



City Council Agenda
Thursday, April 11, 2024
6:00 PM

City Hall, 35 Cabarrus Ave, W, Concord, NC 28025

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

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

I. Call to Order

II. Pledge of Allegiance and Moment of Silent Prayer

III. Approval of Minutes

February 16, February 20, March 12, and March 14, 2024.

III. Presentations

1. Presentation of the 2023 Oakwood Cemetery Military Burial Roster from Mr. Tom Faggart, on behalf of the American Legion Post 51, to the City of Concord, the Concord Police Department, and Oakwood Cemetery.

This edition contains the names of 1,619 war casualties and veterans buried in Oakwood Cemetery. It is also dedicated to Mexican Punitive Expedition and WWI Veteran Private First Class and Concord Police Officer, Ralph C. Kennerly, who died on 19 October 1920 in service to the citizens of Concord.

The 2023 edition contains a biography of Officer Kennerly. A bronze American Legion medallion which was found buried just under the surface on Officer Kennerly's grave site will also be presented to the Concord Police Department.

In addition, Post 51 would also like to present during this meeting an American Legion Commendation Plaque to Kathy Dean, Regent of the Concord DAR Chapter, to recognize Kathy for her hard work in organizing the 2022 and 2023 Wreath Across America events in Oakwood Cemetery.

2. Presentation of the Distinguished Budget Award from the Government Finance Officers Association of the United States and Canada.

The Government Finance Officers Association awarded the City's FY 2023-2024 budget the Distinguished Budget Presentation Award. This national award is the highest award in government budgeting, recognizing those cities that have prepared exemplary budgets that serve as a policy document, financial plan, operations guide, and a communications device. Only a small percentage of North Carolina municipalities received this award. Receipt of the award for the FY 2024 budget marks the 22nd consecutive year the City has been awarded this recognition.

3. Presentation of a Proclamation recognizing April 18th, 2024 as National Lineworker Appreciation Day in the City of Concord.

4. Presentation of a Proclamation recognizing May 9, 2024 as Social Action Day in honor of the Concord Alumnae Chapter of Delta Sigma Theta Sorority, Inc.

V. Unfinished Business

VI. New Business

A. Informational Items

B. Departmental Reports

- 1. Parks and Recreation Bonds update**
- 2. Downtown Streetscape update**

C. Recognition of Persons Requesting to be Heard

D. Public Hearings

1. Conduct a public hearing and consider adopting the Agency Annual Plan that updates the policies governing the Public Housing Program.

The Housing Department staff is required to submit an Agency Annual Plan to the United States Department of Housing and Urban Development (HUD) every year seventy-five (75) days prior to the beginning of the fiscal year. This plan must be available for public review for forty-five (45) days prior to adoption and submission. The plan has been completed and ready for review since March 3, 2024. A public hearing must be held prior to adoption for any public comments relative to the proposed changes in the department's Agency Annual Plan. Updated policies include: 1) conversion of Public Housing to Project- Based Rental Assistance or Project-Based Vouchers under RAD; and 2) continue to work with Planning and Neighborhood Development and WeBuild Concord on building more affordable market rate rentals.

The most recent revision to the 5-year plan, approved by HUD on 10/5/2023, continues to place an emphasis on infrastructure improvements such as HVAC and appliance upgrades, tree removal for hazard mitigation purposes, unit abatement/turnarounds and other unit upgrades.

Recommendation: Motion to adopt the updated Agency Annual Plan for the Concord Housing Department.

2. Conduct a public hearing and consider adopting an ordinance annexing +/-67.037 acres at 4744 & 4722 Stough Rd, (PINs 5518-75-5722, 5518-86 -5204) owned by McGrath RentCorp.

The request is for voluntary annexation. If annexation is approved, the request for zoning to City of Concord I -1 (Light Industrial) will be presented to the Planning and Zoning Commission at the May 21, 2024, meeting. The 2030 Land Use Plan designates the subject property as "Industrial/Employment." City of Concord I-1 (Light Industrial) is a corresponding zoning district to the Land Use Category and would be compatible with the surrounding zoning.

The submitted request is not for a conditional district, so all uses permitted within the I-1 (Light Industrial) zoning classification would be permitted. However, the applicant has submitted a site plan demonstrating the layout for an expansion of trailer storage which would connect to their existing adjacent parcel. No buildings are proposed. Any development of the subject property would require technical site plan review and approval and must meet the standards set forth in the CDO (Concord Development Ordinance) as well as other applicable regulations.

The Acknowledgement of Risk form, related to sewer limitations, has been signed and it has been noted from the applicant that no uses are being proposed that would require sewer.

Recommendation: Conduct a public hearing and consider a motion adopting the annexation ordinance and set the effective date for April 11th, 2024.

3. Conduct a public hearing and consider adopting an ordinance annexing +/- 15.382 acres at 10756 & 10758 Ellenwood Rd., PINs 4670-65-6370; 4670 -64-6808; 4670-65-5413 owned by Barbara Davis and Douglas & Beverly Howell for the construction of one hundred eight (108) rear load townhomes.

Voluntary annexation petition of +/- 15.382 acres of property on Ellenwood Rd. The property is currently zoned Cabarrus County LDR (Low Density Residential). The developer has proposed to construct one hundred eight (108) rear load townhomes.

If annexation is approved, the request for zoning to City of Concord RV-CD (Residential Village-Conditional) will be presented to the Planning and Zoning Commission at the May 21, 2024, meeting. The 2030 Land Use Plan designates the subject property as "Village Center." City of Concord RV-CD (Residential Village - Conditional) is a corresponding zoning district to the Land Use Category and would be compatible with the surrounding zoning.

Recommendation: Conduct a public hearing and consider a motion adopting the annexation ordinance and set the effective date for April 11, 2024.

4. Conduct a public hearing to consider adopting an ordinance amending Article 8, "Use Regulations" and Article 14, "Definitions" of the Concord Development Ordinance (CDO) to create regulations to address "Tobacco and Hemp Retail."

In recent years, tobacco and hemp shops, notably with vaping supplies and smoking paraphernalia, have become an emerging land use which has spurred much discussion among the planning profession. The medical community has cited concerns with the impacts of such establishments, particularly as they relate to youth. Several jurisdictions in the State have adopted ordinances to regulate these uses, and others are in the process of drafting such regulations. The amendment simply defines the use and allows the use only in C-2 Commercial General. Tobacco and hemp retail would not be permissible in CC, C-1 or B-1. CC, C -1 and B-1 are neighborhood oriented zoning districts and this use is appropriate in a more intensive commercial district. The proposed definition is based upon information from other jurisdictions within the State, most notably Wake County.

The Concord Downtown Development Corporation (CDDC) Board of Directors submitted a letter supporting the proposed amendment. At their March 19, 2024 meeting, the Planning and Zoning Commission unanimously recommended the amendment to Council.

Recommendation: Motion to adopt an ordinance amending Articles 8 and 14 to adopt a definition and use restrictions regulating tobacco and hemp retail sales.

E. Presentations of Petitions and Requests

1. Consider awarding a bid to D.L. Peoples Construction, Inc. in the amount of \$227,039 to construct a new home at 341 Broad Drive SW.

The City of Concord continues to focus on affordable housing with a proposed new home at 341 Broad Drive. This two-bedroom, one and a half-bath home is 955 square feet in size and was selected to enhance the neighborhood. The quality of materials is always a focus for the City for new construction. By using solar board roof sheathing, which deflects the radiant heat of the sun, the house will stay cooler in the summer thus reducing utility costs while prolonging the life of HVAC equipment. In addition, by sealing all the joints to prevent air leakage, the cost to operate the HVAC is reduced. High performance windows have been added along with a passive radon remediation system to prevent future issues for homeowners. Raised heel trusses are used to allow the full amount of attic insulation even over the outer walls. The appliances are all Energy Star rated and typically rated high in consumer reviews regarding minimal maintenance. Additional wall insulation has been added to further increase the energy efficiency of the home. These components work together to allow the home to be affordable long after the initial purchase.

Staff solicited bids from eleven contractors. The lowest responsible bid was from D.L. Peoples Construction, Inc. for \$227,039. Funding for the construction will come from the City's HOME funds.

Recommendation: Motion to award a bid to D.L. Peoples Construction, Inc. in the amount of \$227,039 to construct a new home at 341 Broad Drive SW.

2. Consider adopting a Resolution Authorizing Issuance and Sale of Multifamily Housing Revenue Bonds (Coleman Mill Lofts), Series 2024.

The City Council previously approved the issuance of up to \$34,130,000 of tax-exempt and taxable multifamily housing revenue bonds for Coleman Mill Lofts and the related bond documents at the November 10, 2022 meeting. At the time of that approval, it was expected that the bonds would be sold in a limited offering through Piper Sandler & Co., as the underwriter. STC Coleman Mill, LLC, the borrower for the project, has now determined to have the bonds sold in a private placement to Cedar Rapids Bank and Trust Company and has requested that the City Council approve this new financing structure and the updated bond documents reflecting the new structure. Additionally, it is now expected that the City will issue only the tax -exempt bonds for the project and that the taxable financing for the project will be set up as a direct loan between Cedar Rapids Bank and the borrower rather than as taxable bonds to be issued by the City. This is why the maximum principal amount of bonds that the City Council is being asked to approve has decreased from \$34,130,000 to \$20,630,000.

Recommendation: Motion to adopt a Resolution Authorizing Issuance and Sale of Multifamily Housing Revenue Bonds (Coleman Mill Lofts), Series 2024.

3. Consider approving a Resolution Authorizing the Negotiation of an Amendment to an Installment Financing Contract and Providing for Certain Other Related Matters Thereto.

The CIP for the City includes the financing of Fire Station 6. Staff is recommending that the City move forward with this financing using Limited Obligation Bonds. The 2014A LOBS that were previously issued for the construction for City Hall are also eligible for refunding. Based on current market conditions showing savings if a refunding is done, staff is recommending that the 2014A LOBS be refunded at the same time that the 2024 LOBS are issued for Fire Station 6. As stated in the resolution, the not to exceed amount for the financing is \$29,000,000. The City has determined that the Police Headquarters is no longer necessary to serve as collateral under the Deed of Trust to secure the City's obligations under the Contract and therefore the City requests U.S. Bank Trust Company, National Association, as Trustee and assignee of the beneficiary under the Deed of Trust, to release the property described as the Police Headquarters in the Deed of Trust.

Recommendation: Motion to approve a Resolution Authorizing the Negotiation of an Amendment to an Installment Financing Contract and Providing for Certain Other Related Matters Thereto.

4. Consider authorizing the City Manager to negotiate and execute a Housing Assistance Payments (HAP) contract with Logan Gardens LLC for the extension of the current Section 8 Project-Based Voucher Program (PBV) contract.

The Villas at Logan Gardens is a forty-four (44) unit apartment complex for low-income seniors. The City of Concord and Logan Gardens LLC entered into a Section 8 Project-Based Voucher Program PBV Housing Assistance Payments Contract in March 2011 for the purpose of providing additional financial resources to current and future tenants of the Villas of Logan Gardens. This PBV site provides stable housing and subsidy for senior adults who operate on a fixed low-income. The HAP contract includes rent redetermination, provided by the Concord Housing Department, for all current one and two bedroom units and will extend to March 10, 2036, the maximum allowable time under HUD's PBV program requirements.

Recommendation: Motion to authorize the City Manager to negotiate and execute an amended Housing Assistance Payments (HAP) contract with Logan Gardens LLC for the purpose of extending the current Section 8 Project-Based Voucher Program (PBV) contract for the Villas at Logan Gardens, a forty-four (44) unit apartment complex for low-income seniors.

5. Consider authorizing the City Manager to negotiate and execute a contract with Queens Waterproofing and Restoration to perform repairs to the Parking Deck at Concord-Padgett Regional Airport.

The Aviation Department conducted an onsite engineering assessment of the parking deck in 2022. The assessment indicated a good general condition and appears to be performing as expected. With all parking structures, there are certain components that need to be replaced periodically (every 5 to 7 years) to keep the structure in serviceable conditions. Based on the assessment, Aviation Department received ten sealed bids for the repairs to the deck on March 5, 2024. The consultant for the project, WGI, reviewed the bids and recommends Queens Waterproofing and Restoration, in the amount of \$191,900. The engineer's estimate for repairs was \$258,900.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Queens Waterproofing and Restoration in the amount of \$202,990 and to adopt a budget amendment.

6. Consider authorizing the City Manager to negotiate and execute a contract with Basinger Contracting Company for the completion of the Coddle Creek WTP Sodium Hypochlorite System Upgrades project in the amount of \$2,677,400.

This project was formally bid with bids being originally opened on January 24, 2024. After opening, the two lowest bids were deemed invalid due to missing required information and the third bid was significantly over the engineer's estimate and funding sources. All bids were rejected and the project was re-advertised as required. Bids were again received on March 14, 2024 with three bids received and all being determined to be valid. Basinger Contracting Company was the low bidder.

This project includes demolition of existing chemical feed system, piping, and storage tanks, equipment pads, and concrete containment in existing building, the repairs of concrete and construction of a new chemical feed, storage, and containment in existing building. Due to favorable bids on the Hillgrove Water Treatment Plant project, this project has been added as part of the revenue bond package.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with Basinger Contracting Company for the completion of the Coddle Creek WTP Sodium Hypochlorite System Upgrades project in the amount of \$2,677,400.

7. Consider authorizing the City Manager to negotiate and execute a contract with Bionomic Services Incorporated, Inc. to line 28,252 linear feet of sewer lines and the rehabilitation of 113 manholes.

The Water Resource department performs inspections of the City's sewer lines and identifies those that need to be repaired or replaced. Lines that would cause excessive disturbance to the public if they were repaired or replaced by conventional methods, are earmarked for the cure-in-place pipe rehabilitation method (CIPP). The CIPP method allows the sewer lines to be rehabilitated without the disturbances to the public caused by the conventional method of excavation and replacement.

This project was publicly bid, eight (8) bids were received, and the lowest responsible bidder was Bionomic Services Incorporated, Inc. in the amount of \$1,293,073.95.

Recommendation: Motion authorizing the City Manager to negotiate and execute a contract with Bionomic Services Incorporated, Inc. in the amount of \$1,293,073.95 for the rehabilitation of 28,252 linear feet of sewer lines and 113 manholes.

8. Consider a Preliminary Application from Angela Michelle Edwards.

In accordance with City Code Chapter 62, Angela Michelle Edwards has submitted a preliminary application to receive water service outside the City limits. The property is located at 51 Ichabod Circle, Concord NC. 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. Water is available but 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.

9. Consider a Preliminary Application from Robert Cronin.

In accordance with City Code Chapter 62, Robert Cronin has submitted a preliminary application to receive water service outside the City limits. The property is located at 5617 Mountaineer Lane, Concord NC. It is zoned county LDR. The parcel is currently developed with a single family home. Water is available but sewer is not available to the parcel.

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

10. Consider making appointments/reappointments to the Concord United Committee.

In April 2021, when the Concord United Committee members were first appointed, they were appointed to staggered terms with a group of members being appointed to a three (3) year term which will expire on April 30, 2024. Therefore, these members are eligible to be reappointed to their second full three (3) year term.

Also, Robert Kirk doesn't wish to be reappointed; therefore, that would create a vacancy on the Committee and leave a Co-chair position vacant.

Recommendation: Motion to make appointments/reappointments to the Concord United Committee.

VII. Consent Agenda

A. Consider approving unit number change for HOME agreement between STC Coleman Mills, LLC and the City of Concord related to the rehabilitation of Coleman Mills.

In April of this year, Council approved to increase the HOME allocation for the rehabilitation of Coleman Mills to \$770,000. After discussions with the developer staff has been informed the National Parks Service requires the number of units to be reduced from 150 to 144. North Carolina Housing Finance Agency will be approving this change for the Tax Credit portion before bond closing. This change will not impact the seven (7) floating HOME designated units within the complex.

The current time frame is to close the purchase of the property and the bond in April or May of 2024. Construction would begin within a few weeks of closing. HOME funds would be requested in 2025.

Recommendation: Motion to approve unit number change for HOME agreement between STC Coleman Mills, LLC and the City of Concord related to the rehabilitation of Coleman Mills.

B. Consider approving a default policy for residents who fail to comply with terms of the rehabilitation program Deed of Trust and Note.

As lead entity for the Cabarrus/Iredell/Rowan HOME Consortium, Concord is responsible for ensuring compliance for all aspects of HUD programs. This includes the need for a policy which defines how the City and Consortium Members will determine if a lien is in default and what steps will be taken to notify residents when the property is not in compliance.

The policy defines that two (2) attempts will be made to contact the resident to correct the default. If those fail, a demand letter will be issued by the respective Legal Department. If contact is not

established, the City will, at its discretion, proceed with the legal means identified within the Deed of Trust or Deed Restriction executed at the time assistance was provided. All edits and corrections to the policy were guided by the Legal Department staff and HUD training materials.

Recommendation: Motion to approve a default policy for residents who fail to comply with terms of the rehabilitation program Deed of Trust and Note.

C. Consider authorizing the Fire Department staff to apply for the Office of State Fire Marshal (OSFM) Summer Camp Grant.

This is a newly released \$5,000 grant to assist and support with needed supplies, meals and equipment for our teen participants that are learning about the fire service.

Recommendation: Motion to approve the Fire Department staff to apply for the OSFM summer camp grant.

D. Consider authorizing the City of Concord Electric Systems to accept the U.S. Department of Energy, Bipartisan Infrastructure Legislation (BIL) 2021, Energy Efficiency and Conservation Block Grant Program (EECBG) grant award and to adopt a budget ordinance to amend the budget for the Electric, Housing and Planning & Neighborhood Development Departments capital project to appropriate Department of Energy grant funds received.

City of Concord Electric Systems received notice from the Depart Energy that Bipartisan Infrastructure Legislation (BIL) 2021, Energy Efficiency and Conservation Block Grant Program (EECBG) grant funds in the amount of \$153,940 have been allocated for City of Concord Electric Systems in FY24. These grant funds will be used for the purpose of funding the purchase of four electric vehicles and two electric vehicle charges.

Recommendation: Motion to accept the grant award and adopt an ordinance to amend the FY24 Budget Ordinance for the City of Concord Electric Systems – Electric Construction Department, the Housing Department, and Planning and Neighborhood Development Department to appropriate Department of Energy FY24 grant funds.

E. Consider approving a License to Attach Banners to City of Concord Property to Conder Flag Company for the placement of temporary race banners on Bruton Smith Blvd and Hwy 29 to promote the Coca Cola 600 Memorial Weekend Race.

Conder Flag Company has requested to place banners on City light poles on Bruton Smith Boulevard (between I-85 and Hwy 29) and Hwy 29 (Exit 49 area between Mecklenburg County and the Rocky River) to promote the Coca Cola 600 Memorial Weekend Race. The City will receive \$15 for each attachment. As required, the North Carolina Department of Transportation has reviewed and approved the banner design. The applicant is requesting to install the banners no earlier than May 9, 2024 and remove the banners no later than May 31, 2024.

Recommendation: Motion to approve a License to Attach Banners to City of Concord Property to Conder Flag Company for the placement of temporary race banners on Bruton Smith Blvd and Hwy 29 to promote the Coca Cola 600 Memorial Weekend Race.

F. 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: Piper Landing Subdivision Phase 2, Map 1. 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: Piper Landing Subdivision Phase 2, Map 1.

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: The Villas at Rocky River, (PIN 5527-42-8844).

Recommendation: Motion to approve the maintenance agreements and accept the offers of dedication from The Villas at Rocky River (PIN 5527-42-8844).

H. Consider accepting an offer of infrastructure at The Mills at Rocky River PH 2C MP 3 and Troutman Enterprises.

The developers are offering a total of 70 LF of 12-inch water line and 2 valves and 2,753 LF of roadway.
Recommendation: Motion to accept an offer of infrastructure at The Mills at Rocky River PH 2C MP 3 and Troutman Enterprises.

I. Consider approving a donation of \$1,500 from the Mayor's Golf Tournament Fund to The Big E-The Elephant in the Room Life Changers, Inc. and adopt a budget ordinance appropriating the donation.

If approved, the funds will be used to assist with community events such as Bowl for Autism, the first inaugural Suicide Awareness 5K Walk/Run in Cabarrus County, and the Healthy Food Harvest.

Recommendation: Motion to approve a donation in the amount of \$1,500 from the Mayor's Golf Tournament Fund to The Big E-The Elephant in the Room Life Changers, Inc. and adopt a budget ordinance appropriating the donation.

J. Consider approving a \$2,500 donation from the Mayor's Golf Tournament Fund to the Cabarrus Arts Guild and adopt a budget ordinance appropriating the donation.

If approved, the funds will be used to assist with an outreach program aimed at underserved community children of various age groups at the Boys and Girls Club of Cabarrus County.

Recommendation: Motion to approve a \$2,500 donation from the Mayor's Golf Tournament Fund to the Cabarrus Arts Guild and to adopt a budget ordinance appropriating the donation.

K. Consider adopting an ordinance to amend the FY 2023/2024 Budget Ordinance for the General Fund to appropriate funds for a donation from the Mayor's Golf Tournament Fund to Be the Lite CDC, Inc. Summer Enhancement Program.

At the March 14, 2024 council meeting, Council approved a donation of \$2,000 from the Mayor's Golf Tournament Fund to Be the Life CDC, Inc. Summer Enhancement Program. A budget amendment is needed to appropriate funds for this purpose.

Recommendation: Motion to adopt an ordinance to amend the FY 2023/2024 Budget Ordinance for the General Fund to appropriate funds for a donation from the Mayor's Golf Tournament Fund to Be the Lite CDC, Inc. Summer Enhancement Program.

L. Consider adopting a General Fund operating budget amendment and a General Fund Project Fund project budget amendment.

Funding for the Charlie District renovation project was incorrectly budgeted in the police operating budget. The attached budget amendments move these funds from the police budget to the project budget that has been setup for these renovations.

Recommendation: Motion to adopt a General Fund operating budget amendment and a General Fund Project Fund project budget amendment.

M. Consider accepting the Tax Office reports for the month of February 2024.

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 February 2024.

N. Consider approving the Tax Releases/Refunds from the Tax Collection Office for the month of February 2024.

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 February 2024.

O. Receive monthly report on status of investments as of February 29, 2024.

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.

