



City Council Agenda

Thursday, January 11, 2024

6:00 PM

City Hall

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

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

I. Call to Order

II. Pledge of Allegiance and Moment of Silent Prayer

III. Approval of Minutes

November 21, December 12, and December 14, 2023.

IV. Presentations

1. Presentation of retirement plaque to Major Robert Ledwell for over 25 years of loyal and dedicated service with the City of Concord Police Department.

Major Ledwell is retiring from the Concord Police Department on February 1, 2024. Throughout his 28-year career as an officer, Ledwell has lived in Concord his entire life. He was promoted to Sergeant in 2003 and served as supervisor of the crime scene unit, evidence and property division, major crimes, and other aspects of the Criminal Investigations Division. In 2012, Ledwell was promoted to Captain and immediately served as the commander of the Adam Patrol District. After being reassigned as Criminal Investigations commander in 2014, he was assigned to the Office of Management, Analysis, and Planning (OMAP). In 2019, Ledwell was promoted to the rank of Major and assigned as the Operations Bureau commander. From 2022 to his retirement, Major Ledwell served as the Commander of the Patrol Bureau.

2. Presentation of retirement plaque to Captain James Alan Lee, who served over 27 years of loyal and dedicated service with the City of Concord Police Department.

Captain Lee is retiring from the Concord Police Department on February 1, 2024. Throughout his 27-year career as an officer, he served the department in various positions, including patrol officer, criminal investigation, traffic safety unit, and the department's ABC officer. During his tenure, Captain Lee received his Law Enforcement General Instructor certification and the Advanced Law Enforcement certification from the North Carolina Law Enforcement Training and Standards Commission. In 2006, Alan was promoted to Sergeant where he served as the recruiting and training supervisor for the Professional Standards Division. Alan was promoted to Captain in 2014 and assigned as the Adam District Commander and later the Charlie District Commander until his retirement. Under his leadership, Charlie District established a reduction of part 1 crimes in four out of the last five years. During his service, Captain Lee received the following awards: the Bank of America Hometown Hero, Community Service, and Coworker of the Month.

3. Presentation of a Proclamation recognizing January 15, 2024 as Dr. Martin Luther King, Jr. Day.

V. Unfinished Business

VI. New Business

A. Informational Items

1. Receive the results of the Cabarrus County Arts & Prosperity Survey at the City Council Work Session.

Cabarrus Arts Council Executive Director, Liz Fitzgerald, will present the survey results.

2. Receive a presentation regarding the Local Government Language Access Collaborative Program at the City Council Work Session.

The City of Concord has been involved with the Local Government Language Access Collaborative Program offered through The University of North Carolina at Chapel Hill since January 2022. The Diversity, Equity, and Inclusion Strategist will present the program review.

B. Departmental Reports

1. Downtown Streetscape update
2. Parks and Recreation Bonds 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 five-year/85% tax-based infrastructure development grant to Concord Commerce Park to be located the corner of Concord Parkway and George Liles Parkway (PIN #'s 5509-75-4953 and 5509-86-7447) having an investment of approximately \$125,000,000 in real and personal property.

Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. The 1,287,000 square foot nine-building development will include a variety of uses which include manufacturing, warehousing, life science, distribution, and limited retail. The existing zoning is Campus District (CD) which permits all these uses and has a higher level of design standards than what is found in traditional I-2. The total value of the City's five-year grant is estimated to equal \$2,550,000 depending on the actual investment. The City would still collect a five-year net revenue of \$450,000 after the incentive payment. The grant analysis is attached for additional details.

Recommendation: Consider offering a contract for a five-year/85% tax-based infrastructure development grant to Concord Commerce Park for a total of 1,287,000 square foot nine-building development park consisting of manufacturing, warehousing, life science, distribution, and limited retail.

2. Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a three-year/85% tax-based center city district economic development incentive grant to Southpaw Investors, LLC to develop a restaurant space located at 325 McGill Avenue NW, Suite 10 having an investment of approximately \$1,385,000 in real and personal property.

Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. Southpaw Investors, LLC, proposes to develop an approximately 3,950 square foot facility that will serve as Gianni's Restaurant. This facility will house restaurant functions and associated uses and is projected to accommodate approximately 177 diners and 3 kitchen employees. Southpaw Investors, LLC, is proposing to invest approximately \$1,385,000 in real and personal property.

Recommendation: Consider offering a contract for a three-year/85% tax-based center city district economic development incentive grant to Southpaw Investors, LLC to develop a restaurant space located at 325 McGill Avenue, Suite 10.

3. Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a three-year/35% tax-based municipal service district economic development incentive grant to Morris Building, LLC for tenant investment to develop the Sawmill Tavern, located at 56 Union Street South, and the adjacent Charros Restaurant, located 48 Union Street South having an investment of approximately \$1,122,930 in real and personal property.

Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. Morris Building, LLC, proposes to develop an approximately 5,250 square foot facility that will serve as the Sawmill Tavern. This facility will house restaurant functions and associated uses and is projected to accommodate approximately 150 diners and 6 kitchen employees. Morris Building, LLC, is proposing to invest approximately \$544,555 in real and personal property.

Morris Building, LLC, is also proposing to develop an approximately 6,250 square foot facility that will serve as the Charros Restaurant. This facility will house restaurant functions and private dining space and is projected to accommodate approximately 202 diners and 8 kitchen employees. Morris Building, LLC, is proposing to invest approximately \$578,375 in real and personal property.

Morris Building, LLC, is proposing to invest a total of approximately \$1,122,930 in real and personal property in the two projects. The grant analysis is attached for additional details.

Recommendation: Consider offering a contract for a three-year/35% tax-based municipal service district economic development incentive grant to Morris Building, LLC to develop the Sawmill Tavern and Charros Restaurant, located at 56 & 46 Union Street South.

4. Conduct a public hearing for case Z-26-23 and consider adopting an ordinance amending the official zoning map for +/- 1.29 acres located at 3010 New Town Way, SW from RM-1 (Residential Medium Density) to AG (Agricultural) and to amend the 2030 Land Use Plan to modify the future land use designation of the parcel from “Industrial Employment” to “Open Space.”

The Planning and Zoning Commission heard the above referenced petition at their December 19, 2023 meeting and voted to forward the request to City Council with a recommendation that the zoning map be amended from RM-1 (Residential Medium Density) to AG (Agricultural) and to amend the 2030 Land Use Plan to designate the parcel as “Open Space.”

Recommendation: Consider adopting an ordinance amending the official zoning map from RM-1 (Residential Medium Density) to AG (Agricultural) and to amend the 2030 Land Use Plan to designate the parcel as “Open Space.”

E. Presentations of Petitions and Requests

1. Consider approving allocating \$40,000 of HOME Investment Partnership (HOME) funds to Habitat for Humanity Cabarrus County for the construction of 190 Duval Street NW.

The City of Concord and Habitat for Humanity Cabarrus County have a well-established partnership of using HOME funds to create stable, affordable housing opportunities for Concord residents who fall between 30-60% of area median income. This partnership, which began in early 2013, has seen 17 families purchase homes in the Logan and Gibson Neighborhoods. The current HOME funding request of \$40,000 would be to construct a new home located at 190 Duval Street NW located in the Gibson Community. This joint effort allows both organizations to expand reach while working together toward the common goal of rebuilding neighborhoods/communities and promoting stability through home ownership.

Habitat continues to be committed to meeting the City’s standards in construction with hardy plank siding, meeting SystemVision requirements and sealing the crawlspace. Construction would also include a front porch, two car parking pad and a landscaping package. Staff will also be working closely with Habitat to have additional visual enhancements (paint color, decorative porch railings, etc.) included on each house. As an existing partner, Habitat is familiar with all federal requirements and has been noted as a good steward of funding during HUD audits.

Recommendation: Motion to approve allocating \$40,000 of HOME Investment Partnership (HOME) funds to Habitat for Humanity Cabarrus County for the construction of 190 Duval Street NW.

2. Consider adopting a resolution directing the application to the LGC for approval of Utilities Systems Revenue Bonds; requesting LGC approval of the Utilities Systems Revenue Bonds, Series 2024 and certain related matters.

The City is planning the issuance of revenue bonds of an amount not to exceed \$25,000,000 to fund improvements at the Hillgrove Water Treatment Plant and pay the costs of issuing the 2024 Bonds. The attached resolution authorizes the Finance Director to submit an application to the LGC for approval of the 2024 Bonds, approves the financing team for the bonds, and includes other relevant information related to the issuance of the bonds.

Recommendation: Motion to adopt a resolution directing the application to the LGC for approval of Utilities Systems Revenue Bonds; requesting LGC approval of the Utilities Systems Revenue Bonds, Series 2024 and certain related matters.

3. Considering authorizing the City Manager to negotiate and execute a contract with Talbert, Bright & Ellington (TBE) to provide engineering and design and bidding services for the northern portion of the general aviation apron and taxiway "A1" rehabilitation project at Concord-Padgett Regional Airport.

Starting in 2020, the airport has upgraded approximately 25 acres of pavement for GA and Corporate Aircraft with one exception, the tie-down area and in front of Hendrick Motorsport Hangar. Last year, approximately 60% of the hangar taxiways have been rehabilitated from a pavement standpoint. The proposed project will complete the remaining hangar taxiway and apron. The project includes milling and replacing 2 inches of P-401 bituminous concrete on the northern portion of the apron system and taxiway "A1". The airport has advised FAA, Memphis ADO, that entitlement funding along with NCDOA funds will be utilized to pay for these improvements.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with TBE in the amount of \$317,831 for professional services.

4. Consider authorizing the City Manager to negotiate and execute a contract with Hazen and Sawyer for Engineering and Bid Phase Services for the Poplar Tent Area Booster Pump Station project in the amount of \$477,000.

The Poplar Tent Area Pump Station is the recently relocated pump station project that was originally to be located along Hwy 29 near George Liles Pkwy. The project was relocated due to complex issues with water line tie-ins and NCDOT issues. This location is intended to have a dual purpose of allowing movement of finished water from the Coddle Creek Water Treatment Plant to the areas served by the Hillgrove Water Treatment Plant and water purchased from Albemarle for redundancy and better usage of plant capacities, but also to eliminate the existing Rock Hill Church Rd Booster Pump Station. The Water Resources Department advertised an RFQ and received 7 interested firms. Hazen and Sawyer is the selected consultant at a negotiated fee of \$477,000.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Hazen and Sawyer for Engineering and Bid Phase Services for the Poplar Tent Area Booster Pump Station project in the amount of \$477,000.

5. Consider authorizing the City Manager to negotiate and execute a contract with ESource for Advanced Metering Infrastructure (AMI) consulting services in the total amount of \$1,076,597.

The City recently publicly advertised an RFQ for AMI consulting services. City Staff interviewed all 6 respondents. The selected vendor is ESource. ESource has a history of large successful AMI deployment projects. The proposed scope will lead the City's AMI team through a very intentional process to assure all aspects of the AMI project are successful including technology selection, system integration, vendor contract negotiations, and deployment.

The proposed scope includes services that will be provided throughout the life of the project, including deployment support. The scope and fee is structured so the City only pays for the task items needed to complete. The project schedule includes approximately one year of preliminary work (Phase 1 & 2) before the full scale deployment (Phase 3) would begin in early 2025. Phase 3 is estimated to last up to three years for full completion. The technology vendor and deployment contract(s) will come to Council for approval prior to advancing to Phase 3.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with ESource for Advanced Metering Infrastructure (AMI) consulting services in the total amount of \$1,076,597.

6. Consider accepting a Preliminary Application from William Niblock.

In accordance with City Code Chapter 62, William Niblock has submitted a preliminary application to receive water service outside the City limits. The property is located at 8805 Poplar Tent Road. It is zoned LDR. The parcel lot of record has been in existence as of 1978 as part of Beech Bluff and is being developed with a single family home. There is both water and sewer available.

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

7. Consider accepting a Preliminary Application from Skiold Nino and Mildrey Mendoza.

In accordance with City Code Chapter 62, Skiold Nino and Mildrey Mendoza have submitted preliminary applications for water service at 3802 Solen Drive Harrisburg, NC, which is located outside of the City limits. The property is currently developed with a single family home. The property is zoned RE and City sanitary 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.

8. Consider a Preliminary Application from Matthew and Claudia Pigg.

In accordance with City Code Chapter 62, Matthew and Claudia Pigg have submitted a preliminary application to receive water service outside the City limits. The property is located at 3605 Mill Bridge Rd. It is zoned county AO (Agriculture/Open Space). The property is being developed with a single family home and City sanitary sewer is not available to this parcel.

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

9. Consider appointing or reappointing two elected officials to the Concord/Kannapolis Transit Commission. The Concord Kannapolis Transit Commission is comprised of two elected officials from each city (Concord and Kannapolis) that serve 3-year terms. The current Concord members' terms expired on 12/31/23. Current members are Council Member Stocks and Council Member Sweat. There is no limit to the number of times an elected official can be appointed to this board.

Recommendation: Motion to appoint or reappoint two elected officials to serve on the Concord Kannapolis Transit Commission until 12/31/26.

VII. Consent Agenda

A. Consider adopting a resolution updating the current approved depositories for the City of Concord.

The attached resolution and the attached list of pooling banks for N.C. is submitted for City Council approval. Although the City has a contract with Wells Fargo, the central depository for the City, the City also has relationships with many other financial institutions in regards to investment activities and debt relationships. A list of pooling banks is attached for review.

This list represents banks that the Treasurer's office currently works with to receive deposits for State agencies. These banks agree to comply with State guidelines to operate as a depository of State funds. Staff is requesting these financial institutions be approved.

Recommendation: Motion to adopt a resolution to designate allowed depositories for the City.

B. Consider authorizing the Information Technology department to apply for the State and Local Cybersecurity Grant Program.

The Information Technology department is requesting up to \$200,000 to improve the City's cybersecurity posture from the NC Department of Public Safety SLCGP (State and Local Cybersecurity Grant Program). Funding information can be found at: <https://www.ncdps.gov/SLCGP>. The proposed project will be aligned to Elements 1 – 5 on the Required Elements section.

Recommendation: Motion to authorize the Information Technology Department to apply for the State and Local Cybersecurity Grant Program.

C. Consider authorizing Concord-Padgett Regional Airport to accept the FY24 North Carolina Department of Transportation-Transportation Reserve Directed Funding (TRDF) and 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 TRDF grant funds in the amount of \$5,000,000 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 Roadway. This would extend Aviation Blvd. past the Hendrick Motorsports hangar to the North and provide access to a future hangar development site, including utilities for the future hangar.

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

D. Consider authorizing the City Manager to accept the FY24 North Carolina General Assembly House Bill 259 Grant award and adopt a budget ordinance.

The Concord Police Department has been awarded the FY24 North Carolina General Assembly House Bill 259 Grant award. This grant is funded through the North Carolina Office of State Budget and Management. The award will fund \$1,069,765 to the Concord Police Department for capital improvements or equipment at the Police Department.

Recommendation: Motion to authorize the City Manager to accept the FY24 North Carolina General Assembly House Bill 259 Grant award and to adopt a budget ordinance.

E. Consider authorizing the City Manager to execute the Inter-jurisdictional Pre-treatment agreement with the Water and Sewer Authority of Cabarrus County.

This agreement provides a legal mechanism for WSACC to administer their industrial pre-treatment program as required by their NPDES discharge permit.

Recommendation: Motion to authorize the City Manager to execute the Inter-jurisdictional Pre-treatment agreement.

F. Consider adopting a resolution approving the approval of the updated Water Shortage Response Plan.

The updated WSRP was recently accepted by the State and needs to be formally adopted by City Council. The Plan sets forth actions required under certain drought conditions.

Recommendation: Motion to adopt a resolution approving the new Water Shortage Response Plan.

G. 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: JPO Christenbury, LP (PIN 4589-47-5971) 9101 Edenbury Dr., Concord, NC. 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 to the following properties: JPO Christenbury, LP.

H. 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 III, LLC. (PIN 5611-52-6444) Lucky Dr., Concord, NC. 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 to the following properties: Niblock-Richardson Development III, LLC.

I. Consider accepting an offer of infrastructure at Settlers Landing Offices Lot 290 and Province Green Pump Station elimination.

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: 68 LF of 6-inch water line, 16 LF of 2-inch water line, 4 valves, 2,946 LF of 12-inch sanitary sewer and 8 manholes.

Recommendation: Motion to accept an offer of infrastructure at Settlers Landing Office, Lot 290 and Province Green Pump Station elimination.

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

Staff is requesting retained earnings from prior year's earnings be used to purchase an irrigation cabinet in the current year. The use of the funds would not reduce the retained earnings below the reserve required by policy.

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

K. Consider accepting the semi annual debt status report as of December 31, 2023.

The City's debt report as of December 31, 2023 is presented for the City Council's review.

Recommendation: Motion to accept the semi annual debt status report as of December 31, 2023.

L. Consider acceptance of the Tax Office reports for the month of November 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 November 2023.

M. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of November 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 November 2023.

N. Receive monthly report on status of investments as of November 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

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.