



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 22, December 6, December 8, and December 20, 2022

IV. Presentations

1. Presentation of Retirement Plaque to Richard V Bergeron II for over 28 years of service with the City of Concord Fire Department.

Richard started his fire career as a Volunteer Firefighter earning his basic firemanship in March of 1980. He started his career with the City of Concord Fire Department on March 01, 1994 rising to the rank of Battalion Captain in early 2011. Richard then transferred to the Fire Marshal's Office in mid-2011 and was promoted to Fire Inspector. While in the Fire Marshal's Office, he reached the rank of Assistant Fire Marshal. Richard has earned certificates in Firefighting and Fire Prevention. Richard's certifications include earning his Firefighter II, EMT Basic, Haz-Mat Technician, Fire Instructor Level II, Fire Officer Level II, Fire Inspector Level III, Fire Educator Level III, Certified Fire Investigator, Child Passenger Safety Technician and National Fire Academy Youth Fire Setting & Prevention / Intervention Level.

Richard has also earned various other certifications and qualifications in technical rescue and Airport Rescue Fire Fighting. Richard earned his Associates Degree in Applied Science from Central Piedmont Community College and a Bachelor of Science in Fire Science from Fayetteville State University. Richard has served on multiple teams within the department to include being a founding member of the Haz-Mat team when it was first created. His involvement on the team led to the design and build of two custom Kawasaki mule specialty response vehicles. One Mule was used as a medical unit and the other was a brush fire unit. Due to Richard's dedication to the fire service and calm and collective nature, he has earned two lifesaving medical awards.

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 2022-23 budget the Distinguished Budget Presentation Award with special performance measures recognition. 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 2022-23 budget marks the 21st consecutive year the City has been awarded this recognition.

3. Presentation of a Proclamation recognizing 2023 as the "Year of the Trail".

2023 NC Year of the Trail celebrates North Carolina's vast network of trails, greenways, and blueways which showcase our diverse landscapes – grand mountain vistas, quiet rivers, vibrant urban greenways, coastal forests, and the rolling hills of the piedmont. NC Year of the Trail is the largest statewide celebration of trails and outdoor recreation in North Carolina history. North Carolina is the Great Trails State, where each of North Carolina's 100 counties should be able to enjoy the proven benefits of trails, including health, safety, economic development, tourism, transportation, and environment. Trails are the backbone of our state's growing \$28 billion outdoor recreation economy. The Year of the Trail campaign will reach communities with the message of how and where to experience trails that showcase North Carolina's beautiful landscapes, provide healthy recreation, and stimulate local economies. The NC General Assembly NC designated 2023 as NC Year of the Trail, an effort led by the Great Trails State Coalition. The [Great Trails State Coalition](#) is a broad-based group of diverse organizations, agencies, and supporters advocating for increased state investment in all types of trails statewide: hiking, paddle, mountain biking, equestrian, and paved. Goals for NC Year of the Trail include: inspire people of all ages, abilities, and backgrounds to try trails; demonstrate the importance of trails to elected officials; boost outdoor recreation tourism across the state through Year of the Trail events in all 100 counties; promote safe and responsible use of trails, with the [Outdoor NC Principles](#); advance diversity and inclusion on trails; and social media and Instagram ([#greattrailsstate](#)).

V. Unfinished Business

VI. New Business

A. Informational Items

1. **Presentation from Cooperative Christian Ministries (CCM) Executive Director, Ed Hosack.**

B. Departmental Reports

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/85% tax-based economic development grant to HSREI, LLC, (Hendrick Motorsports Manufacturing) to locate at 5301 Stowe Lane, Charlotte, North Carolina 28262 (Concord city limits) having an investment of approximately \$14,900,000 in real and personal property.**

Under the North Carolina General Statutes, City Council may offer incentives to stimulate private sector expansion of new facilities. HSREI, LLC, proposes to develop an approximately 155,000 SF advanced manufacturing facility to allow for the expansion of the existing manufacturing operations and specifically for the fabrication of metal structures, prototyping, and assembly. HSREI, LLC, proposes to invest approximately \$14,900,000 in real and personal property. The project expects to create approximately 50 new full-time jobs (in addition to retaining 75 existing jobs) with average wages of \$62,000. The total value of the City's three-year grant is estimated to equal \$176,868 depending on the actual investment. The City of Concord would still collect a three-year net revenue of \$31,212 after the incentive payments. Please see attached grant analysis for additional details.

Recommendation: Consider offering a contract for a three-year/85% tax-based Economic Development Incentive Grant to HSREI, LLC, to locate at 5301 Stowe Lane, Charlotte, North Carolina 28262 (Concord city limits).

2. **Conduct a public hearing for case Z-21-22 and consider adopting an ordinance amending the official zoning map for +/- 3.125 acres located at 494 Corban Ave SE from RM-1**

(Residential Medium Density) to C-2 (General Commercial) and to amend the 2030 Land Use Plan to modify the future land use designation of the parcel from “Suburban Neighborhood” to “Commercial”.

The Planning and Zoning Commission heard the above referenced petition at their December 20, 2022, meeting and unanimously voted to forward the request to City Council with a recommendation that the zoning map be amended from RM- 1 (Residential Medium Density) to C -2 (General Commercial) and to amend the 2030 Land Use Plan to designate the parcel as “Commercial”. The property is the site of the Berry Auto Clinic and has been in use as an auto repair facility by the applicant since 1989.

Recommendation: Consider adopting an ordinance amending the official zoning map from RM- 1 (Residential Medium Density) to C -2 (General Commercial) and to amend the 2030 Land Use Plan to modify the future land use designation of the parcel from “Suburban Neighborhood” to “Commercial”.

- 3. Conduct a Public Hearing for case TA-10-22 and consider adopting an ordinance amending the Concord Development Ordinance Table 7.6.2.A. to amend the height limit for multi-family in the O-I (Office-Institutional) zoning District.**

This text amendment is administrative in nature. The Planning and Zoning Staff Report reflects that an application was submitted for the text amendment; however, after consideration, Planning Staff is moving it forward administratively as it serves to correct an omission from TA-06-22, which raised height limits for multi-family to four stories for multi-family in the RV and RC zoning districts. The Planning and Zoning Commission recommended the amendment and the statement of reasonableness and consistency as depicted in the staff presentation on December 20, 2022.

Recommendation: Consider adopting an ordinance amending CDO Table 7.6.2.A.

E. Presentations of Petitions and Requests

- 1. Consider authorizing the City Manager to negotiate and execute a contract with WithersRavenel for full design services for the Academy Gibson Area adjacent to the Clearwater Arts Center & Studio.**

This will include the space identified in the adopted master plan for a Pump Track, Skate Park and Community Space in the amount of \$513,800.

City Council adopted the new master plan for the renovation and redevelopment of Academy Gibson Area on September 8, 2022. The Academy Gibson area part of Phase I development includes the open space at the corner of Kerr and Cedar adjacent to the existing Village Greenway and the open space area adjacent to Clearwater. Also, the area at the corner of Kerr and Academy for redevelopment for community space with a parking area. Parks and Recreation has selected the firm, WithersRavenel located out of Raleigh, NC through an RFQ process for professional design services for the park. The original master plan was completed by WithersRavenel, and staff guided the public input process. This design phase will include Schematic Design, Design Development Plans, Construction Documents at 50%, 95% and 100% level, Geotechnical site work and investigations, architectural services for existing and proposed buildings on the property, cost estimation services, and allowances for surveying and additional mapping. Full turn-key development of Phase I for the Academy Gibson Park Area identified in the General Obligation Bond funded project.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with WithersRavenel in the amount of \$513,800 for Full Design services for Academy Gibson Phase I Park Area.

2. Consider approving the Public Art Master Plan for Concord to serve as a guide to implementing public art throughout the City of Concord.

Based on the growing interest of public art within Concord, the Public Art Advisory Committee and City Council's expressed desire to facilitate a Public Art Master Plan, which will direct how public art can be embedded more deeply in the life of the community, identifies potential projects that the City could take on, outlines processes through which the City can manage public art projects, and shows how the City's efforts can catalyze resources from the community and the private sector.

The development of this plan was led by consultants Todd W. Bressi and Amina Cooper, supported by City leadership, the Cabarrus Arts Council (CAC), and guided by Concord's Public Art Advisory Committee (PAAC). The planning process involved foundational research into the City of Concord's plans, programs, policies, and priorities via review of planning documents and interviews with key City staff. The consulting team also reviewed public art initiatives in ten communities in North Carolina, as well as elsewhere in the country, to provide context for how a city like Concord could evolve its public art activities. Through extensive community outreach, an online survey, a booth at the April Art Walk on Union, smaller community conversations with focused outreach to Concord's Black, Latino, South Asian and LGBTQ communities, as well as artists, high school students and homeowners' associations. The results are captured in the Public Art Master Plan to help guide the design and evolve Concord's public art.

Recommendation: Motion to approve the Public Art Master Plan for Concord to serve as a guide to implementing public art throughout the City of Concord.

3. Consider adopting bylaws for the newly created Public Art Commission.

With the approval of the Master Public Art Plan, the Council was asked to recreate a Public Art Commission to lead the implementation of the Master Plan. The Bylaws are in alignment with the Master Plan recommendations.

Recommendation: Motion to adopt the Public Art Commission Bylaws.

4. Consider authorizing Rider Transit to enter into an MOU with the Cabarrus Reentry Program for pilot project to provide participants program related trips as needed.

The Cabarrus Reentry Program approached Rider Transit to discuss transportation support for program participants facing transportation challenges, often one of the leading causes of reentry failures. Program Director Dennis Brown presented their initial request at the 11/30/22 Concord Kannapolis Transit Commission meeting. The request centered around a pilot program that would involve 6 individuals that have been working with the Reentry Program to receive training, certification and job placement in the Logistics industry prior to their reentry in early February. Rider Transit would like to support the Cabarrus Reentry Program's request and provide program related trips for participants, particularly work-related trips. The Concord Kannapolis Transit Commission unanimously approved entering into the partnership as a pilot project at their 11/30/22 meeting, which will be monitored, data compiled, and revisited 6 months after initial implementation to determine next steps.

Recommendation: Motion to authorize Rider Transit to enter into an MOU with the Cabarrus Reentry Program to provide participants program related trips as needed.

5. Consider abandoning a sewer right-of-way across property at 308 Concord Parkway N (PIN 5620 05 5851).

There is a sewer right-of-way recorded in Deed Book 625 Page 655 to the City of Concord. As this property has developed, this right-of-way is not necessary.

Recommendation: Motion to adopt a resolution authorizing the Abandonment of Sewer right-of-way.

6. Consider appointing a single voting delegate to cast the City of Concord's vote on the proposed legislative goals from the North Carolina League of Municipalities (NCLM).

NCLM has proposed 16 advocacy goals. Each municipality will review the goals and cast a single online vote by selecting 10 of the 16 proposed goals. The ballot must be submitted by January 13, 2023.

Recommendation: Motion to appoint a single voting delegate to cast the City of Concord's vote on the proposed legislative goals from the NCLM.

VII. Consent Agenda

A. Consider approving the current Concord ABC Board Travel Policy.

The ABC Board is required by the NC General Statute to have their travel policy approved each year by City Council. NC General Statute 18B-700, Appointment and organization of local ABC boards, section (g2) states the following: Travel Allowance and Per Diem Rates. - "Approved travel on official business by the members and employees of local boards shall be reimbursed pursuant to G.S. 138-6 unless the local board adopts a travel policy that conforms to the travel policy of the appointing authority and such policy is approved by the appointing authority. The local board shall annually provide the appointing authority's written confirmation of such approval to the Commission and a copy of the travel policy authorized by the appointing authority. Any excess expenses not covered by the local board's travel policy shall only be paid with the written authorization of the appointing authority's finance officer. A copy of the written authorization for excess expenses shall be submitted to the Commission by the local board within 30 days of approval." No changes have been made to the ABC Board travel policy.

Recommendation: Motion to approve the current Concord ABC Board Travel Policy

B. Consider authorizing the Police Department to apply for the 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, 2023. Grants awarded will be for the 2024 federal fiscal year, which begins October 1, 2023.

Recommendation: Motion to authorize the Police Department to apply for the 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 approving the Carolina Thread Trail to be the lead agency for a grant application on behalf of the City of Concord for feasibility studies as part of the NCDOT Paved Trails

& Sidewalks Feasibility Study Grant Program; consider authorizing the City Manager to provide a Letter of Support for the application; consider authorizing staff to participate in the study if a grant is awarded; and consider authorizing the Parks & Recreation Department to provide \$2,000 from the Connectivity Plan as part of a multi-jurisdictional effort to provide a match which, though not required, may factor into the award decision.

The multi-jurisdictional grant application will include Concord, Harrisburg, Charlotte, Cabarrus County and Mecklenburg County. The grant will be for the feasibility study as part of the NCDOT Paved Trails & Sidewalks Feasibility Study Grant Program for the multi-jurisdictional area, If awarded, the study (the cost of which may range from \$60,000 to \$120,000) will evaluate alternative trail alignments along the Mallard Creek corridor as it flows from Mecklenburg into Cabarrus County to its confluence with Rocky River, and then upstream on Rocky River to the existing Hector H. Henry Greenway Riverwalk segment. This greenway corridor is identified in the Carolina Thread Trail Master Plan for Cabarrus County, which was accepted by Concord City Council in 2009 and further identified for additional study in the adopted 2019 Open Space Connectivity Analysis. It is considered to be the main north-south spine of the Thread Trail; and is also identified in the North Carolina Great Trails State Master Plan. Of the nearly 10-mile corridor, approximately 7 miles are within the City of Concord. Study elements will consist of stakeholder engagement, study considerations, alternatives development and route recommendations, cut sheets and visualizations/renderings, and implementation guidance. At the conclusion of the study, each participating jurisdiction will receive all documentation and will be able to coordinate with both the Thread Trail and the other jurisdictions on next steps.

Recommendation: Motion to authorize the City Manager to provide a Letter of Support to the Carolina Thread Trail for the grant application and to authorize staff to participate in the study, and to provide the financial support to Carolina Thread Trail in the amount of \$2,000 from the Connectivity Project account for the City's portion of the overall supporting match.

- D. Consider authorizing the City Manager to negotiate and execute a contract with NCDOT through the Cabarrus-Rowan MPO for the acceptance of the Federal (CMAQ) Congestion Mitigation and Air Quality Program grant in the amount of \$1,549,154 for construction and to adopt a capital project ordinance amendment.**

Acceptance of the Federal (CMAQ) Congestion Mitigation and Air Quality Program grant in the amount of \$1,549,154 will assist with the construction of Phase 1 for the Clarke Creek Greenway. Funding was approved for design of the greenway in FY22 and the 20% local match for construction was approved in FY23 in the amount of \$387,288. The Clarke Creek Greenway provides significant connectivity benefits for residents in Highland Creek, Winding Walk, Allen Mills and Christenbury neighborhoods to the future Jim Ramseur Park, Cox Mill Elementary School, and Cox Mill High School.

This project will include the bridge connection, as well as about one and a half miles of new greenway trail. It is a high priority identified in the adopted City of Concord Open Space Connectivity Analysis. The awarded grant amount of \$1,515,158 will be used for construction of Phase 1 of the project. Phase 1 will connect the new JE Jim Ramseur Park to Highland Creek including a pedestrian bridge over Clarke Creek.

Recommendation: Motion to authorize the City Manager to negotiate and execute a contract with NCDOT through the Cabarrus-Rowan MPO for the acceptance of the Federal (CMAQ) Congestion Mitigation and Air Quality Program grant in the amount of \$1,549,154 for construction and to adopt a capital project ordinance amendment.

- E. Consider accepting an offer of infrastructure at Red Hill Subdivision, Spring Meadow Subdivision PH2A MP 1, Dollar Tree Union Street, S.**

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: 1,314 LF of 8-inch water line, 1,840 LF of 6-inch water line, 362 LF of 2-inch water line, 12 valves and 5 Fire Hydrants. 2,840 LF of 8-inch sanitary sewer line, 14 Manholes.

Recommendation: Motion to accept an offer of infrastructure at Red Hill Subdivision, Spring Meadow Subdivision PH2A MP1, Dollar Tree Union Street, S.

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: M/I Homes of Charlotte, LLC (PIN 4681-82-0317) 345 Odell School Road, EC Emery, LLC (5611-89-3995) 150 Emery Ave NW, Mini Storage Depot on Concord Parkway, LLC (5509-20 -3633) 4295 Concord Parkway South, and M/I Homes of Charlotte, LLC (PIN 5610-65-7205) 2850 Rock Hill Church Road. 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 on the following properties: M/I Homes of Charlotte, LLC – 345 Odell School Road and 2850 Rock Hill Church Road, EC Emery, LLC., and Mini Storage Depot on Concord Parkway, LLC.

G. 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: Cannon Run Phase 1 -A, Piper Landing Phase 2 Map 1, Emery Apartments, Amhurst Phase 2, and Faith Drive Townhomes. 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: Cannon Run Phase 1-A, Piper Landing Phase 2 Map 1, Emery Apartments, Amhurst Phase 2, and Faith Drive Townhomes.

H. Consider adopting a capital project ordinance to amend the Stormwater Projects Fund.

Staff has determined that the budget previously adopted for the Brookwood Avenue Improvements project is no longer needed. Part of the money previously allocated to this project is being moved to the Mall North Culvert project to fully fund the project and allow it to move forward in this fiscal year. The rest of the money no longer needed for Brookwood will be moved to the future projects account.

Recommendation: Motion to adopt a capital project ordinance to amend the Stormwater Projects Fund.

I. 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 your 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 that these financial institutions be approved.

Recommendation: Motion to adopt a resolution to designate allowed depositories for the City.

J. Consider approval of the transfer of delinquent utility accounts to collection 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 collection losses. Delinquent utility accounts deemed to be uncollectible amount to \$578,786.41. 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 collection 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, 2021 – June 30, 2022 (These revenues are less than 1% of the total operating revenues for each utility – Electric \$344,039.33; Water \$115,321.70; Wastewater \$89,546.32; Stormwater \$19,011.22; and Environmental Services \$10,867.84).

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

K. Consider accepting the semi annual debt status report as of December 31, 2022.

The City's debt report as of December 31, 2022 is presented for the City Council's review.

Recommendation: Motion to accept the City's semi annual debt status report as of December 31, 2022.

L. Consider acceptance of the Tax Office reports for the month of November 2022.

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 2022.

M. Consider Approval of Tax Releases/Refunds from the Tax Collection Office for the month of November 2022.

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 November 2022.

N. Receive monthly report on status of investments as of November 30, 2022.

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 Commission (MTC)
- Centralina Regional Council
- Concord/Kannapolis Transit Commission
- Public Art Commission (PAC)
- Water Sewer Authority of Cabarrus County (WSACC)
- WeBuild Concord
- Barber Scotia Community Task Force Committee
- Concord United Committee

IX. General Comments by Council of Non-Business Nature

X. Closed Session (If Needed)

XI. 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.

