



City Council Agenda

Thursday, December 14, 2023

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

October 24, November 7, and November 9, 2023. **APPROVED**

IV. Organization and Procedure of City Council

1. Oath of Office administered to City Council Members Langford, Clay, Parsley-Hubbard, and Sweat.
2. Establishment of time and place for Council's regular meetings and work sessions.
3. Election of Mayor Pro-Tem for CY2024.

V. Presentations

1. Presentation of a retirement plaque recognizing Brian Dunlap for over 31 years of service with the City of Concord.

Brian Dunlap is retiring after 31 years and 6 months of service to the City of Concord. He began his career operating a leaf machine and knuckle boom truck. Brian was then given the opportunity to join the Traffic Services Division of the Transportation Department where he has spent much of his profession. Brian led the sign shop in the fabrication of thousands of traffic control signs, pavement markings, detours for utilities, events, and construction. Brian's leadership and work ethic will be greatly missed.

2. Presentation of retirement plaque to Gene Sechler for over 28 years of service with the City of Concord.

Gene began his career with the City of Concord in September of 1995 in the Engineering Department as an Engineering Tech I. In this position, Gene operated the field surveying instruments. In October of 1996, he transferred within the department to become CAD Technician I, and in May of 2000, was promoted to CAD Technician II. During his long career with the City, he worked on multiple water lines, sewer lines, and storm water projects. Gene's attention to detail creating design drawings saved the City money when bidding due to their accuracy and thoroughness. Gene provided excellent customer service to his internal customers and coworkers and will be sorely missed.

3. Presentation of retirement plaque to Captain Larry Hubbard for over 25 years of loyal and dedicated service with the City of Concord Police Department.

Captain Hubbard is retiring from the Concord Police Department on January 1, 2024. Captain Hubbard began his career as a patrol officer with the Charlotte-Mecklenburg Police Department in June 1994. Captain Hubbard's employment with the City of Concord started in September 1998 when he worked on patrol as an officer and served as a field training officer. He was promoted to Sergeant, Lieutenant, and Captain during his tenure. He served as a Watch Commander, SWAT, Planning and Logistics team, and Criminal Investigation Division. Captain Hubbard was a recipient of the Department's Officer of the Year Award, Medal of Meritorious Conduct, LifeSaver Award, Excellence in Police Services, and the Chief's Superior Leadership Award.

VI. Unfinished Business

VII. New Business

A. Informational Items

1. Presentation by Youth Council President, Tariq Johnson.

The President of Youth Council will provide an update to Council on CYC's accomplishments and service for the 2023 school year.

2. Presentation of the Independent Auditor's report on the Annual Comprehensive Financial Report for the Fiscal Year ended June 30, 2023.

G.S. 159-34 requires each unit of local government or public authority to have its accounts audited as soon as possible after the close of each fiscal year by a certified public accountant or by an accountant certified by the Local Government Commission as qualified to audit local government accounts. The auditor shall be selected by and report directly to the governing board. As a minimum, the required report shall include the financial statements as prepared in accordance with generally accepted accounting principles, all disclosures in the public interest required by law, and the auditor's opinion and comments relating to the financial statements. A copy of the report is available on the City's website at:

<https://concordnc.gov/Portals/0/Concord/Departments/Finance/Documents/Financial%20Archive%2023%20ACFR.pdf?ver=1vILx0TG25bzmR1SBwAqLw%3d%3d>

B. Departmental Reports

1. Downtown Streetscape Project update
2. Parks & Recreation Bond update

C. Recognition of Persons Requesting to be Heard

D. Public Hearings

E. Presentations of Petitions and Requests

1. Consider a motion to approve the purchase of 438 Allison Street NW. from Daniel Klussmeier for \$190,000 using Community Development Block Grant funds.

Earlier this year, Council approved the purchase of 228, 234, 236, and 240 McGill Avenue NW along with a vacant lot located on Allison Street NW in the Gibson Village Community. These properties were purchased with the goal of revitalizing the area by partnering with local non-profits to address the lack of food access and create a business incubator.

As work continues to demolish the existing structures, the property owner located behind 228 McGill Avenue NW has expressed his desire to sell. If purchased, this parcel will allow greater flexibility with the layout of the sites.

Tax value for the parcels is \$82,280. The home was sold to Mr. Klussmeier in 2018 at a cost of \$162,000. An offer, contingent on Council approval, has been accepted by the owner for \$190,000. If approved, Community Development Block Grant funds would be used for the purchase.

Recommendation: Motion to approve the purchase of 438 Allison Street NW. from Daniel Klussmeier for \$190,000 using Community Development Block Grant funds. **APPROVED**

2. Consider approving the Concord Co-Sponsorship application for the MLK, Jr. Memorial March and Wreath Laying Ceremony on January 15, 2024.

Applicant is requesting in-kind services consisting of police officers to help with traffic and safety of participants during the Memorial March and at the Wreath Laying Ceremony, use of electricity at the MLK Plaza, a CK Rider small vehicle and driver to collect and deliver non-perishable items to Cooperative Christian Ministry, and a Parks and Recreation vehicle and driver to provide transportation for the March and Wreath Laying Ceremony participants, during the event. *Applicant is currently finalizing insurance quotes to secure coverage for this event and this approval will be contingent on successfully obtaining insurance coverage to meet the City requirements.*

Recommendation: Motion to approve the Concord Co-Sponsorship application for the MLK, Jr. Memorial March and Wreath Laying Ceremony on January 15, 2024. **APPROVED**

3. Consider authorizing the City Manager to negotiate and execute a contract with Carolina Siteworks, Inc. for the construction of the Zion Church Rd. Water Line Extension.

The Zion Church Rd. Water Line Extension project consists of the installation of approximately 3,184 ± linear feet of 12" water main providing a loop system on Zion Church Rd. and replacing the existing 8" water line for the purpose of improving the water supply system. The project was bid under the formal bidding process. Bids were taken on October 31, 2023 and six (6) bids were received. The lowest responsible bidder was Carolina Siteworks, Inc. in the amount of \$1,023,861.85. The bid amount is under the budgeted amount.

Recommendation: Motion authorizing the City Manager to negotiate and execute a contract with Carolina Siteworks Inc. in the amount of \$1,023,861.85 for the construction of the Zion Church Rd. Water Line Extension. **APPROVED**

4. Consider adopting a General Fund Capital Project Fund project budget amendment.

Staff is recommending that the funds not needed for the solidwaste shed project be moved to the future projects account. The shed came in \$1,458,981 under budget. The balance remaining in the project is due to scope reduction. The original scope of the project included a mezzanine, elevator lift, and conditioned office space. Scope was reduced to just include a restroom and open air shed. The funds in the future projects account will be used for projects in the CIP in future years.

Recommendation: Motion to adopt a General Fund Capital Project Fund project budget amendment. **APPROVED**

5. Consider appointing or reappointing two members (1 board member and 1 alternate) to serve on the Centralina Regional Council Board of Delegates for CY 2024.

The Centralina Regional Council Board of Delegates is comprised of elected officials from the counties and municipalities throughout the region. Each member government should appoint an elected official to serve on the Board of Delegates. It is suggested that each member government also appoint at least one other elected official to serve as an Alternate to attend Board of Delegates meetings in the Delegate's absence. Currently, Council Member Langford serves as the appointed member. A new alternate member will need to be appointed to the Board.

Recommendation: Motion to appoint two members (1 board member and 1 alternate) to serve on the Centralina Regional Council Board of Delegates for CY 2024. **APPOINTMENTS MADE**

6. Consider making appointments or reappointments to the Transportation Advisory Committee (TAC) and the Technical Coordinating Committee (TCC) of the Cabarrus-Rowan Urban Area Metropolitan Planning Organization (CRMPO).

Each year, the North Carolina Department of Transportation (NCDOT) requires the MPO to supply a list of current TAC and TCC representatives and alternates. Currently, Mayor Pro-Tem McKenzie serves as the appointed member to the TAC and Council Member Crawford serves as the alternate. Transportation Director, Phillip Graham, serves as the appointed member to the TCC and Assistant City Manager, LeDerick Blackburn, serves as the alternate. The City Manager recommends the TCC appointees remain the same.

Recommendation: Motion to make appointments or reappointments to the Transportation Advisory Committee (TAC) and the Technical Coordinating Committee (TCC) of the Cabarrus-Rowan Urban Area Metropolitan Planning Organization (CRMPO). **REAPPOINTMENTS MADE**

7. Consider making an appointment to the CDDC Board of Directors. Assistant City Manager, Pam Hinson, currently serves on this Board. She is retiring; therefore, a new appointment needs to be made. The City Manager recommends Assistant City Manager, Josh Smith, be appointed to serve the unexpired term until June 30, 2024.

Recommendation: Motion to appoint Assistant City Manager, Josh Smith, to the CDDC Board of Directors to fill an unexpired term until June 30, 2024. **APPOINTMENT MADE**

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

A. Consider authorizing the City Manager to execute the 2023-2024 Grassroots Grant award agreement in the amount of \$10,000.

The City of Concord/ ClearWater Arts Center & Studios was awarded the 2023-2024 Grassroots Grant award from Cabarrus Arts Council in the amount of \$10,000. Acceptance of the 2023-2024 Grassroots Grant award agreement will help underwrite the proposed T-Shirt Design Contest 2024 project by funding the hard costs of T-shirt printing, marketing, and Honoraria Stipends for the (4) winning artists.

This facilitates ClearWater's ability to provide a new level of intensive marketing and outreach to area artists with a new emphasis on reaching local artists who may hail from different cultural backgrounds or perspectives focusing on the arena of fashion and graphic design and to help them showcase their talents as well as provide a financial boost to the winners' creative endeavors / businesses. The project will also produce T-shirts that ClearWater can sell to help market both the designers and the Arts Center, and in the process, ClearWater/ City staff will receive coaching in and collaboration on advanced social media marketing techniques from the Project Partner, Studio Print Shop (located on McGill Avenue across from Gibson Mill).

Recommendation: Motion to authorize the City Manager to execute the 2023-2024 Grassroots Grant award agreement attached and adopt a budget ordinance to appropriate the funds.

B. Consider authorizing the Diversity, Equity, and Inclusion Strategist to apply for a \$25,000 Language Access Grant.

The City of Concord has been involved with the Local Government Language Access Collaborative Program offered through The University of North Carolina at Chapel Hill since January 2022. The city-community collaboration is tasked with submitting a final plan for program review before submitting it to City Council for review. Part of the program is a request for a \$25,000 grant supplied by UNC Chapel Hill. The grant will be used to cover the initial costs of program implementation.

Recommendation: Motion to authorize the Diversity, Equity, and Inclusion Strategist to apply for a \$25,000 Language Access Grant.

C. Consider allowing the City of Concord Electric Systems to apply for the Energy Efficiency and Conservation Block Grant (EECBG) in the amount of \$153,940.

In April 2023, the City of Concord Electric Department was selected to apply for an Energy Efficiency and Conservation Block Grant (EECBG) in the amount of \$153,940.

The EECBG's purpose is to support state, local, and tribal governments to reduce fossil fuel emissions, reduce their total energy usage, and improve energy efficiency in the transportation, building, and other sectors.

The total funds appropriated by the government are \$550M across state, local and tribal governments with 1,878 local governments receiving \$299.9 million of those funds.

Recommendation: Motion to approve grant application for the Energy Efficiency and Conservation Block Grant (EECBG) in the amount of \$153,940.

D. Consider authorizing the Concord Police Department to accept the COPS Office FY 23 Law Enforcement Agency De-Escalation Grant-Community Policing Development Solicitation Grant Award in the amount of \$105,320 over 2 years for the purchase of virtual reality training systems.

The Law Enforcement Agency De-Escalation Grants Solicitation is to direct funding to allow state and local agencies the ability to participate in de-escalation, implicit bias, and duty to intervene train-the-trainer programs to establish internal de-escalation implicit bias, and duty to intervene training programs, and/or the purchase of VR/AR de-escalation training technology to support and maintain officer de-escalation techniques. Each Law Enforcement Agency De-Escalation award is for two years (24 months) and there is no local match required.

Recommendation: Motion to authorize the Concord Police Department to accept the COPS Office FY 23 Law Enforcement Agency De-Escalation Grant Community Policing Development Solicitation Grant Award in the amount of \$105,320 over 2 years for the purchase of virtual reality training systems.

E. Consider authorizing the Concord 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 on overtime expenses, up to \$25,000, for traffic safety enforcement. The grant does not require a local match from the City. The application is due January 31, 2024. Grants awarded will be for the 2025 federal fiscal year, which begins October 1, 2024.

Recommendation: Motion to authorize the Concord 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.

F. Consider approving revised policies for Citizen Participation Plan, Affirmative Marketing Plan, and Section 3 Plan to include new requirements.

As an entitlement City, Concord annually receives Community Development Block Grant (CDBG) and HOME Investment Partnership Program funding from the Department of Housing and Urban Development (HUD). As such, Concord is responsible for ensuring all activities follow regulation changes which are routinely monitored by HUD. During recent HUD trainings, variations were noted between Concord's existing Plans (Citizen Participation, Affirmative Marketing, and Section 3) and required programmatic updates. The revised policies and procedure manual is now fully in compliance. All edits and corrections were guided by the Consortium HUD representative.

Recommendation: Motion to approve revised policies for Citizen Participation Plan, Affirmative Marketing Plan, and Section 3 Plan to include new requirements.

G. Consider approving an addition to the policies and procedures for the City of Concord HOME Consortium Manual, City of Concord HOME Manual, and Community Development Block Grant Manual to include fraud and abuse.

As the lead entity for the Cabarrus/Iredell/Rowan HOME Consortium, Concord is responsible for reporting activities and accomplishments to the Department of Housing and Urban Development (HUD) for all Consortium activities. As such, Concord is responsible for updating and amending policy changes released by HUD and disseminating new regulations to Consortium Members as well as subrecipients. In recent months HUD has released additional training related to fraud and abuse. It was determined certain citations were omitted in Concord's policies. This action will approve the additions to all manuals.

Recommendation: Motion to approve an addition to the policies and procedures for the City of Concord HOME Consortium Manual, City of Concord HOME Manual, and Community Development Block Grant Manual to include fraud and abuse.

H. Consider approving the 2024 Payment Standards for the Housing Choice Voucher Program to be effective on January 1, 2024.

The Quality Housing and Work Responsibility Act (QHWRA) of 1998 requires housing authorities to establish a Housing Choice Voucher payment standard between 90% and 110% of the Fair Market Rents (FMRs), published by the U.S. Department of Housing and Urban Development (HUD), for applicable bedroom and unit sizes. The payment standard is used to calculate the amount of the monthly subsidy paid to landlords and takes into account tenant-paid utilities. The QHWRA also includes a provision that tenants initially receiving Housing Choice Voucher (HCV) tenant-based rental assistance may not be required to pay more than 40% of adjusted monthly income for rent and utilities. On August 31, 2023, HUD published a notice of FMRs that became effective on October 1, 2023. An allowance for utilities is included in the FMRs. The 2024 Payment Standards are consistent with the City's Comprehensive Housing Policy, specifically the components related to affordability, availability, and neighborhood stability. The payment standards are also in accordance with the departmental goal to increase and preserve supply of housing to maintain affordability for residents earning 50% or less of the area median income. The area median income for a family of four is currently \$85,100. The 2024 FMRs increased for all unit sizes. Due to the increase in FMRs and the analysis of the success rate of current voucher holder's ability to enter into assisted tenancies, the 2024 Payment Standards will increase from the 2023 Payment Standards. To determine appropriate payment standards for the HCV Program, staff reviewed the share of program participant's adjusted gross income paid towards rent and utilities over the past year to evaluate Rent Burden. Projections show an overall lowering of Rent Burden for program participants under the new Payment Standards. The attached table reflects the 2024 FMR and the proposed 2024 Payment Standards.

Recommendation: Motion to approve the 2024 Payment Standards for the Housing Choice Voucher Program to be effective on January 1, 2024.

I. 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: The Mills at Rocky River Townhomes and Christenbury Townhomes Phase 3. Various utility easements and public rights-of-way are offered by the owners.

Recommendation: Motion to accept the offer of dedication on the following plats and easements: The Mills at Rocky River Townhomes and Christenbury Townhomes Phase 3.

J. Consider accepting an offer of infrastructure at Cannon Run Subdivision PH 1A, Piper Landing Subdivision PH 1 MP 3 and PH 2 Map 1, and Skybrook Corners Subdivision.

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: 757 LF of 12-inch water line, 5,370 LF of 8-inch water line, 2,349 LF of 6-inch water line, 204 LF of 2-inch water, 37 valves and 15 fire hydrants, 9,677 LF of 8-inch sanitary sewer line and 57 manholes.

Recommendation: Motion to accept an offer of infrastructure at Cannon Run Subdivision PH 1A, Piper Landing Subdivision PH1 MP3 and PH2 MP1, and Skybrook Corners Subdivision.

K. Consider adopting an ordinance amending the Rates and Charges Schedule for the Aviation Department to increase parking rates.

This Rates and Charges Schedule change would increase the parking rates in the commercial terminal parking deck to \$14/day from the current rate of \$12/day. Due to upcoming improvements in the parking deck, it is recommended to increase the rate 16% to offset the expense. This rate increase will be effective January 1, 2024.

Recommendation: Motion to adopt an ordinance amending the Rates and Charges Schedule parking rate increase for the Aviation Department.

L. Consider adopting budget ordinance amendments to amend the FY 2023/2024 budget for various funds impacted by the implementation of the compensation study recommendations.

At the second work session in November, Council approved the implementation of the compensation study recommendations related to changes to the compensation structure. These changes will be implemented effective January 8th and will be funded by a transfer from the self insurance fund reserves. The attached budget amendments for the various funds adjusts the budget for this transfer and the estimated impact of the compensation structure changes.

Recommendation: Motion to adopt budget ordinance amendments to amend the FY 2023/2024 budget for various funds impacted by the implementation of the compensation study recommendations.

M. Consider acceptance of the Tax Office reports for the month of October 2023.

The Tax Collector is responsible for periodic reporting of revenue collections for the Tax Collection Office.

Recommendation: Motion to accept the Tax Office collection reports for the month of October 2023.

N. Consider Approval of Tax Releases/Refunds from the Tax Collection Office for the month of October 2023.

G.S. 105-381 allows for the refund and/or release of tax liability due to various reasons by the governing body. A listing of various refund/release requests is presented for your approval, primarily due to overpayments, situs errors and/or valuation changes.

Recommendation: Motion to approve the Tax releases/refunds for the month of October 2023.

O. Receive monthly report on status of investments as of October 31, 2023.

A resolution adopted by the governing body on 12/9/1991 directs the Finance Director to report on the status of investments each month.

Recommendation: Motion to accept the monthly report on investments.

IX. 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.