



City Council Agenda

Thursday, June 09, 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

May 10 and May 12, 2022. **APPROVED**

IV. Presentations

1. Presentation of the Best 100 Fleets 2022 award to City of Concord Fleet Services.

(Work Session) Concord Fleet Services is awarded the Best 100 Fleets of North America for 2022. This is the 7th award since 2010 for Concord. This year, Fleet ranked #75 for their efforts in CDL driver training and licensing, along with 12 other factors evaluated each year.

2. Presentation of a Proclamation recognizing June 19, 2022 as Juneteenth Day.

V. Unfinished Business

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 N.C. General Statutes, Section 159-12 to receive public comments relative to the proposed FY 2022-2023 budget for the City of Concord, following public comments, consider adopting the proposed FY2022-2023 Budget, and consider adopting the Cabarrus Arts Council portion of the External Agencies pursuant to NC General Statutes, Section 14-234.3.

The City Manager has submitted his recommended budget to the City Council for consideration. Before adopting the budget ordinance, Council must hold a public hearing. Once the Council holds the public hearing, and considers input, it may adopt the budget ordinance at any time before the end of June 2022. The Cabarrus Arts Council portion of the External Agencies will be considered separately in order to comply with the requirements of NC General Statutes, Section 14-234.3.

Recommendation: Conduct the public hearing to solicit citizen input, consider adopting the FY 2022-2023 budget, and consider adopting the Cabarrus Arts Council portion of the External Agencies. **APPROVED**

2. Conduct a public hearing to consider adopting a bond order authorizing the issuance of \$60,000,000 General Obligation Parks and Recreation Bonds of the City of Concord, North Carolina. The City Council has determined that it is necessary to pay the capital costs of providing parks and recreation facilities; and 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. The bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$60,000,000 OF GENERAL OBLIGATION

PARKS AND RECREATION BONDS OF THE CITY OF CONCORD, NORTH CAROLINA," which was introduced at a meeting of the City Council on May 12, 2022, was published on May 29, 2022, with notice of the public hearing. On file in the Clerk's office is a statement of debt complying with provisions of the Local Government Bond Act, and such statement as filed showed the net indebtedness of the City to be 0.58% of the assessed valuation of property in said City subject to taxation.

Recommendation: Motion to adopt, without change or amendment, and direct the City Clerk to publish a notice of adoption, as prescribed by The Local Government Bond Act, of the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$60,000,000 OF GENERAL OBLIGATION PARKS AND RECREATION BONDS OF THE CITY OF CONCORD, NORTH CAROLINA" as introduced at the meeting of the City Council held on May 12, 2022. **APPROVED**

3. Conduct a public hearing and consider adopting an ordinance annexing +/- 0.507 acres of property located at p/o 10435 Poplar Tent Rd, owned by Skybrook, LLC.

The petition is for voluntary annexation of +/- 0.507 acres of property located at a portion of 10435 Poplar Tent Rd, owned by Skybrook, LLC. If annexed, the petitioner intends to apply for the RV-CD (Residential Village Conditional District) zoning classification in order to expand the recently approved Skybrook Corners townhome neighborhood to the north and the Skybrook Corners expansion to the east. This property is located in Mecklenburg County and within the Town of Huntersville's future growth and annexation area. Per the City's Annexation agreement with Huntersville, Concord may annex property within Huntersville's annexation area if Huntersville adopts a resolution to waive the right to annex. Huntersville adopted a resolution to waive the right to annex on February 21, 2022.

Recommendation: Consider making a motion to adopt an annexation ordinance and set the effective date for June 9th, 2022. **APPROVED**

4. Conduct a public hearing 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).

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. 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." The Planning and Zoning Commission heard the above referenced petition at their April 19, 2022 public hearing and acted to deny the request. 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). **TABLED UNTIL JULY 14, 2022**

5. Conduct a public hearing to consider adopting an ordinance amending Article 7, Table 7.6.2, Dimensional Standards, of the Concord Development Ordinance (CDO) to amend the maximum permissible height of multifamily structures in the RC and RV zoning districts from thirty-five (35) feet to four (4) stories.

In recent years, developers in the community have proposed multi-family products with taller ceilings heights. This trend is due to the types of multifamily developments that

are being constructed in the metro region, particularly in Charlotte. Due to the product type change the City has received many communications indicating that 35' height limit for multi-family is no longer feasible based on market conditions. This standard has been a challenge to enforce considering the taller ceilings along with steeper roof pitches. City staff is proposing a revision to the language in the CDO to remove the 35' maximum (in RC and RV zoning) and to refer only to a maximum of four stories. This change would allow a developer more flexibility and would ease staff administration of the height requirements. Note that this allowance would be applicable to multifamily development in RC and RV zoning, not single family, and that all height transition requirements from single family developments, that were adopted with recent CDO changes, would remain. The proposed amendment also has a caveat that this maximum height is not applicable in the C-2 district in mixed use structures where residential units are present above retail or commercial. In those cases, the C-2 height restrictions would govern. The Planning and Zoning Commission unanimously recommended approval of the amendment at their May meeting.

Recommendation: Motion to adopt an ordinance amending Article 7, Table 7.6.2.A, Dimensional Standards, of the Concord Development Ordinance (CDO) to amend the maximum permissible height of multifamily structures in the RC and RV zoning districts from thirty-five (35) feet to four (4) stories. **APPROVED**

E. Presentations of Petitions and Requests

1. Consider approving the purchase of 524 Allison Street NW from the estate of Marquita Macon for \$167,600 using City Affordable Housing funds. In November of 2021, staff was notified of the unexpected death of co-worker, Ms. Marquita Macon. Ms. Macon had purchased 524 Allison Street from the City of Concord in June of the same year. After her passing, Ms. Macon's family was not able to continue payments on the house and the lender began the process of foreclosure after several months without payment. Staff reached out to the lender and located the executor of the estate to see if the City could purchase the home back to allow the property to continue to be an affordable housing option within the City. An offer, contingent on Council approval, has been made and accepted by the estate attorney for \$167,600, which is the outstanding loan balance and related fees from the lender. The City's affordable housing allocation would be used for the purchase. The intent is to make any needed minor repairs and sale the property to maintain ownership and an affordable home.

Recommendation: Motion to approve the purchase of 524 Allison Street NW from the estate of Marquita Macon for \$167,600 using City Affordable Housing funds. **APPROVED**

2. Consider adopting a resolution of intent to schedule a public hearing on the matter of closing the right-of-way of an unopened 10-foot alley running parallel to Hawthorne Street SW. The proposal includes the abandonment of the right-of-way for a 10-foot alley that runs behind 29 Hawthorne Street SW. Joseph Maizonet and Marline Maizonet filed the application. Carolina Oil Company of Concord, Inc. owns the land on the other side of the alley. Each property owner will receive half of the portion of the alley being abandoned. The General Statutes require that the City 1) post signs in two (2) places along the right-of-way, 2) send copies of the approved resolution of intent to all neighboring owners after adoption, and 3) advertise in the newspaper once a week for four (4) consecutive weeks. The notice requirement would allow the hearing to be conducted at the July 14, 2022 meeting.

Recommendation: Motion to adopt a resolution of intent to set a public hearing for July 14, 2022. **APPROVED**

3. Consider adopting a resolution authorizing the sale of a portion of 222 Spring Street Southwest to RES-NC Restoration, LLC. The former Board of Light and Water acquired this property on May 7, 1954. The City received an Offer to Purchase a portion of the property from RES-NC Restoration, LLC (Buyer) for \$1,500. The tax value is estimated to be approximately \$2,800; however, the offer is believed to be

closer to market value given the small size and triangular shape of the lot. The buyer wishes to use the property to construct a driveway access for the neighboring lot. The City will reserve an easement for the existing electric infrastructure on the street frontage of the property. The proposed Resolution directs the City Manager, City Clerk and City Attorney to take all necessary steps and to execute the necessary documents to affect the conveyance of the property and easement in accordance with this resolution pursuant to North Carolina General Statutes §160A-269.

Recommendation: Motion to adopt a resolution authorizing the sale of a portion of 222 Spring Street Southwest to RES-NC Restoration, LLC and direct the City Manager, City Clerk and City Attorney to take all necessary steps and to execute the necessary documents in order to affect the conveyance of the property.

APPROVED

- 4. Consider approving a request from the Concord ABC Board to accumulate up to \$4.2 million above excess working capital as defined by the NC ABC Commission and to carry over a reserve of an amount up to \$4.2 million across fiscal years.** The purpose of the request is to provide funds for gradual purchase of land and construction of stores and related warehouse space to address customer needs in a rapidly growing community.

Recommendation: Motion to approve a request from the Concord ABC Board to accumulate up to \$4.2 million above excess working capital as defined by the NC ABC Commission and to carry over a reserve of an amount up to \$4.2 million across fiscal years. **APPROVED**

- 5. Consider adopting a resolution setting a special bond referendum and directing the publication of notice of a special bond referendum and notification of the boards of elections.** The City Council has adopted the bond order titled "BOND ORDER AUTHORIZING THE ISSUANCE OF \$60,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS OF THE CITY OF CONCORD, NORTH CAROLINA," and such bond order should be submitted to the voters of the City of Concord, North Carolina for their approval or disapproval in order to comply with the constitution and laws of North Carolina at a special bond referendum to be held in said City on November 8, 2022. The attached resolution authorizes and directs the City Clerk to publish a notice of said referendum which shall be entitled "CITY OF CONCORD, NORTH CAROLINA NOTICE OF SPECIAL BOND REFERENDUM." Said notice of referendum shall be published at least twice. The first publication shall be not less than 14 days and the second publication shall be not less than 7 days before the last day on which voters may register for the special bond referendum. The attached resolution also directs the City Clerk to mail or deliver a certified copy of this resolution to the Cabarrus County Board of Elections within three days after this resolution is adopted.

Recommendation: Motion to adopt a resolution setting a special bond referendum and directing the publication of notice of a special bond referendum and notification of the boards of elections. **APPROVED**

- 6. Consider recognizing The Courtyards on Poplar Tent Owners Association into the City's Partnership for Stronger Neighborhoods program.** The Courtyards on Poplar Tent is a 55+ planned community in Concord. It was designed, developed, and built by Epcon Communities Inc. between 2019 and 2022. There are 87 single family homes, each with a private courtyard. There is also a clubhouse, pool, and walking trail that borders a pond with a fountain and green spaces. Neighborhood activities are organized by committees and volunteers. Officers for the Association are: President Cheryl Milam; Vice President Debasish Banerjee; Treasurer Marc Shepherd; and Secretary Mitch Peretz. By approving their inclusion in the program, the City would have a total of 73 recognized neighborhoods in the Partnership for Stronger Neighborhoods since the program's foundation in 2000.

Recommendation: Motion to approve the acceptance of The Courtyards on Poplar Tent as a recognized neighborhood in the Partnership for Stronger Neighborhoods Program. **APPROVED**

- 7. Consider approving Neighborhood Matching Grant awards distribution request for FY22-23 applicants.** The review committee determined that ten projects best meet the criteria for funding. The following ten recommended projects, if funded, total \$28,230. This would leave \$1,770 in the NMG FY23 adopted budget. The following are recommended: 1) Morris Glen - Request \$2,630 in matching grant funds to support their Basketball Court Repairs and Skim Coating Project; 2) Winding Walk - Request \$3,000 to their Rotating Speed Signs Project; 3) Park View Estates - Request \$3,000 in matching grant funds to support their Pool Enhancement project; 4) Christenbury - Request \$3,000 in matching grant funds to their Entrance Beautification Project; 5) Hallstead - Request \$3,000 in matching grant funds to support Common Area Border Improvement Project; 6) Bedford - Request \$2,850 in matching grant funds to support second phase of their Neighborhood Trail Project; 7) Moss Creek- Request \$3,000 in matching grant funds to support their Picnic Tables Project; 8) Highland Creek - Request \$1,750 in matching grant funds to support their Pet Waste Stations Project; 9) Brookvue - Request \$3,000 in matching grant funds for their Playground Expansion and Tree Installation Project; 10) Fairway Ridge – Request \$3,000 in matching grant funds to support the second phase of their Street Sign Replacement Project. There was one project not recommended for funding because it did not meet the grant criteria and one neighborhood withdrew their application for consideration.

Recommendation: Motion to approve Neighborhood Matching Grant awards distribution request for FY22-23 applicants. **APPROVED**

- 8. Consider adopting a resolution for the Logan Community Day Care Association, Inc. Lease Renewal and authorize the City Manager to execute a lease agreement.** The City owns the Logan Community Day Care building located at 185 Rone Avenue, SW, Concord, North Carolina. The Lessee desires to renew the lease for the Premises to continue to operate a day care. The requested term for the lease is 10 years with an annual rent of \$1.00 per year payable on the 10th day of June of each year in advance. The Agreement shall automatically renew for two additional five (5) year renewal terms, unless on or before 30 days prior to the then current expiration date of this Agreement, either party has given notice of such party's intention not to renew for an additional five (5) year renewal term.

Recommendation: Motion to adopt a resolution and authorize the City Manager to execute a lease agreement with Logan Community Day Care Association, Inc. for the renewal of their lease for the operation of a day care at 185 Rone St. SW, Concord, NC. **APPROVED**

- 9. Consider awarding a bid and authorize the City Manager to execute a contract with Xylem Tree Experts Inc. to provide contract labor and equipment for Line Clearance Tree Trimming services.** Staff developed specifications for Line Clearance Tree Trimming services and formal bids were received on 5/22/22 for the provision of contract labor and equipment, on an as needed basis, to trim and clear trees around the Electric Department's infrastructure. The bid package specifications called for hourly pricing on many different pieces of equipment and labor units. Staff reviewed historic labor and equipment usage patterns, as well as future needs, and developed projected utilization factors which were then applied to the unit cost submitted by all bidders for determination of the lowest overall annual cost. Staff also evaluated the bidders for their ability to service the contract in relation to safe work practices and ability to meet future manpower/equipment needs of the City. Xylem Tree Experts Inc. was determined to be the lowest responsive bidder. Xylem Tree Experts Inc's pricing, their ability to work safely and their ability to thoroughly meet the bid specifications were clearly evident. Total expected yearly cost of \$275,060 is within the FY23 budgeted allowance of \$310,000.

Recommendation: Make a motion to award a bid and authorize the City Manager to execute a contract with Xylem Tree Experts Inc. to provide contract labor and equipment for Line Clearance Tree Trimming services. **APPROVED**

- 10. Consider adopting an ordinance amending Chapter 46, Solid Waste, of the City's Code of Ordinances, Section 46:1 (Definitions), Section 46:32 (Services Provided by the City), Section 46:33 (Pre-collection practices and public nuisance), Section 46:34 (Prohibited materials not collected by city and handling prohibitions), Section 46:35 (Special conditions, charges and requests), and Section 46:37 (Collection practices and schedule) relative to the collection of solid waste materials in the City of Concord.** In preparation for July 2022 changes in collection practices for bulk and yard waste, staff has revised ordinance language to be consistent with new collection methods and practices, as well as cleanup of language that might be confusing or outdated. Areas of change to note include: 1) definition of "loose" materials for bulk collection, 2) definition of multi-family for solid waste purposes to be 7 or more attached units in a development, 3) the consolidation of televisions into the electronic waste definition, 4) clarification that excess bags of garbage outside the cart will not be collected, 5) clarification of the number of recycle carts that can be distributed to a small business to be no more than the number of garbage carts paid for under cart-based, small business service, 6) addition of a fine for excessive violations of carts left at the curb after collection timeframes, 7) eliminate need for bagged recyclables under backdoor service, 8) requirement of mattresses to be wrapped if visibly infested, 9) requirement of cardboard, as recycling, to be cut or bent, placing into the recycle cart, and 10) elimination of plastic bags from yard waste collection.

Recommendation: Motion to adopt an ordinance amending Chapter 46, Solid Waste, of the City's Code of Ordinances regarding the collection of solid waste materials. **APPROVED**

- 11. Consider authorizing the City Manager to negotiate and execute a contract with Republic Services for weekly Bulk Container Service at City Facilities and Qualified Condominiums.** The City contracts for weekly bulk container/dumpster service at 23 City facility locations and 18 qualified townhome or condominium locations. The previous contract with Republic Services could no longer be extended and the City received proposals for this service contract. After receiving a proposal from Republic Services in the amount of \$1.90 per cubic yard, staff would like to continue the current service offering with Republic Services for a new three year term, beginning in July 2022 and expiring in June 2025. Current pricing is \$1.75 per cubic yard; however, the increase is within the budgeted amount for FY23. Several City departments are also impacted by this service contract and slight cost increase.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Republic Services in the amount of \$1.90 per cubic yard for bulk container garbage service. **APPROVED**

- 12. Consider authorizing staff to move forward with an On Call Transit Planning Task Order with Benesch for the Cabarrus County Transportation Service (CCTS) and Rider Transit Consolidation Implementation Study.** The study is to combine Cabarrus County Transportation Service and Rider Transit into a single public transportation entity for Cabarrus County. The study will take approximately 9 months to complete, with a do not exceed cost of \$120,000. FTA 5303 Transit Planning Funds from the Cabarrus Rowan MPO will be utilized to pay for this study.

Recommendation: Motion to approve the On Call Transit Planning Task Order with Benesch for the Cabarrus County Transportation Service (CCTS) and Rider Transit Consolidation Implementation Study with a not to exceed maximum cost of \$120,000. **APPROVED**

- 13. Consider authorizing the City Manager to negotiate and execute a professional services contract to RL Conrad Associates, LLC to provide Transportation**

Planning services for the Cabarrus Rowan Metropolitan Planning Organization (CRMPO). With the expiration of the current contract for CRMPO administration and transportation planning services on June 30th, letters of interest were requested in March from parties interested in providing these professional services. An interview was held with the firm that submitted in May. RL Conrad Associates, LLC was selected by a review committee, including representatives from member jurisdictions (Kannapolis, Mt. Pleasant, China Grove, Concord), as well as NCDOT staff. Negotiations are underway with RL Conrad Associates, LLC on the fees, which will have to be approved by Office of Inspector General's Office at NCDOT. The contract time is for one year with an optional one year renewal.

Recommendation: Motion to award a professional services contract to RL Conrad Associates, LLC to provide Transportation Planning services for the Cabarrus Rowan Metropolitan Planning Organization (CRMPO) and authorize the City Manager to negotiate and execute the contract. **APPROVED**

- 14. Consider authorizing the City Manager to negotiate and execute an addendum to the contract with HDR for engineering services relating to the GAC Contactors at the Hillgrove Water Treatment Plant (WTP).** The City is under contract with HDR for design of the GAC Contactors at the Hillgrove WTP. The project is well underway. In April 2022, the City elected to pursue acquisition of adjacent parcel (708 Arbor St NE) to allow for a more desirable location of the GAC system and to provide space for future site uses. This addendum would cover the additional engineering services associated with locating the GAC system on the new parcel and will aid the City in developing the new parcel for future uses. The addendum for the additional scope is \$200,097.

Recommendation: Motion to authorize the City Manager to negotiate and execute an addendum to the contract with HDR for engineering services related the GAC Contactors at the Hillgrove WTP. **APPROVED**

- 15. Consider adopting a resolution to abandon a sanitary sewer easement across property at 346 George W. Liles Parkway (PIN 5600-48-0582).** There is a sanitary sewer easement recorded in Plat Book 47 Page 80 to the City of Concord. This property is being redeveloped with a Harris Teeter Fuel Center and the developer has requested that this easement be abandoned due to a sewer redesign.

Recommendation: Motion to adopt a resolution authorizing the Abandonment of Easement. **APPROVED**

- 16. Consider approving the dedication of a Public Right-of-Way and Storm Drainage Easement to NCDOT at 2700 Concord Parkway S.** The City is being asked to dedicate property for Right-of-Way (ROW) and a Storm Drainage Easement (SDE) to NCDOT for purpose of constructing a U-turn bulb at 2700 Concord Parkway South. The subject area is located on property the Electric Systems Department is currently constructing Substation T. Purpose of the U-turn bulb is to allow North-bound Concord Parkway traffic to reverse direction. The U-turn bulb is necessary for traffic generated by the Holly Grove multi-unit Development just South of the City substation project. The Holly Grove Development company, Nest Communities Inc., is granting the City an easement on their property for purpose of extending transmission lines to the substation site. Total dedicated area is 2,003 square feet for the ROW and 3,139 square feet for the SDE. Electric Systems staff has evaluated the request and there is no impact to the substation project.

Recommendation: Motion to approve the dedication of a Public ROW and Storm Drainage Easement to NCDOT. **APPROVED**

- 17. Consider accepting a Preliminary Application from Arnold Wayne Holder.** In accordance with City Code Chapter 62, Arnold Wayne Holder has submitted a preliminary application to sewer service outside the City limits. The property is located at 214 Litaker Lane. This parcel has an existing single family home and the applicant indicates that the drain field is full and the existing septic tank has been pumped twice

in the past year and gray water is seeping from the ground. There is not City water available to this parcel.

Recommendation: Motion to accept the preliminary application and have the owner proceed to the final application phase excluding annexation. **APPROVED**

- 18. Consider accepting a Preliminary Application from Flint McDonald.** In accordance with City Code Chapter 62, Flint McDonald has submitted a preliminary application to receive water and sewer service outside the City limits. The properties are located on Archibald Road. There is a total of 5 lots which were recently created via a county minor subdivision plat. Three of the lots have access to city water and sewer and two have only access to water. Based upon the applicant's original intent to serve the lots without City utilities and the potential negative impact on treatment plant capacity, it is recommended to deny the preliminary application.

Recommendation: Motion to deny the preliminary application. **APPROVED – APPLICATION DENIED**

- 19. Consider accepting a Preliminary Application from Robert C. Hayes.** In accordance with City Code Chapter 62, Robert C. Hayes has submitted a preliminary application for water service outside the City limits. The property is located at 1245 Odell School Road. The property is currently zoned LDR and has an existing single residence. City sanitary sewer is not available to this parcel.

Recommendation: Motion to accept the preliminary application and have the owner proceed to the final application phase excluding annexation. **APPROVED**

- 20. Consider accepting a Preliminary Application from Nao Kha Vang.** In accordance with City Code Chapter 62, Nao Vang has submitted a preliminary application to receive sewer service outside the City limits. The property is located at 7627 Rocky River Road. This parcel has an existing single family home and the applicant has indicated that the existing septic system has a problem and is backing up a lot. The applicant already has water.

Recommendation: Motion to accept the preliminary application and have the owner proceed to the final application phase including annexation. **APPROVED**

- 21. Consider making appointments / reappointments to various City of Concord Boards and Commissions and making a reappointment to the CDDC Board of Directors.** Attached is a list of Board and Commission appointments for the City of Concord. This list notes the members that have expiring terms and can or cannot be reappointed.

Recommendation: Motion to make appointments/reappointments to various Boards and Commissions and a reappointment to the CDDC Board of Directors. **APPOINTMENT/REAPPOINTMENTS MADE**

VII. Consent Agenda APPROVED ALL IN ONE MOTION

- A. Consider adopting the 2022 Title VI Plan annual report.** Per the Title VI Plan adopted by City Council, an annual report should be prepared that documents progress, accomplishments, impediments and goals in fulfilling the Title VI Plan. The attached report summarizes the 2022 Title VI initiatives.

Recommendation: Motion to adopt the City's 2022 Annual Report to fulfill the requirement of the City of Concord Title VI Plan adopted by City Council in May 2021.

- B. Consider adopting the Rider Transit Procurement Policy & Procedures.** During FTA's Triennial Review process, it was determined that Rider Transit needed to have a standalone procurement policy separate from the City's Purchasing policy, that detailed all of FTA's procurement requirements. That attached Rider Transit Procurement Policy & Procedures was deemed by FTA to meet all of their requirements.

Recommendation: Motion to adopt the Rider Transit Procurement Policy & Procedures.

- C. Consider approving the updated 2021 Rider Transit Public Transportation Agency Safety Plan (PTASP).** FTA requires that Rider Transit's Public Transportation Agency Safety Plan is reviewed, updated, and approved annually by the Concord Kannapolis Transit Commission, Concord City Council, and the Cabarrus Rowan MPO. There were no substantive changes to this year's plan, only small language updates required by FTA. The updated plan was approved by the CRMPO at their May 23, 2022 meeting, and the CKTC at their April 29, 2022 meeting.

Recommendation: Motion to approve the updated 2022 Rider Transit Public Transportation Agency Safety Plan.

- D. Consider awarding a bid to VSC Fire and Security Inc. in the amount of \$234,870 plus tax to purchase 3% AFFF Foam for replacement in community hangars at the Concord-Padgett Regional Airport.** During the annual inspection it was noted that we need to replace the AFFF foam in 4 tanks in the community hangars at the airport. The amount of foam needed to replace each hangar is: Hanger F (1000 Gallons of foam) Hanger C (800 Gallons of foam) Hanger H (75 Gallons of foam). FORMAL BIDS (In accordance with N.C.G.S. 143-129) were advertised by the City purchasing department. No bids were received. It was re-advertised per State statute and one bid was received on 5/16/22. The sole bid was from VSC Fire and Security Inc. in the amount of \$234,870 plus tax. This project will be funded using Cares funds from the Aviation Department Budget.

Recommendation: Motion to accept the bid and to authorize the City Manager to negotiate and execute a contract with VSC Fire and Security Inc.

- E. Consider authorizing the Concord Police Department to apply for the Fiscal Year 2022 Patrick Leahy Bulletproof Vest Partnership Grant from the United States Department of Justice: Office of Justice Programs.** The Concord Police Department is requesting to apply for the Fiscal Year 2022 Patrick Leahy Bulletproof Vest Partnership Grant from the United States Department of Justice: Office of Justice Programs. This program reimburses agencies up to 50% of the costs of new, uniquely fitted bulletproof vests. The department projects needing to purchase 117 vests over the next two fiscal years at a total cost of \$80,847, of which, the city would receive reimbursement of \$ 40,424 under grant guidelines.

Recommendation: Motion to authorize the Concord Police Department to apply for the Fiscal Year 2022 Patrick Leahy Bulletproof Vest Partnership Grant from the United States Department of Justice: Office of Justice Programs.

- F. Consider accepting an offer of infrastructure at Lantana Subdivision PH 4, Villages at Skybrook North Subdivision PH 3-2, Roberta Meadows Subdivision, Kensley Subdivision, Allen Mills Subdivision PH 2.** In accordance with CDO Article 5, improvements have been constructed in accordance with the City's regulations and specifications. The following are being offered for acceptance: 19,799 LF of public roadway.

Recommendation: Motion to accept the offer of infrastructure acceptance in the following subdivisions and sites, Lantana Subdivision PH 4, Villages at Skybrook North PH 3-2, Roberta Meadows Subdivision, Kensley Subdivision, Allen Mills Subdivision PH 2.

- G. 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: Addison Concord, LLC, (PIN 4589-80-8447) 8255 Old Holland Road. Access easements and SCM maintenance agreements are being offered by the owners.

Recommendation: Motion to approve the maintenance agreements and accept the offers of dedication on the following properties: Addison Concord, LLC.

- H. 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: The Addison Eighty50,

Patterson Townhomes, Spring Meadow Phase 2A Map 1, and The Villas at Tucker's Walk, Phase 1 Map 2. 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: The Addison Eighty50, Patterson Townhomes, Spring Meadow Phase 2A Map 1, and The Villas at Tucker's Walk, Phase 1 Map 2.

- I. Consider adopting a resolution to amend Article II, Section H of the Purchasing Policy.** Staff is recommending that the Performance and Payment section of the Purchasing Policy be amended to match North Carolina General Statutes, Section 44A-26 regarding the dollar amount of bonds required for construction projects. The City's current policy stated that construction projects with a total cost of \$50,000 or more require performance and payment bonds. The majority of construction projects in today's economy exceed \$50,000 and amending our policy to match the NCGS will aid staff and developers when processing these construction projects. NCGS 44A-26 states that performance and payment bonds will only be needed for construction projects that exceed \$300,000.

Recommendation: Motion to adopt a resolution to amend Article II, Section H of the Purchasing Policy.

- J. Consider approving a donation of \$500 from the Mayor's Golf Tournament Fund to Epworth United Methodist Church Back-to-School Shoe Distribution drive and to adopt a budget ordinance appropriating the donation.** This will be the 10th annual Back-to-School Shoe Distribution in Cabarrus County. The event is scheduled to be held Saturday, August 6, 2022 from 10:00 a.m. - 12:00 noon at the Logan Multi-Purpose Center. The goal is to distribute at least 500 pairs of shoes, as well as backpacks and school supplies, to as many children and youth as possible.

Recommendation: Motion to approve a donation of \$500 from the Mayor's Golf Tournament Fund to Epworth United Methodist Church Back-to-School Shoe Distribution drive and to adopt a budget ordinance appropriating the donation.

- K. Consider adopting a budget ordinance to establish a fund to account for the Opioid Settlement Funds.** In July 2021, Attorney General Josh Stein announced a historic \$26 billion agreement that will help bring desperately needed help to communities harmed by the opioid epidemic. Settlement funds are being allocated to 100 counties and 17 municipalities based on a formula the national counsel representing local governments developed. Funds will begin to be distributed to counties and municipalities in 2022 and continue over a period of 18 years. The total amount the City is expected to receive is \$1,464,853. The attached budget ordinance establishes a fund to account for these opioid settlement funds.

Recommendation: Motion to adopt a budget ordinance to establish a fund to account for the Opioid Settlement Funds.

- L. Consider adopting an ordinance to amend the Transportation Project fund budget to cleanup various project budgets.** The attached budget ordinance amends the transportation project fund budget to year end estimates.

Recommendation: Motion to adopt an ordinance to amend the Transportation Project fund budget to cleanup various project budgets.

- M. Consider adopting an ordinance to amend the Affordable Housing Fund budget to year end estimates.** The attached ordinance amends the Affordable Housing Fund budget to year end estimates.

Recommendation: Motion to adopt an ordinance to amend the Affordable Housing Fund budget to year end estimates.

- N. Consider adopting an ordinance to amend the Airport Capital Project fund budget to establish a preliminary budget for the Runway Widening project.** The attached budget amendment establishes the preliminary budget for the Runway Widening project to allow preliminary expenses to be incurred.

Recommendation: Motion to adopt an ordinance to amend the Airport Capital Project fund budget to establish a preliminary budget for the Runway Widening project.

- O. Consider adopting an ordinance to amend the Housing Vouchers budget to adjust to year end estimates.** The attached budget ordinance amends the Vouchers budget to estimated year end actuals.

Recommendation: Motion to adopt an ordinance to amend the Housing Vouchers budget.

- P. Consider adopting an ordinance to amend the Transit budget to adjust to estimated year end actuals.** The attached budget ordinance amends the Transit budget to adjust the budget to estimated year end projection. This also includes the adjustment needed for the buses approved to be purchased at a previous council meeting.

Recommendation: Motion to adopt an ordinance to amend the Transit budget to adjust to estimated year end actuals.

- Q. Consider adopting an ordinance to amend the Airport operating budget to adjust budget to year end actual projections.** Staff is requesting that the Airport operating budget be amended to reflect anticipated actual year end numbers. The total amendment is 414,000 which adjusts revenues and expenditures to year end projections.

Recommendation: Motion to adopt an ordinance to amend the Airport operating budget to adjust budget to year end actual projections.

- R. Consider adopting an ordinance to amend the Water operating budget to adjust budget to year end actual projections.** The attached budget ordinance adjusts the Water fund budget to year end projections.

Recommendation: Motion to adopt an ordinance to amend the Water operating budget to adjust budget to year end actual projections.

- S. Consider adopting an ordinance to amend the Electric operating budget to adjust budget to year end actual projections.** The attached budget ordinance adjusts the Electric fund budget to year end projections.

Recommendation: Motion to adopt an ordinance to amend the Electric operating budget to adjust budget to year end actual projections.

- T. Consider adopting an ordinance to amend the Stormwater operating budget to adjust budget to year end actual projections.** The attached budget ordinance adjusts the Stormwater fund budget to year end projections.

Recommendation: Motion to adopt an ordinance to amend the Stormwater operating budget to adjust budget to year end actual projections.

- U. Consider adopting an ordinance to amend the General Fund operating budget to adjust budget to year end actual projections.** The attached budget ordinance adjusts the General Fund budget to year end projections.

Recommendation: Motion to adopt an ordinance to amend the General Fund operating budget to adjust budget to year end actual projections.

- V. Consider adopting an ordinance to amend the Additional Vehicle Tax Fund budget to adjust budget to year end actual projections.** Staff is requesting that the Additional Vehicle Tax Fund budget be amended to reflect anticipated actual year end numbers. The total amendment is \$50,000 which adjusts revenues and expenditures to year end projections.

Recommendation: Motion to adopt an ordinance to amend the Additional Vehicle Tax Fund budget to adjust budget to year end actual projections.

- W. Consider approving the 2022 Capital Fund Grant award from the US Department of Housing and Urban Development (HUD) and to adopt a Budget Ordinance appropriating the grant amount of \$469,854.** HUD has awarded the Housing Department a Capital Fund Grant for federal year 2022 in the amount of \$469,854 to

assist with carrying out development, capital and management activities in order to assure that such projects continue to be available to serve low-income families.

Recommendation: Motion to accept the 2022 Capital Fund Grant award from HUD and adopt a Budget Ordinance appropriating the grant amount of \$469,854.

- X. Consider adopting an ordinance to amend the Golf budget to adjust budget to year end actual projections.** Staff is requesting that the golf operating budget be amended to reflect anticipated actual year end numbers. The total amendment is \$260,000 which adjusts revenues and expenditures to year end projections.

Recommendation: Motion to adopt an ordinance to amend the Golf budget to adjust budget to year end actual projections.

- Y. Consider adopting an ordinance to amend the Stormwater project budget to allocate savings remaining from completed projects the future projects account.** The attached budget ordinance amendment allocates savings from previously closed projects the future projects account. These amounts will be available to allocate to projects in future years when needed.

Recommendation: Motion to adopt an ordinance to amend the Stormwater project budget to allocate savings remaining from completed projects the future projects account.

- Z. Consider adopting an ordinance to amend the Fire project budget to allocate savings remaining from completed projects to the future projects account.** The attached budget ordinance amendment allocates savings from previously closed projects the future projects account. These amounts will be available to allocate to projects in future years when needed.

Recommendation: Motion to adopt an ordinance to amend the Fire project budget to allocate savings remaining from completed projects to the future projects account.

- AA. Consider adopting an ordinance to amend the Wastewater operating budget to adjust budget to year end actual projections.** Staff is requesting that the Wastewater operating budget be amended to reflect anticipated actual year end numbers. The total amendment is \$105,000 which adjusts revenues and expenditures to year end projections.

Recommendation: Motion to adopt an ordinance to amend the Wastewater operating budget to adjust budget to year end actual projections.

- BB. Consider adopting an ordinance to amend the General Fund Capital Project fund budget to cleanup various project budgets.** The attached budget ordinance adjusts the airport signage budget to actual and allocates the savings to the future projects account. The attached budget ordinance also includes the additional transfer from the General Fund for the remaining amount needed for the solid waste equipment necessary to provide service in house.

Recommendation: Motion to adopt an ordinance to amend the General Fund Capital Project fund budget to cleanup various project budgets.

- CC. Consider adopting an ordinance to amend the Wastewater project budget to cleanup various project budgets.** The attached budget amendment cleans up various project budgets based on actual amounts to date and allocates undesignated funds to the future projects account.

Recommendation: Motion to adopt an ordinance to amend the Wastewater project budget to cleanup various project budgets.

- DD. Consider adopting a resolution transferring delinquent accounts to collection loss.** Public Housing residents have moved out of their dwelling units leaving balances on their accounts. The Housing Department has attempted to collect these amounts but has been unsuccessful. It is now appropriate to adopt a resolution transferring the FY21 delinquent accounts to collection losses. Efforts will continue to collect these losses.

Recommendation: Motion to adopt a resolution to write-off the FY22 delinquent accounts in the amount of \$36,909.16 to collection loss.

- EE. Consider transferring a delinquent account to collection losses.** The Housing Authority closed an account without properly notifying our agency. Therefore, the balance due on tenant's account had to be absorbed.

Recommendation: Motion to transfer a delinquent account to collection losses.

- FF. Consider approving the transfer of delinquent miscellaneous receivables to collection losses.** In preparation for year-end closing of the accounting records and preparing for the annual independent audit, staff must review accounts receivable balances to determine if any balances are uncollectable. The accounts that are deemed uncollectable should be transferred to collection losses. Miscellaneous receivables that have been classified as uncollectable amount to \$3,686.80. Staff continues to work with legal to pursue collection methods available as well as using the Debt Setoff Program offered through the State and a private contract for collections.

Recommendation: Motion to approve the transfer of delinquent miscellaneous receivables to collection losses.

- GG. Consider adopting FY23 Compensation Plan Grade Assignments.** Staff recommends adopting the FY23 Compensation Plan Grade Assignments.

Recommendation: Motion to adopt the FY23 Compensation Plan Grade Assignments.

- HH. Consider adopting the 3% adjustment to the Compensation Plan Grade Assignments, effective in the fourth quarter of FY23.** In order to remain competitive in the ability to attract strong candidates, staff recommends a 3% overall increase to the Compensation Plan Grade Assignments in the fourth quarter of FY23. This adjustment will be made at minimums, midpoints and maximums in the structure to maintain forward movement in the workforce marketplace.

Recommendation: Motion to adopt the 3% adjustment to the Compensation Plan Grade Assignments, effective in the fourth quarter of FY23.

- II. Consider accepting the Tax Office reports for the month of April 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 April 2022.

- JJ. Consider approving the Tax Releases/Refunds from the Tax Collection Office for the month of April 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 April 2022.

- KK. Receive monthly report on status of investments as of April 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.