



City Council Agenda

Thursday, March 9, 2023

6:00 PM

3rd floor Council Chambers at City Hall

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

January 20, January 24, February 7, and February 9, 2023. **APPROVED**

IV. Presentations:

1. **Presentation of Retirement Plaque to Captain Rick Gilleland for 29 years of service with the City of Concord Fire Department.** Rick Gilleland started his fire service career with the city on March 1, 1994. He has been dedicated member of the organization holding the ranks of Firefighter, Firefighter II (4/21/97), Senior Firefighter (4/21/2000), Fire Specialist (6/24/2013) and Fire Captain (3/31/2014). Captain Gilleland has served on numerous committees within the department including (apparatus, wellness, Haz-Mat, recruitment, Honor Guard, and Strategic planning committee). Captain Gilleland has received multiple certifications during his career and used his skills to teach new firefighters. Captain Gilleland last assignment was Ladder 11 assigned to protect the western portion of the city and has done so since the station was opened in 2015.

2. **Presentation of a Proclamation recognizing the month of March as Women's History Month in the City of Concord.**

V. Unfinished Business

VI. New Business

A. Informational Items

B. Departmental Reports

Downtown Streetscape Update

C. Recognition of persons requesting to be heard

D. Public Hearings

1. **Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158- 7.1 to consider granting a one-year/85% tax-based economic development industrial spec grant to HSREI, LLC, to locate at 7301 Hendrick Auto Plaza NW, Concord, North Carolina 28027.**

The area is directly south of Hendrick Auto Plaza at the Kia and Volkswagen dealerships and will have an investment of approximately \$23,700,000 in real and personal property. Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. HSREI, LLC, proposes to develop an Advanced Manufacturing Center (AMC) on 30 acres adjacent to Hendrick Motorsports Campus. This building design will be an approximately 269,500 SF advanced manufacturing facility and will attract a premier advanced manufacturing tenant. It will be among the finest facilities of its type in the region and create a place where high-quality careers expand for decades. HSREI, LLC, proposes to invest approximately \$23,700,000 in real and personal property. The total value of the City's one-year/85% grant is estimated to equal \$96,696 depending on the actual

investment. The City of Concord would still collect a one-year net revenue of \$17,064 after the incentive payments. Please see attached grant analysis for additional details.

Recommendation: Consider offering a contract for a one-year/85% tax-based Economic Development Spec Grant to HSREI, LLC, to locate at 7301 Hendrick Auto Plaza NW, Concord, North Carolina 28027.

APPROVED

2. Conduct a public hearing to consider adopting an ordinance amending Article 8, Table 8.1.8, Use Table; Article 8.3, Supplemental Regulations for Certain Uses; Article 7.8.2, Multifamily Design Standards; and Article 14, Definitions, of the Concord Development Ordinance (CDO) to adopt regulations to permit tiny and cottage homes and to amend the minimum spacing requirements for single story structures within multifamily developments.

The City has received an increasing number of inquiries regarding the development of smaller homes either on smaller lots or within one overall parcel. Staff has researched the tiny home ordinances in other jurisdictions and has developed a set of design standards. These standards have been tested on several parcels within the City to ensure that development can be accomplished. Additionally, the proposed ordinance has been reviewed by a local architect with tiny home/infill experience and those comments have been incorporated.

The proposal includes two levels of smaller homes, which are “tiny homes” and the slightly larger “cottage homes,” which would still be smaller than a conventional single-family home. The amendment also includes a slight tweak to the multifamily design standards to ensure that spacing between buildings is consistent across building types, and to correct a cross-reference regarding to unit threshold for the multifamily standards.

An executive summary explaining the proposed changes in detail is attached. The proposal was posted on the City’s website for comment on February 19, and numerous comments have been received. Most are positive in nature and staff will provide a summary at the hearing. At their February 21st meeting, Planning and Zoning Commission recommended the amendment to Council with minor modifications to the text.

Recommendation: Motion to adopt an ordinance amending Article 8, Table 8.1.8, Use Table; Article 8.3, Supplemental Regulations for Certain Uses; Article 7.8.2, Multifamily Design Standards; and Article 14, Definitions, of the Concord Development Ordinance (CDO) to adopt regulations to permit tiny and cottage homes and to amend the minimum spacing requirements for single story structures within multifamily developments. **CONTINUED TO FUTURE CITY COUNCIL MEETING**

3. Conduct a Public Hearing for case Z(CD)-20-22 and consider adopting an ordinance amending the official zoning map for +/- 48.347 acres located at 2601 Eva Dr NW from O-I (Office-Institutional), RM-2 (Residential Medium Density), and RC-CD (Residential Compact-Conditional District) to RC-CD (Residential Compact-Conditional District) and to amend the 2030 Land Use Plan to modify the future land use designation of the parcel from Suburban Neighborhood and Commercial to Urban Neighborhood.

The Planning and Zoning Commission heard the above referenced petition at their February 21, 2023 meeting and unanimously voted to forward the request to City Council with a recommendation that the zoning map be amended from O-I (Office-Institutional), RM-2 (Residential Medium Density), and RC-CD (Residential Compact-Conditional District) to RC-CD (Residential Compact-Conditional District) and to amend the 2030 Land Use Plan to designate the parcels as “Urban Neighborhood”. The property is an expansion of the Cumberland Subdivision.

Recommendation: Consider adopting an ordinance amending the official zoning map from O- I (Office-Institutional), RM-2 (Residential Medium Density), and RC-CD (Residential Compact-Conditional District) to RC-CD (Residential Compact -Conditional District) and to amend the 2030 Land Use Plan to designate the parcels as Urban Neighborhood. **APPROVED**

4. Conduct a Public Hearing for case Z-24-22 and consider adopting an ordinance amending the official zoning map for +/-3.7 acres located at 2508 Poplar Tent Rd. from RM-2 (Residential Medium Density) to C-2 (General Commercial).

This request is for straight zoning of C-2 (General Commercial) and not a conditional district, therefore, all permitted uses with the C-2 (General Commercial) zoning classification would be allowed on the site. The Planning and Zoning Commission heard the above referenced petition at their February 21, 2023, meeting and voted 4-2 to deny the proposed rezoning request. During the Planning and Zoning Commission meeting, three people spoke in opposition to the request.

Recommendation: Consider adopting an ordinance amending the official zoning map from RM-2 (Residential Medium Density) to C-2 (General Commercial). **CONTINUED TO THE APRIL 13, 2023 CITY COUNCIL MEETING**

E. Presentations of Petitions and Requests

1. Consider approving the new benefit plan rates for the City of Concord for FY24 and authorize the City Manager to negotiate, conclude, and execute contracts with plan providers.

After FY22 ended 2.5% above FY21, FY23 medical plan is running 11.6% lower than FY22 through 6 months. Costs in FY23 are running lower than any year since FY15 except for FY21 which was greatly impacted due to COVID. For FY24, staff is projecting no increase to the medical budget with no changes at all. The recommendation for FY24 is to leave coworker contributions unchanged from FY23.

Recommendation: Motion to approve the new plan design for the City of Concord benefit plans for FY24 and authorize the City manager to negotiate, conclude, and execute contracts with plan providers. **APPROVED**

2. Consider authorizing the City Manager to negotiate and execute contract addendum #2 with Talbert Bright & Ellington, Inc. (TBE) for additional design services for fuel farm in the amount of \$38,079.

Additional design work is necessary for exterior lightening enhancement, additional Jet A pump for redundancy and easy switch over, catwalks for tanks that don't have them, widening pavement for wider gate and a new wider gate to replacing existing gate. 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 City Council approval.

Recommendation: Motion to authorize the City Manager to negotiate and execute contract addendum #2 with TBE for additional services for the fuel farm improvements in the amount of \$38,079. **APPROVED**

3. Consider awarding a bid for \$5,945,075.10 for construction of 100 kV Transmission Tie-line from Substation T to Delivery 4 to Power Grid Services.

This transmission line will provide the infrastructure necessary to make a tie between our two 100 kV Delivery stations offering valuable resiliency to the City's electric grid. This transmission line will also provide the dual feeds to Substation W feeding the Lilly plant. Electric Systems staff received bids on February 16, 2023, for construction of 100 kV transmission tie-line. Five bids were reviewed for compliance with the specifications and relevant project experience. The low bid was submitted by Power Grid Services in the amount of \$5,945,075.10. City staff recommends accepting the low bid from Power Grid Services. Funding will be derived from the existing Delivery 4 & 100 kV project account.

Recommendation: Motion to award a bid for \$5,945,075.10 for construction of 100 kV Transmission Tie-line from Substation T to Delivery 4 to Power Grid Services. **APPROVED**

4. Consider abandoning a construction easement across property at 388 Camden St NW (PIN 5611 91 4713 0000).

There is a construction easement recorded in Deed Book 583 Page 221 dated November 1984 to the Board of Light and Water Commissioners. The construction of the sewer line across this parcel occurred in 1987. The construction easement is no longer necessary.

Recommendation: Motion to approve the attached resolution authorizing the Abandonment of Construction easement. **APPROVED**

VII. Consent Agenda APPROVED ALL IN ONE MOTION

A. Consider amending the 2023 City Council Schedule of Meetings.

The April 2nd Work Session is originally schedule for April 25th. Due to the NCLM CityVision conference being held that week, it was the consensus of the Council to amend the April 2nd Work Session date to April 18th.

Also, the December 2nd Work Session is originally scheduled for December 26th. City offices will be closed that day for Christmas holiday; therefore, it was the consensus of the Council to amend the December 2nd Work Session meeting to December 19, 2023. The attached Schedule of Meetings reflects the proposed amended dates.

Recommendation: Motion to amend the 2023 City Council Schedule of Meetings and direct the City Clerk to post the amended Schedule.

B. Consider approving revised policies and procedures manual for Concord's HOME Investment Partnerships Program (HOME) to include specific developer language.

As lead entity for the Cabarrus/Iredell/Rowan HOME Consortium, Concord is responsible for reporting activities and accomplishments to HUD for all Consortium activities. As such, Concord is routinely monitored by HUD for compliance. During a recent HUD training, variations were noted between Concord's HOME manual and the Consortium manual relating to developer programmatic requirements. The revised policies and procedure manual is now fully in compliance with the existing Consortium Manual. All edits and corrections were guided by the Consortium HUD representative.

Recommendation: Motion to approve revised policies and procedures manual for Concord's HOME Investment Partnerships Program (HOME) to include specific developer language.

C. Consider authorizing the Concord Police Department to apply for the 2023 Law Enforcement Mental Health and Wellness Act (LEMHWA) Program grant from the United States Department of Justice COPS office.

These funds are used to improve the delivery of and access to mental health and wellness services for law enforcement through the implementation of peer support, training, family resources, suicide prevention, and other promising practices for wellness programs. The FY23 LEMHWA program will fund projects that develop knowledge, increase awareness of effective mental health and wellness strategies, increase the skills and abilities of law enforcement, and increase the number of law enforcement agencies and relevant stakeholders using peer support, training, family resources, suicide prevention, and other promising practices for wellness programs. Each award is two years (24 months) in duration for a maximum of \$200,000 per award. There is no local match.

Recommendation: Motion to authorize the Concord Police Department to apply for the 2023 Law Enforcement Mental Health and Wellness Act (LEMHWA) Program grant from the United States Department of Justice COPS office.

D. 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 Salvation Army Center of Hope. 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 Salvation Army Center of Hope.

E. Consider accepting an offer of infrastructure at Poplar Tent Water Line Extension, City of Concord Traffic Management Center, Robert Wallace Park Public Water Extension, Emery Apartments, Sycamore at Christenbury Commons Apartments, The Pointe @ St. Andrews Subdivision.

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: 4,463 LF of 24-inch water line, 339 LF of 12-inch water line, 3,149 LF of 8-inch, 3 LF of 6-inch water line, 14 valves, fire hydrants, 363 LF of 10-inch sanitary sewer, 94 LF of 8-inch sanitary sewer, 8 manholes, 1809 LF of Roadway.

Recommendation: Motion to accept an offer of infrastructure at Poplar Tent Water Line Extension, City of Concord Traffic Management Center, Robert Wallace Park Public Water Extension, Emery Apartments, Sycamore at Christenbury Commons Apartments, The Pointe @ St. Andrews Subdivision.

F. Consider adopting an ordinance to amend FY2022-2023 Aviation Department Budget Ordinance.

Staff is requesting approval to transfer from the Project Cares fund to cover the purchase of security cameras.

Recommendation: Motion to adopt budget amendment for Aviation Department transfer funds from Project CARES to Maintenance -Building account.

G. Consider adopting an Aviation Capital Project Ordinance Airport Projects.

Aviation and Finance Staff have reviewed current projects and the allocation of funding among those projects. The attached amendment allocates the funding for those projects noted in the amendment.

Recommendation: Motion to adopt an Aviation Capital Project amendment.

H. Consider adopting an Electric Project Fund project budget amendment and a Utility Capital Reserve Fund project budget amendment.

Staff is recommending the use of capital reserves to fund the completion of the transmission tie line between substation T and Delivery 4. The total amount needed to complete this project is \$2,507,045. The attached budget ordinances transfers the funds from the Utility Capital Reserve Fund to increase this project budget as needed.

Recommendation: Motion to adopt an Electric Project Fund project budget amendment and a Utility Capital Reserve Fund project budget amendment.

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

In the FY23 budget, funding of \$28,800 was included to replace the solid waste cart shed cover. After obtaining quotes, the cost has increased to \$94,244 and additional funding of \$65,500 is needed. The

attached budget ordinance appropriates this additional funding so the replacement of the cart shed cover can move forward.

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

J. Consider approving a Golf Project Fund project budget amendment and a Golf Fund operating budget amendment.

Golf course staff is recommending several renovations/improvements to the golf course property. Prior funding was provided of \$940,000. Based on the most pressing needs, it was determined that an additional \$400,000 was needed. The additional funds needed will come from retained earnings. The attached budget ordinances make the adjustments in both funds.

Recommendation: Motion to adopt a Golf Project Fund project budget amendment and a Golf Fund operating budget amendment.

K. Consider approving an Additional Vehicle Tax Fund operating budget amendment and a Transit Fund project budget amendment.

Staff has determined that the usage of a separate Additional Vehicle Tax Fund is no longer needed. These funds that are designated for use by the Transit Fund can be recorded directly in the Transit Fund as revenue. The attached budget ordinances remove the budget from the Additional Vehicle Tax Fund and adjust the Transit Fund budget accordingly to reflect this change.

Recommendation: Motion to adopt an Additional Vehicle Tax Fund operating budget amendment and a Transit Fund project budget amendment.

L. Consider adopting a Transportation Capital Project Fund project budget amendment.

Transportation and finance staff reviewed current grant projects and the allocation of funding among those projects. The Bruton Smith/Weddington Road Intersection project is complete and is being closed out on the attached budget amendment. The attached amendment allocates savings from this closed projects to the US601/Flowes Store Improvements project to cover overages.

Recommendation: Motion to adopt a Transportation Capital Project Fund project budget amendment.

M. Consider amending Article 3.4(E), Bilingual Increases, in the Personnel Policies and Procedures manual to reflect the current bilingual increase procedures.

Staff recommends an update to Article 3.4(E), Bilingual Increases to reflect the City's bilingual increase procedures as it relates to compensation.

Recommendation: Motion to amend Article 3.4(E), Bilingual Increases in the Personnel Policies and Procedures manual.

N. Consider acceptance of the Tax Office reports for the month of January 2023.

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 January 2023.

O. Consider Approval of Tax Releases/Refunds from the Tax Collection Office for the month of January 2023.

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 January 2023.

P. Receive monthly report on status of investments as of January 31, 2023.

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
- Public Art Commission
- 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.