



City Council Agenda

Thursday, February 9, 2023

6:00 PM

35 Cabarrus Ave, 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 p.m.

I. Call to Order

II. Pledge of Allegiance and Moment of Silent Prayer

III. Approval of Minutes

January 10 and January 12, 2023. **APPROVED**

IV. Presentations

1. **Presentation of a Proclamation recognizing February as Black History Month.**
2. **Presentation of a retirement plaque to Mark Hartsell for over 30 years of loyal and dedicated service to the City of Concord.**

V. Unfinished Business

1. **Consider approving the Public Art Master Plan for Concord to serve as a guide to implementing public art throughout the City of Concord.**

Based on the growing interest of public art within Concord, the Public Art Advisory Committee and City Council's expressed desire to facilitate a Public Art Master Plan, which will direct how public art can be embedded more deeply in the life of the community, identifies potential projects that the City could take on, outlines processes through which the City can manage public art projects, and shows how the City's efforts can catalyze resources from the community and the private sector.

The development of this plan was led by consultants Todd W. Bressi and Amina Cooper, supported by City leadership, the Cabarrus Arts Council (CAC), and guided by Concord's Public Art Advisory Committee (PAAC). The planning process involved foundational research into the City of Concord's plans, programs, policies, and priorities via review of planning documents and interviews with key City staff. The consulting team also reviewed public art initiatives in ten communities in North Carolina, as well as elsewhere in the country, to provide context for how a city like Concord could evolve its public art activities. Through extensive community outreach, an online survey, a booth at the April Art Walk on Union, smaller community conversations with focused outreach to Concord's Black, Latino, South Asian and LGBTQ communities, as well as artists, high school students and homeowners' associations. The results are captured in the Public Art Master Plan to help guide the design and evolve Concord's public art.

Recommendation: Motion to approve the Public Art Master Plan for Concord to serve as a guide to implementing public art throughout the City of Concord. **APPROVED**

2. **Consider adopting bylaws for the newly created Public Art Commission.** With the approval of a Master Public Art Plan, the Council was asked to recreate a Public Art

Commission to lead the implementation of the Master Plan. The Bylaws are in alignment with the Master Plan recommendations.

Recommendation: Motion to adopt the Public Art Commission Bylaws. **APPROVED**

VI. New Business

A. Informational Items

B. Departmental Reports

C. Recognition of persons requesting to be heard

D. Public Hearings

E. Presentations of Petitions and Requests

1. Consider authorizing the City Manager to negotiate and execute a contract with Fitfields for full design services for the Academy Gibson Phase II Park Area project.

This project includes the athletic fields and building located at Webb Field, McAllister Field and Gibson Field. The design will be based on the adopted master plan in the amount of \$303,600. City Council adopted the new master plan for the renovation and redevelopment of Academy Gibson Area on September 8, 2022. The Academy Gibson area Phase II development includes the buildings and fields at Webb, McAllister and Gibson. The first area of design will include Webb Field located at 165 Academy Ave., McAllister Field located at 160 Crowell Dr., which includes 2 baseball diamonds, one multi-purpose field, 2 press boxes, 1 concession stand, 2 restrooms and 3 storage buildings. The second area is Gibson Field location at 323 Misenheimer Drive., which includes 1 baseball diamond, restrooms, press box/storage and concession stand. Parks and Recreation selected the firm, Fitfields – Dodd Studios of Fort Mill, SC, through an RFQ process for professional design services for the parks. The original master plan was completed by WithersRavenel, and staff guided the public input process. 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 Phase II for the Academy Gibson Park Area is identified as a General Obligation Bond funded project.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Fitfields in the amount of \$303,600 for full design services for Academy Gibson Phase II Park Area project. **APPROVED**

2. Consider authorizing the City Manager to negotiate and execute a contract with Talbert Bright & Ellington, Inc (TBE).

The request is for TBE to provide scope of services relating to the acquisition of six property parcels within the Misty Wood Subdivision (parcels are highlighted in blue in Exhibit 6). This acquisition is outlined in the conditionally approved Airport Layout Plan (July 18, 2019) for the Concord-Padgett Regional Airport (JQF). In addition, JQF would like to acquire a portion (3.76 acres) of parcel 4690 05 1867 0000 located at the end of Westmoreland Drive, NW (parcel is highlighted in blue in Exhibit 6) . The cost for these professional services is not to exceed \$162,271. Funding for this project will be from Bipartisan Infrastructure Law-Airport Infrastructure Grant (AIG) and North Carolina Airport Improvement Program.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with TBE for phase one land acquisition appraisals, in accordance with Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, and 49 Code of Federal Regulation Part 24-Uniform Relocation Assistance and Real Property for Federal and Federally-Assisted Programs. **APPROVED**

3. Consider awarding proposal of Surveying Services to prepare transmission line easement plats for a backup fed to Eli Lilly and a loop feed to Substation E to Lawrence Associates, P.A.

Electric Systems staff received seven Requests for Qualifications (RFQ's) on December 16, 2022, for surveying services to prepare transmission line easement plats along Rockhill Church Road (from Weddington to Substation E, near Rockhill A.M. E. Church). Electric Systems staff reviewed the submitted proposals and selected Lawrence Associates, P.A. based upon their qualifications. Staff requested a proposal from Lawrence Associates, P.A. for the surveying services and received the proposal on January 16, 2023, for the not to exceed amount of \$121,900. Funding will be derived from Sub E 100 KV Interconnect project.

Recommendation: Motion to adopt the Lawrence Associates, P.A. proposal for the not to exceed amount of \$121,900. **APPROVED**

4. Consider awarding the bid for electric distribution materials for Delivery 3 to Delivery 4 Tie-line along Concord Parkway S to WESCO Distribution, Inc.

Electric Systems staff received bids on January 19, 2023, for electric distribution materials required for the construction of distribution lines, also called under build, on the Delivery 3 to Delivery 4 Tie-line which will run parallel to Concord Parkway South and connect the two delivery stations. Material includes wood poles, conductor, switches and miscellaneous hardware that will be used in the construction of the distribution lines. Two bids were received and evaluated for responsiveness and compliance with technical specification. Electric Staff determined that the lowest bidder, WESCO Distribution, Inc., was responsive and compliant in meeting the required specifications. Material lead time varies with the longest lead time being 39 weeks for pole-top hardware. The total bid amount from WESCO Distribution, Inc., is \$627,810.02. Funding will be derived from existing Delivery 4 & 100 KV project account.

Recommendation: Motion to award the bid for electric distribution materials for Delivery 3 to Delivery 4 Tie-line along Concord Parkway S to WESCO Distribution, Inc. in the amount of \$627,810.02. **APPROVED**

5. Consider authorizing the City Manager to negotiate and execute a contract addendum with Cellco Partnership dba Verizon Wireless for an extended long term lease of equipment space on the Downtown Tank.

Cellco partnership currently leased space on the Downtown Tank and is seeking to secure a longer term lease. The extension includes a rent escalator and several renewable terms.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract addendum with Cellco Partnership dba Verizon Wireless. **APPROVED**

6. Consider authorizing the City Manager to negotiate and execute contract addendum #2 with McKim & Creed, Inc. for additional design services for the Hwy 29 water pump station project in the amount of \$25,000.

Additional design work is necessary to continue to design the final exterior of the pump station as well as officially submit the 100% design plans for official review by the City and County. Addendum #1 was below the City Manager approval threshold and covered scope changes requested by staff. Addendum #2 puts the total additional request above the City Manager approval limit and requires Council approval.

Recommendation: Motion to authorize the City Manager to negotiate and execute contract addendum #2 with McKim & Creed, Inc. for additional design services for the Hwy 29 water pump station project in the amount of \$25,000. **APPROVED**

7. Consider a Preliminary Application from Britt Caulder.

In accordance with City Code Chapter 62, Britt Caulder has submitted a preliminary application to receive sewer service outside the City limits. The property is located at 5117 Roberta Road. This parcel is zoned county LDR and is developed with a single family house. The property is within Harrisburg's service limits but Harrisburg does not have utilities located in that area to service the parcel.

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

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

A. Consider adopting a resolution authorizing the sale a triangular-shaped lot located on the northeast corner of Duval Street NW and Academy Avenue NW.

This 0.021 acre property was created when Duval street was realigned many years ago. The City received an Offer to Purchase the Property from Habitat for Humanity ("Buyer") for \$2,7171.28. The buyer wishes to use the property in conjunction with the neighboring lot, to construct affordable housing. 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 §157-9.

Recommendation: Consider making a motion to adopt a resolution authorizing the sale the Habitat for Humanity and directing 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.

B. Consider authorizing the Solid Waste Services Department to apply for grant funding from the NC Department of Environmental Quality aimed at reducing contamination in residential recycling streams within the City of Concord.

The grant money requested (\$20,000) will be used to conduct outreach enforcement efforts, including auditing and tagging of contaminated carts, followed by targeted education to areas with highest rates of contamination. The grant does require a 20% local match (\$4,000), which has been requested in the FY23- 24 budget. The application is due February 16, 2023. Grants awarded will be for the FY23-24 state fiscal year, which begins July 1, 2023.

Recommendation: Motion to authorize Solid Waste Services to apply for grant funding from the NC Department of Environmental Quality aimed at reducing residential recycling contamination within the City of Concord.

C. Consider accepting the 2023 Family Self-Sufficiency (FSS) Grant Award from the US Department of Housing and Urban Development (HUD) and adopt a budget ordinance in the amount of \$64,000.

HUD has awarded the Housing Department the Family Self-Sufficiency Grant Award (FSS) for federal year 2023 in the amount of \$64,000 to pay the salary and benefits of the program coordinator 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 accept the 2023 Family Self-Sufficiency (FSS) Grant from HUD and adopt a budget ordinance to appropriate the funds.

D. Consider approval for Council to purchase 2.60 acres of easement along Coddle Creek from Elizabeth P. Cook Family Ltd. Partnership etal, Coble Family Farm, LTD., and Joyce P. Needham, for future development of Coddle Creek Greenway.

The purchase price is \$43,700 including due diligence. The proposed greenway crosses 4 different parcels and easements are needed to develop the Coddle Creek Greenway. The easement area along this section of the greenway is 2.60 acres according to the survey. The purchase price is \$37,850.90. These properties are critical for connectivity from Dorton Park to Weddington Rd. and to the existing greenway along George Liles. The total cost for acquisition of the 2.60 acres is \$43,700 including due diligence expenses of \$5,849.10.

Recommendation: Motion to approve the easement acquisition of 2.60 acres for future development of Coddle Creek Greenway for \$43,700, and to adopt ordinances to amend the Parks and Recreation Capital Reserve Fund and Recreation Capital Project Fund to complete transfers for approved property purchases including due diligence of \$5,849.10 for a total cost of \$43,700.

E. Consider reallocating \$48,785.74 in Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding to Big Brothers and Big Sisters in the amount of\$1,914.00, El Puente in the amount of \$28,000.00 and the remaining \$18,871.74 in administrative cost for community needs related to COVID-19.

In August of 2020, Council approved CARES funds to Prosperity Unlimited to respond to mortgage needs within Concord. Due to the foreclosure moratorium being extended and the North Carolina Housing Finance Agency (NCHFA) American Rescue Plan backed mortgage assistance, Prosperity requested to return the funds to ensure other community needs can be met . In September of 2022 Council approved allocations totaling \$109,582.34 for three agencies to address unmet rental assistance needs and homeless needs. To fully expend funds staff has reached out to public service agencies who received previous allocations to assess the continued COVID related needs. The attached table details the proposed funding to the agencies which totals \$29,914.00. If approved, there will be \$18,871.74 remaining which would be allocate towards staff administrative costs.

Recommendation: Motion to approve reallocating \$48,785.74 in Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding to Big Brothers and Big Sisters in the amount of\$1,914.00, El Puente in the amount of \$28,000.00 and the remaining \$18,871.74 in administrative cost for community needs related to COVID-19.

F. Consider approving a contribution of \$2,500 from the Mayor's Golf Tournament Fund to Fulltime Funkytown.

If approved, the funds will be used to assist with the youth cooking summer camp program.

Recommendation: Motion to approve a contribution of \$2,500 from the Mayor's Golf Tournament Fund to Fulltime Funkytown and to adopt a budget ordinance appropriating the contribution.

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: Sycamore at Christenbury, LLC (PIN 4589-37-7469) Cox Mill 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: Sycamore at Christenbury, 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: Cumberland Subdivision Phase 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: Cumberland Subdivision Phase 2.

I. Consider accepting an offer of infrastructure at Odell Corners Residential Townhomes PH 2, Odell Corners PH 1 Commercial, Pipers Landing PH 1 MP 1, Copart Inc-Concord Speedway, City of Concord Electric Operations Center, Rooms to Go, Aviation Industrial.

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: 2,268 LF of 12-inch water line, 4,862 LF of 8-inch water line, 52 LF of 6-inch water line, 32 valves, 16 Fire Hydrants, 4,446 LF of 8-inch sanitary sewer, and 33 Manholes.

Recommendation: Motion to accept an offer of infrastructure at Odell Corners Residential Townhomes PH 2, Odell Corners PH 1 Commercial, Pipers Landing PH 1 MP 1, Copart Inc-Concord Speedway, City of Concord Electric Operations Center, Rooms to Go, Aviation Industrial.

J. Consider authorizing the City Manager to execute a contract with Martin Starnes & Associates, CPAs, P.A. for the audit of City of Concord accounts for fiscal year ending June 30, 2023.

Approval will continue the relationship between the City and Martin Starnes & Associates, CPAs, P.A. The fees are set at \$53,600 for the fiscal year ending June 30, 2023.

Recommendation: Motion to authorize the City Manager to execute a contract with Martin Starnes & Associates, CPAs, P.A. for the audit of City of Concord accounts for fiscal year ending June 30, 2023.

K. Consider adopting an ordinance to amend the FY 2022/2023 Budget Ordinance for the General Fund.

Staff is recommending that improvements be made to the future solid waste shed to ensure ADA accommodations can be met. The shed is currently used by Electric but will be transferred to Solid Waste once Electric moves to the new operations center. Currently, the shed does not have an elevator lift to the second level. The attached budget amendment appropriates proceeds from the sale of fixed assets to cover the cost of these improvements.

Recommendation: Motion to adopt an ordinance to amend the FY 2022/2023 Budget Ordinance for the General Fund.

L. Consider adopting an ordinance to amend the FY2022/2023 Budget Ordinance for the General Fund to appropriate insurance reimbursements received.

The City of Concord received insurance reimbursements to cover repairs of damaged vehicles and buildings. The attached budget amendment will appropriate these funds to the respective impacted departments.

Recommendation: Motion to adopt an ordinance to amend the FY2022/2023 Budget Ordinance for the General Fund to appropriate insurance reimbursements received.

M. Consider adopting a Parks and Recreation Capital Project Fund project budget amendment.

The attached budget amendment moves \$160,000 from the Hector Henry-Cannon Crossing project to the new Poplar Tent Trailhead Park project account. This \$160,000 was adopted as part of the FY23 CIP, but was not established in a new account pending the result of the GO Bond referendum. With the passing of the bond referendum, the project will move forward and an account needs to be established. The attached budget amendment establishes a project account for the Poplar Tent Trailhead Park with an initial budget of \$160,000.

Recommendation: Motion to adopt a Parks and Recreation Capital Project Fund project budget amendment.

N. Consider approving a change to the classification/compensation system to include the following classifications: Support/Procurement Specialist, Computer Support Specialist, Senior Support Procurement Specialist, Technical Specialist, Senior Technical Specialist, Client Services Manager, Business Systems Administrator-Applications, Business Systems Administrator-GIS, Network Engineer, Senior Network Engineer, Senior Business Systems Administrator-Applications, Infrastructure & Network Manager, IT Network & Cybersecurity Engineer, Software Developer, Senior Software Developer, Software Development & GIS Manager, IT Director.

The addition of an Information Technology compensation plan along with the associated salary ranges and job classifications will improve the City's ability to provide adequate IT support for City departments, decrease IT cost and improve efficiencies across the organization.

Recommendation: Motion to approve the addition of the Information Technology compensation plan along with the associated salary ranges and job classifications to the classification/compensation system.

O. Consider adopting the proposed 2024 and 2025 Holiday Schedules.

Staff recommends approving the 2024 and 2025 holiday schedules in accordance with Article 6.4 Holiday Leave of the City's *Personnel Policies and Procedures*.

Recommendation: Motion to approve the 2024 and 2025 Holiday Schedules.

P. Receive quarterly report on water and wastewater extension permits issued by the Engineering Department in the fourth quarter of 2022.

In accordance with City Code Chapter 62, attached is a report outlining the water and wastewater extension permits that were issued between October 1, 2022 and December 31, 2022.

Recommendation: Motion to receive the fourth quarter water and wastewater extension report for 2022.

Q. Consider acceptance of the Tax Office reports for the month of December 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 December 2022.

R. Consider Approval of Tax Releases/Refunds from the Tax Collection Office for the month of December 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 over payments, situs errors and/or valuation changes.

Recommendation: Motion to approve the Tax releases/refunds for the month of December 2022.

S. Receive monthly report on status of investments as of December 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 Committee (MTC)
- Centralina Regional Council
- Concord/Kannapolis Transit Commission
- Water Sewer Authority of Cabarrus County (WSACC)
- WeBuild Concord
- Concord United Committee

IX. General Comments by Council of Non-Business Nature

17. 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.