



City Council Agenda

Thursday, December 08, 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

October 25, November 8 and November 10, 2022.

IV. Organization and Procedure of City Council

A. Establishment of time and place for Council's regular meetings and work sessions

B. Election of Mayor Pro-Tem for CY2023

V. Presentations

1. **Presentation of a Certificate of Appreciation to Amos McClorey.**

VI. Unfinished Business

VII. New Business

A. Informational Items

1. **Presentation by Youth Council President, Rohan Patel.** The President of Concord Youth Council will provide an update to Council on the upcoming year and review this semester's accomplishments.

2. **Presentation of the Independent Auditor's report on the Annual Comprehensive Financial Report for the Fiscal Year ended June 30, 2022.** 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/FY%202021-22%20ACFR.pdf?ver=GmVDqRYSsMYme5D85JY2lQ%3d%3d>.

B. Departmental Reports

C. Recognition of persons requesting to be heard

D. Public Hearings

1. **Conduct a public hearing and consider adopting an ordinance annexing +/- 10.27 acres PIN 4680-39-2552 on Poplar Tent Rd. owned by the City of Concord.** The request is for voluntary annexation petition of +/- 10.27 acres of property with on Poplar Tent Rd. The property is currently zoned Cabarrus County Low Density Residential (LDR). The City has proposed to build a trailhead park on the site.

Recommendation: Consider adopting the annexation ordinance and set the effective date for December 8, 2022.

2. **Conduct a public hearing and consider adopting an ordinance amending the Concord Development Ordinance Section 8.3.5.Q.5 and Article 14 regarding**

supplementary regulations and the definition of Food Trucks. This text amendment is staff-initiated. Staff is seeking to clarify regulatorily the intent of the word "temporary" in the definition of food trucks as well as the definition of "food trucks". City Council discussed this amendment in September and requested that the Planning and Legal Departments amend the proposed amendment following additional research. City Council's request has led to modifications of the language. At their August 16, 2022 meeting, the Planning and Zoning Commission unanimously recommended the proposed amendment be forwarded to the City Council for final consideration.

Recommendation: Consider adopting an ordinance amending CDO Section 8.3.5 and Article 14 concerning supplementary regulations and the definition of Food Trucks.

E. Presentations of Petitions and Requests

1. Consider approving a Resolution Certifying and Declaring the results of the Special Bond Referendum on the Bond Order Authorizing the Issuance of \$60,000,000 General Obligation Parks and Recreation Bonds Held for the City of Concord, North Carolina on November 8, 2022. On November 18, 2022, the Cabarrus County Board of Elections canvassed the results of the referendum pertaining to the City of Concord Parks and Recreation Bonds held for the City of Concord, North Carolina on November 8, 2022 at which the following question was presented to the voters: "SHALL the order authorizing \$60,000,000 of bonds plus interest to provide funds to pay capital costs of providing parks and recreation facilities, including without limitation land, athletic fields, parks, shelters, parking, lighting, trails and greenways and the renovation and improvement of existing facilities, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved?". According to the official general election results posted on the State of North Carolina Board of Election website the total number of voters who voted "Yes" in answer to such question was 20,157 and the total number of voters who voted "No" in answer to such question was 10,327. The attached resolution certifies and declares these results. If the resolution is approved, a statement of the election results will be published in the newspaper on December 11, 2022.

Recommendation: Motion to approve a Resolution Certifying and Declaring the results of the Special Bond Referendum on the Bond Order Authorizing the Issuance of \$60,000,000 General Obligation Parks and Recreation Bonds Held for the City of Concord, North Carolina on November 8, 2022.

2. Consider adopting a resolution authorizing the grant of a stormwater easement and a temporary construction easement to the City of Concord Alcohol Beverage Control Board. The Fire Department has confirmed that the property is not needed for the use of Fire Station number 7. The City received an Offer to Purchase the easement from City of Concord Alcohol Beverage Control Board ("Buyer") for \$1,034.19. The buyer wishes to use the property to construct stormwater infrastructure for the neighboring lot located at 230 International Drive NW. The buyer is also requesting a temporary construction easement across a portion of 250 International Drive NW as shown on the attached survey. 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 easement in accordance with this resolution pursuant to North Carolina General Statutes §160A-273 and -274.

Recommendation: Consider adopting a resolution authorizing the grant of the stormwater easement and temporary construction easement to the City of Concord Alcohol Beverage Control Board and directing the City Manager, City Clerk and City Attorney to take all necessary steps and to execute the necessary documents in order to complete the conveyance of the easements.

3. **Consider recognizing Brook Valley Home Owners Association (HOA) into the City's Partnership for Stronger Neighborhoods program.** Brook Valley is a small community with 11 single family homes. Established in 1989, Brook Valley is located in Northeast Concord off of Bradley Street, Burrage Road, and Branchview Drive. Officers for the Association are: President, Angela Moon; Vice President, Chris Lippard; Treasurer, Tom Small; and Secretary, Harriet Hunter. By approving their inclusion in the Partnership for Stronger Neighborhoods Program, Brook Valley would become the 75th recognized neighborhood since the program's inception in 2000. If approved, with the inclusion of Brook Valley, the program would have a total of 55 active neighborhoods.

Recommendation: Motion to approve the acceptance of Brook Valley Home Owners Association as a recognized neighborhood in the Partnership for Stronger Neighborhoods Program.

4. **Consider adopting a resolution to consider the addition of the new Federal Regulatory Standards to the Public Utility Regulatory Policy Act (PURPA) by the Infrastructure Investment and Jobs Act of 2021.** On November 15, 2021, the Infrastructure Investment and Jobs Act of 2021 (IIJA) was signed into law. Section 111(d) of the Public Utility Regulatory Policy Act of 1978 (PURPA) was amended to add two new regulatory standards for "non-regulated electric utility" that must be formally considered. The standards concern Demand Response Practices and Electric Vehicle Recharging Programs. As amended, PURPA Section 111(d)(20) directs non-regulated electric utilities to consider for adoption a very broad regulatory policy to promote demand response and Section 111(d)(21) directs non-regulated electric utilities to consider for adoption a broad four-part regulatory policy to promote electric vehicle charging programs in their retail service territories.

Recommendation: Motion to adopt a resolution to consider the addition of the new Federal Regulatory Standards to the PURPA by the Infrastructure Investment and Jobs Act of 2021.

5. **Consider authorizing the Transportation Department to apply for the Transportation Alternatives Program (TAP) funding for the construction of sidewalks along Cedar, Glenn, Elm and Crowell, through the Cabarrus Rowan Metropolitan Planning Organization's (CRMPO) call for projects.** The Transportation Alternatives Program (TAP) is a part of the Federal-Aid Highway Program. The TAP application requires a 20% local match in funding and to maintain the project after completion. The project consists of constructing sidewalks along Cedar Dr., NW, Glenn St., NW, Elm Ave., NW, and Crowell Dr., NW and will complete walkable connections for residents to the ClearWater Arts Center & Studios, The Village Greenway, and The Boys and Girls Club (see attached map). Total project cost is estimated at \$1,625,000. Estimated City participation is \$325,000 (20%).

Recommendation: Motion to authorize the Transportation Department to apply for the Transportation Alternatives Program (TAP) funding for the construction of sidewalks along Cedar, Glenn, Elm and Crowell, through the Cabarrus Rowan Metropolitan Planning Organization's (CRMPO) call for projects.

6. **Consider authorizing the City Manager to approve the multiple option award for Demand Response Software to RideCo. and CTS and to negotiate a contract with RideCo. for Rider Transit for five (5) years.** Rider Transit released a RFP in September, in partnership with Cabarrus, Rowan and Mecklenburg County transit systems, to acquire a new Demand Response Transportation Program Scheduling and Trip Management software platform. Seven (7) responses were received and four (4) were selected to provide product demonstrations. Of those, two (2) were selected for award; RideCo. and CTS. Rider Transit selected RideCo. as the choice to replace the existing software system. The maximum cost, based on our current vehicle fleet, of initial implementation and five (5) years of support and maintenance is not to exceed \$158,245.91. FTA 5307 funds are available at an 80/20 match (FTA share - \$126,596,

Concord and Kannapolis share each - \$15,824.95). The Concord Kannapolis Transit Commission approved these recommendations for award at their November 30, 2022 meeting.

Recommendation: Motion to authorize the City Manager to approve the multiple option award for Demand Response software to RideCo. and CTS, and to negotiate a contract with RideCo. for Rider Transit for five (5) years, with a not to exceed maximum cost of \$158,245.91.

- 7. Consider authorizing Rider Transit to enter into a MOU with the SUN Project and CCTS to provide SUN Project participants program related trips as needed.** The SUN Project approached Rider Transit to discuss transportation support for program participants facing transportation challenges. The SUN Project team presented their initial request at the October 12, 2022 Concord Kannapolis Transit Commission meeting. Working in partnership with CCTS as the lead agency to provide trips, Rider Transit would like to support the SUN Project's request and provide program related trips for participants as needed that CCTS cannot fulfill - primarily nights and weekends. After receiving additional information and a formal written request for assistance from the SUN Project, the Concord Kannapolis Transit Commission unanimously approved entering into the partnership as a pilot project at their November 30, 2022 meeting, which will be monitored, data compiled, and revisited 6 months after initial implementation to determine next steps. Rider will utilize the additional FTA 5307 formula funds that were allocated to Rider Transit under the Federal BIL program to cover the costs of the pilot program.

Recommendation: Motion to authorize Rider Transit to enter into a MOU with the SUN Project and CCTS to provide SUN Project participants program related trips as needed.

- 8. Consider authorizing the City Manager to negotiate and execute a contract with Carolina Siteworks, Inc. for the replacement of the culvert on Country Club Drive.** The Country Club Drive Culvert Replacement project consists of the removal of the existing culvert, the construction of a double-barrel culvert, and associated services that will include the relocation of water mains, relocation of gravity sewer mains, coordination with existing utilities, roadway pavement reconstruction, and other appurtenances. The project was bid under the formal bidding process. Bids were taken on November 18, 2022 and seven (7) bids were received. The lowest responsible bidder was Carolina Siteworks, Inc. in the amount of \$1,524,784.55. This bid amount is under the budgeted amount.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Carolina Siteworks Inc. in the amount of \$1,524,784.55 for the replacement of the stormwater culverts on Country Club Drive.

- 9. Consider accepting a Preliminary Application from Walter Baucom.** In accordance with City Code Chapter 62, Walter Baucom has submitted a preliminary application to receive water service outside the City limits. The property is located at 895 Silver Fox Drive in the Foxwood Acres Subdivision. This parcel is zoned county LDR and is being developed with a single family house. Public sewer is not available to the parcel.

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

- 10. Consider approving a modification to the Interlocal Agreement with Cabarrus County administering the Central Area Plan.** The City entered into an Interlocal Agreement with Cabarrus County administering the Central Area Plan. Under the Agreement, the City agreed not to extend utilities into certain areas east of the then existing City limits except under certain limited circumstances. Mardan Enterprises, LLC has requested an exception to the Agreement in order to obtain water service for a proposed single-family home at 380 Patience Drive (PIN 5641-00-1839). The County would have to agree to the modification as well.

Recommendation: Motion to approve a modification of the Interlocal Agreement regarding the Central Area Plan to allow the provision of water to 380 Patience Drive.

- 11. Consider approving a modification to the Interlocal Agreement with Cabarrus County administering the Central Area Plan.** The City entered into an Interlocal Agreement with Cabarrus County administering the Central Area Plan. Under the Agreement, the City agreed not to extend utilities into certain areas east of the then exiting City limits except under certain limited circumstances. Mark McCormick has requested an exception to the Agreement in order to obtain water service for a proposed single-family home at 2101 NC Hwy 73 E (PIN 5641-00-5282). The County would have to agree to the modification as well.

Recommendation: Motion to approve a modification of the Interlocal Agreement regarding the Central Area Plan to allow the provision of water to 2101 NC Hwy 73 E.

- 12. Consider appointing or reappointing two members (1 board member and 1 alternate) to serve on the Centralina Regional Council Board of Delegates for CY 2023.** 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 Mayor Pro-Tem Crawford serves as the alternate.

Recommendation: Motion to appoint two members (1 board member and 1 alternate) or reappoint the current members to serve on the Centralina Regional Council Board of Delegates for CY 2023.

- 13. 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 Mayor Pro-Tem 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.

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).

VIII. Consent Agenda

- A. Consider authorizing the City Manager to accept the 2022 North Carolina Governor's Crime Commission Local Law Enforcement Block Grant.** The Concord Police Department has been awarded the 2022 North Carolina Governor's Crime Commission Local Law Enforcement Block Grant. This grant is funded through the US Department of Justice Office of Justice Programs, Bureau of Justice Assistance. The North Carolina Governor's Crime Commission is the State Administrative Agency. The award will fund up to \$24,500 to purchase rifle rated patrol shields to be utilized by Patrol and School Resource Officers. The approval to apply for this award was granted on December 9, 2021 at the Concord City Council meeting.

Recommendation: Motion to authorize the City Manager to accept the 2022 North Carolina Governor's Crime Commission Local Law Enforcement Block Grant on behalf of the police department.

- B. Consider authorizing the City Manager to negotiate and execute a promissory note with Strategic TC Properties, LLC.** The developer for the Coleman Mill Lofts

has requested that the City enter into a promissory note in the amount of \$300,000 related to the development of the project. In June 2020, the City Council approved granting \$300,000 in bond issuance fees (originating from the developer) back to the developer for the rehabilitation of Coleman Mill. The developer has now requested that this be structured as a loan instead of a grant due to other incentives/funding source restrictions. The proposed loan would be at 0% interest with the entire balance due in 30 years. The promissory note would only be executed once the \$300,000 in bond issuance fees are received from the developer. No City funds will be loaned out.

Recommendation: Motion to authorize the City Manager to negotiate and execute a promissory note with Strategic TC Properties, LLC.

- C. 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: Niblock-Richardson Development II, LLC (PIN 5610-59-8709) Cumberland Subdivision Phase 2. 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: Niblock-Richardson Development II, LLC.

- 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: Skybrook Corners and Christenbury Village Subdivision. 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: Skybrook Corners and Christenbury Village Subdivision.

- E. Consider accepting an offer of infrastructure at Accent Drive SE, Bedford Farms Subdivision Phase 4, Odell Drive Water Line Extension.** 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. 563 LF of 2-inch water line, 3 valves, 2,727 LF of Roadway.

Recommendation: Motion to accept the offer of infrastructure acceptance in the following subdivisions and sites, Accent Drive SE, Bedford Farms Subdivision Phase 4, Odell Drive Water Line Extension.

- F. Consider adopting an ordinance to amend the FY 2022/2023 Budget Ordinance for the General Fund.** The developer for Edison Square did not complete the required stormwater control measures. The City is going to complete the required improvements using the \$109,086 that has been held in escrow from the developer. The attached budget amendment appropriates these amounts held in escrow to cover the cost of the required stormwater control measures.

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

- G. Consider adopting an ordinance to amend the FY 2022/2023 Budget Ordinance for the General Fund.** Staff is recommending the purchase of online time entry software to ensure employees can clock in as required when working remotely. The attached budget ordinance appropriates proceeds from the sale of fixed assets to cover the purchase of this software package.

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

- H. Consider adopting a General Capital Reserve Project ordinance to close completed transfers.** Staff is requesting approval to close completed transfers for prior years.

Recommendation: Motion to adopt a General Capital Reserve Project ordinance to close completed transfers.

- I. Consider adopting a Parks and Recreation Capital Reserve Project ordinance to close completed transfers.** Staff is requesting approval to close completed transfers for prior years.
Recommendation: Motion to adopt a Parks and Recreation Capital Reserve Project ordinance to close completed transfers.
- J. Consider adopting a Parks and Recreation Capital Project Fund project budget amendment.** Parks & rec and finance staff reviewed current projects and the allocation of funding among those projects. There are several projects that are complete and are being closed out on the attached budget amendment. The attached amendment also allocates remaining funding from HH-Riverwalk to HH-Cannon Crossing and allocates remaining funding from McEachern: Cabarrus-Fink to McEachern-Hospital Phase. Additional savings from projects being closed will be available for future project funding.
Recommendation: Motion to adopt a Parks and Recreation Capital Project Fund project budget amendment.
- K. Consider adopting a Transportation Capital Project Fund project budget amendment.** Transportation and finance staff reviewed current projects and the allocation of funding among those projects. There are several projects that are complete and are being closed out on the attached budget amendment. The attached amendment allocates savings from these closed projects to the Upfit Cabarrus County Facility project to cover overages. The attached amendment also cleans up the grant budgets for some projects and adds new funding from NCDOT for the NC 3 and Cabarrus pedestrian improvements.
Recommendation: Motion to adopt a Transportation Capital Project Fund project budget amendment.
- L. Consider adopting a Utility Capital Reserve Project ordinance to close completed transfers.** Staff is requesting approval to close completed transfers for prior years.
Recommendation: Motion to adopt a Utility Capital Reserve Project ordinance to close completed transfers.
- M. Consider adopting a Water Project Fund project budget amendment.** Water and Finance staff reviewed current projects and the allocation of funding among these projects. There are several projects that are complete and are being closed out on the attached budget amendment. There is also the removal of bond proceeds as the planned funding source for the Highway 49 project. Some of the savings from the completed projects will be used to fund phase 1 of the Highway 49 project while the rest of the savings will be available for future project funding.
Recommendation: Motion to adopt a Water Project Fund project budget amendment.
- N. Consider acceptance of the Tax Office reports for the month of October 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 October 2022.
- O. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of October 2022.** G.S. 105-381 allows for the refund and/or release of tax liability due to various reasons by the governing body. A listing of various refund/release requests is presented for your approval, primarily due to overpayments, situs errors and/or valuation changes.
Recommendation: Motion to approve the Tax releases/refunds for the month of October 2022.
- P. Receive monthly report on status of investments as of October 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.

IX. Matters not on the agenda

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

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.