



City Council Agenda

Thursday, January 9, 2025

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 26, December 10, and December 12, 2024 **APPROVED**

IV. Presentations

1. **Presentation of a Proclamation recognizing Monday, January 20, 2025 as Dr. Martin Luther King, Jr. Day.**

2. **Presentation of a Proclamation recognizing the week of January 18-February 2, 2025 as Health for Humanity-Yogathon.**

3. **Presentation of retirement plaque recognizing Captain Warren Hatley for 29 years of service with the City of Concord.**

Captain Hatley began his service with the fire department in October 1995. He has worked throughout the ranks from basic firefighter to Captain. Captain Hatley has been responsible for handling situations from the simplest station tour question or tasked with the most technical fire or rescue scenario he could encounter. Captain Hatley feels he is part of the best team in the City and has worked in every weather condition to bring about the best possible outcome for our citizens and visitors. He has witnessed the City grow to almost double in size, bringing growth and opportunities to our community. Warren has had the pleasure to have made lifelong friends and worked with the best people in the world. He is looking forward to retiring and spending quality time with his family. Captain Hatley is very appreciative for the opportunity to have served with Team Concord.

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

The Government Finance Officers Association (GFOA) has awarded Concord with the Distinguished Budget Presentation Award for its Fiscal Year 2025 budget. This national award is the highest award in governmental budgeting and recognizes organizations that produce exemplary budgets serving as policy documents, financial plans, operational guides, and communication devices. The City's achievement is particularly notable, as only a small percentage of North Carolina municipalities have earned this distinction. In addition to the overall award, the FY 2025 budget received special recognition in three categories: Performance Measures, Strategic Goals & Strategies, and Capital Program. This exceptional accomplishment signifies that all three reviewers unanimously awarded the highest possible score in each category. This year's award marks the City's 23rd consecutive year of receiving this recognition.

The Government Finance Officers Association of the United States and Canada (GFOA) has awarded the City with the Award for Outstanding Achievement in Popular Financial Reporting for the City's FY2023 Popular Annual Financial Report (PAFR). This is the fourth year that the City has received this award. Receiving this award is a reflection of the hard work of the budget staff and their dedication to

providing transparent financial reporting. With this award, the City is a Triple Crown winner for the fourth year in a row, meaning the City received the Achievement Awards for our Annual Comprehensive Financial Report, Annual Operating Budget Document, and PAFR.

V. Unfinished Business

VI. New Business

A. Informational Items

B. Departmental Reports

- 1. Parks and Recreation Bond update**
- 2. Downtown Streetscape 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 three-year/50% tax-based economic development grant to Custom Ingredients, Inc. DBA Custom Flavors to locate at 7955 & 7975 West Winds Blvd NW, Concord, North Carolina 28027. The project will have an investment of approximately \$7,750,000 in real and personal property.

Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. Custom Ingredients, Inc. proposes to develop a food flavoring manufacturing facility and proposes to invest approximately \$7,750,000 in real and personal property. The company will create a minimum of 42 jobs within 3 years. The total value of the City's three-year/50% grant is estimated to equal \$34,078 depending on the actual investment. The City of Concord would still collect a three-year net revenue of \$34,078 after the incentive payments.

Recommendation: Conduct a public hearing; and consider offering a contract for a three-year/50% tax-based Economic Development Grant to Custom Ingredients, Inc. DBA Custom Flavors to locate at 7955 & 7975 West Winds Blvd NW, Concord, North Carolina 28027. **APPROVED**

2. Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a one-year/85% tax-based economic development industrial spec grant to HSREI, LLC, to locate at 4295 Defender Way NW, Concord, North Carolina 28027. The project will have an investment of approximately \$35,000,000 in real property.

Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. HSREI, LLC, proposes to develop an Advanced Manufacturing Center (AMC) on 27 acres adjacent to Hendrick Motorsports Campus. This building design, to be constructed with tilt-up concrete walls and glass and metal accents, will be an approximately 260,000 SF advanced manufacturing facility and will attract a premier advanced manufacturing tenant. It will be among the finest facilities of its type in the region and create a place where high-quality careers expand for decades. HSREI, LLC, proposes to invest approximately \$35,000,000 in real property. The total value of the City's one-year/85% grant is estimated to equal \$124,950 depending on the actual investment. The City of Concord would still collect a one-year net revenue of \$22,050 after the incentive payments.

Recommendation: Consider offering a contract for a one-year/85% tax-based Economic Development Industrial Spec Grant to HSREI, LLC, to locate at 4295 Defender Way NW, Concord, North Carolina 28027. **APPROVED**

3. Conduct a public hearing to consider adopting an ordinance amending Article 5 "Subdivisions, Site Plans, Construction Plans," Sections 5.2 and 5.3 and Article 8 "Use Regulations," Table 8.1.8, Use Table," of the Concord Development Ordinance (CDO) relative to on-site water and wastewater systems.

This item is the CDO change related to the Code amendment regarding on-site water and wastewater systems as mandated by HB 628. The proposed amendment includes allowing private sewage treatment facilities by right and requires that the private systems be shown on both preliminary and final subdivision plats. The Planning Commission staff report, and complete strike-through document are included. At their December 17th meeting, the Planning and Zoning Commission unanimously recommended the amendment to Council.

Recommendation: Motion to conduct a public hearing and adopt an ordinance amending Articles 5 & 8 of the CDO to adopt changes related to on-site water and sewer systems. **APPROVED**

E. Presentations of Petitions and Requests

1. Consider adopting an ordinance amending Chapter 62 Water and Wastewater Utilities Section 62-31 “Required Connection” of the City Code to address statutory changes related to the use of on-site water and wastewater systems.

The General Assembly recently passed House Bill 628 (codified as G.S. 160A-317) which mandated that municipalities allow the use of on-site water and sewer systems in certain situations. The Statute require that a jurisdiction cannot impose a sewer connection mandate if 1) there is no capacity or 2) the cost of connection exceeds the cost of developing a private system. The Statute also states that connection to water cannot be required and a well may be used if the jurisdiction cannot provide adequate water pressure.

City Council gave staff guidance at their October Work Session relative to statutory compliance and the quarterly sewer allocation process. Council’s direction was to amend the City Code to require applicants to pursue allocation (provided there is physical capacity at the plant). The proposed amendment also clarifies that an applicant may pursue the private system based on the cost issue and adds the provision about water service. The amendment has been a collaborative effort with Legal, Water Resources, and Engineering. The amendment includes a requirement for a pre-application meeting with the Development Review Committee (DRC) to ensure that staff is aware of proposed on-site systems.

Although Planning Commission's review of City Code changes is not required, staff presented this item as a companion to the related Concord Development Ordinance (CDO) changes. A staff report detailing both items and a strike-through document of Section 62-31 are included.

Recommendation: Motion to adopt an ordinance amending Section 62-31 of the City Code relative to on-site water and wastewater systems. **APPROVED**

2. Consider renaming private street Stowe Lane to Team Hendrick Way.

According to the Code of Ordinances, the City Council assigns official street names to public and private streets. Hendrick Motorsports is requesting that a private street on the Hendrick Motorsports campus be renamed. The street is entirely on the Hendrick property and will not affect other property owners.

Cabarrus County has confirmed that the name of Team Hendrick Way will not cause a conflict with other street names in the County. The City would not incur any cost associated with this change, as the property owner will pay for the street signs.

Recommendation: Motion to approve adopting the name change from Stowe Lane to Team Hendrick Way. **APPROVED**

3. Consider entering into an agreement with the City of Kannapolis to construct structural signage and landscaping at designated interchanges along I-85.

The North Carolina Department of Transportation (NCDOT) completed a multi-year project for the widening and enhancement of the Interstate 85 highway through Cabarrus County including a substantial portion of the corridor lying between the municipal jurisdictions of Concord and Kannapolis. The cities of

Concord and Kannapolis received consent from NCDOT to use the Exits as branded gateways consisting of structural signage and landscaping in a comprehensive and collaborative system for welcoming visitors and shepherding residents into the jurisdictions in an aesthetic and informative manner consistent with the Cabarrus County county-wide Wayfinding System.

The attached interlocal agreement outlines the responsibilities and cost share between Concord and Kannapolis. The interchanges noted in the agreement are Exits 58 (US 29), 60 (Copperfield/Dale Earnhardt), and 63 (Lane Street). Exits 58 and 60 will be a 50% split between the cities and Exit 63 will be solely the City of Kannapolis. Based on the latest estimates, Concord will be responsible for \$364,000 and Kannapolis will be responsible for \$787,576.

Recommendation: Motion to consider entering into an agreement with the City of Kannapolis to construct structural signage and landscaping at designated interchanges along I-85. **APPROVED**

4. Consider awarding two bids in the amount of \$876,962 to WESCO and Siemens Energy for switching station equipment and 121kV circuit breakers for Delivery 3.

Delivery 3, located at 4550 Pitts School Rd., is being upgraded to include a new main breaker, replacement feeder breakers, and new GOAB switches. Siemens will supply the 121kV breakers for a total cost of \$ 765,860. WESCO will supply the 121kV GOAB switches and other related equipment for a total cost of \$111,102.

Bid specifications were developed for Delivery 3's upgraded equipment, and a formal bid opening was held on December 12, 2024. Four manufacturers submitted bids which were evaluated by staff for adherence to specifications. WESCO was the lowest responsive bidder for Schedule I. Siemens Energy was the lowest responsive bidder for Schedule II.

Recommendation: Motion to award two bids in the amount of \$876,962 to WESCO and Siemens Energy for switching station equipment and 121kV circuit breakers for Delivery 3. **APPROVED**

5. Consider awarding a bid to Virginia Transformer Corporation in the amount of \$1,430,800 for a new station power transformer at Sub H.

The existing station power transformer at Sub H no longer has a full range of voltage regulating abilities and needs to be replaced. Bid specifications were developed, and a formal bid opening was held on December 12, 2024. Four manufacturers submitted bids, which were evaluated by Staff for adherence to specifications. Virginia Transformer Corporation was the lowest responsive bidder with the best lead times. The City of Concord Electric Department currently uses VTC's transformers in several substations.

Recommendation: Motion to award a bid to Virginia Transformer Corporation in the amount of \$1,430,800 for a new station power transformer at Sub H. **APPROVED**

6. Consider accepting a preliminary application from James Weston Carey.

In accordance with City Code Chapter 62, James Weston Carey has submitted a preliminary application to receive water service outside the City limits. The property is located at 7 Mary Circle, Concord NC. This .62 acre parcel is zoned county LDR, is located within Area B, and is currently undeveloped. The applicant is planning on constructing a single family home. 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. **APPROVED**

7. Consider accepting preliminary application from James Weston Carey.

In accordance with City Code Chapter 62, James Weston Carey has submitted a preliminary application to receive water service outside the City limits. The property is located at 5321 Zion Church Road,

Concord NC. This .58 acre parcel is zoned county LDR, is located within Area B, and is currently undeveloped. The applicant is planning on constructing a single family home. 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. **APPROVED**

8. Consider accepting preliminary application from Robert Capo & Staci Comer.

In accordance with City Code Chapter 62, Robert Capo & Staci Comer, joint tenants, have submitted a preliminary application to receive sewer service outside the City limits. The property is located at 5170 Almond Dr, Concord NC. This 11 acre parcel is zoned county LDR, is located within Area B, and the owners wish to build one new single family home. Water 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. **APPROVED**

9. Consider authorizing the City Manager to negotiate and execute a replacement and upgrade contract with ClarkPowell in the amount of \$116,165 for the Council Dais, camera, and sound system upgrades in the City Council Meeting Chambers.

Bids were received on December 19, 2024 for system replacement and upgrade of the City Council Meeting Chambers. ClarkPowell was the low bidder with a total bid of \$116,165. These upgrades will address goals 1 and 6 of our new Goals, Strategies, & Tactics replacing outdated and unsupported equipment in the Council Meeting Chambers. These essential upgrades will ensure the City's ability to provide reliable, effective, and accessible government information for all. It will also establish sustainable technologies that will enhance communications and provide opportunities for community input with our city residents and staff. Unspent ARPA project funds will be used to cover the cost of these upgrades.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with ClarkPowell in the amount of \$116,165 for the replacement and upgrade of our essential sound and video equipment in our City Council Meeting Chambers. **APPROVED**

VII. Consent Agenda **APPROVED ALL IN ONE MOTION**

A. Consider authorizing the City Manager to accept the grant award from the Cannon Foundation.

The Cannon grant, in the amount of \$5,000 will be used to offset the cost of our 2024 Energy Saving Trees program.

Recommendation: Motion to accept the grant funds in the amount of \$5,000 for the 2024 Energy Saving Trees program.

B. Considering authorizing the Police Department to apply for grant funding from the NC Governor's Highway Safety Administration aimed at preventing traffic related deaths and injuries on streets and highways in the City of Concord.

The grant money would be used for overtime expenses up to \$35,000 for traffic safety enforcement. The grant does not require a local match from the City. The application is due January 31, 2025. Grants awarded will be for the 2026 federal fiscal year which begins October 1, 2025.

Recommendation: Motion to authorize the Police Department to apply for grant funding from the NC Governor's Highway Safety Administration aimed at preventing traffic related deaths and injuries on streets and highways in the City of Concord.

C. Consider authorizing the City Manager to execute a contract with N.C. General Assembly and Amateur Sports for the acceptance of the Youth Sports Grant in the amount of \$5,000 and adopt a budget amendment.

The Parks and Recreation Department received approval to apply for the 2024-2025 NC Youth Sports Grant in September 2024. The application was submitted in October 2024 for \$10,000. We were awarded \$5,000. The North Carolina Amateur Sports (NCAS) is a 501(c)(3) non-profit organization established in 1983. The Youth Sports Grant is available for any local government agency or 501(c)(3) nonprofit organization in all 100 counties for youth sports equipment or facility upgrades and improvements. The funds will be used to purchase nontraditional sports equipment for cricket, pickleball, track and field, and disc golf for program use.

Recommendation: Motion to authorize the City Manager to permit the Parks & Recreation Department to accept a \$5,000 grant from the NC Amateur Sports Association through its Youth Sports Grants for Non-Traditional Sports Equipment and adopt a budget amendment.

D. 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.

E. Consider adopting a resolution to advertise for upset bids on three (3) surplus transformers.

The City of Concord Electric Department has held two public bids for the sale of five (5) surplus station power transformers. The first bid was held in August. At that time, all five transformers were declared surplus, and the highest bidder was awarded all five (5). After receiving Council approval, the bidder backed out. The equipment went back out for public bid in November where no successful bids were received.

After the second formal public bid was closed, Sunbelt Solomon Solutions, LLC contacted our consulting engineering firm to solicit an offer on three (3) of the five (5) units. Per North Carolina General Statute § 160A-266(b) and 269, the City is permitted to sell surplus property through negotiation of an offer to purchase.

Recommendation: Motion to adopt a resolution to advertise for upset bids on three (3) surplus transformers.

F. 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 Penske Truck Leasing Co., LP located at 4650 Global Ave. NW, Concord, N.C. (PIN 5601-66-7693) 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: Penske Truck Leasing Co., LP.

G. Consider accepting an offer of infrastructure at Annsborough Park (Phase 2 Map 1-Lots: 163-300, and Amenity), Townhomes at Cannon Run (lots: 1-140), Buffalo Terrace Apartments, Kannapolis Parkway MSD (Mini-Storage-US29A).

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: Water Infrastructure - 1 12" valves; 24 8" valves; 3 6" valves; 3 2" valves; 26 hydrants and 56 manholes.

Recommendation: Motion to accept the offer of infrastructure acceptance in the following subdivisions and sites: Annsborough Park (Phase 2 Map 1- Lots: 163-300, and Amenity), Townhomes at Cannon Run (lots: 1-140), Buffalo Terrace Apartments, Kannapolis Parkway MSD (Mini-Storage-US29A).

H. Consider approving a donation from the Mayor's Golf Tournament Fund to Cabarrus County Education Foundation (CCEF) and to adopt a budget amendment to appropriate the donation.

CCEF is requesting \$2,500 to partially fund implementation of the Reading+Mentoring 4 Success program. The cost of the full program implementation for each school is approximately \$35,000 and includes mentoring supplies and tools, 3 book-a-palooza events distributing 5 books to every PK-5 student at the school and onsite staff coordination. Specifically, the money will be used to provide parental education materials on how to engage with their students for reading success.

Recommendation: Motion to approve a \$2,500 donation from the Mayor's Golf Tournament Fund to Cabarrus County Education Foundation (CCEF) and to adopt a budget amendment to appropriate the donation.

I. Consider adopting an ordinance to amend the FY2024/2025 Budget Ordinance for the General Fund to appropriate contingency funds to cover the cost of installing bullet proof glass in the HR reception window.

Staff is recommending that bullet proof glass be installed in the HR reception window as well as the use of contingency funds to cover this purchase.

Recommendation: Motion to adopt an ordinance to amend the FY2024/2025 Budget Ordinance for the General Fund to appropriate contingency funds to cover the cost of installing bullet proof glass in the HR reception window.

J. Consider adopting an ordinance to amend the Transportation Project Fund budget.

In November 2024, Council agreed to enter into a Supplemental Agreement with NCDOT, accepting additional federal Congestion Mitigation and Air Quality (CMAQ) program funds for TIP Project C-5603I, US 601 at Flowes Store Rd/Miami Church Rd. The attached ordinance amendment notes the additional CMAQ funds and the appropriated amount of City funds.

Recommendation: Motion to adopt an ordinance to amend the Transportation Project Fund budget.

K. Consider adopting a Wastewater Fund budget amendment and a Wastewater Project Fund project amendment.

In the original FY25 adopted budget, there was a transfer from the Wastewater Project Fund to the Wastewater Fund to cover the cost of manhole rehab and sewer lining. Staff has indicated that the work this fiscal year is more complex and requested this be setup in the project fund since it will likely cross fiscal years. The attached budget amendment reallocates the originally budgeted transfer to an account for this work.

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

L. Consider adopting the proposed 2026 Holiday Schedule.

Staff recommends approving the 2026 Holiday Schedule in accordance with Article 6.4 Holiday Leave of the City's *Personnel Policies and Procedures*.

Recommendation: Motion to approve the 2026 Holiday Schedule.

M. Consider a revision to Article 6.11 Paid Parental Bonding Leave Policy of the City's Personnel Policies and Procedures

Staff recommends approving a revision to Article 6.11 Paid Parental Bonding Leave Policy of the City's *Personnel Policies and Procedures* to allow discretion in approving time off for PPBL in instances where departments are required by State or Federal standards and/or regulations to maintain specific staffing levels.

Recommendation: Motion to approve the revision of Article 6.11 Paid Parental Bonding Leave Policy of the City's Personnel Policies and Procedures.

N. Consider approval on 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 \$770,789.60. 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, 2023 - June 30, 2024. These revenues are less than 1% of the total operating revenues for each utility - Electric \$544,935.35; Water \$110,732.50; Wastewater \$86,440.20; Storm-water \$17,004.39; and Environmental Services \$11,677.16.

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

O. Consider accepting the semiannual debt status report as of December 31, 2024.

The City's debt report as of December 31, 2024 is presented for the City Council's review.

Recommendation: Motion to accept the semiannual debt status report as of December 31, 2024.

P. Consider acceptance of the Tax Office reports for the month of November 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 November 2024.

Q. Consider Approval of Tax Releases/Refunds from the Tax Collection Office for the month of November 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 over-payments, situs errors and/or valuation changes.

Recommendation: Motion to approve the Tax releases/refunds for the month of November 2024.

R. Receive monthly report on status of investments as of November 30, 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 as of November 30, 2024.

VIII. Matters not on the Agenda

Transportation Advisory Committee (TAC)
Metropolitan Transit Committee (MTC)
Concord/Kannapolis Transit Commission
Centralina Regional Council
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.