

CONCORD CITY COUNCIL
WORK SESSION MEETING
MAY 10, 2022

The City Council for the City of Concord, North Carolina, held the scheduled City Council Work Session in the 3rd floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on May 10, 2022, 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 Betty M. Stocks
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:

Presentations:

Presentation of a Proclamation recognizing May 15 - 21, 2022 as National Public Works Week. (Work Session)

Mayor Dusch presented the Proclamation recognizing National Public Works Week to co-workers representing the Buildings and Grounds, Transportation, Wastewater, and Water Departments.

Recognition of the Jay M. Robinson High School Men's Basketball team for winning the 2A Championship.

Presentation of the 2022 Jo Atwater Continuous Core Values Award.

Public Hearings:

Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a three year / 85% tax based Economic Development Incentive Grant to Westwinds Center, LLC and NASCAR Media Group, LLC to locate at 7550 West Winds Blvd. NW, Concord, NC.

Samantha Grass explained the request. She stated NASCAR is considering relocating the NASCAR Productions operations from uptown Charlotte to a new technology center. The proposed facility would be adjacent to the existing NASCAR Research and Development Center in Concord's West Winds Business Park and provide a mix of office and broadcast television and video production space. The new facility would be approximately 58,000 SF. NASCAR's proposed investment represents a total \$28,500,000.00 investment in real and

personal property. The project expects to bring 125 full time jobs to Cabarrus County from Mecklenburg County with an average wage of \$77,000.00. The total value of the City's three year grant is estimated to equal \$340,986.00 dependent on the actual investment. The City of Concord would still collect a 3-year net revenue of \$60,174.00 after the incentive payments.

Conduct a public hearing to consider adopting an ordinance amending Articles 7 (Section 7.7.4.E), Article 10 (Section 10.3) and Article 14 (Definitions) of the Concord Development Ordinance (CDO) relative to townhouse (townhome) development requirements.

The Planning and Neighborhood Development Services Deputy Director, Kevin Ashley, stated one of the major final changes to the CDO is addressing townhome, or single-family attached developments, which pose different service challenges than traditional single-family attached developments. The townhome issue was discussed by PTT and it was their consensus that new townhome developments should be required to be rear-load (served by an alley or parking area in the rear), but the amendment was never reviewed by Council based upon a concern that the proposal was not compliant with the statutes. After reviewing the language with the Legal Department, it was determined that the language in the statutes does prohibit the rear-load mandate.

He stated staff developed an amendment to allow front-load units in a manner which will address service concerns. The previously drafted rear-load design requirements are proposed to be retained for the instances in which rear-loads are developed. Staff provided notice to approximately 300 recipients of the proposed changes via email and no comments were received. The proposed change has also been posted on the City website offering chances to make comment prior to the Council hearing. The Planning Commission unanimously voted to adopt this change at their April meeting.

Conduct a public hearing to consider adopting an ordinance amending Article 8, Table 8.1.8 (Use Table) of the Concord Development Ordinance (CDO) to address warehousing/distribution of less than 75,000 square feet and to permit water treatment plants in the Office-Institutional (O-I), Light Commercial (C-1) and Light Industrial (I-1) zoning districts.

The Planning and Neighborhood Development Services Deputy Director stated the proposed amendment allows warehouse/distribution less than 75,000 square feet in Light Industrial (I-1) with specific standards (PS), but a special use permit would not be required. For warehouse/distribution greater than 75,000 of floor area, a special use permit and compliance with the standards (SS) would still be required. Buildings less than 75,000 sf are usually occupied by small to medium size companies that provide jobs as well as support to larger industries.

He stated the City is planning an expansion of the Hillgrove Water Treatment plant at 55 Palaside Drive NE. The plant is zoned O-I Office Institutional. While researching the acquisition of an adjacent parcel on Arbor Street (which is zoned C-1 Neighborhood Business), it was discovered that such facilities are not permissible in either district (nor in I-1). The 1980's Zoning Ordinance, under which the plant was developed, allowed the use in these zoning districts. This corrective change would allow the plant expansions to occur in a conforming manner.

Conduct a public hearing to consider adopting an ordinance amending Articles 2 and 3 (Streets and Pedestrian Paths and Driveways) of the Technical Standards Manual (TSM).

The Planning and Neighborhood Development Services Deputy Director stated over the past year, the Transportation and Engineering staffs have been working on amending the Technical Standards Manual (TSM) regarding streets/pedestrian paths and driveways.

These proposed revisions predominately involve codifying existing practice and modernizing outdated requirements but there are some changes. Much of the revision involves removing the technical details from the text, and placing them in a separate manual for ease of use. Prior to consideration of the item by Planning Commission, staff provided notice to approximately 300 recipients of the proposed changes via email and no comments were received. The proposed change has also been posted on the City website offering chances to make comment prior to the Council hearing. The Planning Commission unanimously voted to adopt this change at their April meeting, but requested that the staff work on a set of criteria for consideration of the use of "hammerhead" cul-de-sacs, and to bring that back as an amendment in the near future.

Presentations of Petitions and Requests:

Consider authorizing the City Manager to send a letter of support to the North Carolina Department of Transportation (NCDOT) to abandon a public right-of-way.

The Transportation Director, Phillip Graham, explained the property owner, HGSREI LLC, petitioned the North Carolina Department of Transportation (NCDOT) to abandon a section of right-of-way of Stowe Ln (SR 2839). The property owner worked with Fire Department staff on details to maintain emergency access to the property. He also stated City departments found no issue with the abandonment of the State's right-of-way within the limits of the City of Concord.

Consider awarding a contract with Carolina Siteworks Inc. of China Grove, N. Carolina for construction of the Old Charlotte Sidewalk Extension project.

The Transportation Director stated the proposed contract is for the construction of the extension of the sidewalk along the southern side of Old Charlotte Road SW from Warren C Coleman Blvd (HWY 601) to Office Drive. Bids were originally due March 22, 2022 but there was only one bid submitted. Therefore, the bid was rejected without opening and re-advertised. Two bids from interested contractors for the work were received by the Transportation Department on April 5, 2022 with Carolina Siteworks Inc. submitting the certified low quote in the amount of \$546,490.30 and utilizing Alternate A29 in place of item 18.

He stated funding for this project is proposed to come from Community Development Block Grant (CDBG) funds in the amount of \$60,000 and Transportation Project Fund in the amount of \$486,490.30, which is covered by available Pedestrian Improvement Program (PIP) funds.

Consider awarding the total bid for the City of Concord's annual street preservation program to Blythe Construction Inc. and approve the attached budget ordinance to appropriate funds from reserve funds.

The Transportation Director stated formal bids for this work were opened on April 18, 2022 with Blythe Construction Inc. submitted the lowest total bid in the amount of \$3,259,781.37. Work such as patching, leveling, milling, resurfacing, re-striping, re-marking, and re-installation of permanent raised pavement markings work on just under 22 lane miles of designated streets and 5,000 Tons of patching on other City infrastructure will be performed. Contract Final Completion date is 180 days from the Notice to Proceed.

Consider recognizing the Hunton Forest Home Owners Association into the City's Partnership for Stronger Neighborhoods program.

The Community Outreach Coordinator, Katherine Rameirz, stated Hunton Forest is a relatively new community to Concord located off Poplar Tent Rd near International Drive and Zemosa Acres. Officers for the Association are: President, Joseph Marino; Vice President, Arnold Woodruff; Treasurer, Christopher Simms; and Secretary, Takeida Carter. The Association hosts monthly meetings at Fire Station 7 and holds officer elections each

February. They have submitted all the required documentation for recognition.

She stated, if approved, this would total 72 recognized neighborhoods in the Partnership for Stronger Neighborhoods since the program's foundation in 2000.

Receive an update on the design progress of the J.E. "Jim" Ramseur Park, consider adopting revisions to the park master plan, and authorize the City Manager to negotiate and execute a contract amendment with Woolpert, North Carolina PLLC to complete design development and construction documents for Phase 1 (Park only).

The Parks and Recreation Planner, Jason Pauling, stated the property at 1252 Cox Mill Road in Concord, which totals approximately 28.6 acres, and is adjacent to Cox Mill Elementary School and was purchased by the City in 2020 to serve as the site of Concord's first Community Park in the Northwest.

He stated this is the fourth amendment to Woolpert's original contract and is intended to advance detailed design for phase 1 (park only) through Design Development and Construction Documents. In addition, this amendment will include a TIA for phases 1 and 2, additional architectural services for pavilion and restroom buildings, and shelters, and allowances to complete geotechnical investigations, wetland delineations, and to progress the design through the permitting and plan review phase. This work is critical to continue the design process once the master plan has been revised, and will accelerate the design and development of the park, with the goal of having the project shovel ready by late Spring/early Summer of 2023.

Consider authorizing the City Manager to negotiate and execute a contract with Kimley Horn for design services for Clarke Creek Greenway in the Cox Mill area in the amount of \$141,100.

The Parks and Recreation Planner stated Clarke Creek Greenway, also known as the Cox Mill Loop, will be over four (4) miles in length and provide tremendous pedestrian connectivity within this area.

He stated the City has selected Kimley Horn through an RFQ process as one of the on-call design firms for Greenway and Connectivity projects. The greenway will feature a 10-foot path that may include asphalt trail, boardwalk, and natural surface in some areas. It will most likely be developed in phases depending on funding and acquisition. This initial scope will include survey and mapping to create the initial alignment for the greenway to continue discussions with the neighborhoods.

Consider authorizing the City Manager to negotiate and execute a contract with The Dodd Studio LLC for full design services for Dorton Park in the amount of \$468,128.

The Parks and Recreation Deputy Director, Sheila Lowry, stated the existing park, located at 5790 Poplar Tent Road, is approximately 30 acres. Parks and Recreation has selected the firm The Dodd Studio, located out of Fort Mill, SC, through an RFQ process for professional design services for the park. The design phase will include Design Development Plans, Construction Documents at 50%, 90% and 100% level, Geotechnical site work and investigations, architectural services for existing and proposed buildings on the property, and stream restoration and stabilization services for Afton Run Branch. Dorton Park is a proposed GO Bond funded project and will also include a segment of Coddle Creek Greenway.

Consider authorizing the City Manager to negotiate and execute a contract with Cole Jenest & Stone, Bolten & Menk, Inc. for full design services for Hartsell Park Complex in the amount of \$532,155.

The Parks and Recreation Deputy Director stated the existing park, with parking areas on

Swink Street, Old Charlotte Road, and Sunderland Road, is approximately 22.5 acres and includes the Hartsell Recreation Center, Hartsell Ballfield Complex, and Hartsell neighborhood park. Parks and Recreation has selected the firm Cole Jenest & Stone, Bolten & Menk, Inc., located out of Charlotte, NC, through an RFQ process for professional design services for the park. This design phase will include Schematic Design, Design Development Plans, Construction Documents at 50%, 95%, and 100% level, Geotechnical site work and investigations, architectural services for existing and proposed buildings on the property, cost estimation services, and allowances for surveying and additional mapping. Full turn-key development of Hartsell Park is a proposed GO Bond funded project with a proposed construction budget of approximately \$6.8M.

Consider authorizing the City Manager to negotiate and execute a contract with Blythe Brothers Asphalt Co. LLC in the amount of \$361,311 for the General Aviation Parking Lot improvements at the Concord-Padgett Regional Airport.

The Aviation Director, Dirk Vanderleest, stated bids were due on April 20, 2022 and only 1 bid was received. The bid was rejected and re-advertised per North Carolina General Statutes. One bid was received and opened on May 2, 2022. Blythe Brothers Asphalt Co. LLC submitted the low responsive base bid in the amount of \$361,311 (below budgeted amount). Talbert, Bright and Ellington reviewed the bids and concurred all bid requirements of the specifications were met. He also stated this project will be 100% funded by the North Carolina Department of Transportation Division of Aviation Commercial Service Airport Improvement Program.

Consider awarding a bid in the amount of \$1,324,965.00 to Service Electric Company for construction of Substation T at 2700 Concord Parkway South.

The Electric Systems Director, Alex Burris, stated Substation T 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 April 20, 2022. Six construction firms submitted bids, which were evaluated by staff for adherence to specifications. The lowest bidder, at \$1,324,965.00, was Service Electric Company. Service Electric Company was deemed to be a responsive and responsible bidder. Upon a Notice to Proceed letter, Service Electric Company will have 210 days to perform the work.

Introduce the Bond Order Authorizing the Issuance of \$60,000,000 General Obligation Parks and Recreation Bonds of the City of Concord, North Carolina.

The Finance Director, Jessica Jones, stated an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Parks and Recreation Bonds as required by the Local Government Bond Act, and the City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission. She stated introduction of the bond order is the next step in the process.

Consider adopting a resolution setting a public hearing on a General Obligation Bond Order and related matters.

The Finance Director stated the resolution sets the public hearing date of June 9th. A notice of the bond order will be published with a notice of the public hearing in the newspaper before June 3rd.

Consider adopting a resolution authorizing the sale of multiple parcels to WeBuild Concord, Inc for the purpose of development of affordable housing.

The City Attorney stated in 1977, the then City Board of Aldermen designated the Board as a housing authority pursuant to Chapter 157 of the North Carolina General Statutes. Acting as a housing authority, the City Council has the ability to sell property to WeBuild for

a public use such as affordable housing.

She stated WeBuild ("buyer") has offered to purchase 77 Cabarrus Avenue SW; 338 Lincoln Street SW; 11 Powder Street NW, 13 Powder Street NW, 23 Powder Street NW, 26 Powder Street NW, 30 Powder Street NW, 34 Powder Street NW, 69 Powder Street NW, 94 Chestnut Street SW, 327 Howerton Avenue NW, Fenix Drive SW Lot 30, and Swink Street SW Lot 20, for \$588,321.00 for the purpose of developing affordable housing. All City departments have confirmed that the properties are not needed for City use. The properties will all be conveyed with deed restrictions and covenants to assure that they are used exclusively for affordable housing, that they are held in a land trust by WeBuild and that the properties will revert to the City in the event these covenants are breached.

Consider adopting a resolution authorizing the sale of part of 250 International Drive NW and the grant of an egress easement to the City of Concord Alcohol Beverage Control Board.

The City Attorney stated the City acquired this property on October 31, 2000. The Fire Department has confirmed that the property is not needed for the use of Fire Station number 7. The City received an Offer to Purchase the Property from City of Concord Alcohol Beverage Control Board ("Buyer") for \$71,316.00. The buyer wishes to use the property to construct a driveway access for the neighboring lot located at 230 International Drive NW. The tax value of the property is \$71,316. The buyer is also requesting an egress easement across a portion of 250 International Drive NW as shown on the attached survey. The buyer will contribute thirty percent (30%) of all future maintenance costs for the existing driveway located in the easement area.

Consider authorizing the City Manager to negotiate and execute a contract with Bionomic Services, Inc. for the Coddle Creek Water Treatment Plant Lagoons Sludge Removal.

The Water Resources Director, Jeff Corley, stated this contract is for the removal of the waste from the lagoons and delivering the waste to the landfill. The project was bid under the informal bidding process, and 2 bids were received. The lowest responsible bidder was Bionomic Services, Inc. in the amount of \$314,404.20.

Consider authorizing the City Manager to negotiate and enter into an agreement with Republic Services, Inc. for the disposal of the Coddle Creek Water Treatment Plant Lagoons Sludge.

The Water Resources Director stated for the second year, Republic Services, Inc. is keeping the cost of disposal of the lagoon sludge from the Coddle Creek Water Treatment Plant the same at \$80 per ton. It is estimated, approximately 3,350 tons will be removed at a cost of \$268,000.

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 existing City limits except under certain limited circumstances. She stated Humberto Perez has requested an exception to the Agreement in order to obtain water service for a proposed single-family home at 3535 Katrina Avenue (PIN 5641-70-7417).

Consent Agenda:

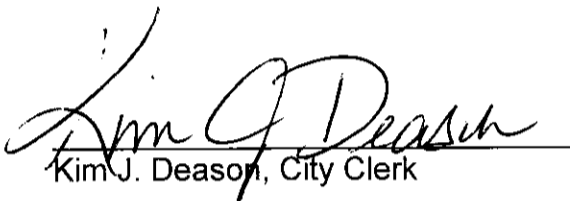
There were no comments regarding the consent agenda.

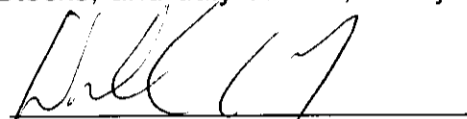
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A motion was made by Council Member Sweat, seconded by Mayor Pro-Tem Crawford , and duly carried, to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(3) to consult with the Attorney to protect the attorney-client privilege and to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action, and to consider and give instructions concerning a judicial action titled Cresent Acquisitions, LLC vs. Concord and Jaylene Moss and RWJ Consulting, Inc. vs. Concord, et. Al.; 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—the vote: all aye.

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


Kim J. Deason, City Clerk


William C. Dusch, Mayor