

CONCORD CITY COUNCIL
WORK SESSION
JULY 7, 2020

The City Council for the City of Concord, North Carolina, held a work session on July 7, 2020, at 4:00 p.m. with Mayor William C. Dusch presiding.

In order to maintain the safety of City residents, City Council, and staff, this meeting was conducted electronically via Zoom.

Council members were present as follows:

Members Present:

Mayor Pro-Tem John A. Sweat, Jr.
Council Member Andy Langford
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

Others Present:

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

* * * * *

The following agenda was presented for discussion:

Presentations:

Recognition of the City of Concord Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting for period ending June 30, 2019.

Mayor Dusch recognized the City of Concord Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting for period ending June 30, 2019. The City has received this award for 31 consecutive years.

Recognition of the City of Concord Human Resources Department for being awarded the 2020 Healthiest Employer of Greater Charlotte award.

Public Hearings: – the public hearings were opened at the July 7, 2020 Work Session and continued to the July 9, 2020 City Council meeting to allow for the required 24 hour written comment period for virtual hearings:

Conduct a public hearing and consider adopting an ordinance for annexation of four (4) parcels located on the northeast side of the Rocky River Road and Lower Rocky River Road intersection.

A motion was made by Council Member Crawford and seconded by Council Member King to open the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

The Planning Manager, Starla Rogers, stated the property consists of +/- 56.83 acres and is adjacent to the southwest corner of The Mills at Rocky River project and west of CC Griffin Middle School. The applicant, Keith Rains, PE of McKim and Creed, proposes to annex the subject property for the development of a single-family residential detached subdivision.

The Planning Manager explained the subject petition is a resubmittal for a previously considered site. The 2019 petition was submitted prior to the adoption of the Conservation Subdivision standards and the request was tabled until the ordinance could be adopted. After the Conservation Subdivision Ordinance was adopted, the petitioner provided details on the intended use of the property, which included 113 homes on the +/- 56.83 acres. Council held a public hearing on March 12, 2020 and voted to decline annexation. Subsequently, the applicant submitted the current annexation petition for the same property, now proposing 106 homes.

Keith Raines, 8020 Tower Pointe Drive, Charlotte, NC, spoke in favor of the request. Mr. Raines stated, in his opinion, he feels the proposed project meets the newly adopted conservation standards.

Bob Bennett, 9905 Strike the Gold Lane, spoke in favor of the request. He stated the proposed will include all single family detached homes and explained some of the community features for the proposed development.

Brian Kelly, 8397 Lower Rocky River Rd, Concord, NC, spoke in favor of the request. Mr. Kelly and his wife, Elaine Kelly, are the current property owners. They each spoke in favor of the request. He stated, in his opinion, he feels this is good proposal for the area and asked the Council to consider approving the annexation. Ms. Kelly stated they are only selling a portion of their property to the developer.

There were no further speakers signed up to speak in favor or in opposition to the public hearing. Therefore, a motion was made by Council Member Langford and seconded by Council Member Parsley to table the public hearing for further consideration until July 9, 2020 at 6:00 p.m.—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

Conduct a public hearing and consider approving the submission of the Consolidated Plan for FY 2020-2024 and FY 2020-2021 Action Plan to the US Department of Housing and Urban Development Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs.

A motion was made by Council Member Crawford and seconded Council Member King to open the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

The Community Development Manager, Mary Carr, stated the City of Concord and the Cabarrus/Iredell/Rowan HOME Consortium are required to submit a Consolidated Plan every five (5) years to HUD. This plan evaluates the housing and community development needs within the region and details proposed actions to address the identified needs. As lead entity, Concord staff is responsible for gathering compiling and submitting to HUD information from all members.

She stated due to COVID-19 limitations, HUD amended public comment periods to a shorter timeframe and allowed jurisdictions to host virtual public hearings to safely obtain input from residents and community stakeholders. To help limit hardships for residents, staff worked to obtain input via several virtual methods. First, a survey was available on the Community Development webpage March 1st – April 30th for initial input. The survey link was shared with HOME members and community stakeholders to be distributed for area input. Concord's first public hearing was held online through the City of Concord website on May 3 - 15, 2020. A second virtual public hearing was held online from June 15th – June 26, 2020 where the general public, boards and commissions, non-profits, and other interested parties are asked to review and submit comments to the draft plan version available online. In addition to these efforts, two other surveys were opened via the City's webpage and Community Development's webpage.

To date, staff has received over 3,500 responses from the community. Based on this input, the main points identified as priorities within Concord and the region are; housing (rehabilitation/weatherization), affordable housing, homelessness and economic development. These items are the core needs discussed and basis for actions proposed within the next five (5) years.

There were no speakers signed up to speak in favor or in opposition to the public hearing. Therefore, a motion was made by Council Member McKenzie and seconded by Council Member King to table the public hearing for further consideration until July 9, 2020 at 6:00 p.m.—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley and Sweat; Nay – none.

Presentations of Petitions and Requests:

Consider adopting a resolution of intent to schedule a public hearing on the matter of abandoning a portion of the right-of-way of the former location of Wilshire Ave, SW between Old Charlotte Rd, SW and the new alignment of Wilshire Ave, SW.

The Planning and Neighborhood Development Director, Steve Osborne, stated Chris Lucas has applied for the right-of-way abandonment. Mr. Lucas, via his firm New South Properties, LLC, owns the property on both sides of the right of way proposed for abandonment. If approved, the City would retain the existing sewer and stormwater easements.

Consider authorizing the City Manager to negotiate and execute a contract with Talbert Bright and Ellington (TBE) to provide professional engineering services to mitigate obstructions at Concord Padgett Regional Airport and to adopt the operating budget amendment for the project.

The Aviation Director, Dirk Vanderleest, explained the Federal Aviation Administration issued a Notice to All Airman (NOTAM) in 2019 regarding unreliable service for the Automated Weather Observing System (AWOS) at Concord-Padgett Regional Airport. This decision was due to changes from FAA regarding obstructions around the AWOS nationwide. The new rule dictates that AWOS must be 1000 feet radius free from any obstructions, the previous rule stated 500 feet radius free.

The Aviation Director stated staff identified the locations of trees to be removed. In addition, there is a line of site issue with Taxiway G that needs to be addressed as well. KDAR, LLC has provided the required Independent Fee Analysis and FAA has approved the scope of work for the project and has agreed to fund the obstruction removal in FY 21. The funding for the professional services will come from the NCDOT-aviation grant that will be available July 2020. The airport will receive \$2,240,445.

Consider approving Neighborhood Matching Grant requests submitted by Recognized Neighborhoods.

The Community Outreach Coordinator, Cherie Jzar, stated for FY 20-21, the maximum grant amount that could be requested for any project is \$3,000 and the total program budget is \$30,000. All eligible recognized neighborhood organizations were invited to apply for grant funds. The application deadline was May 22, 2020. Staff received ten applications requesting a total \$27,378 to complete \$60,723.40 in projects.

Consider adopting a resolution to create temporary COVID-19 related policies for the City's utility customers regarding utility shut-offs, late fees, and reconnection fees upon expiration of the Governor's Executive Order No. 124 and 142.

The Finance Director, Pam Hinson, explained the proposed resolution. She stated the North Carolina Governor's Executive Order (EO) 142 was issued to continue Executive Order 124 order for 60 more days. This order prohibited residential utility shut-offs, late fees, and reconnection fees. EO 142 will expire in 120 days, or July 29, 2020.

Staff is requesting the Council consider adopting the proposed resolution to create procedures for the City's utility customers that qualify for the 6 month agreement required by EO 124 and EO 142. The resolution will expire, for utility customers who are enrolled in a COVID-19 related payment agreements, no later than 6 months from the date the customer signs the agreement.

She explained the EO states that residential customers, who had a bill due date between

the dates of March 30, 2020 and July 29, 2020, should be given at least 6 months to pay the amount due. This resolution will also continue to suspend penalties for customers until the six month period ends, which should be in February, 2021. City staff will send a Pay Plan letter as an insert with the utility bills for all 3 billing cycles. This information will also be shared through social media and telephone calls. Customers that had a past due amount prior to March 30, 2020 will be required to pay that amount. These amounts will not be included in the 6 month payment plan requirement.

She provided an update to the Council regarding utility collection revenue.

Consider adopting a resolution authorizing the exchange of certain parking easements for other equal parking easements.

The City Attorney stated Central United Methodist Church requested the City consider exchanging existing parking easements on church property off Church Street for other equal parking easements located in the church parking lot off Killarney Avenue.

Consider authorizing the City Manager to negotiate and execute a contract with Queen City Engineering for Rider Transit Driver Protection Barriers.

Transit Director, LJ Weslowski, stated Rider Transit is proposing the installation of Driver Protection Barriers to provide twofold protection for our vehicle Operators; a physical barrier for enhanced protection from Coronavirus transmission, as well as a security barrier to protect Operators from any unwanted physical contact from passengers or the general public.

He stated Rider Transit is required to spend a minimum of 1% of the FTA 5307 grant funding allocations on security related items, for which these barriers would be an eligible item. Transit currently has 17 vehicles, 4 different vehicles types, each requiring a different size and shaped barrier system. Rider Transit staff recommended awarding Queen City Engineering a contract in the amount of \$57,500 to design, build and install protection barriers on our 17 buses, vans and Light Transit Vehicles. Under new authorizations from FTA related to the Coronavirus Pandemic, Rider Transit will be able to use Federal grant funds to pay 100% of the cost of this project.

He also stated the Concord Kannapolis Transit Commission approved the recommendation at their June 24, 2020 meeting

Consider approving the Concord Kannapolis Area Transit Public Transportation Agency Safety Plan.

The Transit Director stated FTA is now requiring all federally funded public transit systems to develop and maintain an Agency Safety Plan. Rider Transit, considered a Small Agency (under 100 buses) by FTA, will be participating under NCDOT's Statewide System Safety Program Plan.

FTA program requires approval of the new plan by the Concord Kannapolis Transit Commission, the Cabarrus Rowan MPO, and Concord City Council be included within the plan document itself before submission to NCDOT and FTA for their final approval. He stated the plan was approved by the Concord Kannapolis Transit Commission at their June 24, 2020 meeting.

Consider approving the Master Plan and Conceptual Design for a 6.97 acre neighborhood park located at 106 Wilson Street, NE and trailhead parking for the McEachern Greenway.

The Parks and Recreation Deputy Director, Sheila Lowry, stated the property is approximately 6.97 acres, and current serves as trailhead parking for the McEachern Greenway. The gravel parking area was developed in 2017 with the construction of the McEachern Greenway Extension and has since been cleared and maintained as open space.

She further stated Parks and Recreation contracted with the firm, Viz Design, to create a vision for the space that incorporates several thematic elements including a nature and

themed playground area, outdoor classroom space, pollinator garden, enchanted fairy door path, labyrinth maze, and many other areas for kids and families to relax, enjoy nature and enjoy the greenway. This park site also offers the opportunity to increase program offerings for children of all ages with the addition of the restroom and outdoor classroom. It will also provide connectivity to five major park sites.

She introduced Gary Fankhauser with Viz Design. Mr. Fankhauser explained, in detail, the conceptual plan. He also presented the estimated total cost for the project.

Consider authorizing the City Manager to negotiate and execute a contract with Woolpert, NC, PLLC, to complete the Master Plan, public input, and conceptual design for the Northwest Park.

Parks and Recreation Senior Planner, Jason Pauling, stated the property is located at 1252 Cox Mill Road in Concord and totals approximately 28.6 acres. The property was recently purchased by the City to serve as the site of Concord's first Community Park in the Northwest and is adjacent to Cox Mill Elementary School.

Parks and Recreation submitted an RFQ seeking professional design firms in March. A total of 19 firms submitted Statements of Qualification, and through the selection process, the firm Woolpert, North Carolina, PLLC was selected. The contract amount is for \$83,820, which will include meetings with stakeholders, public workshops and public participation including a needs assessment survey, master planning, conceptual design, and other reimbursable expenses including presentations to Council once the master plan document is complete. He stated funding is included in the FY21 budget for master planning.

He further stated amenities in this park may include a recreation center, community room, meeting space, sport fields and/or courts (tennis, pickleball, etc.), open space, splash pad, dog park, disc golf, playgrounds, shelters and greenways and/or trails for connectivity

Consider authorizing the City Manager to negotiate and execute a contract with TELICS, Inc for on-call Real Estate Services to assist with the land acquisition process for greenway development.

The Parks and Recreation Senior Planner stated submitted an RFQ for Real Estate Acquisition Services for park and greenway projects and has selected the firm TELICS (Telecommunication & Industrial Consulting Services). TELICS Scope will include acquisition services for four (4) primary greenway corridors as referenced in the Open Space Connectivity Analysis, and the City's Capital Improvement Plan, including McEachern Greenway, Hector Henry Greenway, Clarke Creek Greenway (Cox Mill Loop), and Irish Buffalo Creek Greenway. TELICS' fee will be anywhere from \$3,000 to \$8,700 per parcel depending on the service provided.

Consider adopting a resolution to convey a temporary construction easement to Cabarrus Propco, LLC.

The Engineering Director, Sue Hyde, stated Cabarrus Propco, LLC is developing a site on Drake Mill Lane, SW known as Rocky Mill Manor which is an assisted living facility. The City owns the site adjacent to their parcel which is used for a trail and trail head parking.

The property line runs in the middle of an old erosion control measure (sediment pond) that was used during the original site grading. Cabarrus Propco, LLC proposes to fill in the old sediment pond. Engineering and Parks and Recreation staff have met on site to review the grading plan. Comments and amendments were proposed back to the developers engineer which has been accepted and incorporated.

Consider accepting a preliminary application from Land Development Solutions.

The Engineering Director stated the property is located at 3560 US Hwy 601S and is approximately 173 acres. The parcel is currently zoned LDR and the applicant proposes to develop with a mixed use development. She stated the developer is requesting water and sewer service. Therefore, staff would recommend the developer be required to

petition for annexation should the preliminary application be accepted.

Consent Agenda:

There were no comments regarding the Consent Agenda.

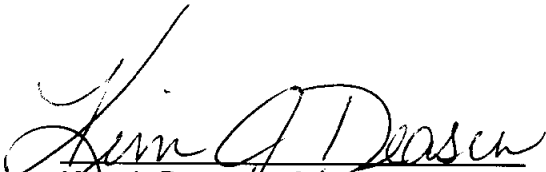
* * * * *

A motion was made by Council Member Crawford, seconded by Council Member Parsley, to conduct a closed session in accordance with N.C. General Statute 143-318.11 (a)(3) to consult with the Attorney to protect the attorney-client privilege and to give instructions concerning the handling or settlement of a claim—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.


A motion was made by Council Member McKenzie, seconded by Mayor Pro-Tem Sweat, to return to regular session—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

* * * * *

There being no further business to be discussed, a motion was made by Council Member Small and seconded by Council Member McKenzie to adjourn—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.



Kim J. Deason, City Clerk



William C. Dusch, Mayor