



City Council Agenda

Wednesday, November 10, 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

October 12 and October 14, 2021.

IV. Presentations

1. Recognition of Sergeant John Parker for receiving the International Association of Chiefs of Police "40 Under 40" award for 2021.

Each year, the International Association of Chiefs of Police (IACP) recognizes 40 law enforcement professionals under the age of 40 worldwide for their leadership, dedication, and contributions to their community. As a "40 Under 40" award recipient for 2021, Sergeant Parker was recognized for his outstanding leadership, high level of professionalism, and commitment to the community while positively representing the City of Concord Police Department. Sergeant Parker is known as a progressive leader who implemented a strategic evidence-based approach to problem-solving. Sergeant Parker led the Vice and Narcotic unit's improved intelligence-gathering and investigative capabilities to better support community stakeholders with crime deterrence and case solvability. In addition, Sergeant Parker serves as a mentor to teenagers in the community through the Big Brothers Big Sisters program and is a board member for Cabarrus Leadership Council.

2. Presentation of a Proclamation recognizing award-winning journalist, war correspondent and author, Joe Galloway, Jr. Mr. Galloway was a native of Concord and the only civilian to receive the Bronze Star.

3. Presentation of a Proclamation recognizing November as National Native American Heritage Month.

V. Unfinished Business

VI. New Business

A. Informational Items

- 1. Presentation from Cabarrus Visitor's Bureau. (Work Session)
- 2. Presentation from Cooperative Christian Ministries (CCM) Executive Director, Ed Hosack, on "Transitional Housing". (Work Session)

B. Departmental Reports

C. Recognition of persons requesting to be heard

D. Public Hearings

- 1. Conduct a public hearing to consider adopting an ordinance amending Article 4 (Section 4.4.7.) of the Concord Development Ordinance (CDO) relative to Stormwater report and inspection requirements. The Water Resources Department is proposing a corrective amendment to Section 4.4.7 of the Concord Development Ordinance (CDO) relative to the annual inspection requirements for stormwater facilities. The proposed change deletes the current Section 4.4.7 (which

was written approximately 20 years ago) and replaces it with simpler and more contemporary language that reflects current practice and State and Federal requirements. It also refers the reader to the City's stormwater website for updated inspection requirements. This approach will avoid having to update the CDO each time these requirements change. Planning Commission unanimously voted to adopt this change at their October meeting. Staff will conduct a thorough presentation of all of the changes to ensure the Council understands these changes.

Recommendation: Motion to adopt an ordinance amending Article 4.4.7 regarding stormwater facilities inspections.

E. Presentations of Petitions and Requests

1. Consider adopting the 2021 Update to the City of Concord's Downtown Master Plan. Since the adoption of the 2016 Downtown Master Plan, millions have been invested by the private and public sector in downtown. These investments include 70 residential units in the former Hotel Concord and Lofts 29, a 600-space county-owned parking deck, complete renovations to 57 Union Street and 66 Union Street as well as the ongoing County courthouse expansion. In addition to these projects, starting construction are nearly 300 additional residential units with supporting 20,000 square foot of retail and office space spread throughout three buildings on Union Street (Novi Lofts), Barbrick Avenue (Novi Flats), and Market Street (Novi Rise) behind City Hall (anticipated investment of \$70 Million). These projects along with a new streetscape on Union Street spurred the need for an update to the current Downtown Master Plan. Benchmark Planning has worked extensively with City staff and will present an overview of the Downtown Master Plan Update including a brief review of the Parking Study Update findings (completed by Stantec), public information sessions held in April and June at the Cabarrus Center, Public Input survey results and the recommendations for the future. The Master Plan update aims to keep the momentum moving forward by building on the success of the 2016 plan and creates a strategic vision for downtown of the next five years and beyond.

Recommendation: Motion to adopt the 2021 update to the City of Concord's Downtown Master Plan.

2. Consider allocating an additional \$9,213.10 in CDBG CARES funding for the management of the Vance Drive Apartments by Cooperative Christian Ministries. In November of 2020, Council approved the management of the Vance Drive quadplex for persons needing to temporarily quarantine due to COVID-19. Cooperative Christian Ministries has worked with various agencies including Salvation Army, Cabarrus Health Alliance and Meals on Wheels to facilitate the safe housing of six persons who need immediate quarantine shelter due to a positive COVID test result. Staff is requesting Council to consider allocating the remaining CDBG CARES funds, in the amount of \$9,213.10, to Cooperative Christian Ministries to continue the management of the Vance quadplex and subsequent services related to persons quarantining.

Recommendation: Motion to approve allocating an additional \$9,213.10 in CDBG CARES funding for the management of the Vance Drive Apartments by Cooperative Christian Ministries.

3. Consider adopting an ordinance granting a franchise to Public Service Company of North Carolina, Incorporated. Public Service Company of North Carolina, Incorporated proposes to continue to construct, operate and maintain a Gas Utility System and all necessary means for transmission and distribution of gas within the City of Concord. this franchise shall constitute a contract between the Town and the Company and shall be in force and effect for an initial term of thirty (30) years and shall continue in force and effect year-to-year thereafter until properly terminated by either party.

Recommendation: Motion to adopt an ordinance granting a franchise to Public Service Company of North Carolina, Incorporated.

- 4. Consider adopting a resolution authorizing an eminent domain action for property located at 167 Mahan Street.** Title to this property is currently in the name of Mario Garcia. Due to certain Code Enforcement issues with the property, an attempt was made to locate the owner in order to begin a Code action; however, when the Code Officer went to the address listed by the tax office, no Garcia lived there. Another Mario Garcia was located in the City; however, when contacted, Mr. Garcia disclaimed any knowledge of the property. The tax value of the property is listed at \$41,900.00. Property taxes for the year 2021 are due in the amount of \$511.18. This eminent domain action is requested by the City's Planning Department for the purpose of affordable housing.

Recommendation: Consider making a motion to adopt a resolution authorizing an eminent domain action for property located at 167 Mahan Street.

- 5. Consider adopting an ordinance to allow the police department to administer the extension of ABC licensed premises.** A recent change in the NC General Statutes allows the City to adopt an ordinance providing for the temporary extension of ABC licensed premises. Extension applications will be administered by the Concord Police Department. Extensions are limited to no more than 72 hours per extension and 12 extension per year. This function was previously administered by the ABC Commission and the proposed ordinance mirrors the regulations followed by the Commission.

Recommendation: Motion to adopt an ordinance allowing the police department to administer the extension of ABC licensed premises.

- 6. Consider authorizing the City Manager to negotiate and execute a contract with the Houston Galveston Area Cooperative Purchasing Program for the purchase of a Pierce manufactured Fire engine/pumper and TDA-ladder truck.** By using the government to government purchasing cooperative for the purchase of the fire apparatus, the City is able to purchase both apparatus for a total cost of \$2,153,505 while providing a chassis with the latest safety features available. Using the pre-pay method will result in a cost savings of \$80,333.00. The apparatus will be a replacement for engine company 9 and the new ladder approved in the FY21-22 budget. The requested amount is under the approved funds in the vehicle capital account.

Recommendation: Motion to authorize the City Manager to negotiate and sign a contract for the purchase of the Pierce apparatus using the Houston Galveston Area purchasing cooperative.

- 7. Consider awarding a bid in the amount of \$1,629,248.25 to Pike Electric LLC for construction of Delivery Station #4 at 114 Union Cemetery Road.** Delivery Station #4 site-work/grading is now complete. Bid specifications for construction of the concrete foundations and all above ground facilities were developed and a formal bid process was held on October 20, 2021. Seven construction firms submitted bids, which were evaluated by staff for adherence to specifications. The lowest bidder at \$1,629,248.25 was Pike Electric LLC. Pike Electric was deemed to be a responsive and responsible bidder. Upon a Notice to Proceed letter, Pike will have 280 days to perform the work. Delivery 4 remains on schedule for commissioning in December 2022.

Recommendation: Motion to award a bid for \$1,629,248.25 to Pike Electric LLC for construction of Delivery Station #4 at 114 Union Cemetery Road.

- 8. Consider awarding bids for electric equipment and materials for Substation T Located at 2640 Concord Parkway to; Dis-Tran Packaged Substation Engineering, PLLC, Virginia Transformer Corporation, S&C Electric Company, ABB Inc., Electrical Power Products Inc. and VFP Inc.** Electric Systems staff received bids on October 20, 2021 for electric equipment and materials required for the construction of a new substation located at 2640 Concord Parkway South. The bids were arranged into the following six schedules of equipment: Schedule I –

Substation steel and structures- Dis-Tran Packaged Substation Engineering, \$491,320; Schedule II - Two 27 MVA Power transformers, Virginia Transformer Corporation, \$1,857,624; Schedule III – Two 100KV circuit switchers, S&C Electric Company, \$116,660.20; Schedule IV – Fourteen 15KV circuit breakers, ABB Inc., \$246,161.60; Schedule V -- Relay Panels, Electrical Power Products, \$116,486 (Lowest Responsive Bidder); and Schedule VI – Control equipment house, VFP, Inc., \$91,248. All schedules combined at \$2,919,499.80. Funding to be derived from existing Substation T project account with standing balance of \$4,117,194.22.

Recommendation: Motion to award bids for electric equipment and materials for Substation T to; Dis-Tran Packaged Substation Engineering, PLLC, Virginia Transformer Corporation, S&C Electric Company, ABB Inc., Electrical Power Products Inc. and VFP Inc.

- 9. Consider approving the acquisition of one parcel totaling 4.303 acres along Three-mile Branch and Branchview Drive (parcel ID# 5621-84-3678) from Irvin W. Nachman, Judy Ben-Zev, Barry A. Nachman, and Susan Nachman for future development of McEachern Greenway.** The parcel under consideration for acquisition (PID# 5621-84-3678) would be developed as part of an extension to the McEachern Greenway. This parcel is 4.303 acres according to a new survey, and features land on both sides of Brookwood Avenue. The purchase price is \$105,000. This property is critical for connectivity from the existing end of McEachern Greenway to David Phillips Activity Center, which also features connections to Miramar with sidewalk connections to Beverly Hills Park, Concord High School, and future connectivity to the hospital. The total cost for acquisition of the 4.303 acres including due diligence is \$110,900.

Recommendation: Motion to approve the acquisition of one parcel totaling 4.303 acres (PIN# 5621-84-3678) from Irvin W. Nachman, Judy Ben-Zev, Barry A. Nachman, and Susan Nachman for future development of McEachern Greenway for \$110,900 (amount includes due diligence), and to adopt ordinances to amend the Parks and Recreation Capital Reserve Fund and Recreation Capital Project Fund to complete transfers for approved property purchases.

- 10. Consider authorizing the City Manager to negotiate and execute a contract with Cunningham Associates, Inc. for the replacement of playground equipment at McGee Park, located at 219 Corban Avenue, East, in the amount of \$160,542.27.** Cunningham Associates, Inc. quote was the lowest responsible bidder at \$160,542.27. The amount of \$165,000 was identified in the approved FY22 budget for the replacement of the aged playground unit at McGee Park. The new playground will feature replacement of one large playground unit originally built in 2004, replacement of the existing tire swing with new accessible swings, and new poured-in-place (PIP) rubber surfacing for two large areas of the playground, totaling approximately 5,215 square feet.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Cunningham Associates, Inc. for a playground unit replacement at McGee Park in the amount of \$160,542.27

- 11. Consider authorizing the City Manager to negotiate and execute a construction contract with Cleary Construction Inc. for the construction of the 12" Public Sewer Extension Phase I and to adopt a capital project ordinance amendment.** Bids were received on November 2, 2021 for the construction of a 12" Public Sewer Extension located along Coddle Creek Tributary from Roberta Church Road to approximately 885 feet north. Cleary Construction, Inc. was the low bidder with a total bid of \$2,451,594.75. The bid price was over current project funding and will require a transfer from wastewater future projects.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Cleary Construction Inc. in the amount of \$2,451,594.75 for the

construction of the 12" Public Sewer Extension Phase I and to adopt a capital project ordinance amendment.

- 12. Consider making appointments to various Boards and Commissions.** The Mayor and Council have met and reviewed all applications currently on file in the City Clerk's office.

Recommendation: Motion to make appointments to various Boards and Commissions.

VII. Consent Agenda

- A. Consider co-sponsoring the 2021 Concord Christmas Parade and provide insurance and in-kind services for the event.** Cabarrus Events Association is requesting the City to provide insurance and in-kind services for the 2021 Concord Christmas Parade. The City has provided these services in previous years. The Parade will be held Saturday, November 20, 2021.

Recommendation: Motion to co-sponsor the 2021 Concord Christmas Parade and provide insurance and in-kind services for the event.

- B. Consider accepting the donation of a Pierce rescue truck from the Odell Volunteer Fire Department.** The Odell Fire Department Board of Directors has agreed to donate their rescue truck declared surplus due to new vehicle purchase. The Odell rescue truck has greater capabilities as well as additional equipment storage that closely resembles the front-line apparatus used by the fire department. The Odell rescue truck has been inspected by the fleet fire mechanic and he supports the donation of the truck. The Odell rescue truck has had numerous upgrades including LED emergency lighting, LED light tower, LED scene lighting and ladder storage. These features are not available on our current reserve rescue unit.

Recommendation: Motion to accept the donation of the Odell rescue apparatus.

- C. Consider the donation of Pierce rescue truck to the Odell Volunteer Fire Department.** The reserve rescue unit will be donated to the Odell Fire department and will be used to replace the donated rescue truck from Odell.

Recommendation: Motion to donate the reserve rescue unit to Odell fire department.

- D. Consider updating the Housing Department's Admissions and Continued Occupancy Policy to reflect the 30-day advance notification of lease termination.** HUD published "Extension of Time and Required Disclosures for Notification of Nonpayment of Rent" as an Interim Final Rule effective November 8, 2021 (PIH Notice 2021-29). The Interim Final Rule requires that, pursuant to a determination of the Secretary of HUD, tenants must be provided no less than 30 days advanced notification of lease termination due to nonpayment of rent. Further, the rule also requires that within the notification, PHAs must provide information to affected tenants as necessary to support tenants in securing available funding through the US Department of Treasury's Emergency Rental assistance (ERA) program provided directly to states. This determination remains in effect until a subsequent HUD notice is issued rescinding the determination.

Recommendation: Motion to update the Housing Department's Admissions and Continued Occupancy Policy to reflect HUD's PIH Notice 2021-29, 30-day advance notification of lease termination.

- E. Consider accepting an offer of infrastructure at Night and Day Dental.** 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: 20 LF of 8-inch water line.

Recommendation: Motion to accept the offer of infrastructure acceptance in the following subdivisions and sites: Night and Day Dental.

- F. 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: Odell

73 Investments, LLC (PIN 4681-68-0773) 8825 Davidson Highway and Stor-All Derita, L.P. (PIN 4589-46-9776) 2875 Derita Road. 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: Odell 73 Investments, LLC and Stor-All Derita, L.P..

- G. 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: Kensley East Subdivision, Cannon Run, and Minor Subdivision 361 Eastover Dr SE. 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: Kensley East Subdivision, Cannon Run, and Minor Subdivision 361 Eastover Dr SE.

- H. Consider authorizing the City Manager to accept an award in the amount of \$37,400 under the FY 2021 Patrick Leahy Bulletproof Vest Partnership Grant from the United States Department of Justice to purchase an estimated 115 vests over the next two years and to adopt a budget ordinance appropriating the grant funds.** The Concord Police department received notification on October 14, 2021 for the FY 2021 Patrick Leahy Bulletproof Vest Partnership Grant from the United States Department of Justice. This grant reimburses agencies up to 50% of the costs of new, uniquely fitted bulletproof vests. The department projects needing to purchase 115 vest over the next two years at a total cost of \$74,750.00, of which the city would receive reimbursement of \$37,400 under the grant guidelines. The approval to apply for this award was granted by City Council at their June 10, 2021 meeting.

Recommendation: Motion to authorize the City Manager to accept an award in the amount of \$37,400 under the FY 2021 Patrick Leahy Bulletproof Vest Partnership Grant from the United States Department of Justice to purchase an estimated 115 vests over the next two years and to adopt a budget ordinance appropriating the grant funds.

- I. Consider authorizing the City Manager to accept the award of \$20,905 from 2021 BJA FY 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program-Local Solicitation to implement a weapon-mounted light program, consultant training, purchase "simunition" handgun conversion kits, "simunition" magazines for handgun and to adopt a budget ordinance to appropriate the grant funds.** The Concord Police Department received official notification on October 14, 2021 for the 2021 BJA FY 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program-Local Solicitation from the United States Department of Justice. Per JAG regulations, a portion of the money must be shared with Cabarrus County and the City of Kannapolis. The City of Concord will serve as the fiscal administering agency. Per an agreement based on the JAG formula, the City of Concord will receive the full amount of \$20,905, of which the City of Kannapolis is allocated \$9,028 and Cabarrus County is allocated \$3,554. The approval to apply for this award was granted by City Council at their July 8, 2021 meeting.

Recommendation: Motion to authorize the City Manager to accept the award in the amount of \$20,905 from 2021 BIA FY 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program-Local Solicitation on behalf of the police department and to adopt a budget ordinance to appropriate the grant funds.

- J. Consider adopting ordinances to amend the Electric Operating budget and the Utility Capital Reserve Project for a transfer of Electric reserves to the project fund.** The Electric department is requesting that \$10,000,000 of reserves from FY2021 earnings be placed in the Utility Capital Reserve Project fund to fund future CIP projects.

Recommendation: Motion to adopt ordinances to amend the Electric operating budget and the Utility Capital Reserve Project fund for a transfer of Electric reserves to the project fund.

- K. Consider adopting a budget ordinance to increase the amount available for the Public Art Master Plan by \$15,000.** The increase will provide approximately \$60,000 to complete the study. The Public Art Steering Committee expects to have a consultant recommendation for Council to consider in late November or December.

Recommendation: Motion to adopt a budget ordinance increasing funds for the Public Art Master Plan by \$15,000.

- L. Consider authorizing the City Manager to enter into a contract with the North Carolina Department of Transportation (NCDOT) and execute all agreements and contracts with the NCDOT, Public Transportation Division (PTD), to receive Section 5303 Federal Transit Administration (FTA) funds for Metropolitan Planning for Transit.** Each year, the City of Concord acts as lead agency for the Cabarrus-Rowan Urban Area Metropolitan Planning Organization (MPO) in an agreement with the North Carolina Department of Transportation (NCDOT) to receive Section 5303 Federal Transit Administration (FTA) funds for Metropolitan Planning for Transit. The purpose of the Section 5303 funds are to assist in the development of improved public transportation facilities, equipment, techniques, and methods with the cooperation of public transportation companies both public and private; and to provide assistance to state and local governments and their instrumentals in financing such systems, to be operated by public and private transportation companies as determined by local needs; and various federal urban transportation planning regulations require that each urbanized area have a comprehensive, cooperative, and continuing transportation planning process. For FY22, the NCDOT has allocated \$95,751 which covers the 80% federal share and the 10% state share. The remaining 10% share of \$9,576 is the local share which is split between the City of Concord and the City of Kannapolis. The budget was appropriated during the adoption of the FY22 budget ordinance.

Recommendation: Motion to authorize the City Manager to enter into a contract with the North Carolina Department of Transportation (NCDOT) and execute all agreements and contracts with the NCDOT, Public Transportation Division (PTD), to receive Section 5303 Federal Transit Administration (FTA) funds for Metropolitan Planning for Transit.

- M. Consider adopting the proposed 2022 and 2023 Holiday Schedules.** Staff recommends approving the 2022 and 2023 Holiday Schedules in accordance with Personnel Policy Article 6.4, Holiday Leave.

Recommendation: Motion to approve the 2022 and 2023 Holiday Schedules.

- N. Receive quarterly report on water and wastewater extension permits issued by the Engineering Department in the third quarter of 2021.** In accordance with City Code Chapter 62, attached is a report outlining the water and wastewater extension permits that were issued between July 1, 2021 and September 30, 2021.

Recommendation: Motion to receive the third quarter water and wastewater extension report for 2021.

- O. Consider the required reporting related to the annual information on the Identity Theft Program.** Staff is required to review the City's Identity Theft Detection and Prevention Program each year to ensure that the City is in compliance and also to ensure that the policy remains current. Staff is also required to disclose to City Council any identity theft issues that have been noted in the past 12 months. Staff has reviewed the current policy and has found no issues. The identity theft issues are detailed in the attached document for your review.

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

P. Receive monthly report on status of investments as of September 30, 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.

Q. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of September 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 September 2021.

R. Consider acceptance of the Tax Office reports for the month of September 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 September 2021.

I. 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

II. General comments by Council of non-business nature

III. Closed Session (if needed)

IV. 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.