



# City Council Agenda

Thursday, October 13, 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**

August 23, September 6, and September 8, 2022. **APPROVED**

**IV. Presentations**

**1. Presentation of Proclamation recognizing October 23-31, as Red Ribbon Week.**

**2. 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.** The Government Finance Officers Association of the United States and Canada (GFOA) has awarded the City with the Award for Outstanding Achievement in Popular Financial Reporting for the City's FY2021 Popular Annual Financial Report (PAFR). This is the second year that the City has received this award. Receiving this award is a reflection of the hard work of the budget staff and their dedication to providing transparent financial reporting. With this award, the City is a Triple Crown winner for the second year in a row, meaning the City received the Achievement Awards for our Annual Comprehensive Financial Report, Annual Operating Budget Document, and PAFR. As of 2020, there were only 22 cities or counties in NC that received the PAFR award.

**3. Recognition of the City of Concord Housing Department, in partnership with MIZZHBJ Enterprise, for receiving the Carolina Council of Housing Redevelopment & Codes Officials 2022 Human Service Award for their program "KIDZ HELPING KIDZ SOAR".** The concept in KIDZ HELPING KIDZ SOAR is to have older students tutor younger students and to increase children's reading and math skills by two or more grade levels. Heather Jones, with MIZZHBJ Enterprise, used a hands-on approach that was innovative and effective. Children were given support and encouragement with fun and interesting ways to learn and achieve success. The Human Service Award is the highest form of recognition awarded by the Carolina Council.

**V. Unfinished Business**

**A. Continue a public hearing for case Z(CD)-07-21 and consider adopting an ordinance amending the official zoning map for +/- 54.8519 acres located northeast corner of International Drive and Highway 73, generally addressed as 4208 and 4515 Davidson Hwy from MX-CC2 (Mixed-Use Commercial Center Large) to I-1-CD (Light Industrial Conditional District) and C-2 (General Commercial).** This case was tabled from the June 9th City Council meeting and was continued to July. At the July meeting, the hearing was continued in order to allow the developer to meet with neighbors to explore a change to the site plan to address the truck access issue. In August and September, the developer requested additional continuances until October in order to continue conversations with the neighbors relative to noise issues and to develop a mutually agreed upon mitigation plan. The applicant has indicated that they have conducted a noise analysis, shared that study with the neighbors and are in the process of developing a set of conditions relative to noise mitigation. The Planning and Zoning

Commission heard the above referenced petition at their April 19th, 2022 public hearing and acted to deny the request. In accordance with Concord Development Ordinance section 3.2.4-B "The Commission may grant final approval of a zoning map amendment by a vote of at least three-fourths (3/4) of the members of the Commission present and not excused from voting. If the approval is by a vote of less than three-fourths, or if the Commission renders a recommendation of denial, the request shall be forwarded to the City Council for hearing at their next available meeting and the City Council shall have the authority to make a final decision on the zoning map amendment." According to the applicant, an office, warehouse, distribution and light industrial business park are the possible uses for the I-1-CD (Light Industrial Conditional District) area of the development and no specific plans have been provided for the C-2 (General Commercial) portion of the site. Please see attached documents for further detail.

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

- B. Continue a public hearing for case TA-09-22 and consider adopting an ordinance amending the Concord Development Ordinance, Section 8.3.5.Q.5, and Article 14, regarding supplementary regulations and the definition of Food Trucks.** This text amendment is staff-initiated. Staff is seeking to clarify regulatorily the intent of the word "temporary" in the definition of food trucks. City Council discussed this ordinance in September and requested that Planning and Legal amend the draft ordinance for clarification and for additional research. City Council's request has led to modifications of the language the Planning and Zoning Commission unanimously recommended for the text amendment at their August 16th meeting.

**Recommendation:** Consider adopting an ordinance amending CDO Section 8.3.5.Q.5, as well as an amendment to Article 14, concerning the definition of Food Trucks. **WITHDRAWN**

## **VI. New Business**

### **A. Informational Items**

- 1. Receive a presentation from Cabarrus Economic Development Corporation (EDC) Executive Director, Page Castrodale, in regards to the EDC Strategic Plan. (Work Session) PRESENTATION RECEIVED**

### **B. Departmental Reports**

### **C. Recognition of persons requesting to be heard**

### **D. Public Hearings**

- 1. Conduct a public hearing and consider approving a resolution providing approval of a multifamily housing facility to be known as Coleman Mill Lofts and the financing thereof with multifamily housing revenue bonds in an aggregate principal amount not to exceed \$19,130,000.** A public hearing is required per Section 147(f) of the Internal Revenue Code of 1986, (the "Code"), on the proposed plan to issue multifamily housing revenue bonds, in one or more series, in an aggregate principal amount of up to \$19,130,000 (the "Bonds"), for the purpose of financing the acquisition of the historic Coleman Mill and the renovating and equipping therein by STC Coleman Mill, LLC, a North Carolina limited liability company, or an affiliated or related entity (the "Borrower"), of a qualified residential rental project (as defined in Section 142(d) of the Code) to be known as Coleman Mill Lofts (the "Development"). The Development will consist of 150 units in two residential buildings located at 625 Main Street SW in the City of Concord, North Carolina. The Development will be owned or operated by the Borrower. The housing bonds, when and if issued by the City, will be issued pursuant to Article 1 of Chapter 157 and Section 160D-1311(b) of the General Statutes of North Carolina and shall not be a debt of the State of North Carolina (the "State"), the City or any political subdivision thereof and none of the State, the City, or any political subdivision thereof shall be liable thereon,

nor in any event shall such bonds be payable out of any funds or properties other than those of the City derived solely from payments made by the Borrower.

**Recommendation:** Motion to approve a resolution providing approval of a multifamily housing facility to be known as Coleman Mill Lofts and the financing thereof with multifamily housing revenue bonds in an aggregate principal amount not to exceed \$19,130,000. **APPROVED**

2. **Conduct a public hearing to consider a resolution on the matter of closing the right-of-way of a 50-foot right of way of Davidson Dr. NW contained within the property of 48-50 Beechwood Ave NW.** The proposal includes the abandonment of the approximately 50 foot right-of-way of Davidson Dr. NW. Concord California Associates, LLC is the applicant and the owner of the property. Davidson Dr. NW terminates into the property, and the right of way is not used for public ingress/egress and is not maintained by the City. An easement will need to be retained for electric infrastructure on the site, but the City would abandon maintenance of the stormwater pipe on the site.

**Recommendation:** Consider adopting a resolution to abandon the right of way of a 50' right of way of Davidson Dr. NW contained within the property of 48-50 Beechwood Ave NW, retaining an easement for electrical utilities, and abandoning maintenance of stormwater infrastructure. **APPROVED**

3. **Conduct a public hearing for case Z-13-22 and consider adopting an ordinance amending the official zoning map for +/-12.46 located at 4758 Poplar Tent Rd from I-1 (Light Industrial) to I-2 (General Industrial).** The Planning and Zoning Commission heard the above referenced petition at their September 20, 2022 meeting and voted (5-to-2) that the zoning map NOT be amended from I-1 (Light Industrial) to I-2 (General Industrial). Because the Commission rendered a decision of denial, final approval authority rests with City Council in accordance with Section 3.2.5 of the CDO. The applicant, Keysteel Corp, requested to rezone the subject property from I-1 (Light Industrial) to I-2 (General Industrial) for a manufacturing facility. The planned facility requires outdoor material storage which is allowed in I-2 (General Industrial) but not in I-1 (Light Industrial). The outdoor storage would be screened from view in accordance with the Development Ordinance. The project received a one year 85% tax based Economic Development Incentive Grant and sewer allocation at the August 11, 2022 City Council meeting.

**Recommendation:** Consider adopting an ordinance amending the official zoning map from I-1 (Light Industrial) to I-2 (General Industrial). **APPROVED**

4. **Conduct a public hearing for case Z-19-22 and consider adopting an ordinance amending the official zoning map for +/- 19.889 acres located at 4275 Papa Joe Hendrick Blvd. from City of Concord General Commercial (C-2) and Public Interest District (PID) to City of Concord Light Industrial (I-1) and to amend the 2030 Land Use Plan to change the designation of the property from Commercial to Industrial Employment. The property was annexed by City Council on June 13, 1990 and amended on September 13, 1990.** The Planning and Zoning Commission heard the above referenced petition at their September 20th meeting and unanimously voted to forward the request to City Council with a recommendation that the zoning map be amended from City of Concord C-2 (General Commercial) and PID (Public Interest District) to I-1 (Light Industrial) and concurrently to amend the 2030 Land Use Plan to change the designation of the parcel from Commercial to Industrial Employment. The subject parcel of this hearing requires a land use plan amendment and is therefore subject to Council review of both the zoning and the land use plan amendment. Approval of all of the zoning petitions will eliminate confusion with the land use and zoning designations and will more closely align the zoning pattern with the uses conducted on the respective properties.

**Recommendation:** Consider adopting an ordinance amending the official zoning map from City of Concord C-2 (General Commercial) and PID (Public Interest

District) to I-1 (Light Industrial) and to amend the 2030 Land Use Plan to change the designation of the parcel from Commercial to Industrial Employment.

**APPROVED**

5. **Conduct a public hearing and consider adopting an ordinance to adopt the Weddington Road Corridor Plan.** The 2030 Land Use Plan Implementation Work Plan established the need for a Mixed-Use Corridor Plan for Weddington Road from Bruton Smith Boulevard to Rock Hill Church Road (LU-23). Staff will present an overview of the Weddington Road Corridor Plan including a review of the existing conditions, public input results, key recommendations for corridor, future implementation, and a review of what was heard during the public comment period. The draft plan was made available to the public for review through the City's Public Input page from August 30th through September 18th. Staff received 25 responses from participants and the project page received 1,363 views. The plan was presented to the Planning & Zoning Commission on September 20th where a motion was passed to recommend to City Council that the Weddington Road Corridor Plan be adopted. The public hearing notice was advertised in The Independent Tribune on October 2nd and October 9th, 2022.

**Recommendation:** Motion to adopt an ordinance to adopt the Weddington Road Corridor Plan. **APPROVED**

#### E. Presentations of Petitions and Requests

1. **Consider increasing the City of Concord Down Payment Assistance amount under the HOME program to \$10,000 and amend the repayment criteria for housing renovations to reflect HUD's affordability goal for seniors over 60 years of age.** In August of 2022, the average purchase price for a home in Concord was over \$300,000. This information, obtained from a number of real estate data sites, shows the significant increase in housing cost within the last few years. That cost increase presents an even larger barrier to potential homebuyers with low-to-moderate (LMI) incomes. Currently, Concord offers \$7,500 in HOME funds for down payment assistance to LMI first-time homebuyers. However, that amount is not keeping pace with the market. Staff is seeking approval to increase the amount of assistance offered to \$10,000 in an effort to help bridge the gap for LMI residents. In addition, one of the goals of the CDBG and HOME programs is to ensure decent affordable housing without creating an undue burden for the resident. Concord's rehab policy currently states any resident with a total household income between 50% to 80% of area median income will repay half of the rehab cost. Due to inflation, cost of living increases, and limited income opportunities, this repayment requirement for senior clients has proven more difficult. To alleviate this barrier, staff is requesting to modify repayment requirements for any resident 60 years of age or older applying for rehabilitation assistance to be given a forgivable lien only. The maximum affordability period attached to the home via the lien will be 15 years.

**Recommendation:** Motion to approve increasing the City of Concord Down Payment Assistance amount under the HOME program to \$10,000 and amend the repayment criteria for housing renovations to reflect HUD's affordability goal for seniors over 60 years of age. **APPROVED**

2. **Consider adopting a resolution authorizing an eminent domain action for two parcels located off of Melrose Drive, SW.** These properties are currently owned by all heirs, known and unknown, of W.L. Albertson (DOD May 24, 1968) and all heirs, known and unknown, of Irene C. Albertson (DOD October, 1991). Acquisition of this property is necessary for the construction of a greenway and trailhead parking. This property was platted as streets in the Anneva Terrace neighborhood but the streets were never constructed or opened. The City previously acquired the adjoining parcels. There is no tax value placed on the unopened streets; however, using the value of nearby parcels, the unopened streets are estimated to have a value of \$3,000.

**Recommendation:** Consider making a motion to adopt a resolution authorizing an eminent domain action for two parcels located at off of Melrose Drive, SW.

**APPROVED**

**3. Consider awarding a sole source purchase order in the amount of \$186,461.55 to Reinhausen Manufacturing Inc. for purchase of one (1) On-Load Tap Changer.**

On-Load Tap Changers (OLTC) are a built-in mechanical part of substation main power transformer. The OLTC re-taps the windings in the transformer under loaded conditions, which serves to adjust the voltage produced by the substation as it self-adjusts throughout the day, depending on system loading conditions. This helps maintain nominal voltage within acceptable ranges for our end use customer. OLTC units have a manufacturer defined lifespan and must be upgraded in the 20-25 year timeframe. The City had five (5) substation power transformers that needed a replacement OLTC due to normal end of life cycle. Staff has replaced four (4) of the five units. The original manufacturer was Westinghouse Inc., which has since been purchased by Reinhausen Manufacturing Inc. No other manufacturer offers a comparable replacement unit. Council approved purchase of the first two (2) units in June 2021. The second order was approved in August 2021. This third order will complete the materials acquisition. Installation plan is underway and will be complete in April 2023.

**Recommendation:** Motion to award a sole source purchase order in the amount of \$186,461.55 to Reinhausen Manufacturing Inc. for purchase of one (1) On-Load Tap Changer. **APPROVED**

**4. Consider authorizing the City Manager to negotiate and execute a contract with Johnson Controls, by the means of the Sourcwell Cooperative Purchasing Program for the purchase and installation of the upgraded camera equipment and system replacement.**

The work will consist of converting and enhancing the existing FBO camera system to Exacqvision (which is the same system currently being used at Commercial Airline Terminal), upgrading the camera communication network at the airport, data security and recording duplication, replacing outdated cameras, and adding cameras and video coverage to areas of the airport not currently monitored. This is a turnkey project with the contractor performing all the equipment purchases, installation, testing, configurations, licensing, and service. The Aviation department currently uses an outdated, off the shelf, piecemeal, video camera surveillance and recording system to monitor activity in the general aviation areas of the airport. Many of those cameras are 10+ years old analog cameras that do not have camera resolution to identify objects at any distance from the camera. The camera network lacks bandwidth, hard drive storage, and is plagued with reliability issues. In addition, the airport does not have any coverage on aircraft ramp areas away from the terminal or parking areas on the FBO side of the airport. Our hangar camera coverage is limited or missing in some hangars. This project will address those issues and place all cameras under one, state of the art, highly secure and redundant Exacqvision system. It is of utmost importance to have a quality, secured, and reliable security system component to monitor city owned facilities and operations in real time and recover recorded footage in the event of an incident. Both components are critical for airport security and asset protection. The cost to purchase and install this equipment is \$369,091.61 for registered Sourcwell members. The Aviation Department plans to fund this project using CARES grant money. The City of Concord is a registered member of Sourcwell Cooperative Purchasing Program.

**Recommendation:** Motion to authorize the City Manager to negotiate and execute a contract with Johnson Controls, by the means of the Sourcwell Cooperative Purchasing Program for the purchase and installation of the upgraded camera equipment and system replacement. **APPROVED**

**VII. Consent Agenda APPROVED ALL IN ONE MOTION**

- A. Consider authorizing the Housing Department staff to submit an application for the Family Self-Sufficiency Program grant.** The Family Self-Sufficiency Program provides grant funding to pay the salary and benefits of the program coordinators whose primary responsibility is to guide and connect participants to needed training and resources. Participants in the program gain access to the support they need in order to achieve their self-sufficiency goals and move up the economic ladder.
- Recommendation:** Motion to authorize Housing Department staff to submit an application for the Family Self-Sufficiency Program grant.
- B. Consider approving the Transit Department to apply for the 2023 NCDOT State Maintenance Assistance Program (SMAP) for a grant request in the amount of \$299,281 to be used for eligible transit operating expenses.** The SMAP grant provides operating assistance to urban, small-urban, and urban regional fixed route and commuter bus systems. The grant will be used for transit operating expenses associated with Trans Dev Services who operates the Rider transit system.
- Recommendation:** Motion to approve the Transit Department to apply for the 2023 NCDOT State Maintenance Assistance Program (SMAP) for eligible transit operating expenses.
- C. Consider authorizing the City Manager to accept the 2022 Patrick Leahy Bulletproof Vest Partnership Grant from the United States Department of Justice and to adopt a budget ordinance appropriating the grant funds.** The Police Department has been awarded the 2022 Patrick Leahy Bulletproof Vest Partnership Grant from the United States Department of Justice: Office of Justice Programs in the amount of \$6,041. The Council approved the Police Department to apply for this award on June 09, 2022. This program reimburses agencies up to 50% of the costs of new uniquely fitted bulletproof vests.
- Recommendation:** Motion to authorize the City Manager to accept the 2022 Patrick Leahy Bulletproof Vest Partnership Grant from the United States Department of Justice and to adopt a budget ordinance appropriating the grant funds.
- D. Consider authorizing the City Manager to accept the award of \$21,510 from 2022 BJA FY 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Program-Local Solicitation to implement interior roof mounted patrol rifle racks, consultant training, and a crime scene/traffic accident camera and to adopt a budget ordinance appropriating the grant funds.** The Concord Police Department received official award notification on September 26, 2022 for the 2022 BJA FY 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Program-Local Solicitation from the United States Department of Justice. Per JAG regulations, a portion of the money must be shared with Cabarrus County and the City of Kannapolis. The City of Concord will serve as the fiscal administering agency. Per an agreement based on the JAG formula, the City of Concord will receive the full amount of \$21,510, of which the City of Kannapolis is allocated \$8,518 and Cabarrus County is allocated \$4,685. The approval to apply for this award was granted by City Council at their July 14, 2022 meeting.
- Recommendation:** Motion to authorize the City Manager to accept the award in the amount of \$21,510 from BIA FY 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Program-Local Solicitation and to adopt a budget ordinance appropriating the grant funds.
- E. 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: 502 Amhurst Street SW and Piper Landing 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: 502 Amhurst Street SW and Piper Landing Phase 1 Map 2.

**F. Consider accepting an offer of infrastructure at City of Concord Fire Station 10, Harris Teeter Fuel - Store #68, Fryling Ave Subdivision - Sylvan Sewer.** 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: 118 LF of 6-inch water line, 2 valves, 1 fire hydrant, 861 LF of 8-inch sanitary sewer line, 10 manholes.

**Recommendation:** Motion to accept the offer of infrastructure acceptance in the following subdivisions and sites, City of Concord Fire Station 10, Harris Teeter Fuel - Store #68, Fryling Ave Subdivision - Sylvan Sewer

**G. Consider adopting the FTA 5339(c) Low or No Emission Discretionary grant project ordinance amendment.** In August 2022, Rider Transit was awarded a \$713,813 FTA 5339(c) Low or No Emission Discretionary grant specifically for the purpose of securing a replacement hybrid bus. The grant award and contract for purchasing the bus went before Council in September 2022 and was approved. The attached project budget ordinance adjusts the budget for the bus project accordingly.

**Recommendation:** Motion to adopt the project ordinance amendment for the FTA 5339(c) Low or No Emission Discretionary grant.

**H. Consider adopting an ordinance to amend the FY 2022/2023 Budget Ordinance for the General Fund to appropriate proceeds from the sale of fixed assets for parks & recreation contract services.** Parks and Recreation staff is requesting additional funding for contract labor to cover the Pottery Center if they are unable to identify volunteers for daily operations. This will give staff the opportunity to ensure coverage at the Pottery Center and allow staff to use paid contract staff if or when they are unable to find volunteers for hours of operations once the facility is open. The attached budget ordinance amendment appropriates proceeds from the sale of fixed assets for this purpose.

**Recommendation:** Motion to adopt an ordinance to amend the FY 2022/2023 Budget Ordinance for the General Fund to appropriate proceeds from the sale of fixed assets for parks & recreation contract services.

**I. Consider adopting a capital project ordinance to amend the Transportation Projects Fund.** The attached amendment for the Cedar/Crowell Sidewalk project is needed to cover the construction and storm drainage easements for the project.

**Recommendation:** Motion to adopt a capital project ordinance to amend the Transportation Projects Fund.

**J. Consider acceptance of the Tax Office reports for the month of August 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 August 2022.

**K. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of August 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 August 2022.

**L. Receive the monthly report on status of investments as of August 31, 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.