



City Council Agenda

Thursday, December 12, 2024

6:00 PM

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

November 12 and November 14, 2024.

IV. Organization and Procedure of City Council

1. Establishment of time and place for Council's regular meetings and work sessions.
2. Election of Mayor Pro-Tem for CY2025.

V. Presentations

1. Recognition for the 2024 North Carolina APWA Streets Manager of the Year Award.

The North Carolina American Public Works Association (APWA) awarded Randy Shue as the 2024 Streets Manager of the Year at its annual NC Streets and Equipment Conference on October 24th in Wilmington, NC.

This statewide award recognizes NC APWA Streets Division members whose primary responsibility is roadway/right-of-way management and demonstrate they excel in their Profession, Leadership, Innovation, Agency Service, Customer Service, Community Service, and Sustainability. In Randy's 39 years of service to the City of Concord, including the past 16 years as Street Superintendent, he has exceeded these categories.

Randy leverages the resources for the Streets division to perform their task, as well as maintains the equipment in excellent condition increase the sustainability and longevity. He also equips staff with the technology to access records in the field via tablets and GIS.

Randy leads by example and is quick to respond to citizen concerns. During a recent storm event, a staff member was on-call responding to a fallen tree in the roadway that had a hive of hornets and was severely allergic. Randy arrived in full bee suit to both assist with the clearing the tree, but more importantly, protecting the employee.

He is extremely knowledgeable of the City infrastructure and has extensive experience that is unmeasurable in its benefits to the Transportation Department and City.

Randy's strong work ethic goes beyond his regular duties, whether his is serving on the statewide advisory board for the Institute of Transportation Research and Education (NCSU), the Mt. Mitchell Fire Department, City Incident Review Board, and APWA.

2. Presentation of the 2024 Collection System of the Year Award to the City of Concord Water Resources Department.

The mission of the North Carolina Collection System of the Year Award is to identify and recognize the municipality that protects the public health and the natural beauty of the environment through pro-active practices of management, operations, and maintenance beyond what is required of its NCDEQ collection system permit. Recipients of the award will have demonstrated that they perform quality collection system maintenance procedures through the efficient use of labor, materials, equipment, and innovative methods to keep their collection system in good working condition to minimize health hazards and property damage that occur due to sanitary sewer overflows during both wet weather and dry weather conditions. The award will honor the collection system personnel that serve their community with a high level of professionalism and diligent work in the operation and maintenance of their wastewater collection system facilities.

VI. Unfinished Business

1. Continue a Public Hearing for case Z(CD)-27-23 and consider adopting an ordinance amending the official zoning map for +/- 13.44 acres of property located at 805 Branchview Dr. from RM-1 (Residential Medium Density) to RV-CD (Residential Village – Conditional District).

The Planning and Zoning Commission heard the above referenced petition at their October 15, 2024 meeting and voted 7-1 to deny the proposed rezoning request. The applicant is requesting to rezone the subject property from RM-1 (Residential Medium Density) to RV-CD (Residential Village – Conditional District) to construct a single-family attached (town-homes) development. The site would contain a maximum of eighty (80) town-homes on individual lots.

One person spoke in support of the request, five people spoke in opposition to the request. This case was continued to December by request of the applicant.

Recommendation: Continue a public hearing and consider adopting an ordinance amending the official zoning map from RM-1 (Residential Medium Density) to RV-CD (Residential Village – Conditional District).

VII. New Business

A. Informational Items

1. Presentation by Youth Council President, Baylee Barkley.

The President of the Concord Youth Council will provide an update to City Council on the CYC's accomplishments and service for the 2024 school year.

2. Presentation of the Independent Auditor's report on the Annual Comprehensive Financial Report for the Fiscal Year ended June 30, 2024.

G.S. 159-34 requires each unit of local government or public authority to have its accounts audited as soon as possible after the close of each fiscal year by a certified public accountant or by an accountant certified by the Local Government Commission as qualified to audit local government accounts. The auditor shall be selected by and report directly to the governing board. As a minimum, the required report shall include the financial statements as prepared in accordance with generally accepted accounting principles, all disclosures in the public interest required by law, and the auditor's opinion and comments relating to the financial statements. A copy of the report is available on the City's website at: [https://concordnc.gov/Portals/0/Concord/Departments/Finance/Documents/Financial%20Archive 2024%20ACFR.pdf?ver=-O8J31kVCK-7kYpSMZ8Buw%3d%3d](https://concordnc.gov/Portals/0/Concord/Departments/Finance/Documents/Financial%20Archive%202024%20ACFR.pdf?ver=-O8J31kVCK-7kYpSMZ8Buw%3d%3d)

B. Departmental Reports

- 1. Parks and Recreation Bond update**
- 2. Downtown Streetscape update**

C. Recognition of Persons to be Heard

D. Public Hearings

1. Conduct a Public Hearing for case Z-15-24 and consider adopting an ordinance amending the official zoning map for +/- 0.434 acres located at 44 Sherwood Ct. NW from C-2 (General Commercial District) to RV (Residential Village) and to amend the 2030 Land Use Plan to modify the future land use designation of the parcels from "Commercial" to "Urban Neighborhood."

The Planning and Zoning Commission heard the above referenced petition at their November 14, 2024 meeting and voted to forward the request to City Council with a recommendation that the zoning map be amended from C-2 (General Commercial District) to RV (Residential Village) and to amend the 2030 Land Use Plan to designate the parcels as "Urban Neighborhood." The applicant proposes the rezoning of the property in order to construct two (2) single-family homes.

Recommendation: Conduct a Public Hearing and consider adopting an ordinance amending the official zoning map from C-2 (General Commercial District) to RV (Residential Village) and to amend the 2030 Land Use Plan to designate the parcels as "Urban Neighborhood."

E. Presentations of Petitions and Requests

1. Consider adopting a resolution authorizing an eminent domain action for a parcel located at 620 Main Street, SW.

This property is currently owned by all heirs known or unknown of Michael Edward Helms. Mr. Helms died in August, 2018 and no estate was opened in Cabarrus County. The parcel consists of lots 1, 2 and 3 of the subdivision known as "Property of Reece E and Carl F. Furr". The tax value is listed as \$14,400 and that amount will be deposited with the Court as part of the eminent domain action. The acquisition of this property is necessary for the repair and reconstruction of a stormwater culvert, the possible construction of affordable housing and possible future appropriate uses.

Recommendation: Consider adopting a resolution authorizing an eminent domain action for a parcel located at 620 Main Street, SW.

2. Consider approval of an amendment to clarify the restrictions for the real property located at 9 Powder St NW, 11 Powder St NW, 13 Powder St, NW, 15 Powder St, NW, (Originally 11 and 13 Powder).

This property was sold to WeBuild subject to restrictive covenants. One of the covenants requires that 75% of the units be kept as affordable housing while the remaining 25% may be leased or marketed at workforce or market rate. The closing attorney requested an amendment to the restrictions to clarify that the 25% eligible to be leased or marketed at workforce or market rate are not subject to the affordability requirement in subsequent transaction of those units. The following sentence is proposed to be added to the restrictions for that purpose: "The remaining twenty-five percent (25%) of the housing units may be sold or leased at market or workforce rates, those twenty-five percent (25%) are not required to qualify as affordable housing at the initial sale by Owner or at other subsequent sale by any subsequent purchaser."

Recommendation: Consider approving an amendment to clarify the restrictions for the real property located at 9 Powder St NW, 11 Powder St NW, 13 Powder St, NW, 15 Powder St, NW, (Originally 11 and 13 Powder).

3. Consider authorizing the City Manager to negotiate and execute Work Authorization 2404 with Talbert, Bright & Ellington, Inc. for engineering, design, and bidding services of the Commercial Service Terminal (CST) apron expansion for the City of Concord at the Concord-Padgett Regional Airport.

The purpose of this effort is to provide an expansion of the existing concrete apron that serves the CST. The dimensions of the expanded concrete apron will be approximately 450' x 280'. The proposed apron area will require embankment of up to 35 feet of fill. This fill material will be brought in from an offsite source. This project will require the installation of drainage structures and piping to convey the storm

water down to the existing wet basin. A detention basin will be required due to the additional impervious area. This project will allow additional parking for the airlines that serve the airport. Additionally, the island between Taxiway "A2" and "A3" will be paved to allow easier access to the ramp.

The total budget for the Work Authorization is not to exceed \$484,395.40. Funding for the project will be through the Bipartisan Infrastructure Law, Airport Infrastructure Grant and North Carolina Department of Transportation-Aviation Airport Improvement Program.

Recommendation: Motion to authorize the City Manager to negotiate and execute Work Authorization 2404 with Talbert, Bright & Ellington, Inc. in the amount not to exceed \$484,395.40 and adopt a budget amendment for these services.

4. Consider authorizing the City Manager to execute OMINA Contract #4400008468 for Airport Operations Area (AOA)/Hangar Doors-Access Control Additions and updated CCURE9000 in the amount of \$534,962.64.

Since 2014, the Aviation Department has an approved Airport Security Plan (ASP) from Transportation Security Administration (TSA). The overall security system and access control needs an extensive upgrade. Concord-Padgett Regional Airport has 2 terminal buildings, 14 hangars and 9 vehicle gates that require access to the AOA, 24/7.

Recently, we have had significant technical failures on the AOA access, which required some modifications to the ASP. The proposal, which is attached, allows the Airport to mitigate these issues. In addition to the Access Control upgrades, the software that currently operates access control for the General Aviation and Commercial Service Terminal are independent of each other. The scope of work combines the two systems, and the new combined system is on a single, updated CCURE9000. The entire system, regardless of access zone or level, can be accessed from a single card and using single card technology.

The OMINA contract is recognized by the State of North Carolina and the City of Concord as a procurement process. The proposal for the access control upgrades resulted in a 53% discount under the OMINA contract. The software upgrades proposal reflects a 69% discount.

Funding for these improvements will be from the CARES fund balance. The total balance remaining after the expenditures for the Airport Operations Area (AOA)/Hangar Doors-Access Control Additions and updated CCURE9000 will be \$401,014.46

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with OMINA Contract #4400008468 for Airport Operations Area/Hangar Doors-Access Control Additions and updated CCURE9000 in the amount of \$534,962.64 and adopt a budget amendment for these services.

5. Consider authorizing the City Manager to negotiate and execute a construction contract with Cinderella Partners Inc. for the renovation of the Rocky River Golf Course Clubhouse and approve a budget amendment and a capital project amendment.

Bids were received on November 25th for the renovation of the Rocky River Golf Course Clubhouse. Cinderella Partners Inc. was the low bidder with a total bid of \$ 879,545.24. Renovations at the Clubhouse include the following: structural renovations to expand the dining area, kitchen renovations, mechanical and electrical upgrades, siding, window and door replacement, and a new pergola. The contract duration is 365 days. A budget amendment is needed in the amount \$77,617.24 to pay for these renovations and the money can be shifted from the retained earnings golf fund.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Cinderella Partners Inc. in the amount of \$879,545.24 for the renovation of the Rocky River Golf Course Clubhouse and approve a budget amendment and a capital project amendment.

6. Consider accepting a Preliminary Application from Wesley Joyner, W.J. Homes, LLC.

In accordance with City Code Chapter 62, Wesley Joyner has submitted a preliminary application to receive water and sewer outside the City limits. The property is located at 199 Central Heights Dr, Concord NC 28026 and is a 2.4 acre parcel zoned LDR within the Concord's ETJ. This parcel is contiguous to the city limits and had a single family home on it which has been demolished. Mr. Joyner wishes to build one new residential home on this parcel.

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

7. Consider making appointments or reappointments to the Transportation Advisory Committee (TAC) and the Technical Coordinating Committee (TCC) of the Cabarrus-Rowan Urban Area Metropolitan Planning Organization (CRMPO).

Each year, the North Carolina Department of Transportation (NCDOT) requires the MPO to supply a list of current TAC and TCC representatives and alternates. Currently, Council Member McKenzie serves as the appointed member to the TAC and Council Member Crawford serves as the alternate. Transportation Director, Phillip Graham, serves as the appointed member to the TCC and Assistant City Manager, LeDerick Blackburn, serves as the alternate.

The City Manager recommends appointing the Deputy Transportation Director, Tony Tagliaferri, as the alternate member to the TCC.

Recommendation: Motion to make appointments or reappointments to the Transportation Advisory Committee (TAC) and the Technical Coordinating Committee (TCC) of the Cabarrus-Rowan Urban Area Metropolitan Planning Organization (CRMPO).

8. Consider appointing or reappointing two members (1 board member and 1 alternate) to serve on the Centralina Regional Council Board of Delegates for CY 2025.

The Centralina Regional Council Board of Delegates is comprised of elected officials from the counties and municipalities throughout the region. Each member government should appoint an elected official to serve on the Board of Delegates. It is suggested that each member government also appoint at least one other elected official to serve as an Alternate to attend Board of Delegates meetings in the Delegate's absence.

Currently, Council Member Langford serves as the appointed member and Council Member Clay serves as the alternate member.

Recommendation: Motion to appoint two members (1 board member and 1 alternate) to serve on the Centralina Regional Council Board of Delegates for CY 2025.

9. Consider adopting a budget ordinance to establish the Housing Repositioning Fund and an amendment to the Affordable Housing Fund.

The budget ordinance will establish the Housing Repositioning Fund to account for all funds related to repositioning the City's Public Housing units under a conversion method allowed by the US Department of Housing and Urban Development. Site planning is currently underway for the Wilkinson site. This amendment will cover the initial contract cost of the consultant for the project, as well as design fees.

The consultant for the repositioning project was previously being paid out of the Affordable Housing Fund, but all costs and related budget will be moved to the Housing Repositioning Fund to ensure all related project costs are tracked together. The attached amendment will remove the consultant budget from the Affordable Housing Fund, as well as fund the eminent domain transaction at 620 Main Street that will be utilized for Affordable Housing.

Recommendation: Motion to adopt a budget ordinance to establish the Housing Repositioning Fund and an amendment to the Affordable Housing Fund.

10. Consider adopting an American Rescue Plan Fund grant project budget amendment.

Staff is recommending that the \$2,000,000 in freed up General Fund dollars in the American Rescue Plan that has been held for the housing repositioning project be transferred to the newly established fund for this project to help fund initial costs.

Recommendation: Motion to adopt an American Rescue Plan Fund grant project budget amendment.

11. Consider approving changes to the Rates and Charges Schedule for Utility Billing and Collections fees effective January 1, 2025.

Staff is proposing to make changes to the current security deposit fees for utility service. Our current structure does not properly ensure we can recover costs if a customer is unable to pay their utility bill. Staff is recommending to change the current structure to reflect a certain deposit due per service. This will help with cost recovery to ensure the deposit would cover any potential past due amounts upon move out and reduce write offs in future years. The redlined version and updated clean version of this section of the fee schedule is attached. The changes are proposed to go in effect on January 1, 2025.

Recommendation: Motion to approve changes to the Rates and Charges Schedule for Utility Billing and Collections fees effective January 1, 2025.

VIII. Consent Agenda

A. Considering approving the updates made to the City's Unmanned Aerial Systems (UAS) policy.

Updates have been made to the City's UAS Policy, to include the list of authorized flight types, where the UAS may be stored and maintained, and a recommended replacement time frame for the drones that are currently in service.

Recommendation: Motion to adopt the updates made to the City's Unmanned Aerial Systems (UAS) policy.

B. Consider adopting the City's updated 2024 Continuity of Operations Plan (COOP).

The City's Continuity of Operations Plan (COOP) is updated every 5 years, or as needed, by the Division of Emergency Management. Recommended updates are requested from all Department Directors in the City and that information is entered into the plan accordingly.

Recommendation: Motion to adopt the 2024 update of the City's Continuity of Operations Plan (COOP).

C. Consider authorizing the sale of one (1) station power transformer to Belyea Company in the amount of \$65,000.

After two unsuccessful public bids to sell five (5) surplus station power transformers, the City of Concord Electric Department received an offer from Belyea Company to purchase one of the transformers for \$65,000.

Recommendation: Motion to authorize the sale of one (1) station power transformer to Belyea Company in the amount of \$65,000.

D. Consider authorizing the sale of three (3) station power transformer to Sunbelt Solomon Solutions in the amount of \$104,314.

After two unsuccessful public bids to sell five (5) surplus station power transformers, the City of Concord Electric Department received an offer from Sunbelt Solomon Solutions to purchase three (3) of the transformers for \$104,314.

Recommendation: Motion to authorize the sale of three (3) station power transformer to Sunbelt Solomon Solutions in the amount of \$104,314.

E. 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: Parcels owned by Vulcan Lands, Inc. and Five Cousins, LLC located at 7680 Poplar Tent Rd., Concord, N.C. (PIN 46901790570000) Access easements and SCM maintenance agreements are being offered by the owners.

Recommendation: Motion to approve the maintenance agreements and accept offers of dedication to the following properties: Vulcan Lands, Inc. and Five Cousins, LLC.

F. Consider accepting an offer of infrastructure at Christenbury Village Phase 1 (Lots 1, 2A, 2B, 3, 4 and 5), Christenbury Village (Phase 2 Lowe's grocery & Bldgs. 4 & 5), BP Mills at Rocky River, The Springs Business Park Phase 2, Kroger FC11 Fulfillment Center, Piper Landing- Phase 3 Map 1, Novi Lofts.

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: Water Infrastructure - 13 12" valves; 1 24" valves; 14 8" valves; 4 6" valves; 2 4" valves; 1 2" valves; 8 hydrants and 24 manholes.

Recommendation: Motion to accept an offer of infrastructure at the following: Christenbury Village Phase 1 (Lots 1, 2A, 2B, 3, 4 and 5), Christenbury Village (Phase 2 Lowe's grocery & Bldgs. 4 & 5), BP Mills at Rocky River, The Springs Business Park Phase 2, Kroger FC11 Fulfillment Center, Piper Landing-Phase 3 Map 1, Novi Lofts.

G. Consider approving a donation from the Mayor's Golf Tournament Fund to 1, 2, 3 JUMP for their "Live Active Campaign" and to adopt a budget amendment to appropriate the donation.

The 1, 2, 3 JUMP organization focuses on serving youth aged 18 and under. The organization is requesting \$2,200. If approved, funds will be used to help underwrite the cost of custom jump ropes for our programs.

Recommendation: Motion to approve a \$2,200 donation from the Mayor's Golf Tournament Fund to 1, 2, 3 JUMP and to adopt a budget amendment to appropriate the donation.

H. Consider adopting an ordinance to amend the Debt Service Fund budget.

When the Debt Service Fund was adopted as part of the FY25 budget, the loan payments for Fire Station 12 were improperly coded and not split out between principal and interest. The attached ordinance amendment corrects this error and establishes the proper budget accounts.

Recommendation: Motion to adopt an ordinance to amend the Debt Service Fund budget.

I. Consider adopting an ordinance to amend the Parks & Recreation Project Fund budget.

The Les Myers Park pickleball court project is complete. The attached budget ordinance amendment adjusts the budget for this project to final actual costs and moves remaining funds to the future projects account. The future projects account balance can be used to fund items in future adopted capital improvement plans.

Recommendation: Motion to adopt an ordinance to amend the Parks & Recreation Project Fund budget.

J. Consider adopting an ordinance to amend the General Capital Reserve Fund budget to allocate investment earnings.

The attached budget amendment allocates investment earnings through June 30, 2024 to the future projects account for use towards future projects.

Recommendation: Motion to adopt an ordinance to amend the General Capital Reserve Fund budget to allocate investment earnings.

K. Consider adopting an ordinance to amend the Stormwater Project Fund budget.

The Stream Restoration, Mall North Culvert, and Country Club projects are complete. The attached budget ordinance amendment adjusts the budget for these projects to final actual costs and moves remaining funds to the future projects account. The future projects account balance can be used to fund items in future adopted capital improvement plans.

Recommendation: Motion to adopt an ordinance to amend the Stormwater Project Fund budget.

L. Consider adopting an ordinance to amend the Water Project Fund budget.

Staff is recommending moving the funding previously allocated to the US Hwy 29/601 Bridge be moved to future projects. After reviewing the agreement regarding this project, the expenses for the water portion of the project will be fully funded by NCDOT and there is no payment due from the City. These funds will be available for funding future projects in the CIP.

Recommendation: Motion to adopt an ordinance to amend the Water Project Fund budget.

M. Consider adopting an ordinance to amend the Wastewater Project Fund budget to allocate investment earnings and system development fees.

The attached budget amendment allocates investment earnings and system development fees through June 30, 2024 to the future projects account for use towards future projects.

Recommendation: Motion to adopt an ordinance to amend the Wastewater Project Fund budget to allocate investment earnings and system development fees.

N. Consider adopting an ordinance amending the Rates and Charges Schedule for the Aviation Department to increase the Rental Car Facility Fee, update the Category VI monthly hangar fees, and the approve the associated budget ordinance.

This Rates and Charges Schedule change would increase the rental car facility fee rates to \$6/day per transaction from the current rate of \$3/day per transaction. This rate increase will be effective January 1, 2025. Additionally, this schedule change would change the Category VI monthly hangar rental fee to be negotiated in alignment with the monthly tie down fee.

Recommendation: Motion to adopt an ordinance amending the Rates and Charges Schedule for the Aviation Department to increase Rental Car Facility Fee for the Aviation Department, update the Category VI monthly hangar fees, and approve the associated budget ordinance.

O. Consider approving a change to the classification/compensation system to include the following classification: Staff Engineer.

The addition of this new classification will increase the ability to attract and retain employees and provide enhanced expertise for the City of Concord.

Recommendation: Motion to approve the addition of the Staff Engineer (Grade 59) with a salary range of \$72,302.69 (minimum) - \$95,801.07 (midpoint) - \$119,299.44 (maximum).

P. Consider acceptance of the Tax Office reports for the month of October 2024.

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 October 2024.

Q. Consider Approval of Tax Releases/Refunds from the Tax Collection Office for the month of October 2024.

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 October 2024.

R. Receive monthly report on status of investments as of October 31, 2024.

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.

IX. Matters not on the Agenda

- Transportation Advisory Committee (TAC)
- Metropolitan Transit Committee (MTC)
- Concord/Kannapolis Transit Commission
- Centralina Regional Council
- Water Sewer Authority of Cabarrus County (WSACC)
- WeBuild Concord
- Public Art Commission
- Concord United Committee

X. General Comments by Council of Non-Business Nature

XI. Closed Session (If Needed)

XII. 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.