

CONCORD CITY COUNCIL
WORK SESSION
DECEMBER 7, 2021

The City Council for the City of Concord, North Carolina, held a work session on December 7, 2021, at 4:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

- Mayor Pro-Tem Terry L. Crawford
- Council Member Andy Langford
- Council Member W. Brian King
- Council Member Ella Mae P. Small
- Council Member JC McKenzie
- Council Member Jennifer Parsley-Hubbard
- 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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The following agenda was presented for discussion:

Presentations:

Presentations to retiring Council Member Ella Mae P. Small.

The Water Resources Director, Jeff Corley, presented the 2021 Collection System of the Year Award to the City of Concord Water Resources staff members.

Mayor Dusch recognized City co-workers that assisted with street closures and maintenance before, during, and after the holiday events held November 19th and 20th.

Informational Items:

Presentation by Concord Youth Council President, Shriya Manchikatla.

Presentation of the Independent Auditor’s report on the Annual Comprehensive Financial Report for the Fiscal Year ended June 30, 2021.

Presentation regarding the CONNECT Beyond Project. (Work Session)

The Transit Director, LJ Weslowski, introduced Jason Wager, Assistant Director Centralina Regional Planning, and Jason Lawrence, CATS.

Mr. Wager and Mr. Lawrence presented the CONNECT Beyond Project and the priorities and benefits of the Project.

Public Hearings:

Conduct a public hearing to consider adopting an ordinance annexing +/- 74.019 acres located at 4862 Stough Road, owned by H Morrison Investments.

The Planning and Neighborhood Development Services Planning Manager, Starla Rogers, explained the site location. She stated, if approved, the petitioner intends to

request a zoning classification of I-1 (Light Industrial), which is the most compatible zoning in the City of Concord to the existing LI zoning in the County.

Presentations of Petitions and Requests:

Consider adopting a resolution of intent to schedule a public hearing on the matter of closing the right-of-way of an unopened portion of Lucky Drive.

The Planning and Neighborhood Development Services Director, Steve Osborne, stated the proposal includes the abandonment of the right-of-way for a portion of Lucky Drive that runs through the Red Hill Subdivision planned by Niblock Homes. He stated Niblock Homes, LLC owns the land on both sides of the right of way to be abandoned.

Consider adopting an annexation agreement with the Town of Midland.

The Planning and Neighborhood Development Services Director stated the NC General Statutes specifies that two or more municipalities can enter into annexation agreements in order to designate agreed-upon areas for consideration of future annexations. The Statutes allow for these agreements to be valid for a period of up to twenty (20) years. He stated the City of Concord has annexation agreements in effect with Charlotte, Huntersville, and all jurisdictions in Cabarrus County with the exception of Locust and Midland. Given the geographic proximity with Midland, it is advisable to enter into such an agreement. City staff worked closely with Midland staff to craft an agreement that is consistent with boundaries reflected in the Central Area Plan. He also stated the agreement was reviewed by the City's Legal Department and the Midland Town Council proposes to approve the agreement at their December 14th Council meeting.

Consider authorizing the City Manager to negotiate and execute a contract with Sealand Contractors in the amount of \$11,464,038.74 to construct the Union Streetscape Improvements Project and adopt attached budget amendments for the total project funding.

The Planning and Neighborhood Development Services Director stated the project went out to bid in July 2021 with bids due in August and was rebid in September. The low bid was received from Sealand Contractors at \$12.54M. Following extensive efforts by the City's Engineering Department, the bid was value engineered and reduced to \$11.46M including a \$1M contingency. This brings the total project cost, including funds already spent, to \$13,373,571.18.

Consider authorizing the City Manager to negotiate and execute a contract with Todd Bressi, as the Concord Public Art Master Plan consultant, in the amount of \$60,000.

Concord Public Art Committee member, Noelle Scott, stated the City of Concord Public Art Committee recommends nominee firm, Todd Bressi, Public Art Planning Consultant and his partners, Amina Cooper and Maya Curtis, to conduct and lead the City in a Public Art Master Planning process and to craft a resulting Master Plan. She stated the contract would begin in December 2021 with intended termination date of October 30, 2022.

Consider approving the Master Plan and Conceptual Design for the existing 21.45 acre Hartsell Park located at 60 Hartsell School Road, 65 Sunderland Road, and 30 Swink Street.

The Parks and Recreation Planner, Jason Pauling, presented the Master Plan and Conceptual Design for Hartsell Park.

Consider approving the acquisition of three properties along Three-mile Branch and Branchview Drive (PIN's 5621-75-3779, 5621-76-1858, 5621-67-9186) from Samuel Franklin Davis for future development of McEachern Greenway.

The Parks and Recreation Planner stated the parcels under consideration for acquisition would be developed as part of an extension to the McEachern Greenway, a critical linkage

between the existing greenway, the David Phillips Activity Center, and Atrium Health. The total cost for acquisition of the 3.454 acres, including due diligence, is \$64,215.

Consider approving the acquisition of 5 parcels (PIN's 5620-73-5202-0000, 5620-73-6142-0000, 5620-73-5069-0000, 5620,73-3239-0000, and 5620-72-4958-0000 - total of 2.443 acres) located near Caldwell Park and Melrose Drive SW along Irish Buffalo Creek, Caldwell Park and Melrose Drive in the amount of \$47,250 from Gerald Batts heirs, Dante Rogers, and Sherrie Rogers.

The Parks and Recreation Planner stated the 5 parcels under consideration for acquisition total 2.443 acres and would be developed as part of the Irish Buffalo Creek Greenway and the neighborhood connection from Melrose Drive to the greenway and Caldwell Park. The property is located adjacent to Caldwell Park and will assist the need for a pedestrian bridge to get to the west side of Irish Buffalo Creek.

Consider authorizing the Parks and Recreation Department to submit an application for Federal Congestion, Mitigation and Air Quality (CMAQ) Funding for Phase 1 of the Clarke Creek Greenway, the first phase of the Cox Mill Loop.

The Parks and Recreation Planner stated according to the Cabarrus-Rowan MPO, there is \$1,515,158 available this year, which is the maximum amount of funding the City can apply for. The required match would be \$303,032, which has been identified as part of the FY23 CIP process. The application is to NCDOT and will go through the Cabarrus-Rowan MPO.

Consider authorizing the City Manager to negotiate and execute a contract with Ike's Construction, Inc for the construction of a pedestrian path between Swink St. SW and the Bill Stafford Picnic Shelter to provide connectivity between Hartsell Recreation Center Complex and Hartsell Park.

The Deputy Engineering Director, Rick Blat, stated the project involves the construction of Hartsell Recreation Center Connector, a 1,456' long x 10' wide pedestrian path, that will connect the Swink St SW baseball fields and the Bill Stafford Picnic Shelter within the Recreation Center Complex. The project was bid under the informal bidding process. Bids were taken on November 22, 2021. Two (2) bids were received and Ike's Construction, Inc was the low bid in the amount of \$243,487.20. A budget amendment is needed to reallocate funds from the P&R Connectivity Plan.

Consider approving the updated Concord and Kannapolis Rider Transit Joint Interlocal Agreement.

The Transit Director stated the proposed changes to the updated agreement include: 1) wording and reference updates to reflect current titles, practices, and duties; 2) removed term limits from CKTC member positions; 3) clarified what constitutes a quorum and who can vote; 4) incorporated CCX cost sharing into this document; and 5) removed the Community Advisory Committee until a future date when the merger of Rider Transit and CCTS is completed. He also stated the Concord Kannapolis Transit Commission approved the updated agreement at their October 13, 2021 meeting.

Consider authorizing the City Manager to sign a contract with Gillig LLC utilizing the Piedmont Authority for Regional Transportation (PART) consortium contract for the purchase of one (1) new 35' heavy duty hybrid electric diesel replacement bus for the Rider system and approve a project ordinance amendment.

The Transit Director stated Rider Transit is seeking to purchase one (1) heavy-duty 35' hybrid bus using the PART consortium bus procurement contract in order to replace one of our existing buses that has met its FTA designated useful life. In August, Rider Transit was awarded a Surface Transportation Block Grant from the Cabarrus Rowan MPO specifically for the purpose securing this replacement bus, which has a current cost of \$767,849. Those funds (\$602,000) will cover 78.40% of the cost of this vehicle. The remaining 21.60% (\$165,849) will be split 50/50 between Concord and Kannapolis (\$82,924.50 each).

Consider authorizing the City Manager to negotiate an addendum to the contract with MetCon Inc. for design build services for the Electric Operations Center and approval of Capital Project Ordinances.

The Electric Systems Director, Alex Burris, stated Metcon Inc. is currently under contract for pre-construction services and site grading as related to the design and construction of the new Electric Operations Center. Metcon staff developed bid specifications and accepted bids for all materials and sub-contractor efforts needed to complete construction of the building. Metcon compiled all the costs and formulated a guaranteed maximum price (GMP) of \$20,714,966 for completion of the Operations Center. The GMP will cover all materials and labor necessary to complete the structure. Anticipated completion is set for December 2022.

Consider authorizing the execution of the Interlocal Wastewater Capacity Allocation Agreement.

The Water Resources Director stated the proposed interlocal agreement establishes the policy for wastewater allocation from WSACC to the four (4) municipalities. Cabarrus County is also a party to the agreement. The agreement has been approved by the WSACC Board as well as the County and the other three (3) municipalities.

Consider adopting the Sewer Allocation Policy.

The Water Resources Director stated the proposed policy will set forth the sewer allocation process for development moving forward.

Council Member Parsley-Hubbard stated, in her opinion, additional discussion is needed before adoption of the Policy. She suggested postponing the vote on the Policy until the December 21st 2nd Work Session to allow for more discussion. Council Member Langford agreed.

Consider authorizing the City Manager to enter into an agreement with the Town of Midland for sewer allocation to the Rocky River Regional Wastewater Treatment Plant.

The City Manager stated the Town of Midland is not a member jurisdiction of WSACC since it does not own or operate the wastewater collection system. There is an area within Midland's jurisdiction that drains to the RRRWTP; therefore, it is necessary to enter into an agreement to allocate capacity to Midland.

He stated Midland has approved a proposed development of 1216 single-family homes. The sewer allocation would come from the City of Concord; therefore, an agreement is needed to allocate capacity to Midland. City staff worked with Midland staff to draft the proposed agreement. Midland agreed to the terms of the agreement as presented to the Council.

Council Member Parsley-Hubbard requested the record show that Midland requested this agreement with the City of Concord.

Consider a Preliminary Application from Hugh Morrison.

The Engineering Director, Sue Hyde, stated the property is located at 4862 Stough Road and total area is approximately 74 acres. The applicant proposes to develop with a trailer storage operation. A septic system is proposed for use since sewer will be over 200 feet from the proposed development. She also stated that if the annexation request is approved no action will be needed on this request.

Consider appointing or reappointing two members (1 board member and 1 alternate) to serve on the Centralina Regional Council Board of Delegates for CY 2022.

Mayor Dusch stated the current appointed member, Council Member Langford, wishes to remain on the Board; however, a new alternate member needs to be appointed.

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).

Mayor Dusch stated the current appointments to the TAC and the TCC are willing to serve another term.

Consider making an appointment to the Concord/Kannapolis Transit Commission.

It was suggested that Council Member-Elect Stocks be appointed to replace retiring Council Member Small.

Consider making an appointment to the Public Art Advisory Committee.

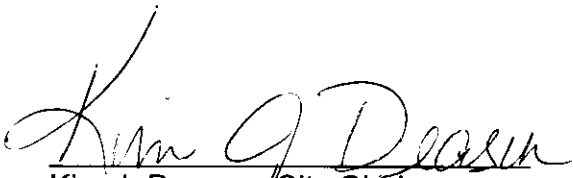
It was suggested that Council Member-Elect Stocks be appointed to replace retiring Council Member Small.

Consent Agenda:

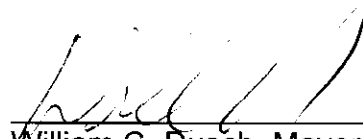
There were no comments regarding the Consent Agenda.

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There being no further business to be discussed, a motion was made by Mayor Pro-Tem Crawford and seconded by Council Member Langford to adjourn—the vote: all aye.



Kim J. Deason, City Clerk



William C. Dusch, Mayor