



City Council Agenda

Thursday, October 10, 2024

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

August 20, September 10, and September 12, 2024. **APPROVED**

IV. Presentations

1. Presentation of retirement plaque to Canine Csubi for six years of service as a Police Canine.

K9 Csubi was purchased on June 11, 2018, and is eight years old. While working with Master Police Officer Trey Brown, Csubi reached his level 2 tracking certification. In his six years as a police canine, Csubi had over 20 captures and found over five guns. Csubi loves tennis balls and his little sister Hollis. Csubi's most memorable capture was when he tracked a gunshot victim and located him in his front yard with a chest wound. MPO Brown was able to direct officers to the scene so they could provide first aid to the victim and get him to the hospital. Due to health reasons, Csubi will enjoy his retirement years with MPO Trey Brown at his home.

2. Presentation of a retirement plaque recognizing William "Bill" Leake for 27 years of service with the City of Concord.

William "Bill" Leake served the City for 27 years. He served as a line clearance Tree Trimming Supervisor for 18 years before coming to the Buildings and Grounds Department serving as the City's first Arborist. During his tenure as the City's Arborist, the City earned the title of Tree City USA for 5 consecutive years, and the Tree City USA "Growth Award" in 2023. Bill worked extensively with the Planning Department reviewing development plans and with other City departments bringing a realistic approach to the management of trees. Bill was passionate about trees evidenced by his enthusiasm when speaking with the public or engaging with students during a civic education presentation. Often, he would use his climbing skills and repel out of a bucket truck surprising his students. He enthusiastically approached tree planting initiatives such as the Arbor Day Energy Saving Tree Program where the City partnered with All Saints Episcopal Church, the annual recognition of Arbor Day and the City's Memorial Tree Program to name a few. Bill often quoted this Chinese proverb, "The best time to plant a tree is twenty years ago. The second best is now."

3. Recognition for the Public Power Distinguished Service Award.

On August 14, 2024, Jack Rushing was presented with the Electricities Public Power Distinguished Service Award in Asheville NC at the Electricities Annual Conference.

This award goes to someone who has demonstrated exceptional leadership and dedication to public power as well as someone who has brought their organization to a new level of excellence and inspires employees to improve. Jack has been doing this for over 43 years.

Jack is always quick to respond to calls for help. If there's a local outage or storm response, Jack shows up for his team and the community. Jack's generosity and care for others, and his willingness

to share his knowledge and expertise doesn't stop at Concord's borders. He has been to at least 15 different communities across multiple states to help restore power following storms and major weather events.

His leadership doesn't stop in the field. He has taught multiple ElectriCities Basic and Intermediate Climbing Schools, and routinely leads safety meetings and annual skills testing for coworkers.

True to his calling and believing that public power truly is community driven, Jack looks for ways to give back in his community. He has organized softball tournaments to raise money for coworkers with ALS and assists with various fundraisers, including the annual Fallen Lineman Foundation fundraiser.

Jack Rushing is an exemplary leader who inspires excellence, dedication, and teamwork in all that he does.

4. Presentation of a Proclamation recognizing the week of October 6-12, 2024 as Public Power Week in the City of Concord.

V. Unfinished Business

VI. New Business

A. Informational Items

1. Presentation on the recommendations from the Water and Wastewater Rate Study.

B. Departmental Reports

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

C. Recognition of Persons to be Heard

D. Public Hearings

1. Conduct a public hearing to consider adopting an ordinance amending Article 12 "Sign Standards", Sections 12.1.12 "Nonconforming Signs", and 12.1.6 "Computation of Height", and Article 14 "Definitions" of the Concord Development Ordinance (CDO) to address statutory changes to sign regulations and to clarify procedures for measurement of sign height.

The General Assembly recently passed Senate Bill 607 which contained changes to various regulations from professional licensing to coastal development but included was a provision relating to nonconforming signage. These requirements are included in the General Statutes as 160D-912.1, which allows any existing on-premise signage that was legally permitted to be reconstructed or replaced on the site provided that the size is not increased. The provisions apply to wall signs, ground signs, and any other permitted on-premise sign but not billboards. The ordinance currently requires that any nonconforming sign with a panel change (such as in the case of a business name change) be brought into conformance with the current requirements. This new Statute eliminates that requirement and its provisions for sign replacement are retroactive to October 1, 2021. The proposed amendment rewrites the nonconforming sign provisions and inserts language from the bill, including the definition of "on-premise" sign.

With this amendment to Article 12, staff also proposes to add clarifying language to 12.1.6 relative to the measurement of signs for establishments which are located below street level. This language is verbatim from the previous zoning ordinance and was effective in assigning staff in working with establishments that are subject to differences in grade. At their September 17, 2024 meeting, the Planning and Zoning Commission unanimously recommended the amendment to Council. The Planning Commission staff report and complete strike-through document are included for reference.

Recommendation: Motion to adopt an ordinance amending Articles 12 and 14 to adopt changes relative to Sign Standards. **APPROVED**

2. Conduct a public hearing and consider adopting a resolution on the matter of closing the right-of-way of an unopened portion of an alley running parallel to Corban Ave SE.

The proposal includes the abandonment of the right-of-way for a portion of alley that runs behind 135 Corban Ave SE. This alley was originally part of the M.L. Widenhouse Subdivision platted in 1914. The alley was never opened and is unimproved. Stanley Cranford and Debbie Langley filed the application, and they are the owners of 135 Corban Ave SE. Harwards Realty & Insurance Co. owns the land on the other side of the alley. Each property owner will receive half of the portion of the alley being abandoned.

Staff has notified the petitioner and all adjacent property owners in accordance with the requirements of the General Statutes. All City departments have reviewed the petition and there are no objections to the petition.

Recommendation: Conduct a public hearing and consider adopting a resolution on the matter of closing the right-of-way of an unopened portion of an alley running parallel to Corban Ave SE. **APPROVED**

E. Presentations of Petitions and Requests

1. Consider a resolution authorizing the City Attorney to take all necessary steps to convey property totaling about 4 acres (+/-) on Wilson Street NE to WeBuild for the purpose of constructing affordable housing.

The City acquired three parcels totaling about 5 acres (+/-) on Wilson Street in 1995 at a cost of \$12,000 for the purpose of meeting future recreational needs. The City no longer needs all of these parcels, and WeBuild has requested that the City convey some property to them for the construction of affordable housing units. WeBuild, at their expense, has completed a recombination survey for these properties. This survey shows: the abandonment of an existing boundary line on Tract II; a new property line along the northeast of tract II to exclude land currently used by parks and recreation for the McEachern Greenway (Tract I); the abandonment of a private right of entry used by the previous property owners prior to the sale to the City. WeBuild is requesting that Tracts II and III, totaling about 4 acres, be conveyed, with the City retaining ownership of Tract I. WeBuild plans to build approximately 14 homes on this property, with 75% of the units built being sold or rented to those at the 80% AMI or below level.

Recommendation: Motion to approve a resolution authorizing the private sale of approximately 4 acres (+/-) of property located on Wilson Street NE to WeBuild for the purpose of constructing affordable housing units. **APPROVED**

2. Consider authorizing the City Manager to negotiate and execute a contract with Ike's Construction, Inc for the Caldwell Park and Irish Buffalo Creek Renovations a part of Group 1 bond projects and to approve the attached budget amendment.

The Caldwell Park and Irish Buffalo Creek Renovations will consist of selective demolition/site demolition, site clearing & grubbing, erosion control, earthwork (mass grading and fine grading), storm drainage, water quality, concrete pavement, asphalt pavement, paved walking trails, site walls, park building(s), amphitheater, pavilion, shelters, splash pad, basketball courts, baseball field, site lighting fencing, utilities, and ancillary work.

The project was bid under the formal bidding process and three bids were received on September 24, 2024, and publicly read aloud. The lowest responsible bidder was Ike's Construction, Inc. in the amount of \$11,377,800. The attached budget amendment reallocates funding among projects to

better align with the updated timeline and fully fund the Caldwell Park project. Funding moved from other bond funded projects will be included in the next bond sale as needed.

Recommendation: Motion Authorizing the City Manager to negotiate and execute a contract with Ike's Construction, Inc. in the amount of \$11,377,800 and to approve the attached budget amendment. **APPROVED**

3. Consider approval of the final design for the new David Phillips Park on Burrage Road as part of the 2022 General Obligation parks bond program and authorize the City Manager and staff to continue final project permitting and enter the bid phase.

Based on recommendations from the 2016 Comprehensive Parks & Recreation Master Plan and an adopted master plan, staff recommends consideration of approval for the design of a new neighborhood park at the David Phillips Activity Center location at 946 Burrage Road NE.

The park's master plan (adopted in September 2020) proposed for approximately 3-acres of the existing recreation property to be used both as an extension for the existing environmental education activities provided at the adjoining David Phillips Activity Center, while reflecting recreational activities reminiscent of the site's former use as a family residence on the total 10.3-acre property. The plan recommended a playground and activity zone, experiential garden, and amenities such as an 'aviary' natural education area and a treehouse. Consistent with its future use as a publicly-accessible park, the master plan also recommended limited additional restroom facilities, natural paths and trails, and a connection to the McEachern Greenway along Three Mile Branch.

Features to be added include the following:

- two additional family restrooms in expanded environmental education pavilion, incl. inclusive changing table (total of 3 restrooms);
- tiered terraced gardens, stepped down the hill from the existing recreation center, that will weave demonstration plots to showcase food production gardening that can be easily grown at home. Additionally, permanent plantings will showcase appropriate home gardening plantings such as herbs, pollinator species, and fruiting shrubs and trees. An accessible ramp will allow the gardens to be accessed by users and will serve as a direct connecting path from the recreation center to the lower pavilion and playground;
- a nature-based, primarily hardwood playground that mimics four tree houses—recalling the residential family history of the property and the four brothers raised there. Elements include accessible surfacing for movement between all play components, engineered wood-style equipment reflecting a more natural feel, challenge and ropes elements for all ages, a "tire swing", a hillside slide, and integrated learning panels showcasing native species that may live on or traverse the site;
- an 'aviary' environmental education seating area that uses shade sails mimicking a tree canopy, and native plantings that attract bird and pollinator species. The aviary will use a circular layout with concrete seat walls to allow for a versatile learning experience allowing students a 360-degree view of bird and insect species inhabiting the adjacent gardens;
- a 'treehouse' overlook will be featured at the highest portion of the site, for nature viewing and creating another learning opportunity. The open-air wooden structure has been designed to resemble a tree canopy and is adjacent to a courtyard with low walls facing an open stair/seating area. The area is set up for small group presentations as well as groups of up to 30 in the learning courtyard;
- a wildlife habitat and meadow area, with plantings focused on creating additional habitat for native species. Two new habitats including a wetland and meadow will be added to the site, providing a

wider range of diverse landscapes that will continue attracting wildlife to the site for user interaction and education opportunities;

- a stepped/planted stormwater control feature that will replicate natural stream/pool basins; and
- approximately 4500 feet of greenway path (a future connection to the future McEachern Greenway); and a paved, accessible trail and path network connecting all site features and learning areas.

Although some project elements have shifted locations within the park area, there are two reductions in the current project scope as compared to the adopted master plan—the ‘beach’ and over-water overlook areas along Three-Mile Branch were removed in order to eliminate permitting issues. The trail, future bridges and natural bankside paths overlook the creek in numerous places, providing opportunities for seating and stream observation.

While it will be open to general public use, this park has been purposely designed to be relatively understated—parking is limited (34 current spaces are available and no new spaces are required), and the park is generally considered a hybrid between a neighborhood park and one used by the wider community as an adjunct to the DPAC facilities and educational programming.

The current cost estimate for the park is \$3,255,580.56 which is \$512,340 over the available budget amount of \$2,743,240. The cost estimate includes a 15% cost contingency of \$424,641.

Recommendation: Motion to approve the final design for the new David Phillips Park and authorize the City Manager and staff to continue final project permitting and enter the bidding process for the bond-funded construction per final design documents. **APPROVED**

4. Consider adopting a resolution authorizing an eminent domain action for a parcel located at 620 Main St. SW.

This property is currently owned by all heirs known and unknown of Michael Edward Helms. The acquisition of this property is necessary for the repair and reconstruction of a stormwater culvert. The temporary construction easement is estimated to have a value of \$1,296. (at 50%) on 0.180 acres and the permanent utility easement is estimated to a value of \$345.60 on 0.024 acres, for a total value of \$1,641.60.

Recommendation: Consider adopting a resolution authorizing an eminent domain action for a parcel located at 620 Main St. SW. **WITHDRAWN**

5. Consider adopting a project ordinance amendment for the increase of HOME program income budget for FY24.

The current budget amount is \$1,184,640 and needs to be increased to \$1,327,160 with a difference of \$142,520 to account for additional program income received by the City of Concord. These funds will be earmarked for the Coleman Mill project.

Recommendation: Motion to adopt a project ordinance amendment to increase of HOME program income for FY24 by \$14,520. **APPROVED**

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

A. Consider approving an addendum to the current lease agreement between the City of Concord and Cameron Concepts, LLC.

Cameron Concepts, LLC (lessee) currently leases a portion of City owned property located on the western side of Interstate 85, near the Speedway Boulevard Exit near the Concord Regional Airport property for the purpose of maintaining a single-face off-premise electronic outdoor advertising sign in accordance with the City's comprehensive sign ordinance. The lessee is requesting the City consider extending the lease for an additional twelve (12) years, ending on July 19, 2044.

The language of the lease remain the same as the existing lease, whereby Cameron Concepts will pay the City of Concord a fee of 25% of the quarterly gross revenues derived by Cameron Concepts from all paid advertising appearing on the digital board, in addition to providing the City of Concord with available space to promote the City of Concord and or its departments at no cost.

Recommendation: Motion to approve an addendum to the current lease agreement between the City of Concord and Cameron Concepts, LLC.

B. Consider authorizing the Housing Department Staff to submit a renewal application for the Family Self-Sufficiency Program grant.

The Family Self-Sufficiency Program provides grant funding to pay the salary and benefits of the program coordinator whose primary responsibility is to guide and connect participants to needed training and resources. Participants in the program gain access to the support they need in order to achieve their self-sufficiency goals and move up the economic ladder.

Recommendation: Motion to authorize Housing Department Staff to submit a renewal application for the Family Self-Sufficiency Program grant.

C. Consider authorizing the Solid Waste Department and Sustainability Coordinator to apply for a food waste reduction grant from the North Carolina Department of Environmental Quality.

The purpose of the 2024 Food Waste Reduction grant is to help local governments, non-profits, and businesses to reduce the amount of wasted food being disposed of in landfills. Staff is requesting an approval not to exceed \$30,000, with a 20% match of \$6,000. Grant proceeds would allow for supplies and equipment needed to begin a residential composting program.

Recommendation: Motion to authorize the City Manager to permit the Solid Waste Department along with the Sustainability Coordinator to apply for a 2024 food waste reduction grant from the North Carolina Department of Environmental Quality in the amount of \$30,000 with a 20% match of \$6,000.

D. Consider approving grant submission to the US Department of Agriculture Rural Business-Cooperative Service Reinvestment Fund's "Healthy Food Financing Initiative Food Access and Retail Expansion Fund" (HFFI FARE Fund) in the total amount of \$300,000 for the redevelopment of the McGill Project.

The US Department of Agriculture (USDA) has issued a notice of funding for the "Healthy Food Financing Initiative Food Access and Retail Expansion Fund" grant which seeks to improve access to healthy food and expand economic opportunity in underserved areas. Inquiry forms are due to USDA October 14, 2024. If selected to apply the full grant will be due 45 days after notification. If Council approves, staff will be seeking \$ 250,000 towards the construction of the farmers market and retail space and an additional \$50,000 for technical assistance for technology development, retail management, food system access, and community engagement.

Recommendation: Motion to approve grant submission to the US Department of Agriculture Rural Business-Cooperative Service Reinvestment Fund's "Healthy Food Financing Initiative Food Access and Retail Expansion Fund" (HFFI FARE Fund) in the total amount of \$300,000 for the redevelopment of the McGill Project.

E. Consider authorizing the City Manager to execute the contract for the Joe Cannon Irrevocable Charitable Trust F/B/O Concord Fire Department for the approval of replacement trustee for the foundation.

The Joe Cannon committee is requesting approval for the recommendation for Mr. Brian P. Hayes to be appointed as the successor trustee for the Joe Cannon Irrevocable Charitable Trust F/B/O. The fire departments current trustee has requested to resign from the current role and Mr. Hayes was

selected by the committee. Per article VII of the Joe Cannon Concord Fire Department Charitable Trust requires council approval for the new successor trustee.

Recommendation: Motion to authorize the City Manager to sign the Designation of Successor Trustee document to replace the former trustee for the Joe Cannon Irrevocable Charitable Trust F/B/O Concord Fire Department.

- F. Consider authorizing the City Manager to negotiate and execute a contract with the North Carolina Department of Transportation (NCDOT) for acceptance of a supplemental award of federal Congestion Mitigation and Air Quality (CMAQ) program funds for construction of the Clarke Creek Greenway-Cox Mill Loop Greenway & Bicycle/Pedestrian Bridge project in the amount of \$2,130,846 and approve a budget ordinance amendment.**

The Clarke Creek Greenway-Cox Mill Loop Greenway & Bicycle/Pedestrian Bridge project is known as 'Phase A' of the City's Clarke Creek Greenway system, linking the future Ramseur Park and Cox Mill elementary and high schools with the Allen Mills, Highland Creek and Winding Walk residential neighborhoods. The project will include two bridge connections as well as approximately 1.52 miles of new greenway trail. It is a high priority identified in the adopted City of Concord Open Space Connectivity Analysis.

In 2022, Phase A was awarded \$1,549,154 in CMAQ funding to assist with the cost of construction; the City's 20% matching requirement is \$387,288. In July 2023, the City Council authorized staff to amend that application to request supplemental funding of \$2,130,846 with a City match of \$532,712. The City received notification of the award by NCDOT in June 2024 and is anticipating a revised agreement updating the project funding. The City's match will be provided from the Parks & Recreation Reserve Fund.

Recommendation: Motion to authorize the City Manager to execute a revised municipal agreement (NCDOT TIP BL-0060) to accept Congestion Mitigation and Air Quality (CMAQ) program funding in the amount of \$2,130,846 for construction of the Clarke Creek Greenway-Cox Mill Loop Greenway & Bicycle/Pedestrian Bridge project and approve a budget amendment.

- G. Consider authorizing City Manager to negotiate and execute Assignment and Assumption of Lease by Concord Aviation Property, LLC and DK Aviation Properties, LLC.**

Concord Aviation Property, LLC and DK Aviation Properties, LLC have agreed to an assignment of lease subject to Council approval. The terms and conditions of the lease remain the same. The Aviation Director and City Attorney have no objection with the proposed lease agreement.

Recommendation: Motion to authorize the City Manager to negotiate and sign Assignment and Assumption of Lease.

- H. This item was moved to the regular agenda as Agenda Item #4.**

- I. This item was moved to the regular agenda as Agenda Item #5.**

- J. Consider adopting a project ordinance amendment to decrease the CDBG program income budget for FY24.**

The current budget amount is \$110,730 and needs to be decreased to \$104,891, with a difference of \$5,839. Staff will absorb the decrease within the supplies line item.

Recommendation: Motion to adopt a project ordinance amendment to decrease the CDBG program income for FY24 by \$5,839.

- K. 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 plat and easements are now ready for approval: Springs Business Park. 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: Springs Business Park.

L. Consider acceptance of the Tax Office reports for the month of August 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 August 2024.

M. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of August 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 overpayments, situs errors and/or valuation changes.

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

N. Receive monthly report on status of investments as of August 31, 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.

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

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.