

CONCORD CITY COUNCIL  
WORK SESSION MEETING  
JUNE 6, 2023

The City Council for the City of Concord, North Carolina, held the scheduled City Council Work Session in the 3<sup>rd</sup> floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on June 6, 2023, at 4:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

**Members Present:**

Mayor Pro-Tem JC McKenzie  
Council Member Andy Langford  
Council Member W. Brian King  
Council Member Betty M. Stocks  
Council Member Terry L. Crawford  
Council Member Jennifer Parsley-Hubbard  
Council Member John A. Sweat, Jr.

**Others Present:**

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

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The following agenda was presented for discussion:

**Presentations:**

Presentation of a Proclamation recognizing June 19-25, 2023 as National Pollinator Week.

Presentation of a Proclamation to Mrs. Ruth Brooks.

Presentation of a Proclamation recognizing June 19, 2023 as Juneteenth Day.

**Departmental Reports:**

Downtown Streetscape update

Staff will provide an update at the June 8, 2023 City Council meeting.

**Public Hearings:**

Conduct a public hearing to consider the Raftelis Consultants System Development Fee study regarding the City's water and sewer system development fees.

The Mayor and Council were provided a report from Raftelis Financial Consultants detailing the requested amendments to the City's water and sewer development fees. The report represents an analysis as to how to calculate the system development fees and included supporting documentation for the calculations.

The Finance Director, Jessica Jones, stated City staff published the report, which included the recommended fees, on the City's web site. The law requires that the City "furnish the means" for providing public comments. The option for public comment was included in the electronic posting and the public input requirement was open for 45 days. All public comments are considered before recommending the system development fees. If the City chooses to update the current fees with the new fees, supported by a professional analysis, the fees will need to be in place by July 1, 2023. She stated the fees will be adopted each year as part of the City's annual budget process. The study will be updated every 5 years as required by NCGS 162A, Article 8.

Conduct a public hearing, pursuant to N.C. General Statutes, Section 159-12, to receive public comments relative to the proposed FY 2023- 2024 budget for the City of Concord; following public comments, consider adopting the proposed FY2023-2024 Budget, and consider adopting the Cabarrus Arts Council portion of the External Agencies pursuant to NC General Statutes, Section 14-234.3.

The City Manager submitted his recommended budget to the City Council for consideration. He stated the Cabarrus Arts Council portion of the External Agencies will be considered separately in order to comply with the requirements of NC General Statutes, Section 14-234.3.

Conduct a public hearing and consider adopting a request from Childress Klein Properties/Affiliates to adopt a resolution to enter into a mutual agreement with the City of Charlotte to assign planning/development regulations to 11.54 acres at 8847, 8755 and 8699 Quay Road. (PINs 4589-62-4465, 52-8820).

The Planning and Neighborhood Development Services Deputy Director, Kevin Ashley, stated Childress Klein owns a 48.21-acre parcel, 11.54 acres of which are in Concord and are zoned C-2 General Commercial. The owners received approval of a zoning petition on the Charlotte property in December of 2021 for the development of 488 multifamily units. They wish to extend the multifamily uses to the Concord portion.

Approval of the proposed resolution by Concord and Charlotte would allow the Charlotte development regulations to apply to the property, subject to rezoning of the Concord side through the Charlotte process. Should the resolution not be approved by one of the jurisdictions, or the rezoning not be approved by Charlotte, Concord development regulations would still apply to the property.

He stated staff has closely coordinated with the applicant and with Charlotte staff relative to development options on the property. The owner has also been in conversations with elected officials in both jurisdictions.

Conduct a public hearing and consider adopting an ordinance annexing +/- 3.34 acres of road generally located at Amalia St NE and Northeast Gateway Ct. NE, PIN 5622-63-5846, owned by Copperfield, Inc.

The Planning and Neighborhood Development Services Deputy Director stated the request is for voluntary annexation of +/- 3.34 acres on Amalia St NE and Northeast Gateway Dr. The property is currently zoned C-2 (General Commercial) in the City of Concord ETJ.

He explained the request is for annexation of a public street right-of-way in order to allow the City to provide street maintenance.

Conduct a public hearing and consider adopting an ordinance annexing +/- 47.52 acres at 1085 Copperfield Blvd, p/o PIN 5622-65-8770, owned by Copperfield, Inc.

The City Manager stated the applicant requested a continuance on the request.

A motion was made by Council Member Crawford and seconded by Council Member King to table this request until the July 13, 2023 City Council meeting—the vote: all aye.

#### **Presentations of Petitions and Requests:**

Consider adopting a reimbursement resolution declaring the intent of the City of Concord to reimburse itself for capital expenditures incurred in connection with the financing of a fire station and communications building from the proceeds of an installment financing contract to be executed during fiscal year 2024.

The Finance Director stated the City plans to finance a fire station to be constructed at Concord-Padgett Regional Airport and a Communications Building on property behind Fire Station 3. The fire station will also include a David District substation. These projects are in the FY24 CIP. These projects may have costs before the City completes the financing. She stated the reimbursement resolution will allow her, the Finance Director, to reimburse the City for these expenditures from the proceeds of the installment financing deal.

Consider authorizing the City Manager to negotiate and execute a one year contract extension (Addendum 3) with the Town of Harrisburg for continued treated water purchases from the City of Concord.

The Water Resources Director, Jeff Corley, stated the current water Second Contract Addendum expires July 31, 2023. He stated City of Concord and Harrisburg staff are engaged in conversations concerning a long term water purchase agreement. It would be beneficial to both parties to execute a third addendum that would extend through June 30, 2024.

He explained the proposed agreement includes a temporary raising of the water volumes allowed before incurring a higher rate and the removal of references to paid storage capacities that is no longer relevant since Harrisburg has completed their second elevated storage tank.

Consider approving the Concord Co-Sponsorship application for the Downtown Concord-Cabarrus Arts Council Art Walk on Union.

The Emergency Management Coordinator, Ian Crane, stated the event organizers are requesting assistance for police presence before and during the event, as well as transportation barricades to be provided the Friday before the event and picked up on the Monday following the event. They are also requesting 4 trash cans to be provided by Solid Waste to be dropped off before the event and picked up after the event.

Consider approving the Concord Co-Sponsorship application for the Juneteenth Celebration on June 17, 2023 at Caldwell Park.

The Emergency Management Coordinator stated the event organizer and applicant, Wilma Means and the HBCU Hero Optimist Club, is requesting that the 85/15 revenue split agreement be waived for vendors on site. The applicant is also requesting resources from Concord Police and Concord Fire for a "Bike Rodeo" event during the Juneteenth celebration.

He stated the City's Risk Management Department is evaluating the insurance coverage listed on the application.

Consider awarding a bid and authorize the City Manager to execute a contract for Williams Electric Company to provide contract labor and equipment for installation and maintenance of the City of Concord's electric infrastructure.

The Electric Systems Director, Alex Burriss, stated six bids were received on April 20, 2023 for the provision of contract labor and equipment to install and maintain electric infrastructure to meet customer demands for electric services. The lowest responsive bid was submitted by Williams Electric Company in the evaluated amount of \$6,077.83 per hour for all possible types of crews and equipment.

Consider authorizing the City Manager to negotiate and execute a contract with McAdams for full design services for the bond project at David Phillips Activity Center Park Area located at 946 Burrage Road NE in the amount of \$290,620.

The Parks and Recreation Deputy Director, Sheila Lowry, stated City Council adopted the David Phillips Activity Center Park Area Master Plan in September 2020. Parks and Recreation has selected the firm, McAdams, through an RFQ process for professional design services for the park. She stated this project was identified in the General Obligation Bond funded project in Group 1.

She explained the design phase will include schematic design, design development plans, construction documents at 50%, 95% and 100% level, architectural services for proposed shelter on the property, and cost estimation services. The Park will also serve as a trailhead for the McEachern Greenway along Three Mile Branch with future connectivity Atrium Health Cabarrus Hospital.

Council Member Stocks asked the Parks and Recreation Deputy Director to explain the 50,95, and 100% construction levels. The Parks and Recreation Deputy Director explained.

Council Member King asked when the ground breaking would be held. The Parks and Recreation Deputy Director stated the design will take 12-24 months; it is anticipated construction would take place 2027-2028.

Council Member Langford stated he hoped the consultant would speak to former Council Member Dave Phillips personally to get his opinion on the design.

Consider authorizing the City Manager to negotiate and execute a contract with Performance Managed Construction, Inc. for the George Liles-Roberta Farm pavement repair.

The Engineering Deputy Director, Rick Blat, explained a water pipe owned by the City ruptured under the state-owned George Liles Parkway near the intersection of Roberta Farm Ct. SW in July 2022. City crews promptly repaired the pipe and patched the damaged pavement, but the subgrade soils became saturated due to the water spill and when traffic was allowed back on the road it caused additional pavement damage. The North Carolina Department of Transportation (NCDOT) is requiring the City to repair an area of approximately 5,000 square feet pavement.

Bids for the repair project were received on April 24, 2023. Only one bid was received and, as required by G.S. 143- 132, staff was not able to open and the bid was returned to the bidder. The project was then put out for bids a second time on April 25, 2023 and bids were received on May 3, 2023. This time two bids were received and staff was able to open the bids as allowed by G.S.143-132. The lowest responsible bidder was Performance Managed Construction, Inc. in the amount of \$486,205.50.

Consider approving the change in speed limit from 35mph to 25mph for the entire Allen Mills neighborhood in accordance with the City's Speed Limit Change Policy.

The Transportation Director, Phillip Graham, stated staff received a request from the Allen Mills neighborhood for speed limit signs to be posted due to concerns of speeding along the residential streets. The roads within the Allen Mills neighborhood currently do not have posted speed limits and default to the Citywide Speed Limit of 35mph under City Code Sec. 58-165.

Transportation staff performed a traffic engineering investigation on Old Trace Rd. NW and McGruden Dr. NW. Results of the investigation showed the 85th percentile speeds were 32 and 33mph.

The Allen Mills HOA pursued the petition process to reduce the speed limit to 25mph under the City's Speed Limit Change Policy. The City's Policy requires at least 75% of property owners to sign support of the change. 355 of the 466 (76.2%) signed in support of the speed limit change.

Consider authorizing the City Manager to negotiate and execute a contract with Rummel, Klepper & Kahl, L.L.P. for engineering services relating to the intersection improvement of Poplar Tent Road and Harris Road.

The Transportation Director stated at their April 14, 2022, City Council approved entering into an agreement with the North Carolina Department of Transportation for intersection improvements at Poplar Tent Road and Harris Road. In September 2022, the City received letters of interest for the engineering services for this project. Rummel, Klepper & Kahl, L.L. P. (RK&K) was selected by a review committee as the top firm to complete the work.

The contract with RK&K would be for the first phase of work which includes roadway design, traffic analysis, NEPA permitting, natural resources & permitting, and location surveys. The contract would be a fixed fee for engineering services not to exceed \$201,840.23. The second phase of final design plans would come back to Council in the future for approval.

Consider accepting a preliminary application from James Castonguay.

The Engineering Director, Sue Hyde, stated James Castonguay submitted a preliminary application to receive water service outside the City limits. The property is located at 182 Central Heights Drive. This parcel is zoned county LDR and is developed with a single family house. There is both water and sewer available to the parcel so staff's recommendation is to require annexation as the parcel is contiguous to the existing city limit.

Consider making appointments / reappointments to various City of Concord Boards and Commissions and making a reappointment to the CDDC Board of Directors.

The City Clerk provided the Mayor and Council a list of Board and Commission appointments for the City of Concord noting the members that have expiring terms and can or cannot be reappointed.

**Consent Agenda:**

There were no comments regarding the consent agenda.

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There being no further business to be discussed, a motion was made by Mayor Pro-Tem McKenzie and seconded by Council Member Crawford to adjourn—the vote: all aye

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William C. Dusch, Mayor

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Kim J. Deason, City Clerk