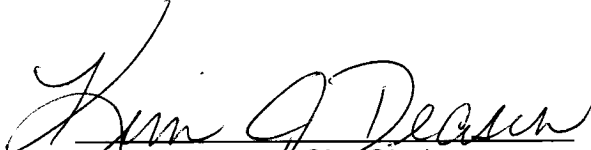



There being no further business to be discussed, a motion was made by Council Member Sweat, seconded by Council Member Crawford, and duly carried, to return to closed session for reasons as previously stated—the vote: all aye.

* * * * *

A motion was made by Mayor Pro-Tem Leder, seconded by Council Member Crawford, and duly carried, to adjourn the meeting—the vote: all aye.



Kim J. Deason, City Clerk



William C. Dusch, Mayor

CONCORD CITY COUNCIL
WORK SESSION MEETING
MAY 7, 2019

The City Council for the City of Concord, North Carolina, held a work session on May 7, 2019, at 4:00 p.m., in the Council Room of City Hall, with Mayor William C. Dusch presiding. Council members were present as follows:

Members Present:

Mayor Pro-Tem Samuel M. Leder
Council Member W. Brian King
Council Member Ella Mae P. Small
Council Member JC McKenzie
Council Member Terry L. Crawford
Council Member Jennifer H. Parsley
Council Member John A. Sweat, Jr.

Others Present:

City Manager, Lloyd Wm. Payne, Jr.
City Attorney, Valerie Kolczynski
City Clerk, Kim J. Deason
Department Directors

* * * * *

Presentations:

1. Presentation of retirement plaque to Evans Elmore for over 15 years of loyal and dedicated service with the City of Concord Fire Department.
2. Presentation of the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada.
3. Recognition of City Clerk, Kim Deason, for obtaining the Certified Municipal Clerk (CMC) designation from the International Institute of Municipal Clerks (IIMC).
4. Presentation of a Proclamation recognizing May 19-25, 2019 as National Public Works Week.

Informational Items:

1. Presentation of the 2018 State of the County Health Report (SOTCH).
2. Presentation by Youth Council President, Kelsey Mosshart.

Public Hearings

1. Conduct a public hearing and consider adopting an ordinance amending Articles 8 and 14 of the Concord Development Ordinance (CDO) to permit temporary food trucks in the Center City (CC) zoning district.

Planning and Neighborhood Development Services Deputy Director, Kevin Ashley, explained the proposed amendment. He stated City staff was approached by CDDC Executive Director, Johnson Bray, regarding a potential text amendment to allow food trucks within the Center City zoning district.

He stated the proposed amendment would allow food trucks only in downtown (CC District), may be located either in surface lot or within a designated parking space, may not be located on Union Street, and permissible on weekends only (4:30 pm

Friday – 8:00 pm Sunday).

Council Member King asked if downtown restaurant owners were aware of the proposed amendment. The Planning and Neighborhood Development Services Director, Steve Osborne, stated that the proposed amendment originated with CDDC. It was proposed to the CDDC Committees and the Board of Directors. He stated he was unsure if the proposal was presented to the downtown restaurant owners.

2. Conduct a public hearing and consider renaming a portion (approximately half) of the public street named Melrose Drive, SW to Balknight Drive, SW (the portion of Melrose Drive, SW extending from Melba Ave, SW to the sharp curve in front of 261 Melrose Drive, SW).

The Planning Manager, Starla Rogers, explained the request. She stated staff received a request from Mrs. Audry Allison to rename a portion of Melrose Dr. SW in honor of her late father, Mr. Kenneth Balknight, Sr. The Transportation Department and Fire Department have reviewed the request and do not foresee any 911 or emergency response problems that would occur as a result of the renaming.

The Planning Manager explained the following notification process: Ms. Allison communicated with the home owners and residents on the street. 3 residents responded in support of this proposal; City staff mailed certified letters to all parties owning property on the potentially affected portion of Melrose Drive SW; Street Renaming public notification signs were posted at the intersection of Melrose Dr. SW/Melba Ave. SW as well as at the sharp curve on Melrose Dr. SW; notification was published in the Independent Tribune; and hard copy notifications were displayed at the County Courthouse, City Hall, and Cabarrus County Governmental building.

The Mayor asked how many property owners would be affected by the name change. The Planning Manager stated seven property owners would be affected. She also stated staff did receive one letter in opposition to the request.

The Council discussed the impact of the proposed name change could have on the property owners in that area.

After Council discussion, a motion was made Council Member Parsley, seconded by Council Member Crawford, and duly carried, to table this request to allow staff additional time to further review the proposed change—the vote: all aye.

3. Conduct a public hearing and consider entering into a Developer's Agreement with Concord Master Venture, LLC for the development of a mixed-use structure at 30 Market St, SW.

The Planning and Neighborhood Development Services Director explained the request. He stated the City entered into a Memorandum of Understanding with the Lansing Melbourne Group (LMG) in June 2018. Since that time, the Lansing Melbourne Group has engaged engineering and architecture services to complete a comprehensive development plan including site investigation and analysis of existing conditions and site and infrastructure planning.

Under the proposed agreement LMG would purchase the City owned property at 30 Market St. SW for the appraised value of \$579,000. In exchange, LMG would develop a mixed use structure comprised of approximately 166 multifamily residential units and related amenities and infrastructure, approximately 2,600 square feet of ground level retail space, and a parking garage with approximately 168 parking spaces. The City would commit \$1,250,000 of federal HOME funds over 10 years in exchange for LMG making 17 apartment units affordable based on HUD income limits for a 20 year period. The City would agree to negotiate a separate property tax incentive agreement for a 10 year period.

He stated the provisions in the proposed agreement for the relocation of the generator currently located behind the 30 Market Street building. He also presented conceptual designs of the proposed development.

Presentations of Petitions and Requests

1. Consider setting a date for a public hearing pursuant to NC General Statutes Sec. 158-7.1 to consider offering a contract for a ten year / 50% tax based Economic Development Incentive Grant to Concord Master Venture, LLC (Lansing Melbourne Group) for the development of a mixed use structure located at 30 Market St, SW.

The Planning and Neighborhood Development Services Director stated, if the developer agreement with LMG, staff would request Council call for a public hearing at the June 13th City Council meeting to consider offering the requested incentive grant.

2. Review the Council Goal to explore the feasibility of a pilot bike share program with minimal investment from the City to support connectivity to greenways, neighborhoods, and community centers and consider authorizing staff to apply for the Novant Health Social Responsibility sponsorship.

The Economic Development Coordinator, Joseph Beasley, stated the City Council, at the January 2018 annual planning session, set a goal to explore the feasibility of a pilot bike share program.

He stated staff has engaged in conversations with Gotcha Bike, which proposes a 20 bike program across four stations for a three year term. The operational cost of the program is \$75 per bike per month, adding up to an annual operational cost of \$18,000. A three year term would cost \$54,000. Gotcha Bike has established bike share programs across the country including Rock Hill, SC, Charleston, SC, UNC Chapel Hill/Town of Chapel Hill, and UNC Charlotte.

City staff met with Novant Health representatives who recommended the City apply for a sponsorship from Novant Health Social Responsibility. The application period ends May 14th.

Council Member McKenzie asked if the Novant sponsorship would cover the full cost of \$54,000. The Economic Development Coordinator stated the amount of the sponsorship is to be determined. Staff would continue to seek other funding should the Novant sponsorship not cover the whole cost. The City would not cover the operational cost of the program.

Council Member McKenzie also asked where the bike stations would be located. The Economic Development Coordinator stated staff has reviewed four locations; at McGee Park, downtown, at the Dave Phillips Center on Burrage Road, and at the Gibson Mill.

3. Consider paying off the HUD Section 108 loan originated by Carolina Courts and refinancing the remaining balance owed by CEJS, LLC (Carolina Courts).

The Planning and Neighborhood Development Services Director stated the Section 108 loan, which obligated the City of Concord with HUD, required Carolina Courts to make bi-yearly payments. In August 2014, the loan with the City and F&M bank (first mortgage) was modified to restructure payments, allowing for monthly payments, in an effort to eliminate the hardship of bi-yearly payment. Terms of this restructure included a balloon payment payable to the City and re-evaluation option in 2019. This was concurrent with same year (2019) in which the HUD loan would allow for early pay-off.

Staff is recommending paying the balance of the Section 108 loan in the amount of

\$1,130,605.25. Staff also recommends refinancing the balance of \$1,153,900.10 owed by Carolina Court to a 2% interest loan, payable to the City, over a 15 year term. He stated the tax value of the property is \$3,755,080 and the total debt between the City and F&M is approximately \$2,185,935 which leaves equity of \$1,569,145.

4. Consider adopting a resolution for the City of Concord to declare its intentions to issue tax exempt bonds (secured by and payable solely from private development revenues, not City of Concord revenues) in the amount not to exceed \$14 million to finance the acquisition, rehabilitation and equipping of mixed income units to be known as Coleman Mill Apartments and for related purposes.

The Planning and Neighborhood Development Services Director stated representatives from the development group Sari and Company informed the City of their intent to acquire and develop the Coleman Mill. The 10.71 acre site is located at 625 Main St. SW, Concord NC. The Developer has submitted plans to build approximately 152 units of mixed income housing to be known as the Coleman Mill Apartments.

He stated the Developer is exploring several financial sources to obtain the funding necessary to make this project feasible. These sources include both federal and state historic tax credits as well as NC Housing Finance Agency (NCHFA) tax credits. In addition, to submitting applications for tax credits, they are also applying to the City for the issuance of tax exempt bonds. The amount of the bond issuance is not to exceed \$14,000,000. These bonds would be used for acquisition, rehabilitation and equipping of the aforementioned development.

These bonds will not be general obligations of the City but will be special obligations secured by and payable solely from the developer's revenues. Pursuant to NC General Statutes Section 160A-456, the municipality has all the power of a housing authority under the NC Housing Authorities Law found in Article 1 of Chapter 157 of the NCGS. This empowers the City to issue its notes and bonds in accordance with the law for the purpose of making loans to assist in housing construction or rehabilitation by private sponsors. The City has determined that providing financing for this development is consistent with the policy and purpose of the law. In order to meet NCHFA's submittal deadline, the Developer must include a resolution from the City which declares the intention to issue bonds.

He emphasized the adoption of the resolution will declare the City's intent to issue bonds but is not a binding commitment of the City to issue the bonds.

5. Consider authorizing the City Manager to negotiate and execute a contract with EST Building Systems for replacement roofing on three buildings at the Brown Operations Center (BOC).

The Building and Grounds Department Director, Susan Sessler, stated the roofing on the Administration and Ready Room buildings will be placed over the existing materials adding 2 inches of additional insulation and a second membrane. The Streets Material Storage Shed roof will be an entire tear off and replacement.

6. Consider authorizing the City Manager to negotiate and execute a construction contract with Encompass Building Group, Inc for the construction of the permanent Fire Station 10 on Poplar Tent Road.

The Engineering Director, Sue Hyde, stated Encompass Building Group, Inc. was the low bidder with a total bid of \$4,484,452, which includes three alternates. The total budgeted amount for construction is \$5,016,703. The station is 15,581 sq. ft with three apparatus bays and includes a 712 sq. ft. mezzanine and appropriately 782 sq. ft of EMS space.

7. Consider adopting the City of Concord Open Space Connectivity Analysis.

Parks and Recreation Senior Planner, Jason Pauling, briefly explained the Analysis and what next steps to be taken. The Open Space Connectivity Analysis is a 15-year plan that identifies feasible, constructible bicycle and pedestrian routes along stream corridors, through open spaces, and along roads to create a more connected City.

8. Consider authorizing the City Manager to negotiate and execute a contract with Timmons Group, Inc for professional land surveying of Rider Transit bus stop sites.

Rider Transit Planner, Andy Christy, stated the Timmons Group, Inc will conduct surveys of up to 89 existing bus stop sites within CK Rider's service area. The surveys will be used to help staff prioritize bus stop locations for design and implementation of its bus stop amenity installation program, including seating and shelters. The total cost will not exceed \$150,410 with 80% of the project being funded with FTA 5339 Bus and Bus Facilities grant funding that has already been set aside.

9. Consider awarding the bid for the City of Concord's Street Preservation STR19 to Trull Contracting, LLC.

The Transportation Director, Phillip Graham, stated this contract is for Full Depth Patching to various streets throughout Concord. Trull Contracting, LLC was the lowest bidder in the amount of \$482,625, which is \$117,375 below budget. Staff requested to award the contract utilizing the full budgeted amount of \$600,000 in order to optimize the amount of work done.

10. Consider authorizing the City Manager to negotiate and execute a contract for the City of Concord's Pavement Evaluation Services.

The Transportation Director stated the contract consists of the selected service provider performing a thorough, objective, 3rd party evaluation of all City maintained streets and recommending preventative maintenance and rehabilitation schedules, as well other measures to increase the effectiveness of the City's street maintenance program and optimize the City's maintenance budget. Proposals for this work were received on April 29, 2019 and were evaluated by Committee.

The Committee chose Data Transfer Solutions, LLC. The base cost estimate provided in the proposal is \$99,960, and the available budget is \$100,000

11. Consider authorizing the City Manager to negotiate and execute a development agreement with Wayforth at Concord, LLC for the upsize of a sewer line for the Wayforth at Concord Townhomes project.

The Engineering Director stated the project requires additional capacity than an existing 8" sewer main can accommodate. The City already has a project to upsize the sewer main and the proportionate cost to the developer has been established at \$74,787.90. She stated the developer would be required to pay their proportionate share prior to final platting.

12. Consider adopting a capital project amendment ordinance for the Stricker Branch restoration project.

The Engineering Director presented a timeline of events that have taken place on this project since 2003. She stated the original project included Academy Center Branch instream features, Academy Center Branch upland features, Stricker Branch instream features and Stricker Branch upstream features as identified in the Aquatic Ecosystem Restoration Feasibility Study and Environmental Assessment dated May 2008 and approved by the Commander of the South Atlantic Division on February 18, 2009.

All property rights are now acquired, the Army Corp of Engineers has obtained the necessary construction permits and completed a final probable cost opinion. The Army Corp of Engineers would like to advertise this project at the end of May. The final cost opinion which includes a contingency is \$92,359 more than the City's current project budget. If the construction bids received are over the cost opinion, the Corp would reject the bids

If approved, the project is anticipated to begin in October 2019.

13. Consider a Preliminary Application from E.L.K. Contracting, LLC.

The Engineering Director stated the property is located at 256 Litaker Lane. The parcel is currently vacant and is zoned MDR. There is only sewer available to this site.

14. Consider a Preliminary Application from Susan P. Asmo.

The Engineering Director stated the property is located at 411 S. Scalybark Trail. The parcel is currently served with a septic tank system but is experiencing problems. There is only sewer available to this site.

Consent Agenda

There were no comments made regarding the Consent Agenda.

* * * * *


A motion was made by Council Member Crawford, seconded by Council Member Parsley, and duly carried, to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(4) to discuss matters relating to the location or expansion of business in the area served by this body; and N.C. General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee and to hear or investigate a complaint, charge, or grievance by or against a public officer or employee—the vote: all aye.

* * * * *

There being no further business to be discussed, a motion was made by Council Member Small, seconded by Council Member Crawford, and duly carried, to adjourn—the vote: all aye.



Kim J. Deason, City Clerk



William C. Dusch, Mayor