



# City Council Agenda

Thursday, October 12, 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**

August 22, September 12, and September 14, 2023.

**IV. Presentations**

**V. Unfinished Business**

**VI. New Business**

**A. Informational Items**

1. Receive the annual report from the Concord United Committee. (Work Session)

**B. Departmental Reports**

1. Downtown Streetscape update
2. Parks & Recreation bond update

**C. Recognition of Persons Requesting to be Heard**

**D. Public Hearings**

1. **Consider adopting an ordinance annexing +/- 11.13 acres at 2976 Zion Church Rd., PIN 5529-85-3566, owned by Ready Mix of the Carolinas, LLC, for the construction of a ready-mix concrete facility.**

Voluntary annexation petition of +/- 11.13 acres of property on Zion Church Rd. The property is currently zoned Cabarrus County GI (General Industrial). The developer is proposing to annex the property into Concord and conditionally zone it as Heavy Industrial (I-2 CD) for the construction of a ready -mix concrete facility. The subject parcel is located within the Industrial Employment (IE) Land Use Category of the 2030 Land Use Plan where I-2 CD is listed as a corresponding zoning district.

**Recommendation:** Consider a motion adopting the annexation ordinance and set the effective date for October 12, 2023.

2. **Consider adopting an ordinance amending Article 9 “Special Purpose and Overlay Districts” of the Concord Development Ordinance (CDO) to create the Neighborhood Infill Residential District (NRD).**

The City has received an increasing number of inquiries regarding the development of smaller homes either on smaller lots or within one overall parcel. Earlier this year, staff presented an ordinance to Council to allow for the development of tiny and cottage home communities on a “by-right” basis in RC and RV zoning with specific design standards. After discussion, Council directed staff to develop a site-plan controlled zoning district to allow these types of development.

Staff has drafted the Neighborhood Infill Residential District which is proposed to contain the design standards for tiny and cottage homes. These design standards are identical to those that were reviewed by the Council in March and April. The NRD district is intended to allow the addition of design standards for other types of infill residential uses as needed in the future. At their September 19, 2023 meeting, the Planning and Zoning Commission unanimously recommended the amendment to Council. A staff report, which explains all the changes in detail, is attached.

**Recommendation:** Motion to adopt an ordinance amending Article 9, "Special Purpose and Overlay Districts" to add Section 9.14 "Neighborhood Infill Residential District" to adopt design standards to permit tiny and cottage home developments through site plan controlled zoning approval.

**E. Presentations of Petitions and Requests:**

**1. Consider authorizing the City Manager to execute a contract with M.H. Graves Construction Company for the construction of site improvements and amenities at nineteen of Rider Transit's existing bus stops.**

Within the scope of the contract, fourteen bus stop sites are within Concord; five sites are within Kannapolis. The work generally includes demolition of existing infrastructure, addition of concrete landing pads, curb and gutter, sidewalk connections, storm-water controls, and installation of bus stop amenities including bus stop shelters with related accessories and seating systems. In total, six Tolar bus shelter systems and thirteen Simme-Seat systems will be installed.

The first bid opening occurred on July 21, 2023 and one bid was received. The project was re-advertised and the second bid opening occurred on September 6, 2023. One bid was received. M.H. Graves Construction Company submitted the low total bid in the amount of \$397,991.00. The engineering estimate for the project was \$460,042.00.

FTA funding will cover 80% (\$318,392.80) of the total cost. The remaining 20% (\$79,598.20) will be split 50/50 between Concord and Kannapolis (\$39,799.10 each). This request (based on the engineering estimate) was recommended for approval by the Concord Kannapolis Transit Commission at its August 2, 2023 meeting.

**Recommendation:** Motion to authorize the City Manager to execute a contract with M.H. Graves Construction Company in the amount of \$397,991.00 for the construction of site improvements and amenities at nineteen of Rider Transit's existing bus stops.

**2. Consider awarding a bid and authorize the City Manager to execute a contract for Broadlinx Telecom Inc. to provide labor services for installation and maintenance of the City of Concord's Fiber Optic Network**

Consider awarding a bid and authorize the City Manager to execute a contract for Broadlinx Telecom Inc. to provide labor services for installation and maintenance of the City of Concord's Fiber Optic Network not to exceed \$400,000. This work provides for the installation, removal, upgrade and maintenance of fiber network optic lines on an as-needed basis and includes but is not limited to: installing/removing strand lashing fiber, installing/removing down guys and anchors, installing aerial storage loops, pulling fiber and installing locate wire in conduit. Bids were received on September 28, 2023 with Broadlinx Telecom, Inc submitting the lowest responsive bid. The contract term is through June 30, 2024 and is not to exceed \$400,000 per the approved FY24 budget.

**Recommendation:** Motion to award a bid and authorize the City Manager to execute a contract for Broadlinx Telecom Inc. to provide labor services for installation and maintenance of the City of Concord's Fiber Optic Network not to exceed \$400,000.

**3. Consider authorizing the City Manager and staff to move forward with the bidding process for the renovations to Marvin Caldwell Park as part of the bond referendum based on final design.**

The Master Plan for Marvin Caldwell Park was adopted in June 2020. The Plan was based on public input from two community meetings; one held October 2019 and the second held January 2020. Items highlighted from the community meetings include a splash pad, covered basketball court, walking trails, parking, multi-use field, playgrounds and moving the Robert Mathis Amphitheater closer to the Daniel Pharr building.

The City of Concord received three grants for construction of amenities from the conceptual master plan. Carolinas Thread Trail and PARTF included greenway construction along Irish Buffalo Creek within the

park. Other PARTF amenities were the splash pad and new Logan Optimist shelter. The amenities identified in the LWCF were identified inclusive playground, covered basketball courts, multi-purpose field and small diamond field.

The following changes have occurred from the Master Plan process to the design process: 1) The small diamond field had to move with the multi-purpose field due to bank erosion. The two fields swapped spots to allow for more space needed for the multi-purpose field; 2) The greenway alignment had to go around the top of the larger field not along the creek as originally planned due to bank erosion; 3) The trail head parking on both ends of the park was not in the original cost estimate and will be added as a bid alternate; and 4) A road was identified to circle around the Daniel Pharr building to allow for full movement but this has been removed to pedestrian only due to topography, tree saving and spacing. The final design has a new Rober Mathis Amphitheater, a new Logan Optimist shelter, new splash pad, new playground, new covered basketball court, new restroom/storage facility, greenway multi-purpose field and space for a community garden. The expanded parking will add an additional 68 spaces and 14 accessible spaces bringing the total to 149 spaces and 17 accessible spaces.

**Recommendation:** Motion to authorize City staff to move forward with the bidding process for the bond funded renovations to Marvin Caldwell Park as identified in the final design documents.

**4. Consider authorizing the City Manager and staff to approve the final design for the new J.E. 'Jim' Ramseur Park as part of the General Obligation bond referendum, and permit staff to proceed to the project bid stage.**

Based on recommendations from the 2016 Comprehensive Parks & Recreation Master Plan and City Council strategic goals, a new community park for the northwest region of Concord has been a high priority for the City. Public input was gathered in three surveys with over 1,500 responses and a public workshop during 2020. Using that information staff, and the design firm Woolpert, prepared a detailed Master Plan for J.E. 'Jim' Ramseur Park that was initially adopted by Council on August 10, 2021.

The 28.6 acre park property sits along Cox Mill Road immediately north of Cox Mill Elementary School. The Plan features 6 pickleball courts and shelter, a splash pad, a large open lawn space and amphitheater, multiple playgrounds, small and large dog park areas, basketball courts, restrooms, pavilions and shelters, an outdoor environmental education area, greenway trail and significant walking trail and sidewalks, 272 vehicle parking spaces (10 accessible spaces), a maintenance building, and vehicular connections to both Cox Mill Road and the entrance driveway with Cox Mill Elementary School. The Plan also features an approximately 40,000 square foot recreation center.

On May 12, 2022, the Council adopted a revised Master Plan removing the recreation center from the current phase of Ramseur Park citing cost considerations. The recreation center was placed into a 'future phase' category to be constructed as funds became available after the current bond program was completed.

One change has been made from the revised Plan; the environmental education area has shifted location further west on the property placing it adjacent to the wetland and providing easier access to the County-owned Soil & Water Conservation District property north of the project site. All other park features and amenities remain in the same general locations as they were on the Plan.

**Recommendation:** Motion to authorize City staff to move forward with the bidding process for the bond-funded construction of J.E. 'Jim' Ramseur Park per the final design documents.

**5. Consider authorizing the City Manager to negotiate and execute a contract with Ground Thunder Construction, Inc. for the construction of four Pickle Ball courts at Les Myers Park and to approve the attached budget amendment.**

This project will construct four new pickle ball courts at Les Myers Park and will include grading, storm drain system, retaining wall, asphalt placing, painting, striping the courts and other appurtenances. The project was bid under the formal bidding process and bids were taken on September 28, 2023. Four (4)

bids were received, and the lowest responsible bidder was Ground Thunder Construction, Inc. in the amount of \$340,634.36. The original budget for the project was \$160,000.00, but due to construction cost increases and the need to replace and extend the existing retaining wall the project is \$180,634.36 over budget. Additional project funding will come from cost savings from other Park and Recreation projects as summarized in the attached budget amendment.

**Recommendation:** Motion to authorize the City Manager to negotiate and execute a contract with Ground Thunder Construction, Inc. in the amount of \$340,634.36 for the construction of four new Pickle Ball courts at Les Myers Park and to approve the attached budget amendment.

**6. Consider authorizing the City Manager to negotiate and execute a construction contract with Ground Thunder Construction Inc. for the construction of the Equipment Shed and Restroom located at the Alfred M. Brown Operations Center.**

Bids were received on September 27, 2023 for the construction of an equipment shed and restroom located at the Brown Operations Center. The equipment shed placement aligns with the space needs assessment/master plan that was completed for the campus in 2010. Five bids were received and Ground Thunder Construction Inc. was the low bidder with a total bid of \$1,163,018.87.

**Recommendation:** Motion to authorize the City Manager to negotiate and execute a contract with Ground Thunder Construction Inc. in the amount of \$ 1,163,018.87 for the construction of the Equipment Shed and Restroom located at the Alfred M. Brown Operations Center.

**7. Consider authorizing a contract amendment with HDR Engineering for construction administration, project management, and material testing for the basin repairs/improvements and the GAC facility construction at the Hillgrove WTP.**

The City of Concord (City) operates the Hillgrove Water Treatment Plant (HGWTP), which requires upgrades and process enhancements to continue producing high quality water that meets regulatory requirements. HDR Engineering, Inc. of the Carolinas (Consultant) developed the design for the construction of a new granular activated carbon (GAC) contactor building, a new GAC pump station, a new finished water chemical mixing vault, installation of new plate settlers in the sedimentation basins, a new rapid mixer, four (4) new sedimentation basin influent valves, concrete basin rehabilitation, and associated site work, piping, and electrical modifications. This scope of services covers project management, construction administration, materials testing and special inspections, and resident project representative services associated with the project.

The construction duration is assumed to be 22 months to substantial completion and 24 months to final completion. If approved, the project total will be \$1,872,910. The expenses for these services are included in the overall project budget.

**Recommendation:** Motion to approve a contract amendment with HDR Engineering.

**8. Consider authorizing a contract amendment with Garver for construction administration, construction observation, project management, and material testing for the chlorine room rehab project at the Coddle Creek WTP.**

The Scope of Services shall consist of Construction Phase Services (CPS) for the Coddle Creek Water Treatment Plant (WTP) Chlorine Feed System Improvements project. CPS will consist of the following primary activities: Task 800 Construction Phase Project Management, Task 900 Construction Administration, and Task 1000 Construction Observation.

Construction duration is estimated at seven (7) months including Contractor mobilization and equipment procurement periods. If approved, the project total will be \$153,413.24. The expenses for these services are included in the overall project budget.

**Recommendation:** Motion to approve a contract amendment with Garver.

**9. Consider reservation of bi-annual "true-up" sewer allocation.**

The City's Sewer Allocation Policy (Section 2-F) allows City Council to reserve the bi-annual "true-up" sewer allocation until the next bi-annual "true-up" is received. On August 2, 2023, the City received capacity distribution #8 from WSACC which included a bi-annual true-up amount of 167,761 gal/day.

**Recommendation:** Consider approving the reservation of the distribution #8 "true-up" sewer allocation.

**VII. Consent Agenda**

**A. Consider approving amending, extending and restating a nonexclusive franchise for operation of the CMS Landfill to BFI Waste Systems of North America, Inc. on second reading.**

After several discussions with Republic Services over the last two (2) years concerning the life cycle of landfill, representatives from BFI have asked that several minor changes be made to the ordinance as the landfill space and timeline projected is diminishing. They are seeking to amend the terms of the life cycle of the landfill and extend the duration of the Franchise.

Per NC General Statutes, franchise ordinances require two readings to be approved. At the September 14, 2023 Council meeting, the City Council approved the ordinance on first reading.

**Recommendation:** Motion to approve amending, restating and extending a nonexclusive franchise for operation of the CMS Landfill to BFI Waste Systems of North America, Inc. on second reading.

**B. Consider authorizing Housing Department staff to submit changes to the amount of flat rate rent for Public Housing units.**

Public Housing Agencies must determine flat rents annually. Public Housing Agencies have ninety (90) days from the effective date of that fiscal year's Fair Market Rent to implement its flat rent.

**Recommendation:** Motion to authorize Housing Department Staff to implement its flat rate rent for Public Housing units.

**C. Consider authorizing ClearWater Arts Center & Studios to apply for the FY24 Grassroots Grant Application.**

The FY24 Grassroots Grant, administered by the Cabarrus Arts Council, allows support for initiatives that help expand the reach of arts programming especially for projects led by artists of color and serving our diverse communities. ClearWater is partnering with a neighboring business whose founders expressed an interest in collaborative creative partnerships. ClearWater proposes to apply for a Grassroots Grant of \$10,000 for the purposes of running a community-wide T-Shirt Design Contest. The aim is to assist ClearWater's reach into diverse communities and empower budding artists in those communities to earn public recognition for their artistic product and/or business.

Matching funds are required for this Project Assistance Grant. ClearWater intends to indicate cash match from the City in the form of: funds already budgeted in FY 24 for marketing efforts and funds available in the ClearWater Operations Revenue Account.

**Recommendation:** Motion to authorize Clearwater Arts Center & Studios to apply for the FY24 Grassroots Grant Application.

**D. 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: Kroger Fulfillment Network, LLC (PIN 5539-42-3541) 227 NC HWY 49. 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: Kroger Fulfillment Network, LLC.

**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: Christenbury Townhomes Phase 1 and Cannon Run Phase 2-A. 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: Christenbury Townhomes Phase 1 and Cannon Run Phase 2-A.

**F. Consider accepting North Carolina Department of Transportation - Division of Aviation (NCDOT) FY24 grant award and to adopt a budget ordinance to amend the budget for the Airport capital projects to appropriate NCDOT grant funds received.**

Concord-Padgett Regional Airport received notice from the Division of Aviation NCDOT that grant funds in the amount of \$2,427,677 have been allocated under the commercial service appropriation funding for Concord-Padgett Regional Airport in FY24. These grant funds will be used for the purpose of funding improvements to the airport and paying debt service.

**Recommendation:** Motion to accept the grant award and adopt an ordinance to amend the FY23 Budget Ordinance for the Airport Operations to appropriate NCDOT FY24 grant funds.

**G. Consider accepting North Carolina Department of Transportation - FY24 North Carolina Department of Transportation -State Transportation Improvement Program (STIP) grant award and to adopt a budget ordinance to amend the budget for the Airport capital projects to appropriate NCDOT grant funds received.**

Concord-Padgett Regional Airport received notice from the Division of Aviation NCDOT that STIP grant funds in the amount of \$300,000 have been allocated under the commercial service appropriation funding for Concord-Padgett Regional Airport in FY24. These grant funds will be used for the purpose of funding improvements to the North Apron Expansion.

**Recommendation:** Motion to accept the grant award and adopt an ordinance to amend the FY24 Budget Ordinance for the Airport Operations to appropriate NCDOT FY24 grant funds.

**H. Consider approving a \$2,500 donation from the Mayor's Golf Tournament Fund to Vegan Love Culture Foundation and to adopt a budget ordinance appropriating the donation.**

The Vegan Love Culture Foundation mission is to raise community awareness about health, both physical and mental, for global impact support. If approved, the funds will be used for the Vegan Love Culture Foundation's Logan Community Total Wellness Initiative.

**Recommendation:** Motion to approve a \$2,500 donation from the Mayor's Golf Tournament Fund to Vegan Love Culture Foundation and to adopt a budget ordinance appropriating the donation.

**I. Consider adopting an ordinance to amend the FY 2023/2024 Budget Ordinance for the General Fund to appropriate unspent FY 2023 funds for the McGill property.**

Funds were appropriated in the FY 2022/2023 budget for the purchase and remediation of the McGill property. All of these funds were not spent prior to year end. The attached budget ordinance appropriates these left over funds from fund balance so they can be spent in the FY 2023/2024 budget.

**Recommendation:** Motion to adopt an ordinance to amend the FY 2023/2024 Budget Ordinance for the General Fund to appropriate unspent FY 2023 funds for the McGill property.

**J. Consider adopting an ordinance to amend the FY 2023/2024 Budget Ordinance for the General Fund to appropriate excess FY23 sales tax revenue to contingency.**

The attached budget ordinance appropriates excess FY23 sales tax revenue to contingency.

**Recommendation:** Motion to adopt an ordinance to amend the FY 2023/2024 Budget Ordinance for the General Fund to appropriate excess FY23 sales tax revenue to contingency.

**K. Consider adopting an ordinance to amend the Concord-Padgett Regional Airport operating budget to adjust for the Non-Federal Reimbursable agreement with DOT-Federal Aviation Administration for the modifications to the MALSR for the runway widening project.**

The modifications were approved at the September 14, 2023 City Council meeting.

**Recommendation:** Motion to adopt Concord-Padgett Regional Airport operating budget amendment for the Non-Federal Reimbursable agreement with DOT-Federal Aviation Administration for the modifications to the MALSR for the runway widening project

**L. Consider adopting an Aviation Project Fund budget amendment for the Long-Term Parking Upgrade at the Concord-Padgett Regional Airport.**

This budget amendment is to transfer funds that are under budget for the Long-Term Parking Upgrades project to be allocated to Debt Service.

**Recommendation:** Motion to adopt an Aviation Project Fund budget amendment for the Long-Term Parking Upgrade project at the Concord-Padgett Regional Airport.

**M. Consider approving revised policies and procedures manual for Concord's Community Development Block Grant (CDBG) to include new requirements.**

As an entitlement city, Concord annually receives Community Development Block Grant (CDBG) funding from the Department of Housing and Urban Development (HUD). As such, Concord is responsible for ensuring all activities follow regulation changes which are routinely monitored by HUD. During recent HUD trainings, variations were noted between Concord's CDBG manual and programmatic updates. The revised policies and procedure manual is now fully in compliance. All edits and corrections were guided by the Consortium HUD representative.

**Recommendation:** Motion to approve revised policies and procedures manual for Concord's Community Development Block Grant (CDBG) to include new requirements.

**N. Consider amending Article 5.10 Political Activities in the Personnel Policies and Procedures manual to reflect an exception for holding political office for the Cabarrus County School Board and/or running in a partisan election for the Cabarrus County School Board.**

Staff recommends an update to Article 5.10 Political Activities to allow City coworkers to hold a political office for the Cabarrus County School Board and/or run for office in partisan elections for the Cabarrus County School Board.

**Recommendation:** Motion to amend Article 5.10 Political Activities in the Personnel Policies and Procedures manual.

**O. Consider acceptance of the Tax Office reports for the month of August 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 August 2023.

**P. Consider Approval of Tax Releases/Refunds from the Tax Collection Office for the month of August 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 August 2023.

**Q. Receive monthly report on status of investments as of August 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.