

CONCORD CITY COUNCIL
WORK SESSION
MAY 12, 2020

The City Council for the City of Concord, North Carolina, held a work session on May 12, 2020, at 4:00 p.m. with Mayor William C. Dusch presiding.

In order to maintain the safety of City residents, City Council, and staff, this meeting was conducted electronically via Zoom.

Council members were present as follows:

Members Present:

Mayor Pro-Tem John A. Sweat, Jr.
Council Member Andy Langford
Council Member W. Brian King
Council Member Ella Mae P. Small
Council Member JC McKenzie
Council Member Terry L. Crawford
Council Member Jennifer H. Parsley

Others Present:

City Manager, Lloyd Wm. Payne, Jr.
City Attorney, Valerie Kolczynski
City Clerk, Kim J. Deason
Various Department Directors

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The following agenda was presented for discussion:

Presentations:

Recognition of Del Eudy for over 26 years of service with the City of Concord's Transportation Department.

Recognition of May 17-23, 2020 as National Public Works Week.

Recognition of the City of Concord's Finance Department for being awarded the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada.

Public Hearings:

Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a three year / 85% tax based Economic Development Incentive Grant to Project Paul to locate at 700 Derita Road, Building B in Concord, NC.

The City Manager stated Project Paul is a commercial print and mailing operation. The company is proposing a \$1.98 million investment in real property and \$22.58 million investment in personal property. They are expected to create approximately 136 full time jobs and 3 part time jobs with average wages at \$39,936. The total value of the City's three year total grant is estimated to equal \$249,945 depending the project's investment.

Conduct a public hearing and consider adopting an ordinance annexing one parcel of land, located at Aviation Circle and Derita Road (northeast corner of Aviation Circle and Derita Road intersection), owned by Z & T Real Estate, LLC.

The Planning Services Manager, Starla Rogers, stated the subject property consists of one (1) parcel, also known as Lot #4 of the Favoni Corporate Center, and encompasses +/- 2.07 vacant acres. The applicant, Tun Oo, has petitioned for annexation into the City of

Concord's municipal limits in order to connect to City services for development of the parcel with an industrial use

Conduct a public hearing and consider adopting an ordinance annexing +/- 1.03 acres of street right-of-way within Dickens Place Northeast and Crosspoint Drive Northeast, with ownership interests belonging to Copperfield, Inc and the City of Concord.

The Planning Services Manager stated the subject property consists of +/- 1.03 acres of land located within the Dickens Place, Northeast and Crosspoint Drive, Northeast street right-of-way, north of the Dickens Place, Northeast and Vinehaven Drive, Northeast intersection. Ownership interests are currently retained by Copperfield, Inc and the City of Concord due to right-of-way dedication. The street is within the City's ETJ, therefore, a zoning classification will not be required to be designated after annexation.

Presentations of Petitions and Requests:

Consider authorizing the City Manager to enter into an agreement with Concord Greenway Townhomes LLC to receive +/- 10.33 acres between Wilkinson Court SE and Woodsdale Place SE at no cost.

The Planning and Neighborhood Services Director, Steve Osborne, stated City Council approved an offer to purchase in May 2018 from Sherwood Development for 13.05 acres located between Wilkinson Court and Woodsdale Place.

Sherwood is purchasing the land to construct twelve townhomes on Wilkinson Court and twenty-two townhomes on Woodsdale Place. This acreage being purchased also included part of the McEachern Greenway. The City reserved the right to maintain any easements for the greenway or utilities. Sherwood formed Concord Greenway Townhomes, LLC to purchase the land from the City and then donate the unneeded acreage back to the City. The purchase price \$275,000 and Sherwood intends to write off for tax purposes the value of the +/- 10.33 acres of land that is being donated back to the City. An appraisal completed by Tim Tallent indicates the value of the acreage being donated is \$240,000.

Consider approving partial appropriation of Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding in the amount of \$102,384.41 to select public service agencies and organizations responding to immediate community needs related to COVID-19.

The Community Development Manager, Mary Carr, stated staff received requests for CARES Act funding from the following two (2) agencies who are meeting immediate resident needs as related to COVID-19 needs: Cabarrus Health Alliance in the amount of \$54,000 and Boys and Girls Club in the amount of \$16,505.91.

She stated numerous area churches and organizations have inquired about PPE equipment (masks and hand sanitizer) to help protect workers providing COVID-19 related supportive services to the community. These products will be purchased from Concord based businesses. The total for the PPE requests is \$31,878.50.

Consider adopting an amendment to the Neighborhood Matching Grant policy.

The Community Outreach Coordinator stated due to the current COVID-19 pandemic, neighborhood leaders have asked if establishing neighborhood food banks and pantries, or related activities intended to provide critical food assistance to economically disadvantaged individuals and families, could be considered an eligible activity. Legal staff and UNC School of Government faculty helped identify statutory authority and alignment with public purpose requirements for such an activity. Staff recommends adoption of the amendment to the Neighborhood Matching Grant Policy to add this as an eligible activity in the grant program.

Consider awarding bids for electric equipment and materials for the Heglar Road Electric Substation P to Substation Enterprises Inc., Siemens Energy Inc., Virginia Transformer Corporation, Siemens Industry Inc., S & C Electric; Keystone Electrical Manufacturing Co., and Modular Connections LLC.

The Electric Systems Director, Bob Pate, stated staff received bids on April 8, 2020 for electric equipment and materials required for the construction of a new delivery point and substation located at the corner of Heglar and Old Airport Roads. The bids were arranged into eight schedules of equipment. All schedules combined total \$2,222,030.51. Funding will come from existing project account with a balance of \$3,940,144.40.

Consider authorizing the City Manager to negotiate and execute a contract with Ike's Construction, Inc. for the construction of a 30 x 30 mezzanine in the existing Grounds Maintenance Shop at the Brown Operations Center.

The Buildings and Grounds Director, Susan Sessler, stated three bids were submitted with Ike's Construction, Inc. being the lowest responsible bidder in the amount of \$198,000. The project budget is \$545,000 leaving \$347,000 to complete Phase II of the project; expansion of the existing truck shed. Phase II will be bid out within the next 30 days.

Consider authorizing the City Manager to negotiate and execute a contract with Carolina Site Works, Inc. for improvements at Rutherford Cemetery.

The Buildings and Grounds Director stated improvements at Rutherford Cemetery will develop the remaining land inside the fence and will result in the addition of 500 grave sites. The work will include grading, the installation of a culvert pipe, extending the road and ending it in a cul-de-sac. Three formal bids were opened Wednesday, April 15, 2020 with Carolina Siteworks, Inc. being the lowest responsible bidder in the amount of \$108,837.30, which is under budget.

Mayor Pro-Tem Sweat entered the meeting.

Discussion was held regarding City owned cemeteries and how they are funded and maintained.

Consider adopting an ordinance to temporarily close Cabarrus Ave (SR 1002) between Market St., SW and Church St., S for the Concord International Festival to be held September 19, 2020.

The Transportation Director, Phillips Graham, stated staff is requesting from NCDOT to temporarily close Cabarrus Avenue between Market St, SW and Church St, S for the Concord International Festival to be held September 19, 2020.

Consider authorizing the City manager to execute an amendment to the current annual Installation of Traffic Signal Equipment and Associated Construction/Maintenance Work contract.

The Transportation Director stated the proposed amendment consists of a Task Order for Carolina Power & Signalization, Inc to perform the decommissioning of two (2) existing traffic signals and constructing new traffic signals in their place. The two traffic signals are located at the intersections of Union Street and Cabarrus Avenue, and Union Street and Corban Avenue.

When the mast arms at these intersections were inspected, the condition of the mast arm to foundation mounting hardware and the mast arms themselves were found to be severely deteriorated. It has been determined that replacement of the mast arms and corresponding foundations is required.

The estimate for the cost of this Task Order for the construction and installation of materials supplied by the City for the traffic signals is \$230,825. The additional cost of materials which the City is to supply for this project is estimated at \$124,100. Together with the design, construction/installation, and materials to be supplied for the project, the total estimated cost of the signal replacement project is \$426,525.

Consider authorizing the City Manager to negotiate and execute a contract for the City of Concord's Pedestrian Improvement Program Design Services.

The Transportation Director stated SEPI, Inc. has been selected firm to prepare plan

documents of projects to be constructed in the City of Concord's Pedestrian Improvement Program. The Transportation Department intends to use up to \$150,000 to begin processing designs. Contract final completion date is June 30, 2021.

Consider supporting an application for Surface Transportation Block Grant Program Direct Allocation (STBGP-DA) funds to be submitted to the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO) for the Harris Road (SR 1449) and Poplar Tent Road (SR 1394) Intersection Improvements.

The Transportation Director stated the proposal for the Surface Transportation Block Grant Program Direct Allocation (STBGP-DA) funds for the Harris Road (SR 1449) & Poplar Tent Road (SR 1394) Intersection Improvements involves converting the existing intersection to a Reduced Conflict Intersection (RCI), as well as constructing additional travel lanes and pedestrian accommodations to accept the future widening of Poplar Tent Rd, NCDOT project U-6032. The total estimated cost is \$15,080,000 and the City of Concord estimated matching funds would equal \$3,016,000 (20%).

Consider authorizing the City Manager to negotiate and execute a contract with Electrical Engineering Consulting & Testing, P.C. in the amount of \$73,925 for final engineering and project management services for the switchgear replacement project at the Coddle Creek Water Treatment Plant.

Water Resources Director, Jeff Corley, stated this contract will provide project management services and final design for the switchgear replacement project at the Coddle Creek Water Treatment Plant.

Consider authorizing the City Manager to negotiate and execute a contract with Page Power Systems in the amount of \$1,404,727 for construction services for the switchgear replacement project at the Coddle Creek Water Treatment Plant.

The Water Resources Director stated this contract will provide construction services for the switch gear replacement project at the Coddle Creek Water Treatment Plant. The price of the contract also includes the alternates of a 3 year extended warranty and the remote racking option.

Consider adopting a resolution to approve and adopt the 2020 Cabarrus Stanly Union Regional Hazard Mitigation Plan.

Emergency Management Coordinator, Ian Crane, stated FEMA requires that hazard mitigation plans be updated every five years to remain eligible for federal mitigation and public assistance funding. FEMA Community Rating System (CRS) and Community Wildfire Protection Plan (CWPP) requirements were integrated into the plan update.

Consider making an appointment to the First Concord Corporation Board of Directors.

The Finance Director, Pam Hinson, stated Mr. Ralph Barnhardt has served on the First Concord Board of Directors since its inception in 1991. Mr. Barnhardt informed the board that he would like to be replaced as a First Concord Board of Director. Mr. Irvin Newberry has agreed to serve on this board and staff requested Council's approval his appointment.

Consider making an appointment to the Concord Family Enrichment Association Board of Directors.

Council Member McKenzie stated Rev. Donald Anthony has submitted his resignation from the Board. Maya Jones and Jean King have expressed interest in serving on the Board. He stated the CFEA Board of Directors recommends the appointment of Maya Jones.

Consider a Preliminary Application from Simon Moody.

The Engineering Director, Sue Hyde, stated the property is located at 1677 Old Charlotte Road. The applicant has submitted a preliminary application to receive water service outside the City limits. There is not sanitary sewer available to this parcel.

Consider a Preliminary Application from George and Patricia Powell.

The Engineering Director stated the property is located at 7990 Untz Road. The applicant has submitted a preliminary application to receive water service outside the City limits. There is not sanitary sewer available to this parcel.

Consent Agenda:

A request was made to remove Consent Agenda Item F from consideration.

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A motion was made by Council Member McKenzie, seconded by Mayor Pro-Tem Sweat, to conduct a closed session in accordance with N.C. General Statute 143-318.11 (a)(3) to consult with the Attorney to protect the attorney-client privilege and to consider and give instructions concerning a legal claim; N.C. General Statute 143-318.11(a)(5) to instruct the City staff regarding the position to be taken related to proposed acquisition of 2 portions of real property generally known as the Grounds and owned by Bootsmead LeaseCo, LLC for the purpose of electrical and fire services—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

A motion was made by Mayor Pro-Tem Sweat, seconded by Council Member Crawford, to return to regular session—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

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Upon reconvening in open session, a motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Crawford to adopt the following resolutions authorizing Eminent Domain for a sewer easement—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

**RESOLUTION AUTHORIZING NEGOTIATED PURCHASE
OR EMINENT DOMAIN TO ACQUIRE PROPERTY**

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire a portion of a property interest identified and defined, as follows:

Description Permanent Sanitary Sewer Easement:

Lying and being in No. 3 Township, City of Concord, Cabarrus County, North Carolina and being on the west side of Scalybark Trail and part of the land described in Deed Book 6966, Page 338 and being more particularly described as follows:

Beginning at an existing 1/2" iron rod, the front corner of Lot 163 (Jeannette L. Foreman, Deed Book 6966 Page 338) as recorded in Map Book 20 Page 12, Cabarrus County Registry and Lot 42 (Alexander Bryan Dill and wife Kammie C. Dill, Deed Book 2165 Page 301) as recorded in Map Book 15 Page 59 of the Cabarrus County Registry; thence following the common property line of said Lots 163 & 42, South 10° 36' 39" West 144.53 feet to the PLACE OF BEGINNING; thence along the southern property line of Lot 163, South 59° 13' 48" West 27.43 feet (L2) to a point; thence following a line crossing Lot 163 the following 5 calls: thence North 18° 08' 33" West 176.47 feet to a point; thence following a line, North 23° 23' 32" West 284.14 feet to a point; thence following a line North 29° 50' 18" West 88.87 feet (L5); thence following a line, South 60° 09' 42" West 300.91 feet to a point; thence following a line South 70° 35' 15" West 18.32 feet (L6) to a point on the eastern property line of Lot 163, thence along said line North 03° 13' 34" East 31.84 feet (L3) to the common rear property corner of Lot 162 (Mark A. Schroeder and wife Linda D. Schroeder, Deed Book 8121 Page 257) and Lot 163; thence following along the common property line of said lots, North 60° 09' 42" East 326.93 feet to the common front property corner of Lot 162 and Lot 163; thence following along the western right-of-way line of Scalybark Trail and the eastern property line of Lot 163 South 23° 38' 58" East 285.55 feet to an existing 1/2" iron rod; thence continuing along the right-of-way line and

property line the following chord direction and length South 35° 23' 55" East 80.97 feet (arc length 81.54 feet, radius 198.56 feet) (C1) to a point; thence crossing Lot 163 South 18° 08' 33" East 165.95 feet to a point on the common property line of Lot 163 and Lot 42; thence along said line South 10° 36' 39" West 6.72 feet (L1) to the POINT AND PLACE OF BEGINNING, containing 21,579.87 square feet or 0.50 acres, more or less as shown on survey by AccuTech Surveying & Mapping, LLP titled, "Easement Plat Permanent 30' Sewer Easement Crossing the Property of Jeanette L. Foreman" dated July 18, 2009 and is hereto attached as "Exhibit A.."

WHEREAS, the Permanent Sanitary Sewer Easement acquisition, affecting a portion of PIN 4681-40-0385 and currently owned by Tri M. Thai is being acquired to construct a sanitary sewer line located in Poplar Trails Subdivision; and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owners to acquire the above-described properties by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONCORD, THAT:

The City of Concord will acquire by condemnation or negotiated conveyances for the purposes stated above the property and interest therein described above to the Resolution.

The City Attorney is authorized and directed to acquire by negotiated offer or, in the alternative, institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes, to acquire the properties described above.

Adopted this 12th day of May, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim J. Deason, City Clerk

RESOLUTION AUTHORIZING NEGOTIATED PURCHASE
OR EMINENT DOMAIN TO ACQUIRE PROPERTY

WHEREAS, the City Council for the City of Concord, North Carolina, hereby determines that it is necessary and in the public interest to acquire a portion of a property interest identified and defined, as follows:

Description Permanent Sanitary Sewer Easement:

Lying and being in Number Three (3) Township, City of Concord, County of Cabarrus, North Carolina and being on the south side of Scalybark Trail and a part of the land as described in Deed Book 557, at Page 384, and being more particularly described as follows:

BEGINNING, at a 5/8" iron rod located on Scalybark Trail, on the lot line between Lot Number 17 (Jan D. & Donna Ashford) and Lot 33 and Part of Lot 33 (Corriher Water Service, Inc.) of Poplar Trails Subdivision and therefore proceeding North 62° 22' 42" West 184.33 feet from the above described point to the POINT AND PLACE OF BEGINNING; thence following in a southwesterly direction onto Lot 32 & Part of Lot 33, (L8) South 50° 26' 55" West 46.22 to a point; thence following South 71° 21' 02" West 237.53 to a point on the western property line of Lot 32 & part of Lot 33; thence following the property lines of Lots 32 & Lot 33 (Corriher/Steven G. & Sharon Minderlien), (L1) North 00° 01' 21" West 31.66 feet to a point; thence following a northeasterly direction through Lot 32 & Part of Lot 33, N. 71° 21' 02" East 221.89 feet to a point; thence following North 50° 26' 55" East 28.06 feet (L7) to a point in the right-of-way of Scalybark Trail; thence following east on the right-of way line of Scalybark

Trail and the lot line of Lot 32 & Part of Lot 33, South 62° 22' 42" East 32.55 feet(L6) to the POINT AND PLACE OF BEGINNING, containing 8,005.62 square feet or 0.18 acre, more or less, as illustrated by map completed by AccuTech Surveying and Mapping, LLP on September 26, 2008 and is hereby attached as "Exhibit A."

WHEREAS, the Permanent Sanitary Sewer acquisition, affecting a portion of PIN 4681-60-0699 and is currently owned by Corriher water Service, Inc. and is being acquired to construct a sanitary sewer line located in the Poplar Trails Subdivision; and

WHEREAS, representatives of the City of Concord are in negotiation with the above stated owners to acquire the above-described properties by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONCORD, THAT:

The City of Concord will acquire by condemnation or negotiated conveyances for the purposes stated above the property and interest therein described above to the Resolution.

The City Attorney is authorized and directed to acquire by negotiated offer or, in the alternative, institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes, to acquire the properties described above.

Adopted this 12th day of May, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: Kim J. Deason, City Clerk

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There being no further business to be discussed, a motion was made by Council Member McKenzie and seconded by Council Member Langford to adjourn—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

William C. Dusch, Mayor

Kim J. Deason, City Clerk