



City Council Agenda

Thursday, November 9, 2023

6:00 PM

3rd floor Council Chambers at City Hall

Cell phones are to be turned off or placed on vibrate during the meeting. Please exit the Council Chambers before using your cell phone.

The agenda is prepared and distributed on Friday preceding the meeting to Council and news media. A work session is then held on the Tuesday preceding the regular meeting at 4:00 pm.

I. Call to Order

II. Pledge of Allegiance and Moment of Silent Prayer

III. Approval of Minutes

October 10, and October 12, 2023.

IV. Presentations

1. Presentation of a Proclamation recognizing the month of November as National Native American Heritage Month.

2. Presentation of the 2023 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.

3. Presentation of plaque and recognition of Cabarrus County Assistant District Attorney for her role in prosecuting local offenders responsible for contributing to violence and drug crimes. The Cabarrus County District Attorney's Office has been a key partner in addressing drug crimes, particularly opioid related drug crimes, that often have a nexus to violence. Since 2020, this particular Assistant District Attorney, Sydney Carter, has taken an active role in holding offenders accountable for their actions. ADA Carter partnered with members of the Police Department to address a national trend related to organized drug crimes. ADA Carter closes the loop of justice, with courtroom prosecutions for those responsible for the drug trade and violence in our community.

V. Unfinished Business

1. 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.

VI. New Business

A. Informational Items

1. Receive a presentation from WSACC Engineering Director, Chad VonCannon, on the progress and estimated completion of each phase of the Rocky River expansion.

B. Departmental Reports

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

C. Recognition of Persons Requesting to be Heard

D. Public Hearings

1. **Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a one-year/85% tax-based infrastructure development grant to Nicolock Paving Stones, LLC, to locate at 3010 New Town Way SW, Concord, NC 28027.**

Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities.

The 50,000 SF manufacturing facility will include manufacturing of concrete pavers, splitting of retaining walls, architectural landscape products for manufacture and wholesale distribution. The project is proposing an investment of approximately \$22,000,000 in real and personal property and expects to create approximately 30 full-time jobs with average yearly wages between \$65,000 and \$75,000. The total value of the City's three-year grant is estimated to equal \$231,826 depending on the actual investment. The City would still collect a three-year net revenue of \$40,910 after the incentive payment. Please see the attached grant analysis for additional details.

Recommendation: Conduct a public hearing and consider offering a contract for a three-year/85% tax-based economic development incentive grant to Nicolock Paving Stones, LLC to manufacture concrete pavers, splitting of retaining walls and architectural landscape products for manufacture and wholesale distribution located at 3010 New Town Way SW, Concord, NC 28027.

2. **Consider adopting an ordinance annexing +/- 3.17 acres on Quay Rd., PINs 4589-43-9666; 4589-53-1551; 4589-43-9724, are owned by Elizabeth & Ray Kirkpatrick and Ryan & Emily Hyatt (the authorized petitioner for the annexation is FRED-Charlotte HC, LLC).**

The request is for voluntary annexation of +/- 3.17 acres of property on Quay Rd. The property is currently zoned Cabarrus County LI (Limited Industrial). If annexation is approved, the request for zoning to City of Concord RC-CD (Residential Compact - Conditional) will be presented to the Planning and Zoning Commission. The annexation petition has been submitted as an addition to the previously approved

conditional rezoning of 9001 Quay Rd. This annexation will provide an opportunity to propose a modification to the location of a previously approved storm water pond, and provide additional open space, including a dog path and walking path. The subject parcel is located within the Mixed-Use Activity Center (MUAC) Land Use Category of the 2030 Land Use Plan where RC-CD is listed as a corresponding zoning district.

Recommendation: Consider making a motion to adopt the annexation ordinance and set the effective date for November 9, 2023.

E. Presentation of Petitions and Requests

1. Consider an update to the FY24 Compensation Plan Grade Assignments.

In July of 2023, the City contracted with Guerrilla HR to conduct a comprehensive market pricing study to help formulate the City's overall compensation strategy and address internal equity as well as external competitiveness.

Becky Drozdz, HR & Compensation Consultant, with Guerrilla HR will be present at the November City Council work session to present information from the comprehensive market pricing study.

Staff recommends implementing the results of the compensation study and updating the FY24 compensation plan grade assignments to reflect these changes.

Recommendation: Motion to adopt the updated FY24 Compensation Plan Grade Assignments.

2. Consider approving a City loan assumption by Smith Sports, LLC for property at PIN # 5620-87-4199 with a ten year term at 2% interest.

The City of Concord has a loan for CEJS LLC (Carolina Courts) that ends in April 2035 with an interest rate of 2% and monthly payments of \$7,425.45. The loan assumption by Smith Sports, LLC would reduce the term to ten years with a maturity date of November 2033. The interest rate would remain the same and the monthly loan payments would be \$8,290.15. The loan balance assumed would be \$900,971.19.

Smith Arenas is purchasing Carolina Courts with the goal of increasing activities and sporting events at the facility. They intend to work closely with the Cabarrus Visitors Bureau to attract tournaments that result in hotel stays and spending in the local economy for food and entertainment. Another goal of Smith Arenas is to better connect the facility with Downtown to have a greater impact on the local businesses.

Closing on the property is expected to be in early December and the first loan payment to the City will begin on January 1, 2024.

Recommendation: Motion to approve a loan assumption by Smith Sports, LLC for property at PIN # 5620-87-4199 with a ten-year term at 2% interest.

3. Consider abandoning easements across property at Red Hill Subdivision (Niblock Homes, LLC, PIN 5611 52 6444 0000).

There is a sewer easement recorded in Deed Book 1945 Page 158 and a Board of Light and Water easement recorded in Deed Book 302 Page 402. This parcel is being developed with a single-family subdivision and the sanitary sewer is being rerouted to accommodate the approved subdivision plan. There is no longer a need for the existing easements.

Recommendation: Motion to approve the attached resolution authorizing the Abandonment of an easement.

4. Consider a Preliminary Application from John David Mills.

In accordance with City Code Chapter 62, John David Mills has submitted a preliminary application to receive water service outside the City limits. The property is located at 4210 Mills Circle. This parcel is within subarea A of the Central Area Plan Interlocal agreement with the county. It is zoned county AO (Agricultural). The parcel is a single service lot of record in existence as of June 30, 2008, and is currently developed with a single-family home.

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

VII. Consent Agenda

A. Consider authorizing the City Manager to accept the 2023 Patrick Leahy Bulletproof Vest Partnership Grant from the United States Department of Justice and to adopt a budget ordinance appropriating the grant funds.

The Police Department has been awarded the 2023 Patrick Leahy Bulletproof Vest Partnership Grant from the United States Department of Justice: Office of Justice Programs in the amount of \$3,306. The Council approved the Police Department to apply for this award on June 08, 2023. This program reimburses agencies up to 50% of the costs of new uniquely fitted bulletproof vests.

Recommendation: Motion to authorize the City Manager to accept the 2023 Patrick Leahy Bulletproof Vest Partnership Grant from the United States Department of Justice and to adopt a budget ordinance appropriating the grant funds.

B. Consider accepting an offer of infrastructure at Westwinds Production Facility-NASCAR.

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. 5 LF of 6-inch water line, 1 valve and 1 hydrant.

Recommendation: Motion to accept an offer of infrastructure at Westwinds Production Facility-NASCAR.

C. 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: Cannon Run Subdivision Phase 3, Ramdin Court NW, and Axial Bonds Farm – Tract 1. Various utility easements and public rights-of-way are offered by the owners.

Recommendation: Motion to accept the offer of dedication on the following plat and easements: Cannon Run Subdivision Phase 3, Ramdin Court NW, and Axial Bonds Farm, Tract 1.

D. Consider reallocating \$ 10,655.01 in Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding to repair ventilation issue at Coltrane LIFE Center.

In August of 2020, Council approved CARES funds to Prosperity Unlimited to respond to mortgage needs within Concord. Due to the foreclosure moratorium being extended and the North Carolina Housing Finance Agency (NCHFA) American Rescue Plan backed mortgage assistance, Prosperity requested to return the funds to ensure other community needs can be met.

In September of 2022, Council approved allocations totaling \$109,582.34 for three agencies to address unmet rental assistance needs and homeless needs. To fully expend funds, staff has reached out to public service agencies who received previous allocations to assess the continued COVID related needs. Coltrane LIFE Center informed staff of a venting issue that was allowing interior air to be recirculated back into the building increasing possible COVID exposure to persons in the building. HUD has confirmed this is an allowable use of funds.

Recommendation: Motion to approve reallocating \$10,655.01 in Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding to repair ventilation issue at Coltrane LIFE Center.

E. Consider approving the funds from the 2021 Capital Fund Grant award from the US Department of Housing and Urban Development (HUD) and adopt a budget ordinance in the amount of \$1,724.

HUD has awarded the Housing Department an additional \$1,724 to assist with projects in the 2021 Capital Fund Grant.

Recommendation: Make a motion to accept the 2021 Capital Fund Grant award from HUD and adopt a budget ordinance in the amount of \$1,724.

F. Consider approving the funds from the 2022 Capital Fund Grant award from the US Department of Housing and Urban Development (HUD) and adopt a budget ordinance in the amount of \$1,681.00.

HUD has awarded the Housing Department \$1,681 to assist with projects in the 2022 Capital Fund Grant.

Recommendation: Make a motion to accept the 2022 Capital Fund Grant award from HUD and adopt a budget ordinance in the amount of \$1,681.

G. Consider approving the funds from the 2023 Capital Fund Grant award from the US Department of Housing and Urban Development (HUD) and adopt a budget ordinance in the amount of \$1,489.

HUD has awarded the Housing Department \$1,489 to assist with projects in the 2023 Capital Fund Grant.

Recommendation: Make a motion to accept the 2023 Capital Fund Grant award from HUD and adopt a budget ordinance in the amount of \$1,489.

H. Consider adopting an Aviation Project Fund budget amendment for the Transfer of Project Funds from North Apron Roadway to Hangar TaxiLane Rehabilitation Project at the Concord-Padgett Regional Airport.

This budget amendment is to transfer funds that are under budget for the North Apron Roadway project to be allocated to Hangar TaxiLane Rehabilitation Project.

Recommendation: Motion to adopt an Aviation Project Fund budget amendment for the Transfer of Project Funds from North Apron Roadway to Hangar TaxiLane Rehabilitation project at the Concord-Padgett Regional Airport.

I. Consider adopting an ordinance to amend the FY 2023/2024 Budget Ordinance for the Electric Fund.

Staff is recommending the attached budget amendment to appropriate a portion of FY23 earnings that closed to retained earnings to increase the rate stabilization reserve by \$3,000,000. The rate stabilization reserve was reduced in FY22 due to natural gas price increases and this budget amendment will allow a portion of the amount used to be replenished.

Recommendation: Motion to adopt an ordinance to amend the FY 2023/2024 Budget Ordinance for the Electric Fund.

J. Consider adopting a Wastewater Project Fund project ordinance.

Staff is requesting to remove funding for the Bruton Smith Sewer Upsize project as it is no longer needed. The funds will be transferred to the future projects account.

Recommendation: Motion to adopt a Wastewater Project Fund project ordinance.

K. Consider adopting a Water Project fund project ordinance.

Staff is recommending combining the two Hillgrove projects that were originally adopted as separate project budgets. These two projects are now planned to be bid as one project and will be funded by revenue bonds. Staff is also requesting to move funds previously budgeted for Coddle Creek Dewatering project to the Chlorine Room Rehab project.

Recommendation: Motion to adopt a Water Project fund project ordinance.

L. Receive quarterly report on water and wastewater extension permits issued by the Engineering Department in the third quarter of 2023.

In accordance with City Code Chapter 62, attached is a report outlining the water and wastewater extension permits that were issued between July 1, 2023 and September 30, 2023.

Recommendation: Motion to receive the third quarter water and wastewater extension report for 2023.

M. Consider the required reporting related to the annual information on the Identity Theft Program.

Staff is required to review the City's Identity Theft Detection and Prevention Program each year to ensure that the City is in compliance and to ensure that the policy remains current. Staff is also required to disclose to City Council any identity theft issues that have been noted in the past 12 months. Staff has reviewed the current policy and has found no issues. The identity theft issues are detailed in the attached document for your review.

Recommendation: Motion to accept the annual report on the City's Identity Theft Program.

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

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

P. Receive monthly report on status of investments as of September 30, 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 ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE CITY CLERK AT (704) 920-5205 AT LEAST FORTY-EIGHT HOURS PRIOR TO THE MEETING.