

City Council Agenda

Thursday, January 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**

November 23, December 7 and December 9, 2021.

- **IV. Presentations**
 - 1. Presentation of a Proclamation recognizing January 17, 2022 as Dr. Martin Luther King, Jr. Day.
 - 2. Presentation to former City Council Member and Water Sewer Authority of Cabarrus County (WSACC) Board Member, Dave Phillips.
 - 3. Presentation of a Retirement Plaque to Sheila Almond for over 20 years of service with the City of Concord Purchasing Department. Sheila has been a dedicated employee of the City of Concord as a Purchasing Technician for over 20 years. She has been a great asset to the Purchasing Department and has provided support to all City departments throughout her years of service. Sheila is a North Carolina Certified Local Government Purchasing Officer. Her understanding of North Carolina purchasing law and policies has been a valuable asset to the City. The Purchasing Department appreciates all of her work over the years and wishes her the best in her retirement.
 - 4. Presentation of Retirement Plaque to Captain Deckster Barlowe for over 28 years of loyal and dedicated service with the City of Concord Police Department. Captain Deckster Barlowe has retired from the Concord Police Department as of January 1, 2022. Captain Barlowe began his career with CPD as a Patrol Officer in 1993 and spent the next several years in patrol as a Field Training Officer. In 1999, he was promoted to the rank of Sergeant and assigned to the Patrol Division. Captain Barlowe was promoted to Captain in April of 2016. Captain Barlowe became the department's first Patrol Division Executive Officer in 2019. In this position, he supervised the Patrol Division, Watch Commanders, School Resource Officers and was responsible for the K9, motor patrol, and bicycle officers and oversaw the Field Training Program. During his tenure, Captain Barlowe received the Outstanding Student Award and was awarded the St. John's Grange #729 Law Enforcement Officer of the Year. Captain Barlowe and his wife Angie have been married for 21 years and have four children.
 - 5. Presentation of the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada. The Government Finance Officers Association awarded the City's FY 2021-22 budget the Distinguished Budget Presentation Award with special performance measures recognition. This national award is the highest award in government budgeting, recognizing those cities that have prepared exemplary budgets that serve as a policy document, financial plan, operations guide, and a communications device. Only a small percentage of North Carolina

municipalities received this award. Receipt of the award for the FY 2021-22 budget marks the 20th consecutive year the City has been awarded this recognition.

- V. Unfinished Business
- **VI. New Business**
 - A. Informational Items
 - 1. Presentation from Peter Marsh with Cabarrus Center/Flywheel. (Work Session)
 - **B.** Departmental Reports
 - C. Recognition of persons requesting to be heard
 - D. Public Hearings
 - 1. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a three year / 85% tax based Economic Development Incentive Grant to Kroger Fulfillment Network, LLC to locate at 227 NC HWY 49 S. in Concord, NC. Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. Kroger Fulfillment Network, in strategic partnership with Ocado Solutions USA, Inc., proposes to develop an approximately 200,000 SF robotically automated customer fulfillment center located at 227 NC HWY 49 South. Kroger's proposed investment represents a total \$89,000,000 investment in real and personal property. Kroger plans to create 692 full time jobs with an average wage of \$42,107. The total value of the City's three year grant is estimated to equal \$791,846 dependent on the actual investment. The City of Concord would still collect a 3-year net revenue of \$139,738 after the incentive payments. See attached grant analysis for additional details.

Recommendation: Motion to offer a contract for a three year / 85% Economic Development Incentive Grant to Kroger Fulfillment Network, LLC to locate at 227 NC HWY 49 S. in Concord, NC, pursuant to NC General Statutes Sec. 158-7.1.

2. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a three year / 85% tax based Economic Development Incentive Grant to Ocado Solutions USA, Inc. to locate at 227 NC HWY 49 S. in Concord, NC. Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. Ocado Solutions USA, Inc. will provide proprietary robotic software and partner with Kroger to construct a robotically automated customer fulfillment center located at 227 NC HWY 49 South. Ocado's proposed investment represents an estimated total \$48,000,000 investment in personal property. Ocado plans to create 30 full time jobs with an average wage of \$60,000. The total value of the City's three year grant is estimated to equal \$348,024 dependent on the actual investment. The City of Concord would still collect a 3-year net revenue of \$61,416 after the incentive payments. See attached grant analysis for additional details.

Recommendation: Motion to offer a contract for a three year / 85% Economic Development Incentive Grant to Ocado Solutions USA, Inc. to locate at 227 NC HWY 49 S. in Concord, NC, pursuant to NC General Statutes Sec. 158-7.1.

3. Conduct a public hearing to consider adopting a resolution on the matter of closing the right-of-way of an unopened portion of Lucky Dr. NW. The proposal includes the abandonment of unopened, unimproved right-of-way of Lucky Dr. NW. This closure was requested by Niblock Homes, LLC. A new alignment of right of way will be dedicated as part of the Red Hill subdivision.

Recommendation: Motion to adopt a resolution to abandon the right of way of an unopened portion of Lucky Dr. NW.

4. Conduct a public hearing to consider adopting an ordinance amending Historic Handbook Chapter 3, Working With the Historic Preservation Commission, relative to the amended meeting time of 6:00 pm. The Historic Handbook is incorporated into the Concord Development Ordinance by reference and as such, amendments require City Council approval. The Historic Preservation Commission unanimously voted on November 10th to change their regularly scheduled meeting

time. Previously, the meetings had been held on the second Wednesday of the month at 6:30 p.m. The Commission voted to keep the meeting day but to reschedule the time to 6:00 p.m. Because the meeting day and time are listed in the Historic Handbook, the Handbook must be revised to reflect the Commission's action. No other section of the Historic Handbook is proposed for amendment.

Recommendation: Motion to adopt an ordinance amending Historic Handbook Chapter 3, Working With the Historic Preservation Commission.

5. Conduct a public hearing to consider adopting an ordinance amending Article 7 (Section 7.7.4.E) of the Concord Development Ordinance (CDO) relative to townhouse (townhome) development requirements. For the past two years, staff has been amending the CDO based on the recommendations of the 2030 Land Use Plan. One of the major final changes to the CDO is addressing townhome, or singlefamily attached developments, which pose different service challenges than traditional single-family attached developments. Prior to consideration of the item by Planning Commission, staff provided notice to over 300 recipients of the proposed changes via email and seven (7) comments were received. The proposed change has also been posted on the City website offering chances to make comment prior to the Council hearing. The Planning Technical Committee (which includes Council and Planning Commission members) has guided staff in development of these regulations. The townhome issue has been discussed by PTT at two separate meetings, and it is their consensus that new townhome developments should be required to be rear-load (served by an alley or parking area in the rear). Planning Commission unanimously voted to adopt this change at their December meeting. Staff will conduct a thorough presentation of all of the changes to ensure the Council understands these changes and will summarize public comments.

Recommendation: Motion to adopt an ordinance amending Article 7.7.4.E regarding townhouse (townhome) developments.

E. Presentations of Petitions and Requests

1. Consider authorizing the City Manager to negotiate and execute a contract with Rite Lite Signs, Inc. for the construction and installation of wayfinding signs at Concord-Padgett Regional Airport. The project involves the construction of new and updated 64 wayfinding signs through the airport campus. These signs are a part of the overall strategy when Council renamed the airport. Furthermore, the improvements to Derita Road are near completion allowing staff to finalize location of the gateway signs. The project was bid under the formal bidding process. Bids were taken on December 1st, 2021 and four bids were received. Rite Lite Signs, Inc. was the low bid in the amount of \$221,616.93. The budget for the wayfinding project was \$135,000. The funding for these improvements is through a NCDOT Aviation Airport Improvement Program grant. The grant amount for FY22 is \$2,056,051; therefore, no budget amendment is required

Recommendation: Motion authorizing the City Manager to negotiate and execute a contract with Rite Lite Signs, INC in the amount of \$221,616.93. for the wayfinding project at Concord-Padgett Regional Airport.

2. Consider authorizing the City Manager to negotiate and execute a contract with EST Building Systems for the replacement of roofing materials on Hartsell Recreation Center. Three roofing companies submitted quotes and EST Building Systems was the low bidder at \$111,500 (Baker Roofing quoted the work at \$139,500 and Statesville Roofing quoted the work at \$185,760). Payment and performance bonds are required bringing the total amount quoted by EST Building Systems to \$117,075. The Parks and Recreation Department budgeted for this work and it was approved in the FY21/22 budget. Work will begin with a complete tear off of the existing roof consisting of two layers of roofing materials. Repairs to the deck will be made, if needed, prior to installing 2 layers of ISO board and a .060 mill TPO membrane.

Additionally, metal edging, coping and walk pads will be installed with roof drains being replaced as needed.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with EST Building Systems for the replacement of roofing materials on Hartsell Recreation Center.

3. Motion to readopt a franchise ordinance for US Tire Recycling Partners, L. P. City Council granted a franchise to US Tire Recycling Partners, L.P. on June 10, 2021 for a "life-of-site" term, and said franchise included a clerical error in that it references the incorrect date and Document ID Number for approval of the Facility Plan for the Scrap Tire Disposal Facility by NCDEQ. This ordinance corrects that error.

Recommendation: Motion to adopt an amended franchise ordinance for US Tire Recycling Partners, L.P. for a "life-of-site" term.

4. Consider adopting a resolution confirming a lien assessment. In 2013, Code Enforcement prosecuted an unsafe buildings case against Barber Scotia College, Inc. That case resulted in the demolition and removal of the two dormitories formerly located on Crowell Drive at a cost to the City of \$380,640. The North Carolina General Statutes require confirmation of the amount of the lien by the City Council and publication in a newspaper of local circulation prior to any attempt to collect a lien of this kind.

Recommendation: Motion to adopt a resolution confirming the amount of the lien and directing appropriate City staff to cause the advertisement to be published.

5. Consider amending a development agreement with Addison Concord, LLC regarding construction of a sewer line near the intersection of Old Holland Road and Weddington Road Ext. The City conducted a public hearing and approved an agreement with Ford Commercial LLC in April 2019. The agreement outlined the City's assistance in acquiring a necessary easement and the developer's agreement to conditions related to construction of their proposed development project. The current developer wishes to amend the agreement to allow for a different alignment to the proposed sewer line. The developer will be required to obtain any necessary easements.

Recommendation: Motion to amend a development agreement with Addison Concord, LLC.

6. Consider accepting a revised Preliminary Application from Thornridge Investment Group, LLC. In accordance with City Code Chapter 62, Thornridge Investment Group, LLC has submitted a revised preliminary application for water service outside the City limits. The property is located at 10799 and 10825 Poplar Tent Road. The property is currently zoned LDR and developed with an abandoned single family home. The owner now intends to construct a new residential structure and renovate the existing structure to a residential use. Water is available in the Poplar Tent Road area.

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

VII. Consent Agenda

A. Consider approving the City Manager to enter into a modified five-year lease with renewable provisions to include all of the +/- 2.7 acres of City owned land located at 430 Harris Street NW for \$1 to SCUS Head Start Programs, Inc, d/b/a Save the Children Head Start, for the location of Head Start modular buildings. In April 2021, City Council approved entering into a lease with Head Start to lease approximately .46 acres of City owned land at 430 Harris Road NW based on a conceptual plan. The conceptual plan required modifications due to fire department access and utility locations which resulted in the need to expand beyond the original plan. The expansion has made it difficult for Parks and Recreation to program the remaining property for activities. Additionally, Buildings and Grounds prefers not to be maintaining property where the City has no immediate use. Therefore, both

Departments recommend extending the lease to cover all of the acreage with the provision that Head Start will maintain their facility, all of the property, and the existing shelter that is on the property. Head Start is agreeable to maintaining the property and has equipment to do so. The only change to the agreement is the increase in acreage.

Recommendation: Motion to approve the City Manager to enter into a modified five-year lease with renewable provisions for the entire +/- 2.7 acres at 430 Harris Street NW for \$1 to SCUS Head Start Programs, Inc, d/b/a Save the Children Head Start.

B. Consider acceptance of a Carolina Thread Trail Implantation Grant for partial design for the first phase of Irish Buffalo Greenway through Marvin Caldwell Park, and authorizing the City Manager to execute an agreement with the Carolina Thread Trail in the amount of \$30,000. Acceptance of the Carolina Thread Trail grant will cover approximately 35% of the total greenway design cost of \$84,000. This phase will begin at Caldwell Park, and extend to Lincoln Street running along the creek through Marven Caldwell Park. It is approximately 2,800 linear feet or 0.53 miles The greenway will be a 10-foot, asphalt multi-use path with parking accessible from Caldwell Park, as well as a new trailhead parking lot planned at Lincoln Street. Development of this greenway is a high priority of the Comprehensive Parks and Recreation Master plan adopted in 2017, the Open Space Connectivity Analysis adopted in 2019, and the Caldwell Park Master Plan, adopted in June of 2020. Additional funding to complete design was identified and approved in FY22 Caldwell Park CIP Project Fund. The approved total funding for park and greenway design is \$710,000. Through the Caldwell Park Master Plan process, the top priority requested as part of the public meeting process, was greenway development and neighborhood connectivity in unison with the Caldwell Park renovations. Funding for the design of Irish Buffalo Creek Greenway through Caldwell Park has been identified in the Caldwell Park CIP Project Account.

Recommendation: Motion to accept the Carolina Thread Trail Implementation Grant award and authorize the City Manager to execute the grant agreement with the Carolina Thread Trail in the amount of \$30,000.

C. Consider acceptance of a Land and Water Conservation Fund (LWCF) grant award for Marvin Caldwell Park Renovations, authorize the City Manager to execute and the Mayor to sign a grant agreement with the National Park Service through the North Carolina Parks and Recreation Division in the amount of \$498.960, and to adopt a project amendment to appropriate the funds. Acceptance of the Land and Water Conservation Fund (LWCF) award in the amount of \$498,960 will help fund improvements to Marvin Caldwell Park that have been identified by the master plan, including: 1) A new, fully inclusive playground featuring playground units for ages 2-5 and 5-12, with adequate and accessible surfacing, 2) A covered court space, which converts/renovates two (2) basketball courts with a shade canopy that can be used for summer camps and other programming needs, 3) A new 180' by 300' multi-purpose field the department plans to program for a variety of athletic and programming events, and 4) A 200' baseball/softball diamond to continue addressing the department's increase in athletic registrations for youth baseball and softball. The grant also covers portions of site preparation, grading and demolition. These improvements to the park are identified in the adopted master plan and will transform Caldwell Park into a more accessible, inclusive, visible, and connected neighborhood park. The City has allocated the budget for the required 50% match. The improvements identified in the grant must be completed within the next three (3) years with the execution of the grant agreement. Approximately six (6) acres of the existing park would be disturbed for these improvements, and other additional items in the area identified by the adopted master plan would be funded by the City, this

includes lights, dugouts, bleachers, splash pad, new restroom building, new fencing, hardscapes and sidewalks, and expansion/reconfiguration of parking and driveways.

Recommendation: Motion to accept the LWCF award, authorize the City Manager to execute the agreement and the Mayor to sign a grant agreement with National Park Service through the North Carolina Park and Recreation Division, and to adopt a project amendment to appropriate the funds.

D. Consider authorizing the Police Department to apply for grant funding from the NC Governor's Highway Safety Administration aimed at preventing traffic related deaths and injuries on streets and highways in the City of Concord. The Concord Police Department is requesting to apply for grant funding from the NC Governor's Highway Safety Administration aimed at preventing traffic related deaths and injuries on streets and highways in the City of Concord. The grant money would be used on overtime expenses, up to \$25,000, for traffic safety enforcement. The grant does not require a local match from the City. The application is due January 31st, 2022. Grants awarded will be for the 2023 federal fiscal year, which begins October 1, 2022.

Recommendation: Motion to authorize the Police Department to apply for grant funding from the NC Governor's Highway Safety Administration aimed at preventing traffic related deaths and injuries on streets and highways in the City of Concord.

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: Piper Landing Phase 1 Map 1, Annsborough Park Phase 1A Map 1, and Odell Townhomes Right of Way Dedication. 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: Piper Landing Phase 1 Map 1, Annsborough Park Phase 1A Map 1, and Odell Townhomes Right of Way Dedication.

- F. Consider accepting an offer of infrastructure at 7-Eleven Coddle Market, Cannon Office PH 2 Buildings 3 and 4, Haven at Rocky River Subdivision PH 1 MP 1 Modification, Campbell Farms Subdivision PH 1 MP 3, Spring Meadow Subdivision PH 1 MP 1, Oaklawn Townhomes Subdivision PH 1. 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: 6,150 LF of 8-inch water line, 1,021 LF of 6-inch water, 1,176 LF of 2-inch Water line, 43 Valves and 12 Fire Hydrants, 7,500 LF of 8-inch sanitary sewer line and 38 Manholes.
 - **Recommendation:** Motion to accept the offer of infrastructure acceptance in the following subdivisions and sites: 7-Eleven Coddle Market, Cannon Office PH 2 Buildings 3 and 4, Haven at Rocky River Subdivision PH 1 MP 1 Modification, Campbell Farms Subdivision PH 1 MP 3, Spring Meadow Subdivision PH 1 MP 1, Oaklawn Townhomes Subdivision PH 1.
- G. Consider adopting an ordinance to amend the FY 2021/2022 Budget Ordinance for the Aviation Fund to appropriate additional fuel revenue. Fuel sales at the airport are exceeding original budget estimates. The attached budget ordinance will appropriate these funds to cover the additional related fuel costs.

Recommendation: Motion to adopt an ordinance to amend the FY 2021/2022 Budget Ordinance for the Aviation Fund to appropriate additional fuel revenue.

H. Consider adopting a Capital Project ordinance amendment for the First Concord 2014 LOBS - Generator Relocation Project. The Generator Relocation project needs additional funding in the amount of \$8,312 to cover the remaining costs for the project. The attached project budget ordinance appropriates unallocated investment earnings and savings from other projects to cover these additional funds needed.

Recommendation: Motion to adopt a Capital Project ordinance amendment for the First Concord 2014 LOBS - Generator Relocation Project.

I. Consider adopting an ordinance to amend the FY 2021/2022 Budget Ordinance for the General Fund to provide funding for the new Fiber Network Management department. A new Network Manager position is being hired to manage the new Fiber Network Management department. There will be some initial costs needed in the current fiscal year to get this department established and the new position hired so that is will be ready to be fully operational at the beginning of FY 2023. Proceeds from the sale of fixed assets are available to fund these initial costs.

Recommendation: Motion to adopt an ordinance to amend the FY 2021/2022 Budget Ordinance for the General Fund to provide funding for the new Fiber Network Management department.

J. Consider adopting an ordinance to amend the FY 2021/2022 Budget Ordinance for the Golf Fund. The golf course needs to make additional improvements to some of the facilities/amenities. The attached budget ordinance will appropriate golf fund reserves to cover these additional costs.

Recommendation: Motion to adopt an ordinance to amend the FY 2021/2022 Budget Ordinance for the Golf Fund.

K. Consider adopting a project ordinance amendment related to the Surface Transportation Block Grant from the Cabarrus Rowan MPO. In June 2020, the Cabarrus Rowan MPO awarded Rider Transit a Surface Transportation Block Grant to purchase a spare bus. The grant award and contract for purchasing the bus went before Council in November 2020 and was approved. This project ordinance amendment will establish the budget related to the grant award. The grant covers 80% of the bus purchase and the remaining local share of 20% is split 50/50 between Concord and Kannapolis.

Recommendation: Motion to adopt a project ordinance amendment for the Surface Transportation Block Grant from Cabarrus Rowan MPO.

L. Consider adopting a capital project ordinance to amend the Wastewater Projects Fund. The amount previously approved for the Coldwater Creek Outfall to 49 project was originally planned to be funded with revenue bonds. The project is no longer being considered for revenue bonds and the current timeline is being pushed back. Due to this change, the funding for this project needs to be removed.

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

M. Consider adopting a capital project ordinance to amend the Water Projects Fund. The amount previously approved for the US 29 Bridge line needs to be adjusted to the actual amount billed by NCDOT. The extra amount needed will be funded by future project reserves.

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

N. Consider approving a change to the classification/compensation system to include the following classification: Network Manager. 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: Network Manager (Grade 112) with a salary range of \$70,434.99 (minimum) - \$93,326.34 (midpoint) - \$116,217.71 (maximum).

O. Consider approval of the transfer of delinquent utility accounts to collection losses. Annually, staff must review the accounts receivable utility balances and determine if any of the balances are uncollectible. The accounts that are deemed uncollectible should be transferred to collection losses. Delinquent utility accounts deemed to be uncollectible amount to \$797,102.37. The primary reason for these losses is due to bankruptcies filings and bad debts that result when someone leaves their residence without paying their final bill. Staff continues to work with legal to pursue collection methods available as well as using the Debt Setoff Program offered

through the State and an independent collection agency. Account collection continues even after the account is written off. Finale accounts from May 1, 2020 – March 31, 2021 (These revenues are less than 1% of the total operating revenues for each utility – Electric \$453,330.81; Water \$139,318.86; Wastewater \$121,299.57; Stormwater \$75,395.87; and Environmental Services \$7,757.26).

Recommendation: Motion to approve the transfer of delinquent utility accounts to collection losses.

P. Consider accepting the semiannual debt status report as of December 31, 2021. The City's debt report as of December 31, 2021 is presented for the City Council's review.

Recommendation: Motion to accept the City's semiannual debt status report as of December 31, 2021.

Q. Consider acceptance of the Tax Office reports for the month of November 2021. 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 November 2021.

R. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of November 2021. 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 November 2021.

S. Receive monthly report on status of investments as of November 30, 2021. 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
- Concord Family Enrichment Association
- 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.