and prevent soil and waterway contamination, and the spread of parasites and diseases; 3) Covington Playground Hip Shade Project - Request \$3,000 matching grant funds to support the installation of a new hip shade over their existing playground equipment; 4) Hampden Village Playground Expansion Project - Request \$3,000 in matching grant funds to support Hampden Village in their playground expansion project; 5) Residents of Historic Concord DogiPots Project - Request \$970 in matching grant funds to support the installation of DogiPot stations outside of public right-of-way areas on South Union Street. The stations will be installed and maintained by neighborhood volunteers and dues from the Residents of Historic Concord will help cover future material costs; 6) Christenbury Sidewalk Lighting Safety Project - Request \$3,000 matching grant funds to support the purchase and installation of 28 LEFD accent lights to complete the Sidewalk Lighting Safety Project; 7) Lanstone Heritage Tree Planting Project - Request \$2,450 in matching grant funds to support the Heritage Tree Planting project; 8) Hidden Pond Front Entrance Beautification Project - Request \$3,000 in matching grant funds to work with landscaper to reduce the size of the beds in their front entrance and upgrade their shrubbery by adding new low maintenance plants; 9) Highland Creek Entry Renovation Project - Request \$3,000 in matching grant funds for the Entry Renovation project at Highland Creek; 10) Ramsgate Barrier Fencing Project - Request \$2,900 in matching grant funds to support the Barrier Fencing project in the Ramsgate neighborhood; 11) Moss Creek Decorative Street Posts Project - Request \$2,850 in matching grant funds to support the replacement of existing steel street posts in Moss Creek Village with black decorative street posts; and 12) Bedford Farms Nature Walking Trail Project - Request \$2,825 in matching grant funds to support the Bedford Farms Nature Walking Trail. There were four projects not recommended for funding. A detailed description of all projects submitted (recommended and not recommended) are attached for your reference.

Recommendation: Motion to approve Neighborhood Matching Grant awards distribution request for FY21-22 applicants.

- 5. Consider declaring as surplus and authorize the sale of a Cummins 1250kW enclosed diesel generator with base tank (Serial #: K050851161, Year 2005) and accept a bid to purchase from LEL International.** This generator currently supplies back up power to City Hall and the Police Department and will be replaced with a new generator, thereby creating the surplus. The new generator will have sound attenuation and will operate more efficiently. Southeastern Consulting Engineers, Inc. developed a request for proposals to purchase the generator. Bids were received and opened on June 17, 2021. The highest responsive bid was received from LEL International out of Duncan, South Carolina, in the amount of \$65,300.

Recommendation: Motion to declare as surplus and accept a bid to purchase from LEL International in the amount of \$65,300.

6. Consider authorizing the City Manager to negotiate and execute an addendum to the contract with MetCon Inc. for design build services for the Electric Operations Center. MetCon, Inc. is currently under contract for pre-construction services related to the design and construction of the Electric Operations Center. Due to the volatility of the steel market and expected rising cost, MetCon has submitted a price for materials related to the pre-engineered buildings for the equipment sheds. By approving this purchase, we are locking in the price and saving an estimated \$79,210.06.

Recommendation: Motion to authorize the City Manager to negotiate and execute an addendum to the contract with MetCon Inc. for pre-engineered building material in the amount of \$673,384.

7. Consider adopting a project ordinance for an additional \$1.9 million in funding for the implementation of the AMI metering project and authorize the City Manager to negotiate an increase to the overall contract amount with Nexgrid for continued AMI services. This additional funding will allow for the purchase of additional communications modules to complete the project deployment as well as remediation activities. Funds will be assigned from retained earnings. Nexgrid is the provider of the AMI communications modules. Council previously approved additional funds last year for NEXGEN, who is the contractor assisting in the installation process.

Recommendation: Motion to adopt a project ordinance for an additional \$1.9 million in funding for the implementation of the AMI metering project and authorize the City Manager to negotiate an increase to the overall contract amount with Nexgrid for continued AMI services.

VII. Consent Agenda

A. Consider adopting a resolution authorizing an eminent domain action for property located at 220 Georgia Street. Title to this property is currently in the name of All Heirs Known and Unknown of Fannie Marie Reid. An attempt to transfer the title to Mr. Calvin Lewis Reid was made on or about October 2, 2018; however, several flaws in the deed appear to void that transaction. The tax value of the property is listed at \$32,930. There are judgments against several of the known heirs of Fannie Marie Reid in the total amount of \$8,776.32. Property taxes for the year 2020 are delinquent in the amount of \$420.57. This eminent domain action is requested by the City's Planning Department for the purpose of affordable housing.

Recommendation: Motion to adopt a resolution authorizing an eminent domain action for property located at 220 Georgia Street.

B. Consider adopting a resolution authorizing an eminent domain action for property located at 196 Mahan Street. Title to this property is currently in the name of Lillie Garvin Barrett (20% Interest), All Heirs Known and Unknown of Huey H. (Henry) Garvin (20% Interest), Sadie Gavin (Garvin) Thompson (20% Interest), All Heirs Known and Unknown of Samuel L. Garvin (20% Interest) and All Heirs Known and Unknown of Lenell (Lonell) Garvin (20% Interest). The tax value of the property is listed at \$49,840. Property taxes for the year 2020 have been paid. This eminent domain action is requested by the City's Planning Department for the purpose of affordable housing.

Recommendation: Motion to adopt a resolution authorizing an eminent domain action for property located at 196 Mahan Street.

C. Consider adopting a resolution authorizing an eminent domain action for property located at 23 Powder Street, NW. Title to this property is currently in the name of Misty Shea Newell and Stewardship-Bridgepoint Group. An attempt to transfer the title from Ms. Newell to Stewardship-Bridgepoint Group was made on or about July 28, 2009; however, several flaws in the deed appear to void that transaction. The tax value of the property is listed at \$54,150.00. Property taxes for the year 2020 have been paid. This eminent domain action is requested by the City's Planning Department for the purpose of affordable housing.

Recommendation: Motion to adopt a resolution authorizing an eminent domain action for property located at 23 Powder Street, NW.

- D. Consider adopting a resolution authorizing an eminent domain action for property located off of Melrose Drive, SW and known as lots 72 and 73 of Anneva Terrace.** Title to this property is currently in the name of Elizabeth G. Long. This property is landlocked with no direct access to Melrose Drive and has no improvements. The tax value of the property is listed at \$900. Property taxes for the year 2020 have been paid. This eminent domain action is requested by the City's Parks and Recreation Department for the purpose of constructing a greenway and access to the greenway.

Recommendation: Motion to adopt a resolution authorizing an eminent domain action for property located off of Melrose Drive, SW and known as lots 72 and 73 of Anneva Terrace.

- E. Consider a motion to accept a grant of easement from Cabarrus County for a water meter to serve the Novi Rise project on Barbrick Avenue.** In order to serve the Novi Rise project, an easement to locate a water meter is necessary on property owned by Cabarrus County. The easement was approved by the Cabarrus County Board of Commissioners on June 21, 2021.

Recommendation: Motion to accept a grant of easement from Cabarrus County for a water meter to serve the Novi Rise project on Barbrick Avenue.

- F. Consider adopting a resolution authorizing the lease of a portion of PIN 5539-34-7439, which includes 246 General Services Drive, 243 Betsy Carpenter Place and 244 Betsy Carpenter Place to Cabarrus County.** The current lease, entered in 1997, will expire on January 31, 2022. The lease terms are modified slightly to remove 242 Betsy Carpenter Place from the lease as the County will be selling that building to the City in the near future. The term of the new lease will be 25 years ending on January 30, 2047.

Recommendation: Motion to adopt a resolution authorizing the lease of a portion of PIN 5539-34-7439, which includes 246 General Services Drive, 243 Betsy Carpenter Place and 244 Betsy Carpenter Place to Cabarrus County.

- G. Consider approving revised policies and procedures manual for the City of Concord's Uniform Relocation Assistance (URA) Policy and the Residential Anti-Displacement and Relocation Plan.** As an entitlement community, Concord is routinely monitored by HUD for compliance. During the most recent monitoring, it was recommended to update both the Uniform Relocation Assistance (URA) Policy and the Residential Anti-Displacement and Relocation Plan for consistency. The URA Policy details the requirements an entity must follow when a household voluntarily relocates either temporarily or permanently due to needed repairs, reconstruction, or reuse of the property. The Residential Anti-Displacement and Relocation Plan identifies the actions Concord will follow should an activity require relocation. All changes were guided by Concord's HUD representative in conjunction with newly offered HUD trainings.

Recommendation: Motion to approve revised policies and procedures manual for the City of Concord's Uniform Relocation Assistance (URA) Policy and the Residential Anti-Displacement and Relocation Plan.

- H. Consider authorizing the Police Department to apply for the COPS FY 2021 Community Policing Development Accreditation Program grant.** The Fiscal Year 2021 Community Policing Development (CPD) Accreditation Program funds are used to develop the capacity of law enforcement to implement community policing strategies by providing guidance on promising practices through the development and testing of innovative strategies; building knowledge about effective practices and outcomes; and supporting new, creative approaches to preventing crime and promoting safe communities. This includes support to law enforcement agencies seeking accreditation. No local match required.

Recommendation: Motion to authorize the Police Department to apply for the COPS FY 2021 Community Policing Development Accreditation Program grant.

- I. **Consider authorizing the police department to apply for the FY 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program-Local Solicitation.** Based on the formula from JAG, Concord is directly allocated \$10,207, a portion of which must be shared with Cabarrus County. The shared amount will be determined at a later time during the application process. No City match is required.

Recommendation: Motion to authorize the police department to apply for the FY 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program-Local Solicitation.

- J. **Consider authorizing the City Manager to accept \$25,000 from the NC Governor's Highway Safety Program to fund overtime expenses for traffic safety 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 for the 21-22 fiscal year. The funds will be used for overtime traffic related enforcement expenses. The approval to apply was granted by City Council at their January 14, 2021 meeting. The official award documents have been received and will be presented to the City Manager for signature upon approval of acceptance of the grant funds. No City match is required.

Recommendation: Motion to authorize the City Manager to accept \$25,000 from the NC Governor's Highway Safety Program to fund overtime expenses for traffic safety enforcement and to adopt a budget ordinance to amend the FY 21-22 budget to appropriate the funds.

- K. **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: Oaklawn Project I, LLC (PIN 4681-02-3931) 9800 Harris Road; Table Rock RE Investments, LLC (PIN 5610-72-6291) 915 Concord Parkway South. 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: Oaklawn Project I, LLC and Table Rock RE Investments, LLC.

- L. **Consider accepting an Offer of Infrastructure at Slatebrooks Drive in Midland, Campbell Farms PH 1 MP 2, The Wayforth at Concord PH 1, 2 and 3.** In accordance with CDO Article 5, improvements have been constructed in accordance with the City's regulations and specifications. The following are being offered for acceptance: 1545 LF of Water Line, 8 Valves, 4 Fire Hydrants, 1320 LF of Sanitary Sewer, 5 Manholes, and 3,342 LF of roadway.

Recommendation: Motion to accept the offer of infrastructure acceptance in the following subdivisions and sites: Slatebrooks Drive in Midland, Campbell Farms PH 1 MP 2, The Wayforth at Concord PH 1, 2 and 3

- M. **Consider approving the City of Concord Housing Department's Emergency Housing Vouchers received from the American Rescue Plan Act of 2021.** The Housing Department received 26 vouchers to help assist individuals and families who are homeless, at risk of homelessness, fleeing or attempting to flee domestic violence, sexual violence, stalking or human trafficking.

Recommendation: Motion to accept the Emergency Housing Vouchers from the American Rescue Plan Act of 2021 in the amount of \$223,308.

- N. **Consider accepting the semiannual debt status report as of June 30, 2021.** The City's debt report as of June 30, 2021 is presented for the City Council's review.

Recommendation: Motion to accept the City's semiannual debt status report as of June 30, 2021.

O. Consider acceptance of the Tax Office reports for the month of May 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 May 2021.

P. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of May 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 May 2021.

Q. Receive monthly report on status of investments as of May 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 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 Community Task Force Committee
- Concord United 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.