

CONCORD CITY COUNCIL
WORK SESSION MEETING
JUNE 11, 2019

The City Council for the City of Concord, North Carolina, held a work session on June 11, 2019, at 4:00 p.m., in the Council Room of City Hall, with Mayor William C. Dusch presiding. Council members were present as follows:

Members Present:

Mayor Pro-Tem Samuel M. Leder
Council Member W. Brian King
Council Member Ella Mae P. Small
Council Member JC McKenzie
Council Member Terry L. Crawford
Council Member Jennifer H. Parsley
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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Presentations:

1. Presentation of a Certificate of Appreciation to former Fire Chief, Ray Allen.
2. Presentation of SWANA (Solid Waste Association of North America - North Carolina Chapter) Second Place Finish in the Roll-Off Competition to Greg Spears with the City of Concord - Solid Waste Services department.
3. Presentation of a Plaque to Concord-Padgett Regional Airport for IS-BAH Stage 1 Certification.
4. Presentation of a Proclamation recognizing June 19, 2019 at Juneteenth Day.

Informational Items:

1. Presentation by reigning Miss Cabarrus County, Déja Grant. (Work Session).

Ms. Grant spoke about her social impact initiative, Facing Cancer. She stated she speaks and educates youth about the importance of living healthy lifestyle. She also hosts a weekly series on social media.
2. Presentation by Centralina Council of Governments (COG) Executive Director, Geraldine Gardner. (Work Session).

Ms. Gardner introduced herself and explained services that the COG provides to local governments.

Council Member Sweat entered the meeting.

Public Hearings

1. Conduct a public hearing pursuant to NC General Statutes Sec. 158-7.1 and consider offering a contract for a ten year / 50% tax based Downtown MSD Economic Development Incentive Grant to Concord Master Venture, LLC (Lansing Melbourne Group) for the development of a mixed use structure located at 30

Market St. SW.

The Planning and Neighborhood Development Services Director, Steve Osborne, explained the request. The proposed mixed use development represents a proposed \$50,000,000 investment. He stated the estimated construction time is 18 months.

2. Conduct a public hearing and consider approving the submission of the FY2019-20 Action Plan for the US Department of Housing and Urban Development Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs.

The Planning and Neighborhood Development Services Community Development Manager, Mary Carr, stated the City is required to submit the Action Plan annually. She explained the Plan includes CDBG and HOME activities planned for the City of Concord, as well as HOME activities for the members of the HOME consortium. She also stated Concord is the lead entity responsible for reporting for the Consortium.

3. Conduct a public hearing to consider designating Bell and Harris - Maxwell Brothers and Collins - Maxwell Brothers Furniture Store (29 Cabarrus Ave. E) as a local historic landmark.

The Planning and Neighborhood Development Services Planner, Scott Sherrill, stated the building owner, and registered agent for Church Street Lofts, LLC, Patrick Reilly, has applied for the designation of the property as a local historic landmark.

He stated request requires a report to be generated by the Historic Preservation Commission (HPC) and reviewed by the State Historic Preservation Office, per statute, as well as a review of the designation by the Planning and Zoning Commission, and public hearings to be held jointly or separately by the Historic Preservation Commission and the City Council. The HPC held their public hearing on May 8, 2019.

The Planning and Zoning Commission recommended the following statement of reasonableness and consistency: The proposed request is consistent with Objective 3.3 of the 2030 Land Use Plan "Support historic preservation efforts within the City's historic districts and for other historic sites."

4. Conduct a public hearing to consider designating the Hotel Concord and Concord Telephone Exchange Building (4-18 Union St. N and 11-15 Cabarrus Ave. E) as a local historic landmark.

The Planning and Neighborhood Development Services Planner, Scott Sherrill, stated the building owner, and registered agent for HC Landlord, LLC, Patrick Reilly, has applied for the designation of the property as a local historic landmark.

He stated request requires a report to be generated by the Historic Preservation Commission (HPC) and reviewed by the State Historic Preservation Office, per statute, as well as a review of the designation by the Planning and Zoning Commission, and public hearings to be held jointly or separately by the Historic Preservation Commission and the City Council. The HPC held their public hearing on May 8, 2019.

The Planning and Zoning Commission recommended the following statement of reasonableness and consistency: The proposed request is consistent with Objective 3.3 of the 2030 Land Use Plan "Support historic preservation efforts within the City's historic districts and for other historic sites."

5. Conduct a public hearing and consider adopting an ordinance to annex +/- 0.408 acres of property, located at 7601 Rocky River Road, and owned by Rocky River

Project, LLC.

The Planning and Neighborhood Development Services Planning Manager, Starla Rogers, explained the request. She stated the property is contiguous to the City of Concord satellite corporate limits, known as The Mills at Rocky River. If approved, the applicant intends to pursue a rezoning to C1-CD (Light Commercial Conditional District) for the purpose of establishing a single access drive to the commercial component of The Mill's PUD.

6. Conduct a public hearing to consider adopting an ordinance amending the official zoning map for property located on the southeast corner of the George Liles Parkway, NW and Coddle Market Dr, NW intersection from C-1 (Light Commercial) to C2-CD (General Commercial Conditional District).

The Planning and Neighborhood Development Services Planning Manager stated the subject property consists of a 1.26 acre portion of a 1.4 acre parcel, on the eastern quadrant of the intersection of Coddle Market Dr. NW and George Liles Pkwy NW. The applicant is seeking to amend the zoning to establish a new General Commercial Conditional District (C-2CD) on a portion of the parcel to construct a convenience store of 3,500 square feet with gas sales.

The Planning Manager stated the existing zoning district (C-1) allow the convenience store, but it would be limited to 2,000 square feet. The Planning and Zoning Commission heard the above referenced petition at their April 16th, 2019 public hearing and acted to approve the request with nine conditions.

Mr. Kunal Shah, the representative from the adjacent daycare facility at 320 Coddle Market Dr. NW (Kids R Kids/Cheerwine, LLC) expressed opposition to the rezoning and on April, 30th 2019 submitted an appeal of the rezoning. In accordance with Concord Development Ordinance section 3.2.4 "Any person aggrieved by the decision of the Planning and Zoning Commission shall have the right to appeal the action to the City Council.

7. Conduct a public hearing pursuant to N.C. General Statute 159-12 to consider public comments relative to the proposed FY 2019-2020 budget for the City of Concord.

The City Manager stated he presented the proposed FY19-20 to the Mayor and City Council, per the NC General Statutes. The required public hearing will be held June 13th at the regularly scheduled City Council meeting.

Presentations of Petitions and Requests

1. Consider renewing a nine year three hundred sixty four day lease with Darwin Sports, Inc. for property located at 124 Church Street North (PIN # 5620-89-3818) for the continued operation of a private athletic training field.

The Planning and Neighborhood Development Services Director explained the proposed lease is for another period of nine years and three hundred sixty four days for \$1.00. Comments from the surrounding neighborhood have been positive for the use and the upkeep of the field.

Mayor Pro-Tem Leder asked if lease amount of \$1 per year is a reasonable amount. The Planning and Neighborhood Development Services Director stated the \$1 per year lease amount was agreed to in the previous lease due to Darwin Sports investing \$65,000 to make necessary improvements to turn the field into a practice facility.

Council Member King questioned if additional improvements would be made since the \$1 per year amount is continuing. The Planning and Neighborhood Development Services Director stated there are no additional improvements being

proposed. Darwin Sports continue to maintain the building and field.

2. Consider adopting a resolution requesting the Cabarrus County Board of Elections place a proposition "to permit the on-premises and off-premises sale of malt beverages" on the November 5, 2019 ballot.

The City Manager stated the proposed was presented to the Council at the 2019 Annual Planning Session.

The Planning and Neighborhood Development Services Director stated voter approval of a referendum permitting the on-premises sale of malt beverages would make it easier for taprooms, wineries, and other new businesses to obtain a State ABC permit to sell beer without having to classify as a restaurant, private club, or brewery. Without approval of a referendum, Concord would be an outlier among other comparable cities and towns across North Carolina.

If approved, the referendum will be included on the November 5, 2019 ballot. The Concord Downtown Development Corporation, Cabarrus County Chamber of Commerce, Cabarrus Visitors Bureau, and Cabarrus Economic Development Corporation have passed resolutions of support for the proposed referendum.

3. Consider adopting a resolution accepting an offer of \$175,000 for the sale of 12 Hawthorne Street, SW.

The Planning and Neighborhood Development Services Community Development Manager stated in October 2018, the Council approved the construction of a 10th new home on Hawthorne Street. That home is 30 days away from being complete. A purchase price was advertised via flyers on site of \$181,000 and an offer has been submitted in the amount of \$175,000

4. Consider awarding a bid to N.C. Quality Home Builders, LLC in the amount of \$118,650 to construct a new home at 524 Allison Street.

The Planning and Neighborhood Development Services Community Development Manager stated community input was received requesting smaller homes to reflect single adults or small households. Four contractors bid on the project, with N.C. Quality Home Builders, LLC submitting the lowest bid in the amount of \$118,650. The lowest bid is under the estimated cost for this home. Funding for the construction will come from the City's allocation for affordable housing.

5. Consider authorizing the City Manager to execute an agreement with PSNC/DE to install, operate, own and maintain a new gas distribution system at Logan, Mary Chapman and Wilkinson Homes.

The Housing Director, Angela Graham, stated the Housing Department currently owns and maintains the gas lines and gas meters on housing in the Logan, Mary Chapman and Wilkinson communities. These lines are 60+ years old and have exceeded their useful life.

She stated PSNC/Dominion Energy has agreed to install a new distribution system at no cost to the City. They will also replace existing meters with new AMR meters. PSNC/DE will be responsible for all maintenance, inspections and service of this new system, and the old City-owned system will be abandoned. This results in a savings of \$300,000 to the Housing Department.

6. Consider authorizing the City Manager to negotiate and execute a contract addendum with Waste Pro USA, Inc. for the collection of garbage, recycling, and bulky waste.

The Solid Waste Director, Robin Barham stated Waste Pro has agreed to continue to provide the same menu of services for \$1.39 per unit increase. The addendum

will expire June 30, 2022 with an additional option for the renewal of two, successive one year terms. The pricing per unit increases from the current pricing of \$6.86 per unit to a negotiated rate of \$8.25 per unit, with all service provisions staying the same. Minor changes to the addendum cover the changes that have occurred in our service provision since 2011, such as the switch from scheduled bulky service to bi-weekly service (which we now provide) and the definition of a Courtesy Collection time period as 72 business hours. The addendum also changes the Inflation Factor to the standard CPI for All Urban Consumers (CPI-U) index and deletes the fuel clause in its entirety, which should save the City money going forward. Lastly, a 15% discount will be applied under the new agreement to all City facilities who utilize Waste Pro for Designated Non-Residential cart collection service.

7. Consider authorizing the City Manager to negotiate and execute a contract with Ratzlaff Construction Company for the construction of the Open Air Learning Center on David Phillips Center property.

The Parks and Recreation Director, Bob Dowless, stated the lowest bid received by Ratzlaff was in the amount of \$128,787, which was \$18,787 over the approved project budget. Parks & Recreation staff identified cost savings in the Capital Building & Improvements account to fund the project.

8. Consider declaring four (4) Caterpillar diesel Peak Shaving Generator units as surplus and accepting a bid to purchase from D.H. Griffin, Inc.

The Electric Systems Director, Bob Pate, stated the generators are no longer needed. A request for proposals to purchase the generators was issued and bids were received. The highest responsive bid was received from D. H. Griffin Inc. in the amount of \$500,130.

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

10. Consider authorizing the City Manager to negotiate and execute a contract with J.S. Haren Company to install Plate Settlers at Coddle Creek Water Treatment Plant.

This item was previously approved by the Council. Therefore, the item was removed from the agenda.

11. Consider authorizing the City Manager to negotiate and execute a development agreement with Laureldale, LLC. for upsize of a water line for the Villages at Skybrook Phase 3-2 project.

12. Consider authorizing the City Manager to negotiate and execute a contract with United of Carolinas, Inc. for the replacement of the culverts on Chelwood Dr NW and Chadbourne AVE. NW.

13. Consider a preliminary application from Sharlene Kirk.

14. Consider a preliminary application from Niblock Homes.

Consent Agenda

There were no comments made regarding the Consent Agenda.

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A motion was made by Council Member Crawford, seconded by Council Member

CONCORD CITY COUNCIL
REGULAR MEETING
JUNE 13, 2019

A regular meeting of the City Council for the City of Concord, North Carolina, was held on June 13, 2019, at 6:00 p.m., in the Council Room of City Hall, with Mayor William C. Dusch presiding. Council members were present as follows:

Members Present:

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

Others Present:

City Manager, Lloyd Wm. Payne, Jr.
City Attorney, Valerie Kolczynski
City Clerk, Kim J. Deason
Public Affairs and Projects Manager, Peter Franzese
Department Directors

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Call to Order, Pledge of Allegiance, and Moment of Silent Prayer

The meeting was called to order by Mayor Dusch followed by the Pledge of Allegiance and a moment of silent prayer.

Approval of Minutes

A motion was made by Council Member Crawford, seconded by Mayor Pro-Tem Leder, and duly carried, to approve the minutes for the meetings of May 7 and May 9, 2019—the vote: all aye.

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A motion was made by Council Member Crawford, seconded by Council Member Parsley, and duly carried, to add a presentation (item #5) from the Town of Mooresville—the vote: all aye.

Presentations:

1. **Mayor Dusch presented a retirement plaque to former Fire Chief, Ray Allen, for 28 years of loyal and dedicated service to the City of Concord Fire Department.**
2. **Mayor Dusch presented the SWANA (Solid Waste Association of North America – North Carolina Chapter) Second Place finish in the Roll-Off Competition to Greg Spears.**
3. **Concord-Padgett Regional Airport Aviation Director, Dirk Vanderleest, was presented with a Plaque for the implantation of the International Standard for Business Aircraft Operations Handling (IS-BAH) Stage 1 Certification.**
4. **Mayor Dusch presented a Proclamation recognizing June 19, 2019 as Juneteenth Day.**
5. **Major Chilton, Mooresville Police Department, presented the Mayor and City Council a plaque in appreciation of the City of Concord's assistance and support to the Town of Mooresville during their time of need. Fire Chief Williams and Police Chief Gacek accepted the plaque on behalf of the City Council.**