



City Council Agenda

Thursday, February 8, 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

December 19, 2023, January 9 and January 11, 2024.

IV. Presentations

1. Recognition of the City receiving the designation of Tree City USA for the fifth consecutive year.

The City has achieved the designation of Tree City USA for the last 5 years with its most recent designation in January for the year 2023. The following are the four standards that must be met each year to be certified: 1. A Tree Board or Department; 2. A Public Tree Care Ordinance; 3. A Community Forestry Program & Annual Budget of \$2.00 per capita; and 4. Arbor Day Observance & Proclamation.

This designation demonstrates that the City recognizes the benefits trees provide to our community and that they are worth investing in and promoting. Trees provide environmental, economic, and social value while beautifying our City making it an attractive place to live. A healthy urban forest incorporated into the design of the community is an investment in the health and welfare of our citizens and future generations.

In the last 5 years the City, in partnership with All Saints Church and Carolina Power Partners, has given away 1,283 trees to citizens of Concord through the Arbor Day Foundation's Energy Saving Trees Program. Over the next 20 years, these trees will absorb 9,208 lbs. of air pollutants, will sequester 4.80 million lbs. of carbon, and save 2.78 million kW hours. Additionally, the City has planted 526 trees at City parks, greenways, and facilities. 40 of these trees were gifted by the citizens of Concord through the City's Memorial Tree Program.

2. Presentation of a Proclamation recognizing the month of February as Black History Month.

V. Unfinished Business

VI. New Business

A. Informational Items

1. Receive the results of the Cabarrus County Arts & Prosperity Survey at the February 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. Parks and Recreation Bonds update
2. Downtown Streetscape Update

C. Public Hearings

1. Conduct a public hearing and consider adopting the 2024 Revision of the City of Concord Comprehensive Transportation Plan.

The City of Concord Comprehensive Transportation Plan (CTP) is the City's long-range transportation document for local roadway improvements. The CTP's Map shows existing and future alignments of thoroughfares and collector streets along with pedestrian, bicycle, greenway and transit facilities in the City while its associated Street Appendix shows schedules consisting of existing cross sections and rights-of-way, future cross sections, and future rights-of-way. The CTP is a coordinated sub-set of the Cabarrus-Rowan MPO's Comprehensive Transportation Plan (CRMPO-CTP). The Cabarrus-Rowan MPO is the designated planning agency for all transportation projects in Cabarrus and Rowan counties, and the CRMPO-CTP is a financially unconstrained view of the future roadway network in Cabarrus and Rowan counties.

As planning documents from adjoining jurisdictions, the State, and the MPO change, roadway networks expand, development occurs, and land use changes. The current City of Concord CTP is evaluated annually by staff to reflect changes to street classifications and future roadway, pedestrian, bicycle, greenway alignments, as well as transit. Public comment is essential in providing a complete and comprehensive CTP, and this public hearing is an opportunity for developers and citizens to formally participate in the process. An up-to-date CTP is a tool that the public and City staff from multiple departments use in planning infrastructure needs and requirements. The 2024 Revision of the CTP's Map, upon adoption by City Council, will be recorded at the Cabarrus County Register of Deeds.

Recommendation: Motion to conduct a public hearing and adopt the 2024 Revision of the City of Concord Comprehensive Transportation Plan.

D. Recognition of Persons Requesting to be Heard

E. Presentations of Petitions and Requests

1. Consider entering into an Agreement with the North Carolina Department of Transportation (NCDOT) covering work to be performed under Project Agreement ID No. 12790, TIP # BL-0087 - WBS Elements 50848.1.1, 50848.2.1, and 50848.3.1 for the Construction of Sidewalks along Elm Ave, Glenn St, Crowell Dr and Cedar Dr.

It is requested that City Council enter into an Agreement ID No. 12790 with the NCDOT to support the Project as outlined in the agreement. On December 8, 2022, City Council supported the application to pursue Transportation Alternatives Program (TAP) funding through the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO). Subsequently, the funds were awarded for the subject project. This agreement is for the construction of sidewalks on Elm Avenue from Glenn Street to Alexander Street, Glenn Street from Elm Avenue to Academy Avenue, Crowell Drive from Clearwater Arts Center driveway to Cedar Avenue, and Cedar Drive from Georgia Street to Beech Street. The total estimate for this Project is \$1,625,000, NCDOT will participate in 80% of the estimated cost, \$1,300,000. The City of Concord will participate in 20% of the estimated cost, \$325,000. Under this Project Agreement, overpayment will be the responsibility of the City of Concord.

Recommendation: Motion that City Council enter into an Agreement with the North Carolina Department of Transportation (NCDOT) covering work to be performed under Project Agreement ID No. 12790, TIP # BL-0087 - WBS Elements 50848.1.1, 50848.2.1, and 50848.3.1 for the Construction of Sidewalks along Elm Ave, Glenn St, Crowell Dr and Cedar Dr.

2. Consider authorizing City Manager to execute amendment #2 to the North Apron Access Road, Work Authorization 2204, Project No. 2203-2204.

Last year, the General Assembly appropriated \$5.0 million for a new access road for a corporate hangar at Concord Padgett Regional Airport (CPRA). The initial professional services contract did not include utilities as part of the scope work. The original design contract was approved prior to the appropriations. Preliminary cost estimates for the proposed roadway is under the \$5.0 million. It is the best interest of the City to move forward with the design of the utilities while completing the design for the new roadway. The total cost for Amendment #2 is \$89,876. The North Carolina Department of Aviation executed and approved the grant on January 11, 2024.

Recommendation: Motion to authorize the City Manager to execute amendment #2 to the North Apron Access Road, Work Authorization 2204, Project No. 2203-2204.

3. Consider awarding two bids in the amount of \$288,029.56 to Siemens and ABB for new 48.3 & 15.5 kV circuit breakers.

Delivery 1, located at 801 Florence Ave, is being upgraded to include a new main breaker as well as a replacement feeder breaker. Siemens will supply the 48.3kV breakers for a total cost of \$181,029. Sub K, located at 434 Business Blvd, is being upgraded to replace all four of the feeder breakers. ABB will supply the 15.5kV breakers for a total cost of \$107,000.56.

Bid specifications for 48.3 & 15.5 kV breakers were developed and a formal bid opening was held on January 11, 2024. Six manufacturers submitted bids, which were evaluated by staff for adherence to specifications. GE was the lowest bidder for schedule I. However, GE's bid did not include all the equipment specified, therefore GE withdrew the bid. This made Siemens the lowest bidder. Concord's high voltage substations currently contain Siemens breakers.

JST was the lowest bidder for schedule II. Electric Department staff and the Consulting Engineer are unfamiliar with JST breakers. User and reference lists were requested, but not received when requested. Therefore, it was not recommended to award the bid to JST. The next lowest bidder was ABB. ABB is a well-known manufacturer with equipment in many City substations.

Recommendation: Motion to award two bids in the amount of \$288,029.56 to Siemens and ABB for new 48.3 & 15.5 kV circuit breakers.

4. Consider adopting a bond order authorizing the issuance of utilities system revenue bonds of the City of Concord.

City Council previously adopted a resolution at a meeting held on January 10, 2024 making certain findings of fact and directing the application to the Commission for approval of City of Concord, North Carolina Utilities Systems Revenue Bonds, Series 2024 (the "2024 Bonds") and hereby further determines to issue 2024 Bonds in an aggregate principal amount not to exceed \$25,000,000 to (1) finance various improvements to the City's water, wastewater and electric systems, including upgrades and process enhancements to the Hillgrove Water Treatment Plant (the "Projects") and (2) pay the costs of issuing the 2024 Bonds.

Recommendation: Motion to adopt a bond order authorizing the issuance of utilities system revenue bonds of the City of Concord.

5. Consider adopting an updated reimbursement resolution declaring the intent of the City of Concord to reimburse itself for capital expenditures incurred in connection with the financing of public safety facilities and communications building from the proceeds of an installment financing contract.

City Council previously adopted a reimbursement resolution on June 8, 2023 related to (1) the construction of public safety facilities, including a new fire station, police substation and associated furnishings at Concord-Padgett Regional Airport and (2) the construction of a Communications Building on property behind Fire Station 3 (collectively, the "Projects"). The updated resolution updates the cost, description and timing of the Projects.

Recommendation: Motion to adopt an updated reimbursement resolution declaring the intent of the City of Concord to reimburse itself for capital expenditures incurred in connection with the financing of public safety facilities and communications building from the proceeds of an installment financing contract.

6. Consider adopting an ordinance adding Article X Social Districts to the City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks, and other Public Places.

In September of 2021, NC passed a law (HB890) that allows local city and county governments to create alcohol social districts (social districts). Social districts loosen restrictions for pedestrians carrying open alcohol containers away from on-premises alcohol outlets (bars and restaurants) where the beverage was purchased. Social districts require signage denoting boundaries, responsible consumption messages on cups, Alcoholic Beverage Control (ABC) licensure, clearly defined days, and hours of operation, and posted maps and signage at boundaries.

Staff conducted extensive research on other NC Cities with Social Districts. Key points of the ordinance were discussed with the downtown merchants who attended the in-person Merchant Meeting held on December 11, 2023.

Recommendation: Motion to adopt an ordinance adding Article X, Social Districts, to the City of Concord Code of Ordinances, Chapter 50, Streets, Sidewalks, and other Public Places effective August 1, 2024.

7. Consider approving the Concord Co-Sponsorship applications for annual recurring events in 2024 and January 2025.

In 2023, City Council approved multiple co-sponsorship applications, three of which are events that occur annually. In 2024, these events will include the Concord International Festival in October, two Art Walks on Union in April and September, and the MLK Jr. March and Wreath Laying Ceremony in January 2025. Applicants will still be required to submit the required application and supporting documents for review. These applications will only be brought back before City Council if there is a substantial increase in costs to the City, for the in-kind services requested.

Recommendation: Motion to approve the recurring Concord Co-Sponsorship applications for events that will take place in 2024 and January 2025.

8. Consider approving benefit plan rates for the City of Concord for FY25 and authorize the City Manager to negotiate, conclude, and execute contracts with plan providers.

The City continues to offer three market competitive medical plans administered by BCBSNC. Coworkers have the flexibility to choose the plan that is best for their families' needs. At the beginning of FY24, the City increased the number of coworkers in the Solid Waste Department and brought IT in-house, resulting in an increase in enrollment and total members covered by the plans.

Due to favorable plan experience, Gallagher is projecting no increase to the budget on a per coworker per year basis; however, the additional headcount and plan enrollment shifts result in a \$917,000 increase to the gross medical budget (\$14,417,000). The recommendation is to keep coworker medical contributions the same, for the fifth year in a row. The net budget after coworker contributions is estimated at \$12,900,000. For FY25, staff is projecting no increase to the medical budget with no changes at all. The recommendation for FY25 is to leave coworker contributions unchanged from FY24.

Recommendation: Motion to approve the plan design for the City of Concord benefit plans for FY25 and authorize the City manager to negotiate, conclude, and execute contracts with plan providers.

9. Consider authorizing the City Manager to negotiate and execute a contract with Double D Construction Services, Inc. for the asbestos abatement and demolition of City owned buildings at 228 and 234-240 McGill Ave.

The buildings located at 228 and 234-240 McGill Ave have a combined area of 8,789 square feet and are in poor structural conditions. The project consists of the abatement of asbestos containing materials, the demolition and disposal of the buildings, and the filling-in of any voids left after the demolition. The project was publicly bid and five (5) bids were received. The lowest responsive bidder was Double D Construction Services, Inc. in the amount of \$132,609.13.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Double D Construction Services, Inc. for the asbestos abatement and demolition of the buildings located at 228 and 234-240 McGill Ave in the amount of \$132,609.13.

10. Consider a Preliminary Application from Bonds Real Estate.

In accordance with City Code Chapter 62, Bonds Real Estate has submitted a preliminary application to receive water service outside the City limits. The property is located at 2701 Derita Road. It is zoned LI (Limited Industrial). The parcel is contiguous to the City limits and is already served by sewer. The existing well is failing.

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

VII. Consent Agenda

A. Consider authorizing the Fire and Life Safety Department to apply for the FY2023 Department of Homeland Security-Assistance to Firefighters Grant (AFG).

The intent of the grant would be for the replacement of the current self-contained breathing apparatuses (SCBAs) slated for replacement in the FY25 budget. This is a 10% matching grant for the City for the total cost of the project.

Recommendation: Motion to authorize the Fire and Life Safety Department to apply for the FY2023 Department of Homeland Security Assistance Firefighters Grant.

B. Consider authorizing acceptance of 2023 Cabarrus County Matching Incentive Grant award on behalf of Concord Rotary Club for bicycle repair stations along with concrete pads, bike racks and benches.

In September 2023, the Concord Rotary Club made an application to the Cabarrus County Matching Incentive Grant program administered by the Active Living & Parks Department (ALP) in hopes of providing bicycle repair stations, bike racks and benches for use by the public at three City locations; McGee Park, the Brown Mill Mountain Bike Trail parking lot, and the trailhead of the Mills at Rocky River section of the Hector H. Henry Greenway. The Rotary Club intended to provide a 50% match of up to \$7,500, leveraging County funding for the purchase and installation of these items at the three locations in an amount not to exceed \$15,000.

In December 2023, County staff announced that the Rotary Club had been awarded the grant. Parks & Recreation staff have worked with ALP staff and the Rotary Club to scope the final project. All materials will be purchased by ALP. Concrete pad installation will be provided by Liles Construction (an in-kind Rotary Club donation) and installation of the repair stations, racks and benches will be completed by the City of Concord Buildings & Grounds Department. After completion, the City will own and maintain these items.

Recommendation: Motion to authorize acceptance of the Cabarrus County/Concord Rotary Club grant award of bicycle repair stations, bike racks and benches for City recreation facility locations.

C. Consider authorizing the City Manager to execute a contract with Martin Starnes & Associates, CPAs, P.A. for the audit of City of Concord accounts for fiscal year ending June 30, 2024.

Approval will continue the relationship between the City and Martin Starnes & Associates, CPAs, P.A. The fees are set at \$53,600 for the fiscal year ending June 30, 2024.

Recommendation: Motion to authorize the City Manager to execute a contract with Martin Starnes & Associates, CPAs, P.A. for the audit of City of Concord accounts for fiscal year ending June 30, 2024.

D. Consider accepting an offer of infrastructure at Annsborough Park PH 1 MP 2, Olde Homestead Subdivision PH 1 MP 2, Starbucks-George Liles, Cannon Run PH 2 MP 2A.

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: 3,972 LF of 8-inch water line, 55 LF of 6-inch water line, 478 LF of 2-inch water line, 18 valves and 9 Fire hydrants. 4,622 LF of 8-inch sanitary sewer line and 30 manholes. 2,350 LF of roadway.

Recommendation: Motion to accept an offer of infrastructure at Annsborough Park PH 1 MP 2, Olde Homestead Subdivision PH 1 MP 2, Starbucks-George Liles, Cannon Run PH 2 MP 2A.

E. Consider accepting an Offer of Dedication of an access easement and approval of the maintenance agreement from Christenbury Investors LLC.

In accordance with the CDO Article 4, the following access easements and maintenance agreements are now ready for approval: Christenbury Village located at 9620 Christenbury Parkway, Concord, NC, Parcel ID # 4589-27-3947. 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: Christenbury Village located at 9620 Christenbury Parkway, Concord, NC, Parcel ID # 4589-27-3947.

F. Consider accepting an Offer of Dedication of an access easement and approval of the maintenance agreement from Cabarrus County.

In accordance with the CDO Article 4, the following access easements and maintenance agreements are now ready for approval: SCM Maintenance & Access Easement to serve Cabarrus County Warehouse located 484 & 508 Cabarrus Avenue and 40 Ramdin Ct. 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: Cabarrus County Warehouse located 484 & 508 Cabarrus Avenue and 40 Ramdin Ct.

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: parcel owned by Platinum at Rocky River, LLC located at 1340 Holden Avenue, Concord, N.C. (PIN 5527-51-5799). 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: Platinum at Rocky River, LLC.

H. Consider approving a \$1,750 donation from the Mayor's Golf Tournament Fund to Run Cabarrus and adopt a budget amendment.

If approved, the funds will be used to assist with the purchase of a trailer to help Run Cabarrus transport their equipment to events.

Recommendation: Motion to approve a \$1,750 donation from the Mayor's Golf Tournament Fund to Run Cabarrus and to adopt a budget amendment.

I. Considering approving a \$2,400 donation from the Mayor's Golf Tournament Fund to Step Up To Leadership and to adopt a budget amendment.

If approved, the funds will be utilized by Step Up To Leadership to cover a portion of the \$5,600 enrollment fee for the Social Emotional workshop for seven (7) students. This workshop helps to equip students with crucial skills for personal growth and responsible citizenship. The essential standards of this program provide a continuum of lessons and opportunities for young adults to participate and interact in each session that provides substantial information to help those who struggle personally and academically.

Recommendation: Motion to approve a \$2,400 donation from the Mayor's Golf Tournament Fund To Step Up to Leadership and to adopt a budget amendment.

J. Consider adopting an ordinance to amend the FY 2023/2024 Budget Ordinance for the General Fund to appropriate contingency funds to cover repairs to the parking deck elevator.

Staff is recommending repairs to the parking deck elevator with an estimated cost of \$28,982. The attached budget ordinance appropriates contingency funds to cover the cost of these repairs.

Recommendation: Motion to adopt an ordinance to amend the FY 2023/2024 Budget Ordinance for the General Fund to appropriate contingency funds to cover repairs to the parking deck elevator.

K. Consider adopting ordinances to amend the FY2023/2024 Budget Ordinance to appropriate insurance reimbursements received.

The City of Concord received insurance reimbursements to cover repairs of damaged vehicles, buildings and equipment. The attached budget amendments will appropriate these funds to the respective impacted departments.

Recommendation: Motion to adopt ordinances to amend the FY2023/2024 Budget Ordinance to appropriate insurance reimbursements received.

L. Consider approval of the transfer of delinquent utility accounts to collections losses.

Annually, staff must review the accounts receivable utility balances and determine if any of the balances are uncollectible. The accounts that are deemed uncollectible should be transferred to collections losses. Delinquent utility accounts deemed to be uncollectible amount to \$723,553.22. The primary reason for these losses is due to bankruptcies filings and bad debts that result when someone leaves their residence without paying their final bill. Staff continues to work with legal to pursue collections methods available as well as using the Debt Setoff Program offered through the State and an independent collection agency. Account collection continues even after the account is written off.

Final accounts from July 1, 2022 - June 30, 2023. These revenues are less than 1% of the total operating revenues for each utility - Electric \$507,313.03; Water \$106,072.70; Wastewater \$82,767.34; Stormwater \$17,508.88; and Environmental Services \$9,891.27.

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

M. Receive quarterly report on water and wastewater extension permits issued by the Engineering Department in the fourth 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 October 1, 2023 and December 31, 2023.

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

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

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

P. Receive monthly report on status of investments as of December 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

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.