



# City Council Agenda

Thursday, August 11, 2022

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 21, July 12, and July 14, 2022.

**IV. Presentations**

**1. Recognition of Mr. Chad Oxendine for his 23 years of teaching tennis at Myers Park for the City of Concord Parks & Recreation Department.**

**2. Recognition of the City of Concord Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting for period ending June 30, 2021.** The City of Concord has participated in the Government Finance Officer's Association of the United States and Canada (GFOA) award program for many years and again has been successful in meeting the requirements for the Certificate of Achievement for Excellence in Financial Reporting for the period ending June 30, 2021. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. The City has received this award for 33 consecutive years.

**V. Unfinished Business**

**A. Continue a public hearing for case Z(CD)-07-21 and consider adopting an ordinance amending the official zoning map for +/- 54.8519 acres located northeast corner of International Drive and Highway 73, generally addressed as 4208 and 4515 Davidson Hwy from MX-CC2 (Mixed-Use Commercial Center Large) to I-1-CD (Light Industrial Conditional District) and C-2 (General Commercial).** This case was tabled from the June 9th City Council meeting and was continued to July. At the July meeting, the hearing was continued in order to allow the developer to meet with neighbors to explore a change to the site plan to address the truck access issue. The Planning and Zoning Commission heard the above referenced petition at their April 19th, 2022 public hearing and acted to deny the request. In accordance with Concord Development Ordinance section 3.2.4-B, "The Commission may grant final approval of a zoning map amendment by a vote of at least three-fourths (3/4) of the members of the Commission present and not excused from voting. If the approval is by a vote of less than three-fourths, or if the Commission renders a recommendation of denial, the request shall be forwarded to the City Council for hearing at their next available meeting and the City Council shall have the authority to make a final decision on the zoning map amendment." According to the applicant, an office, warehouse, distribution and light industrial business park are the possible uses for the I-1-CD (Light Industrial Conditional District) area of the development and no specific plans have been provided for the C-2 (General Commercial) portion of the site. Please see attached documents for further detail.

**Recommendation:** Consider adopting an ordinance amending the official zoning map from MX-CC2 (Mixed-Use Commercial Center Large) to I-1-CD (Light Industrial Conditional District) and C-2 (General Commercial).

## 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 pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a one year / 85% tax based Economic Development Incentive Grant to Keysteel Corp. to locate at 4758 Poplar Tent Rd., Concord, NC.** Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. Keysteel Corp. proposes to develop an approximately 70,000 SF manufacturing plant for construction related products made from steel wire. Their process manufactures welded wire reinforcement products. Keysteel's proposed investment represents a total \$10,000,000 - \$12,000,000 investment in real and personal property. The project expects to create 10-15 new full time jobs with average wages of \$48,000.00. The total value of the City's one year grant is estimated to equal \$39,168 dependent on the actual investment. The City of Concord would still collect a 1-year net revenue of \$6,912 after the incentive payments. See attached grant analysis for additional details.

**Recommendation:** Consider offering a contract for a one year / 85% tax based Economic Development Incentive Grant to Keysteel Corp to locate at 4758 Poplar Tent Rd., Concord, NC.

2. **Conduct a public hearing to consider designating the P.M. Morris Building located at 48-56 Union St S and 41 Market St SW as a local historic landmark.**

Justin Mueller, the registered agent for Morris Building, LLC, the owner of the building, has applied for the designation of the property as a local historic landmark. This designation is accomplished by ordinance adopted by City Council, in accordance with the procedures set forth in Section 9.8.3. The ordinance requires a report to be generated by the Historic Preservation Commission and reviewed by the State Historic Preservation Office, per statute, as well as a review of the designation by the Planning and Zoning Commission, and public hearings to be held jointly or separately by the Historic Preservation Commission and the City Council. The pre-requisite reviews and the Historic Preservation Commission's hearing have already occurred. The impacts of the designation are the following: Designating the parcel as a historic landmark, results in a 50% tax deferral. There is a claw-back provision to reclaim three years' worth of the deferral if the site were to lose its landmark status. The current tax value of the parcel is \$509,240. The property incurs a \$0.48 standard City tax rate as well as a \$0.23 MSD (Municipal Service District) tax rate. With the 50% deferral, the property owner will save \$1,807.81 (City impact). The improvements were approved by the Department of Interior and the building is currently under extensive renovation. Modifications to the structure will require a Certificate of Appropriateness to the extent described in the designation ordinance subject to approval by the Historic Preservation Commission. For the subject property, the designation includes the exterior of the building and portions of the building interior. The original character defining features identified on the exterior are the entire exterior façade and the parking lot on Market St SW. The original character defining features identified on the interior are the plaster walls and ceilings, tongue-and-groove wood floors and ceilings, molded wood cornices and chair rails, baseboards capped with molded trim, molded door and window surrounds, three-panel and five-horizontal-panel doors surmounted by square glazed transoms, wood stair railings with square balusters, molded handrails, and square paneled newels. The Certificate of Appropriateness for demolition can have its effective date delayed for a year. The designation does not impact the range of permitted uses on the property. The Planning and Zoning Commission recommended the following statement of reasonableness and consistency: The proposed request is consistent with Objective 3.2 of the 2030 Land Use Plan "Support historic preservation

efforts within the City's historic districts and for other historic sites." It is reasonable to extend historic preservation protections to the property at 48-56 Union St S and 41 Market St SW as a historically significant building in Concord's downtown to ensure that it will retain important elements of its historic character.

**Recommendation:** Motion to consider and adopt an Ordinance designating the P.M. Morris Building located at 48-56 Union St S and 41 Market St SW as a local historic landmark.

- 3. Conduct a public hearing for case Z-06-22 and consider adopting an ordinance amending the official zoning map for +/-1.12 acres located at 760 Pitts School Road from C-2 (General Commercial) to I-1 (Light Industrial) and to amend the 2030 Land Use Plan to modify the future land use designation of the parcel from Rural to Industrial Employment.** The property was annexed by City Council on March 31, 1991. The Planning and Zoning Commission heard the above referenced petition at their July 19, 2022 meeting and unanimously voted to forward the request to City Council with a recommendation that the zoning map be amended from C-2 (General Commercial) to I-1 (Light Industrial) and to amend the 2030 Land Use Plan to designate the parcel as Industrial Employment. The site is proposed to be an expansion of the Meadows Corporate Park across Pitts School Rd. and was allocated sewer on July 19, 2022.

**Recommendation:** Consider adopting an ordinance amending the official zoning map from C-2 (General Commercial) to I-1 (Light Industrial) and to amend the 2030 Land Use Plan to modify the future land use designation of the parcel from Rural to Industrial Employment.

- 4. Conduct a public hearing and consider approving an ordinance to adopt the George W. Liles Small Area Plan** The 2030 Land Use Plan Implementation Work Plan established the need for an update to the 2005 Concord Parkway/Roberta Church Rd Small Area Plan with a new Mixed-Use Corridor Plan for the George W. Liles Pkwy. Staff will present an overview of the George W. Liles Pkwy Small Area Plan including a review of the market analysis, public input, existing conditions, the vision for the Small Area Plan, scale comparisons for the area, key recommendations for the two study areas within the plan, future implementation, and a review of what was heard during the public comment period. The draft plan was made available to the public for review through the City's Public Input page from June 23rd through July 14th. Staff received 21 responses from participants and the project page received 1,555 views. The plan was presented to the Planning & Zoning Commission on July 19th where they passed the motion to recommend to City Council that the George W. Liles Pkwy Small Area Plan be adopted. The public hearing notice was advertised in The Independent Tribune on July 31st and August 7th.

**Recommendation:** Motion to approve an Ordinance to adopt the George W. Liles Small Area Plan.

- 5. Conduct a public hearing for case Z(CD)-34-21 and consider adopting an ordinance amending the official zoning map for +/- .507 acres located at p/o 10435 Poplar Tent Rd from Huntersville ETJ Rural (R) to City of Concord Residential Village-Conditional District (RV-CD) and to amend the 2030 Land Use Plan to incorporate the parcel as Suburban Neighborhood.** The property was annexed by City Council on June 9, 2022, and is located in Mecklenburg County, which is why it was not previously included in the 2030 Land Use Plan. The Planning and Zoning Commission heard the above referenced petition at their July 19th meeting and unanimously voted to forward the request to City Council with a recommendation that the zoning map be amended from Huntersville ETJ Rural to City of Concord RV-CD (Residential Village-Conditional District) and concurrently to amend the 2030 Land Use Plan to incorporate the parcel as Suburban Neighborhood.

**Recommendation:** Conduct a Public Hearing and consider adopting an ordinance amending the official zoning map from Town of Huntersville ETJ Rural (R) to City

of Concord RV-CD (Residential Village – Conditional District) and to amend the 2030 Land Use Plan to incorporate the parcel as Suburban Neighborhood.

6. **Conduct a public hearing for case Z(CD)-01-22 and consider adopting an ordinance amending the official zoning map for +/- 2.553 acres located at 7995 Old Holland Rd. from unzoned to City of Concord Residential Compact-Conditional District (RC-CD) and to amend the 2030 Land Use Plan to change the designation from Commercial to Urban Neighborhood.** The property was annexed by City Council on March 10, 2022. The Planning and Zoning Commission heard the above referenced petition at their July 19th meeting and unanimously voted to forward the request to City Council with a recommendation that the zoning map be amended from unzoned to City of Concord RC-CD (Residential Compact-Conditional District) and concurrently to amend the 2030 Land Use Plan to modify the future land use designation of the parcel from Commercial to Urban Neighborhood. The parcel was previously zoned Cabarrus County Limited Industrial prior to zoning expiring when more than 60 days elapsed between annexation and rezoning.

**Recommendation:** Consider adopting an ordinance amending the official zoning map unzoned to City of Concord RC-CD (Residential Compact – Conditional District) and to amend the 2030 Land Use Plan to modify the future land use designation from Commercial to Urban Neighborhood.

7. **Conduct a public hearing for case TA-07-22 and consider adopting an ordinance amending the Concord Development Ordinance (CDO) Section 8.3.4.G.5.** This text amendment was generated by a citizen request. David Kossove submitted an application for a text amendment requesting that multi-family and mixed use buildings be added to the list of permitted uses within a 1,000 ft. buffer of the Convention Center. The Planning and Zoning Commission has recommended draft language that includes mixed use buildings but did not feel that multi-family buildings were consistent with the purpose of the supplemental standards: “The purpose and intent of this section is to ensure that future development within close proximity of the convention center will contain uses that are compatible and complimentary, and promote pedestrian as well as tourist activities.” Multi-family structures in the General Commercial (C-2) zoning district are limited in use and density to 30% of the parcel and would be subject to a special use permit. Within the area encompassed by the 1,000 buffer of the Convention Center, there are 6 undeveloped parcels, encompassing +/- 15.0991 acres that would be subject to the limitation: at the 30% limit the maximum number of multi-family units would be 67 units, if they were not included in a mixed use building. The owner of the largest parcel (5.5972 acres), and associated with the text amendment application, is seeking to develop a mixed use building and a standalone multi-family building at 5350 John Q Hammon Dr. NW. Both the mixed use and multi-family components of the project were selected for sewer allocation on July 19, 2022 by City Council. This text amendment would be a prerequisite for the project to proceed and Council would need to consider amending the text amendment to include multi-family for the standalone multi-family component to proceed.

**Recommendation:** Consider adopting an ordinance amending CDO Section 8.3.4.G.5 along with a Statement of Consistency.

8. **Conduct a public hearing for case TA-08-22 and consider adopting an ordinance amending the Concord Development Ordinance Article 14 definition of Building, Mixed Use.** This text amendment is staff-initiated. Staff review of the definition Building, Mixed Use determined that the definition in the CDO is not a common typology for mixed use buildings, particularly where it references that they are “similar in appearance to a large single-family detached house.” This text amendment recommends removing this descriptor and the specific example of “bed and breakfast inn”: a recommendation from the Planning and Zoning Commission as typically not a common use in a mixed use building.

**Recommendation:** Consider adopting an ordinance amending CDO Article 14, definition of Building, Mixed Use and Statement of Consistency.

**E. Presentations of Petitions and Requests**

**1. Consider adopting a resolution authorizing an eminent domain action for property located at 2711 Concord Parkway, South.** This property is currently owned by JRNC Investments, LLC. Certain easements, both permanent and temporary, are required by the Electric Department in order to construct a 100Kv transmission line to Substation T. The total appraised tax value of the property is listed at \$1,356,080. The Engineering department calculated the value of the easements to be \$18,607.71. The property owner's representative rejected the offer and refused to make a counteroffer. An appraisal of the easement value is underway, and the City Attorney will attempt to open negotiations based on that information once acquired; however, having an eminent domain resolution in place will help move the matter forward in the event negotiations are unsuccessful.

**Recommendation:** Consider making a motion to adopt a resolution authorizing an eminent domain action for property located at 2711 Concord Parkway, South.

**2. Consider awarding bid for sixty-six (66) steel transmission poles, and 795 kcmil wire and hardware to CHM Industries, Inc and WESCO Distribution, Inc.** Electric Systems staff received bids on July 21, 2022 for sixty-six (66) steel transmission poles, 795 kcmil wire and miscellaneous hardware required for interconnection of Delivery Point #4 (Bootsmead property), Substation W (Eli Lilly Property) and Substation T (Concord Parkway S.) The poles and hardware are required to extend current 100KV transmission facilities from the Delivery 4 site Southward to Substation W and further South to Substation T just past the west side bypass. Seven bids were received and evaluated for responsiveness. Electric staff determined that the lowest bidder for the 66 poles outlined in Schedule I, CHM Industries, was responsive and compliant in meeting the required specifications. For wire and hardware outlined in Schedule II, the lowest bidder, WESCO Distribution, Inc, was responsive and compliant. Funding will be derived from existing Delivery 4 & 100 KV project account with a standing balance of \$6,677,794. Bid totals are: Schedule I (Sixty-six (66) steel transmission poles) - CHM Industries, Inc. \$1,973,189.31 and Schedule II (795 kcmil wire and miscellaneous hardware) - WESCO Distribution, Inc, \$696,479.70. The two schedules combined total \$2,669,669.01.

**Recommendation:** Make a motion to award a bid for sixty-six (66) steel transmission poles, and 795 kcmil wire and hardware to CHM Industries, Inc and WESCO Distribution, Inc.

**3. Consider awarding the City of Concord's annual contract for the Installation of Traffic Signal Equipment and Associated Construction and Maintenance Work to Watson Electrical Construction Co, LLC.** This contract consists of providing traffic signal and associated construction/maintenance work in and adjacent to the City of Concord. This work provides for the installation, upgrade, or repair of signals on an as-needed basis and includes, but is not limited to: saw cutting roadway surfaces, placement of embedded loops and sealant, trenching, placement of conduit and junction boxes, installing poles, guys, span wire, cables, heads, visual detection equipment, and conduit. Quotes for this work were received on July 14, 2022 with Watson Electrical Construction Co, LLC submitting the lowest unit cost pricing. The contact is not to exceed \$150,000 per the FY 23 approved budget. The contract term is through June 30, 2023.

**Recommendation:** Motion to award the City of Concord's annual contract for the Installation of Traffic Signal Equipment and Associated Construction and Maintenance Work to Watson Electrical Construction Co, LLC.

**4. Consider authorizing the City Manager to negotiate and execute a contract with Barton Contracting for the Province Green Pump Station Elimination.** The Province Green Pump Station Elimination consists of the installation of 2,964 linear

feet of 12-inch PVC sewer line, a stream crossing, and the elimination of the existing pump station. The project was bid under the formal bidding process and two bids were received on July 20, 2022. The bids were returned unopened to the bidders and the project was re-advertised as required by GS 143-132. Bids were received a second time on July 28, 2022 and again two bids were received. Staff was able to open the bids as allowed by GS 143-132. The lowest responsible bidder was Barton Contracting in the amount of \$1,597,074.33.

**Recommendation:** Motion authorizing the City Manager to negotiate and execute a contract with Barton Contracting in the amount of \$1,597,074.33 for Province Green Pump Station Elimination.

- 5. Consider authorizing the City Manager to negotiate and approve a contract with Shield Engineering, Inc. for continued environmental assessment activities at the Les Myers Park pre-regulatory landfill site and to approve the attached budget transfer.** The site where Les Myers Park is located was constructed in 1967 above a municipal landfill. The landfill was in operation from the 1940's until the park was constructed in 1967 prior to the State of North Carolina enacting landfill regulations and is considered a Pre-Regulatory Landfill (PRL). The City has been working with Shield Engineering, Inc. under a cost reimbursement program with the Pre-Regulatory Landfill Unit of the State to perform a remedial investigation of the site. The State has requested an additional assessment that includes the contaminant delineation and media sampling activities needed to continue the remedial investigation (RI) at the site in general accordance with the North Carolina Department of Environmental Quality Inactive Hazardous Sites Program's Guidelines for Addressing Pre-regulatory Landfills and Dumps (NCDEQ Guidelines), as administered by the Pre-regulatory Landfill Unit (PRLU). The estimated cost of this assessment is \$113,822.70. The attached budget amendment is to allocate additional funds to cover the cost of the environmental assessment at the site.

**Recommendation:** Motion to authorize the City Manager to negotiate and execute a contract with Shield Engineering, Inc. in the amount of \$113,822.70 for continued environmental assessment activities at Les Myers Park and to adopt a budget amendment to allocate additional funding to cover the cost of the environmental assessment.

- 6. Consider authorizing the City Manager to negotiate and execute a contract with C Design for architectural and engineering services for the new Fleet Services Facility.** Council previously approved a contract with C Design for pre-design services on the Fleet Services Facility. The predesign work is complete and a conceptual site plan and building plan developed. The next phase of work includes schematic design, design development, construction documents, cost estimating, permitting & bidding, contract administration, building system commissioning, industrial equipment design and specification, fueling system and equipment design and specification, vehicle wash system and equipment design, security design and specification, audio/visual design and specification, furniture consultation and specification, and closeout. The fee including estimated reimbursable expenses is \$1,763,300.

**Recommendation:** Motion to authorize the City Manager to negotiate and execute a contract with C Design for architectural and engineering services on the new Fleet Services Facility.

- 7. Consider authorizing the City Manager to negotiate and execute a contract with Edifice General Contractors for preconstruction services on the Fleet Services Facility.** The Fleet Services Facility is an approved capital improvement project slated for design this fiscal year. A request for qualifications was posted for CMR services. After interviews were held and references called, the selection committee chose Edifice General Contractors for the project. Edifice has worked on numerous projects with fleet maintenance components. Preconstruction services will include design review, estimating, value engineering review, product and system analysis and

recommendations, constructability review, preparation of bid packages, trade contractor's prequalification, public bidding, and finalization of a GMP. The preconstruction services fee will not exceed \$153,700. The final GMP will be brought back to Council.

**Recommendation:** Motion to authorize the City Manager to negotiate and execute a contract with Edifice General Contractors for preconstruction services on the Fleet Services Facility.

- 8. Consider adopting a resolution to convey a temporary grading easement to Lakeshore Corporate Park, LLC.** Lakeshore Corporate Park, LLC is developing Lakeshore Corporate Park on Moose Road in Kannapolis. The City owns the site adjacent to their parcel which is Lake Fisher. Lakeshore Corporate Park, LLC is requesting temporary grading easements in order to construct fill slopes on City property. Staff has reviewed and, if Council approves, the following conditions should apply: conditions of approval must be placed on approved plans, no easement granted in the non-disturbed buffer, stormwater discharge should be redirected, a 3:1 slope should be achieved where significant trees are not impacted, the areas graded and/or disturbed shall be fully vegetated with trees being replaced at a one-to-one ratio and the plan being submitted to the City for approval and an agreement is required to establish liability and maintenance responsibilities of the storm pipe and slopes that are on City property.

**Recommendation:** Motion to adopt a resolution to convey a temporary grading easement to Lakeshore Corporate Park, LLC including the outlined conditions.

- 9. Consider accepting a Preliminary Application from Richard Ratcliff.**

In accordance with City Code Chapter 62, Richard Ratcliff has submitted a preliminary application to receive water service outside the City limits. The property is located at 3999 Stough Road. This parcel is zoned county OI and developed with several buildings. The applicant indicates that the water service is for a wash down pad. Sewer 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.

- 10. Consider accepting a Preliminary Application from Charlotte Water.**

In accordance with City Code Chapter 62, Charlotte Water has submitted a preliminary application to receive water service outside the City limits. The request is for water service to 10457 Harris Road. The parcels are zoned LDR and the applicant proposes a development with a sanitary sewer pump station.

**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 a donation of \$2,500 from the Mayor's Golf Tournament fund to Multi-Cultural Community Student Union and to adopt a budget ordinance appropriating the donation amount.** The funds are being requested to assist with providing academic, emotional, and social support to children in the Logan Community and Cabarrus County.

**Recommendation:** Motion to approve a donation of \$2,500 from the Mayor's Golf Tournament fund to Multi-Cultural Community Student Union and to adopt a budget ordinance appropriating the donation amount.

- B. Consider co-sponsoring the Concord International Festival to include alcohol sales made by El Puente Hispano located in downtown Concord.** Sandra Torres, President of El Puente Hispano, has requested the City co-sponsor the second annual Concord International Festival on October 1, 2022 in the downtown area. The application includes the request to have alcohol sales on the City streets. The City was a co-sponsor for the inaugural festival in 2021. The event was a success with more than 40 performances, 60 arts & crafts and food vendors and more than 5000 people in attendance.

**Recommendation:** Motion to co-sponsor the Concord International Festival on October 1, 2022.

- C. Consider adopting an ordinance to temporarily close Cabarrus Ave (SR 1002) between Market St., SW and Church St., S for the Concord International Festival to be held October 1, 2022.** The City of Concord is co-Sponsoring the Concord International Festival to be held October 1, 2022. As such, to protect the safety of pedestrians in the event, staff is requesting to temporarily close Cabarrus Ave (SR 1002) between Market St., SW and Church St., S from NCDOT.

**Recommendation:** Consider adopting an ordinance to temporarily close Cabarrus Ave (SR 1002) between Market St., SW and Church St., S for the Concord International Festival to be held October 1, 2022.

- D. Consider authorizing the purchase of Lektro towing equipment for the Aviation Department under the sole source exemption and to adopt a budget amendment to cover the additional cost of the equipment.** The existing aircraft towing equipment used at the airport is Lektro. The airport currently utilizes Lektro tug batteries and chargers, which are compatible only with Lektro tugs. In addition, Airport staff are trained on the use of Lektro equipment. The aircraft towing equipment, commonly called tugs, are pieces of equipment used daily for towing aircraft and the equipment at the airport. The towing equipment being replaced is one tug that is over 20 years old and having issues with finding replacement parts to fit the older model. The Lektro model AP8850SDA tows aircraft up to 120,000 lbs. This new tug will be purchased from Lektro for the price of \$143,975. The funding for this purchase was included and approved in the FY22-23 budget for \$111,000. A budget amendment is needed to cover the higher price of the equipment. In an effort to maximize operational efficiency, staff is requesting approval for this purchase of one tug under the sole source exemption per the City Purchasing policy, which states that the sole source exemption will apply when standardization or compatibility are overriding considerations.

**Recommendation:** Motion to authorize the sole source exemption for the purchase of the towing equipment from Lektro and to adopt a budget amendment to cover the additional cost of the equipment.

- E. Consider authorizing the City Manager to negotiate and execute a contract with Ward and Smith, P.A. for state government relations services for the Concord-Padgett Regional Airport.** The Aviation Department is seeking lobbyist services at the state level for economic development and infrastructure improvements at the airport that state funding is sought for. The proposed contract is for \$5,000 per month, for a yearly total of \$60,000.

**Recommendation:** Motion to authorize the City Manager to negotiate and execute a contract with Ward and Smith, P.A. for state government relations services.

- F. Consider authorizing the City Manager to negotiate and execute a contract with the Houston Galveston Area Cooperative Purchasing Program for the purchase of a 2 Pierce manufactured Fire engine/pumper and 1 TDA-ladder truck.** By using the government to government purchasing cooperative for the purchase of the fire apparatus, the City is able to purchase all apparatus for a total cost of \$3,224,038 while providing a chassis with the latest safety features available. Using the pre-pay method will result in a cost savings of \$148,413. The apparatus will be a replacement for engine company 8, ladder 1 and new engine company 6. The requested amount is under the approved funds in the vehicle capital account that was approved in the FY 22-23 budget.

**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.

- G. Consider approving a submission to the Mariam & Robert Hayes Charitable Trust for a grant request of \$23,600 to purchase a pugmill/mixer, pallet jack, Kai Vac floor cleaner, slab roller, and 30 movable metal shelving units to complete the interior work space within ClearWater Arts Center & Studios' Ceramics Center.** As plans move forward to complete the Ceramics Center on the ClearWater campus additional funding source were explored to assist with the furnishing of the facility. One such source, The Cannon Foundation, funds annually to support various projects, organizations, and cultural programs across Cabarrus County. After consulting with Cannon Foundation staff, the recommendation was to pursue assistance for the purchase of kilns and material under the Hayes Trust. If approved, staff would apply to the Mariam & Robert Hayes Charitable Trust in the amount of \$23,600 to purchase a pugmill/mixer, pallet jack, Kai Vac floor cleaner, slab roller, and 30 movable metal shelving units to complete the interior work space within ClearWater Arts Center & Studios' Ceramics Center.

**Recommendation:** Motion to approve the submission to the Mariam & Robert Hayes Charitable Trust for a grant request of \$23,600 to purchase a pugmill/mixer, pallet jack, Kai Vac floor cleaner, slab roller, and 30 movable metal shelving units to complete the interior work space within ClearWater Arts Center & Studios' Ceramics Center.

- H. Consider re-allocating \$30,000 of HOME Investment Partnership (HOME) funds previously allocated to Habitat Cabarrus for the construction of one (1) new home at 330 Broad Drive SW to 251 Shannon Drive SW.** The current relationship with the City of Concord was established in early 2013 when the City was looking to promote home ownership in the Logan community and had properties available. The partnership with the City has helped to stretch Habitat Cabarrus resources to serve more families. A total of thirteen new build homes have been completed since; four (4) on Broad Drive, five (5) on Ring Avenue, two (2) on Young Avenue, one (1) on Princess Avenue and one (1) on Hemlock Street. Habitat Cabarrus greatly values this partnership as it allows both organizations to expand our reach, working together toward the common goal of rebuilding neighborhoods/communities and promoting stability through home ownership. In November of 2018, Council voted to allocate \$30,000 for the construction of a new home at 330 Broad Drive SW, a lot Habitat previously owned. After soil testing was complete, the parcel was found to be unbuildable. In light of the lot issues, Habitat stopped construction efforts at 330 Broad Drive SW and searched their inventory for a viable parcel still within the Logan Community. Habitat has requested to re-allocate the already committed funds from 330 Broad Drive SW to the buildable lot at 251 Shannon Drive SW. Habitat continues to be committed to meeting the City's standards in construction with hardy plank siding, meeting SystemVision requirements and sealing the crawlspace. Construction would also include a front porch, two car parking pad and a landscaping package. Staff will also be working closely with Habitat to have additional visual enhancements (paint color, decorative porch railings, etc.) included on each house.

**Recommendation:** Motion to adopt the re-allocation of \$30,000 in HOME Investment Partnership (HOME) funds previously allocated to Habitat Cabarrus for the construction of one (1) new home at 330 Broad Drive SW to 251 Shannon Drive SW.

- 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: Mini Storage Depot on Union St., LLC. (PIN 5539-75-8679) 1261 Union Street S. 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: Mini Storage Depot on Union St..

- J. 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: Upper Room Outreach International, Sherwood Hills, and Addison Eighty 50 easement. 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: Upper Room Outreach International, Sherwood Hills, and Addison Eighty 50 easement.
- K. Consider adopting an ordinance ordering the demolition of the structure located at 25 Liske Ave NW (PIN# 5620-05-9946) owned by Earle R. Ganas & Estate of Earle R. Ganas.** The structure is located on a single parcel. As of March 27, 2019, this parcel had a building tax value of \$37,740 per Cabarrus County land records. Upon Inspection on January 8, 2020, the structure was considered dilapidated. Sherrill Butler, Code Enforcement Officer, opened the Minimum Housing Case on January 8, 2020. The Finding of Fact and Order to Repair or Demolish was issued on February 4, 2020. The order to repair or demolish said structure was extended due to assuring that violation notices reached all parties involved. The final Order to Repair or Demolish expired on May 5, 2022. There have been no attempts to come into compliance with this case. No civil penalties have been imposed.
- Recommendation:** Motion to adopt an ordinance ordering the demolition of the structure located at 25 Liske Ave NW (PIN# 5620-05-9946) owned by Earle R. Ganas & Estate of Earle R. Ganas.
- L. Consider adopting an ordinance ordering the demolition of the structure located at 38 Carolina Ave NE (PIN# 5621-63-0003) owned by Adam R. Allman and wife Terry S Allman.** The structure is located on a single parcel, which has a building tax value of \$480 per Cabarrus County land records. Upon Inspection, the structure was considered to be dilapidated. Jill Kachmarik, Code Enforcement Officer, opened the case April 5, 2022. The Finding of Fact and Order to Repair or Demolish was issued on April 27, 2022. The Order to Repair or Demolish said structure was not extended. The Order to Repair or Demolish expired on May 27, 2022. The owners are voluntarily demolishing the structure and 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 38 Carolina Ave NE, Concord NC.
- M. Consider adopting an ordinance to amend the FY 2022/2023 Budget Ordinance for the General Fund to appropriate unspent FY 2022 funds for facade grants.** Funds were appropriated in the FY 2021/2022 budget for the facade grant program. All of these funds were not spent prior to yearend. The attached budget ordinance appropriates these left over funds from fund balance so they can be spent in the FY 2022/2023 budget.
- Recommendation:** Motion to adopt an ordinance to amend the FY 2022/2023 Budget Ordinance for the General Fund to appropriate unspent FY 2022 funds for facade grants.
- N. Consider adopting an Electric Capital Project fund ordinance to establish a budget for Substation W.** The City will be building Substation W to service the Eli Lilly project. Eli Lilly is paying for the construction of the substation at a cost of \$6,240,250. As part of the agreement, the City will also be paying \$755,250 for easements which is being funded with surplus funds from the Delivery #4 project. The attached budget ordinance establishes the budget for this project.
- Recommendation:** Motion to adopt an Electric Capital Project fund ordinance to establish a budget for Substation W.
- O. Consider adopting a project ordinance amendment for the CDBG 2021 grant to reflect actual program income receipts and move unused admin funds to**

**Clearwater project.** Program income was budgeted at \$106,658 for FY22, but \$109,212 was actually received. It is requested that the CDBG 2021 budget be increased by \$2,554 to reflect actual receipts. Also, this amendment includes budget cleanup for various 2021 CDBG Admin accounts, whereby \$8,879 unused admin funds will be moved to the 2021 Clearwater project account.

**Recommendation:** Motion to adopt the project ordinance amendment to the CDBG 2021 grant to reflect actual program income receipts and moving unused admin funds to Clearwater project.

- P. Consider adopting a project ordinance amendment for the Affordable Housing revolving fund.** Rental income was budgeted at \$16,665 for FY22, but \$20,675 was received. It is requested that Affordable Housing budget be increased by \$4,010 to reflect actual receipts.

**Recommendation:** Motion to adopt the project ordinance amendment to the Affordable Housing revolving fund to reflect actual rental income.

- Q. Consider adopting a project ordinance amendment for the HOME 2021 grant to reflect actual program income receipts.** Program income was budgeted at \$1,057,861 for FY22, but \$1,045,154 was actually received. It is requested that HOME 2021 budget be decreased by \$12,707 to reflect actual receipts.

**Recommendation:** Motion to adopt the project ordinance amendment to the HOME 2021 grant to reflect actual program income receipts.

- R. Consider approving a change to the classification/compensation system to include the following classification: Signal Technician II.** The addition of this new classification will increase the ability to attract and retain employees and provide enhanced expertise for the City of Concord.

**Recommendation:** Motion to approve the addition of the Signal Technician II (Grade 209) with a salary range of \$47,224.76 (minimum) - \$62,572.80 (midpoint) - \$77,920.85 (maximum).

- S. Receive the quarterly report on water and wastewater extension permits issued by the Engineering Department in the second quarter of 2022.** In accordance with City Code Chapter 62, attached is a report outlining the water and wastewater extension permits that were issued between April 1, 2022 and June 30, 2022.

**Recommendation:** Motion to receive the second quarter water and wastewater extension report for 2022.

- T. Consider acceptance of the Tax Office reports for the month of June 2022.** The Tax Collector is responsible for periodic reporting of revenue collections for the Tax Collection Office.

**Recommendation:** Motion to accept the Tax Office collection reports for the month of June 2022.

- U. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of June 2022.** G.S. 105-381 allows for the refund and/or release of tax liability due to various reasons by the governing body. A listing of various refund/release requests is presented for your approval, primarily due to overpayments, situs errors and/or valuation changes.

**Recommendation:** Motion to approve the Tax releases/refunds for the month of June 2022.

- V. Receive monthly report on status of investments as of June 30, 2022.** 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**

- **Transportation Advisory Committee (TAC)**
- **Metropolitan Transit Commission (MTC)**
- **Centralina Regional Council**

- **Concord/Kannapolis Transit Commission**
- **Water Sewer Authority of Cabarrus County (WSACC)**
- **Public Art Advisory Committee**
- **WeBuild Concord**
- **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.