

CONCORD CITY COUNCIL
WORK SESSION
OCTOBER 12, 2021

The City Council for the City of Concord, North Carolina, held a work session on October 12, 2021, at 4:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

Mayor Pro-Tem Terry L. Crawford
Council Member Andy Langford
Council Member W. Brian King
Council Member Ella Mae P. Small
Council Member JC McKenzie
Council Member Jennifer Parsley-Hubbard
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

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The following agenda was presented for discussion:

A motion was made by Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to add item #19 to the agenda. The agenda item will be to consider making an appointment to the WSACC Board effective January 1, 2022 due to the resignation of Board Member Dave Phillips effective December 31, 2021—the vote: all aye.

Presentations:

Presentation of Proclamation recognizing the week of October 3-9 as Public Power Week

Presentation of a Proclamation recognizing 30 years of the Concord Sister Cities Association.

Presentation from Glenda Steele, and members of the Concord Wildlife Alliance, recognizing Concord for receiving the Chapter of the Year award from the NC Wildlife Federation.

Presentation of a Proclamation recognizing the 65th anniversary of Logan Daycare.

Special recognition of former Electric Systems Director, Bob Pate.

Presentation of the Award for Outstanding Achievement in Popular Financial Reporting and Triple Crown Award from the Government Finance Officers Association of the United States and Canada.

Presentation of the FY21-22 budget video.

Public Hearings:

Conduct a public hearing and consider adopting an ordinance annexing one (1) parcel located at 789 Bartram Ave, owned by Elmin Joel Reyes Perez and Juan Jose Reyes Perez.

The Planning and Neighborhood Development Services Planning Manager, Starla Rogers, stated the request is for voluntary annexation of approximately 0.1492 acres at 789 Bartram Ave, in the Hallstead Subdivision. The purpose of the annexation is for the property owner to receive access to the City of Concord Solid Waste Services, for which annexation is required.

Conduct a public hearing to consider adopting an ordinance amending Article 7 (Section 7.9.4.H.) of the Concord Development Ordinance (CDO) relative to Center City Design Standards.

The Planning and Neighborhood Development Services Director, Steve Osborne, stated in 2007, as part of a larger re-write of Article 7 of the CDO, a standard was imposed that prohibited aluminum colored windows or door frames unless they are trimmed in such a way as to give the appearance of wood. Since then, building standards have changed with regard to aluminum windows and door frames. The proposed amendment would revise the language to be more permissible of aluminum.

Conduct a public hearing to consider adopting an ordinance amending Article 8 (Sections 8.1.8. and 8.3.5.Q.) of the Concord Development Ordinance (CDO) relative to Food Trucks.

The Planning and Neighborhood Development Services Department Planner, Scott Sherrill, stated the proposed amendment to the Use Table and Section 8.3.5.Q. establishes a new regulatory structure for food trucks as it would require a COC for property owners to establish food truck service areas subject to a variety of supplementary standards. The Planning and Zoning Commission recommended that the COC be subject to annual renewal.

He explained for sites not wishing to establish a food truck service area or food trucks, but have food trucks in conjunction with an event, a temporary use permit would still be the method of processing the request. Simple site plans would be required for either approach. He stated the proposed amendment imposes some separation requirements from single family residential uses and bricks and mortar restaurants during regular service hours, but removes the time restrictions that were imposed for the Center City District. The proposed amendment does limit the number of food trucks on a site at one time, restricts them to designated parking spaces, requires two parking spaces for the use, establishes that clean up responsibility rests with the food truck operators, prohibits amplified music in conjunction with the food truck operation, and places limits on signage. Staff reviewed requirements from Durham, Carrboro, Asheville, Charlotte, and Wilmington and the proposed amendment closely resembles that of Charlotte.

Council Member Sweat entered the meeting.

Presentations of Petitions and Requests:

Consider approving the City of Concord's Downtown Municipal Service District Facade Grant Program.

The Planning and Neighborhood Development Services Director stated the City of Concord's Municipal Service District Facade Grant Program is designed to encourage business and property owners within the municipal service district to make exterior improvements to their property. It is designed to encourage private investment along with the City's downtown streetscape improvements.

He stated areas that are highly impacted by streetscape construction during a given year would be eligible for greater funding. The program provides a framework for use of the \$50,000 allocated to Facade Grant Improvements within the MSD. He explained the process and review criteria for the grant awards.

Council Member McKenzie asked if a building fronts one street but the business has entrance from the rear street could the business owner apply for two grants. The Planning and Neighborhood Development Director stated staff would review that and present amended language for Council's consideration at the Council meeting.

Receive a presentation on the Norcott Mill-Cannon Mills Company Plant No. 10, concerning the property owner's request to list the property on the National Register of Historic Places. (Work Session - action needed).

The Planning and Neighborhood Development Planning Manager stated the applicant applied to the United States Department of Interior National Park Service through the North Carolina State Historic Preservation Office, for designation of the site on the National Register of Historic Places. Because the City of Concord is a Certified Local Government with the State Historic Preservation Office, both the Historic Preservation Commission and the City Council must provide a response to the State, either supporting or declining support of the property owner's request to list the property on the National Register of Historic Places. The Historic Preservation Commission heard the request at their September meeting and voted to support the recommendation and to forward the request to City Council for consideration.

She explained that City Council would need to act on this item at the Work Session due to the submittal requirements.

The applicant Michael Phillips was in attendance to answer any questions from the Council.

Council Member McKenzie asked Mr. Phillips what would be the future use of the property. Mr. Phillips stated multiuse apartments or townhomes.

A motion was made by Council Member King and seconded by Mayor Pro-Tem Crawford to adopt the following statement in support of the request—the vote: all aye.

"We, the Concord City Council, have reviewed and discussed the nomination for Norcott Mill-Cannon Mills Company Plant No. 10 and find that the property meets the criteria for listing in the National Register of Historic Places as stated in Section 8 of the report. We therefore, recommend that the property be submitted for listing in the Register."

Consider adopting a resolution authorizing the sale of a 0.08 Acres parcel off of Melrose Drive SW.

The City Attorney stated the City acquired this property on September 30, 1966. All City departments have confirmed that the property is not needed for any purpose with the exception of a stormwater easement, which will be reserved. Staff has received an offer to purchase from Clarence and Betty Davis ("Buyers") for \$1,125. The buyer wishes to use a small portion of the property to construct an addition to their home on the neighboring lot in order to accommodate their care of their two grandchildren.

She explained the tax value of the property is \$2,250; however, the stormwater easement over the majority of the property makes it unbuildable other than the small sliver carved out to accommodate the addition to the home.

She stated if approved, the City Clerk would begin the upset bid process.

Consider adopting a resolution authorizing an eminent domain action for certain easements on property located on parcel PIN 5519-21-4980, 4400 Concord Pointe Ln SW.

The City Attorney stated title to this property is held by Concord Pointe Harmony Housing, Delaware Limited Liability Company. Certain easements are necessary in order to construct and maintain a sanitary sewer line. The value of the easements is appraised at a total of \$80,575.

Consider accepting a donation of an easement from Epworth United Methodist Church of 0.854 acres (approximately 37,220 sq. feet) for future McEachern Greenway development along Three Mile Branch.

The Parks and Recreation Deputy Director, Sheila Lowry, stated the easement is located adjacent to the David Phillips Activity Center along Three Mile Branch, where a future phase of McEachern Greenway is planned to connect the David Phillips Activity Center to the Atrium Hospital. The greenway will connect to existing sidewalks on Burrage and Lake Concord Roads, thereby creating a future one-mile loop.

Consider accepting the conveyance of 13.733 acres located at 385 Transport Place NW Concord from Cabarrus County. (PIN) 5620-45-9496-0000.

The Parks and Recreation Deputy Director stated the 13.733-acre property under consideration for conveyance would be developed as part of the Irish Buffalo Creek Greenway, approximately .25 miles of greenway, potential for future restrooms and trailhead parking. This property will also provide connectivity to Cabarrus Ave with future connectivity to the Downtown Loop and area neighborhoods. Parks & Recreation staff would explore the potential to provide connectivity to the existing Brown Mill Mountain Bike Trail and the future Irish Buffalo Creek Greenway connecting to Gibson Mill.

Consider approval for the acquisition of 2 parcels from Murdock Holdings LLC for the future development of Irish Buffalo Creek Greenway.

The Parks and Recreation Deputy Director stated the two parcels for consideration to purchase are critical needs for the future development of Irish Buffalo Creek Greenway. She stated this greenway corridor will provide connectivity to Cabarrus Ave, the Martin Luther King Plaza, Caldwell Park, and Gibson Mill. It is also part of a key linkage via Cabarrus Avenue to the Brown Mill Mountain Bike Trail, Barber Scotia and Downtown Concord. The total cost for acquisition of the 29 acres (2 parcels) including due diligence is \$141,255.

Consider authorizing the City Manager to negotiate and execute a contract with C Design for pre-design services of the new Fleet Services Facility.

The Fleet Services Director, Daniel Nuckolls, stated Request for Qualifications (RFQ's) was advertised for architectural and engineering design firms for work on a new Fleet Services facility. The Fleet Services facility design was approved in the current fiscal year capital improvement plan. C Design was selected based on their proposed project team and project experience relative to Fleet Service operations. The architects have submitted a proposal for pre-design work consisting of surveys, locates, space needs verification, conceptual plans and cost estimating. The contract with C Design would be a fixed fee not to exceed \$131,900.

Consider authorizing the City Manager to negotiate a contract with Stewart Engineering Inc. for Construction Materials Testing and Special Inspections related to the new Electrical Operations Center.

The Electric Systems Director, Alex Burris, stated the new Electrical Operations Center site-work and building construction will require Materials Testing and Special Inspections. City staff developed a Request for Qualifications (RFQ) and solicited qualifications-based proposals. After reviewing all proposals, Stewart Engineering was deemed to be the most qualified firm for this project. City and Stewart Engineering staff both reviewed the project plans and developed a not to exceed estimate of \$160,000 for the services.

Consider awarding bid for twelve (12) steel transmission poles, and 100 Kv switches and miscellaneous hardware to Klute Inc and WESCO Distribution, Inc.

Electric Systems Director stated staff received bids on September 23, 2021 for twelve (12) steel transmission poles, 100 kV switches and miscellaneous hardware required for interconnection of Delivery Point #4 (Bootsmead property) and Substation T (Concord Parkway S.). Eight bids were received and evaluated for responsiveness but the two lowest bidders, CHM Industries and WESCO High Voltage, for Schedule I (12 steel transmission poles) were non-compliant with the specifications. Electric staff determined the third lowest bidder, Klute Inc, was responsive and compliant in meeting the required specifications. Klute, Inc submitted a bid in the amount of \$452,963.95. The lowest bidder for Schedule II, (100 kV switches and miscellaneous hardware), WESCO Distribution,

Inc, was responsive and compliant. They submitted a bid in the amount of \$162,831.02. He stated the two Schedules combined total \$615,794.97. Funding will be derived from the existing Delivery 4 project account with a standing balance of \$15,675,166.

Consider awarding a bid to Blythe Brothers Asphalt Co LLC in the amount of \$332,237.00 to make emergency repairs to the Runway at Concord-Padgett Regional Airport, authorize the City Manager to negotiate and execute a contract and adopt the capital project ordinance amendment.

The Aviation Director, Dirk Vanderleest, stated that during a routine runway inspection in September, it was discovered that approximately 1,650 square yards of asphalt is showing signs of distress. This area of pavement is at the touchdown zone for our commercial airline operations. In addition, at the intersection of Taxiway A and Runway 20 the pavement is also showing signs of distress.

He stated the engineers estimate for the project was \$492,810. Bids were received on 9/31/21 and a total of three bidders submitted bids on the project. Blythe Brothers Asphalt Co, LLC submitted the low bid in the amount of \$332,237. The project will be funded using funds from the Aviation Department Budget.

Consider authorizing the City Manager to negotiate and execute a contract with Ike's Construction, Inc for the renovation of the former Cabarrus County Maintenance building located at 242 General Services Dr S.W., Concord, NC to become the new Administrative offices of the Transportation Department.

The Transportation Director, Phillip Graham, stated the project was bid under the formal bidding process. Bids were taken on September 30, 2021 and three (3) bids were received. Ratzlaff Construction Company, LLC was the low bid in the amount of \$694,357, but within seventy-two (72) hours of the bid opening, Ratzlaff Construction Company, LLC notified the City that a substantial mathematical error existed in the calculation of the bid amount and requested to withdraw their bid as permitted in G.S. 143-129.1.

The second low bid was Ike's Construction, Inc in the amount of \$815,850. This amount was over the available funds and the City value engineered the project and negotiated with the contractor to reduce the bid amount to \$708,015.

Consider authorizing the City Manager to negotiate and execute a contract with McKim & Creed for Design Services for the Hwy 29 Pump Station Project.

The Water Resources Director, Jeff Corley, stated McKim & Creed was selected from three total responses to a recent design RFQ. The total fee for the scope of services is \$348,948 which is below the \$450,000 in design funding already in place. This project is a traditionally design/bid/build project and will come back to Council for construction contract approval after bidding.

Consider approving a modification to the Interlocal Agreement with Cabarrus County administering the Central Area Plan.

The Engineering Director, Sue Hyde, stated the City entered into an Interlocal Agreement with Cabarrus County administering the Central Area Plan. Under the Agreement, the City agreed not to extend utilities into certain areas east of the then exiting City limits except under certain limited circumstances. Michael Smith has requested an exception to the Agreement in order to obtain water service for a proposed single-family home at 7121 Hwy 601S (PIN 5547-84-7683-0000).

Consider a Preliminary Application from Mark Schroeder.

The Engineering Director stated Mark Schroeder has submitted a preliminary application to receive sewer service outside the City limits. The property is located at 78 Scalybark Trail. The parcel is approximately 5.11 acres, zoned LDR and is currently developed with a single family home. The applicant in the future wants to divide the property to create two new lots. Public sewer is not currently available to this parcel however it may be available in the future due to a sewer extension to be installed by the developer of

Annsborough Park. There is not City water available to the parcel. She stated it is staff's recommendation to proceed to the final application phase excluding annexation.

Consider a Preliminary Application from Thornridge Investment Group, LLC.

The Engineering Director stated Thornridge Investment Group, LLC has submitted a preliminary application for water and sewer service outside the City limits. The property is located at 10799 and 10825 Poplar Tent Road. The property is currently zoned LDR and developed with an abandoned single family home but the owner intends to construct a new residential structure and renovate existing structure to a non-residential use. Water is available in Poplar Tent Road and developer would have to extend sewer from the Skybrook subdivision approximately 200'. She stated it is staff's recommendation to proceed to the final application phase including annexation.

Consider approving a reduction in the ABC Board's pay.

Mayor Dusch stated since the recent Board Member pay increase that was approved in June 2021, one Board Member has retired and one Board Member has resigned. The remaining ABC Board Members feel the pay increase approved in June was too much and are requesting approval of the following reduction: Chairman to \$275 from \$325 and Member to \$225 from \$275.

Consider making appointments to the Historic Preservation Commission.

Consent Agenda:

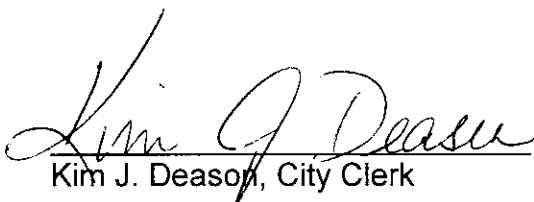
There were no comments regarding the Consent Agenda.

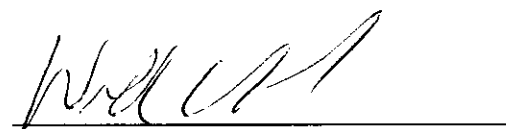
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A motion was made by Council Member Sweat and seconded by Council Member Small to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(3) to consult with an attorney and to protect the attorney-client privilege; and N.C. General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee—the vote: all aye.

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There being no further business to be discussed, a motion was made by Mayor Pro-Tem Crawford and seconded by Council Member McKenzie to adjourn—the vote: all aye.


Kim J. Deason, City Clerk


William C. Dusch, Mayor