

CONCORD CITY COUNCIL
WORK SESSION MEETING
MAY 9, 2023

The City Council for the City of Concord, North Carolina, held the scheduled City Council Work Session in the 3rd floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on May 9, 2023, at 4:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

- Mayor Pro-Tem JC McKenzie
- Council Member Andy Langford
- Council Member W. Brian King
- Council Member Betty M. Stocks
- Council Member Terry L. Crawford
- 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:

Presentation of a retirement plaque to Travis Wilmot recognizing over 31 years of faithful, loyal and dedicated service to the City of Concord Buildings and Grounds Department.

Mayor Dusch presented a Proclamation recognizing May 21 - 27, 2023 as National Public Works Week.

Presentation of a Proclamation recognizing May 6, 2023 as Social Action Day in honor of the Concord Alumnae Chapter of Delta Sigma Theta Sorority, Inc.

Presentation of a Proclamation recognizing the month of May as Asian Pacific American Heritage Month.

Departmental Reports:

Downtown Streetscape update

Staff will provide an update at the May 11, 2023 City Council meeting.

Public Hearings:

Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a one-year/85% tax-based economic development grant to Old Dominion Freight, Inc., to locate at 2980 New Town Way SW, Concord, North Carolina 28027 and having an investment of approximately \$18,000,000 in real and personal property.

The Cabarrus Economic Development Corporation (EDC) Project Manager, Samantha Grass, stated Old Dominion Freight, Inc., proposes to develop an approximately 60,000 square foot Interstate Motor Freight Terminal to allow for a "less than truckload" one and two-day deliveries of goods and commodities needed to support local and interstate commerce. They propose to invest approximately \$18,000,000 in real and personal property. She stated the facility will include approximately 102 dock doors with trailer, tractor, and employee parking and will be

constructed on an approximately 40-acre site. The project expects to create approximately 100 new jobs with full-time average wages of approximately \$80,000 for salary workers and hourly wages of approximately \$25-\$30 per hour.

Council Member King asked if it is known the number of trucks that will be coming in and out of the facility daily. The EDC Project Manager stated she did not know the specific number but the company has stated it would be very minimal.

Council Member King asked if the proposed jobs would be local within Concord and Cabarrus County. The EDC Project Manager stated they would be.

Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a three-year/85% tax -based center city economic development grant to Norstein Properties, LLC, to redevelop two properties located at 69 and 75 Corban Avenue SE, Concord, North Carolina 28025 and having an investment of approximately \$4,200,000 in real and personal property.

The Planning and Neighborhood Development Services Economic Development Manager, Brad Lagano, stated Norstein Properties, LLC, proposes to develop an approximately 18,192 square foot mixed-use development. The first floor will feature five street-level commercial spaces while the second and third floors will feature a combined ten, one and two-bedroom apartments. They propose to invest approximately \$4,200,000 in real and personal property.

Conduct a public hearing to approve the submission of the FY2023-24 Action Plan for the US Department of Housing and Urban Development's Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) program.

The Planning and Neighborhood Development Services Community Development Manager, Mary Carr, stated the City of Concord is required to submit an Action Plan to the US Department of Housing and Urban Development (HUD) outlining proposed projects to be accomplished using the allocated funding. The Action Plan includes CDBG and HOME activities planned for the City of Concord, as well as HOME activities for the members of the HOME consortium. As lead entity, Concord is tasked to complete all reporting for the Consortium members.

She stated the City's FY23-24 total CDBG program budget is \$605,948 which includes the CDBG allocation of \$663,654 and \$9,000 in estimated program income. The FY23-24 HOME Consortium allocation is \$1,315,523. Concord is projected to generate \$131,006 in program income. As a result, the total Consortium budget is projected to be \$1,446,529.

Conduct a public hearing and consider adopting an ordinance annexing +/- 278.58 acres on Breezy Ln, PINs 5547-06-4548, 5537-98-3213, 5537-98-7403, 5537-98-2315, 5537-99-6094, 5537-88- 5456, 5547- 17-5193, 5537-98-1655, 5547-17-5388, owned by the Water and Sewer Authority of Cabarrus County (WSACC).

The Planning and Neighborhood Development Services Planning Manager, Autumn James, stated the petition is for voluntary annexation of +/- 278.58 acres of property located on Breezy Ln. The property, the Rocky River Regional Wastewater Treatment Plant, is currently zoned LDR (Low Density Residential) in Cabarrus County. She stated staff has coordinated with WSACC to proceed with zoning the property to O-I (Office Institutional) after annexation; therefore, a Land Use Plan amendment is not required.

Conduct a public hearing and consider adopting an ordinance annexing +/- 22.40 acres at 226 Burrage Rd, PIN 5631-14-9836, owned by Eugene F. Brown III, Denise P. Brown, Phyllis Anne Brown, and John Christian Brown, for construction of twenty-five (25) single-family homes.

The Planning and Neighborhood Development Services Planning Manager stated the petition is for voluntary annexation of +/- 22.40 acres of property on Burrage Rd. The property is currently zoned RM-1 (Residential Medium Density) in the City of Concord ETJ. The developer, Niblock Homes, has proposed to construct twenty-five (25) single-family detached homes on the site where RM-1 design standards will be utilized. She further stated the project was allocated sewer on September 20, 2022.

Conduct a public hearing to consider adopting an ordinance amending Article 7 “Base Zoning Districts”, Article 7.8.2 (“Multifamily Design Standards”) to amend the minimum spacing requirements for single story structures within multifamily developments.

The Planning and Neighborhood Development Services Deputy Director, Kevin Ashley, explained the proposed amendment. He stated the amendment reduces the multifamily building spacing from 20 feet to 10 feet (for single story structures only) and corrects a cross-reference regarding to unit threshold for the multifamily standards. At their February 21st meeting, Planning and Zoning Commission recommended this amendment to Council.

Conduct a public hearing to consider adopting an ordinance amending Article 8 (“Use Regulations”), Sections 8.4.2 (“Location) and 8.4.3 (“Height”), to clarify maximum height requirements for accessory structures.

The Planning and Neighborhood Development Services Director, Steve Osborne, stated staff has been responding to numerous requests from citizens regarding the CDO’s restriction on accessory structures. He stated the current provisions are not particularly clear but the CDO appears to limit the structures to a maximum of fifteen (15) feet regardless of where the structure is placed within the yard. The height restriction impairs the development of accessory dwelling units (ADUs) located above a garage, which are permitted in residential zoning districts. The proposed changes are to keep the fifteen foot height restriction when the structure is located at the smaller accessory structure setback, and to allow two (2) story structures to be constructed at the larger principal structure setback.

Presentations of Petitions and Requests:

Consider adopting a resolution of intent on the matter of closing the right-of-way of an unopened +/- 15-foot wide alley running parallel to Corban Ave SE, including the abandonment of the right-of-way for a +/- 225-foot long alley that runs behind 125 Corban Ave SE.

The Planning and Neighborhood Development Services Deputy Director stated this alley was originally part of the M.L. Widenhouse subdivision, which was platted in 1914. The alley was never opened and is unimproved. Charles Stapleton and Stephanie Stapleton are the applicants and owners/developers of Greenway Village Park, an eight-unit single family development proposed on adjacent land at 164 Wilkinson Court, SE. The applicants own a majority of the property adjacent of the alley and each property owner adjacent to the alley will receive half of the portion of the alley being abandoned. However, the General Statutes has a provision to alter the division of the abandoned right-of-way by the filing of a plat signed by all adjacent owners.

Consider amending the allocation of \$385,000 in HOME funds to Jim Sari and Company to \$770,000 to Strategic TC Properties, LLC for the rehabilitation of Coleman Mills which will have a total of 152 units of affordable housing.

The Planning and Neighborhood Development Services Community Development Manager, Mary Carr, stated in June of 2020, Council approved the allocation of \$385,000 in HOME funds to Jim Sari & Company for the rehabilitation of the historic Coleman Mill into affordable rental housing units. This allocation allowed for seven (7) floating HOME units within the complex. Since that time, COVID related delays and delays from Federal and State agencies have limited movement on the site. As a result, the original investor backed out of the project at the end of 2022. However, a new investment was secured the beginning of 2023. This new investor is the result of partnership changes with the project organization. Caryn Winters, the managing lead for Aventurine One, is now the majority owner and point person for the completion of the project.

She stated with the rise in material costs from the original allocation to now, Strategic TC Properties, LLC have requested to increase the HOME allocation from \$385,000 to \$770,000. This increase will also raise the number of HOME units from seven (7) units to eleven (11) units designated as floating low-rent units by HUD. The eleven (11) units will consist of three (3) studio units, three (3) one-bedroom units, four (4) two-bedroom units, and one (1) three-bedroom unit. Repayment of the funds will be amended to a minimum payment of \$20,000 each year for 15 years and a balloon payment at the end of year 15 for the remainder.

The current time frame is to close the purchase of the property and bond portion in June. Construction would begin within a few weeks of closing. HOME funds would be requested in late 2023 and 2024.

Council Member Stocks thanked staff for working with the company on this project. She asked could the investor request additional increases should material costs keep rising. The Planning and Neighborhood Development Services Community Development Manager stated they could request additional increases but it would be Council's consideration to approve or deny the request.

Consider authorizing the City Manager to negotiate and execute a contract with Bolton & Menk, Inc. in the amount of \$158,870 to complete the Concord Mills/Bruton Smith Blvd Mixed-Use Corridor Plan.

The Planning and Neighborhood Development Services Design Manager stated an RFQ for the Corridor Plan was posted on January 9, 2023 with submissions due by February 10, 2023. The City of Concord received five submissions which were reviewed by a selection committee made up of Planning, Transit, Parks & Recreation and Transportation staff and a representative from the Cabarrus Visitors Bureau. Four of the five submissions were invited for interviews and Bolton & Menk, Inc. (formerly Cole Jenest & Stone) was selected from these four firms.

Consider adopting a resolution authorizing eminent domain actions for permanent easements for six parcels located along Zion Church Road.

The City Attorney explained the permanent easements are required by the Water Resources Department in order to construct the Zion Church Road waterline.

Consider approving the Concord Co-Sponsorship application for the Concord-Cabarrus Juneteenth Celebration Festival on June 24th, 2023 at Marvin Caldwell Park.

The Emergency Management Coordinator, Ian Crane, stated the Concord-Cabarrus Juneteenth Committee is requesting the use of Marvin Caldwell Park facilities (Dan Pharr Building, Robert Mathis Amphitheater area, and Logan Optimist Shelter), Police Officer(s) to periodically conduct patrols throughout the time of the event, and the preparation of grounds for the event (Adequate trash containers, access to power).

Council Member Stocks asked to be recused from the discussion since she serves on the Committee. Therefore, a motion was made by Council Member Crawford and seconded by Mayor Pro-Tem McKenzie to recuse Council Member Stocks from this discussion—the vote: all aye.

Following the presentation from the Emergency Management Coordinator, a motion was made by Mayor Pro-Tem McKenzie and seconded by Council Member Crawford to suspend the Rules of Procedure to allow a vote to be taken on this item—the vote: all aye.

A motion was made by Mayor Pro-Tem McKenzie and seconded by Council Member King to approve the Concord Co-Sponsorship application for the Concord-Cabarrus Juneteenth Celebration Festival on June 24, 2023 at Marvin Caldwell Park—the vote: all aye.

Council Member Stocks returned to the meeting.

Consider recognizing the Overbrook Manor Home Owners Association in the City's Partnership for Stronger Neighborhoods program.

The Community Outreach Coordinator, Katherine Ramirez, stated Overbrook Manor is a 21-acre community with 19 homes located in northeast Concord. The first homes within the neighborhood were built in 2017 and the neighborhood was completed in 2020. They are an active neighborhood with various annual social events and community activities. Officers for the Association are President Janet Smith; Vice President Jenny Gettings; and Treasurer Julie Roberts. They have submitted all the required documentation for recognition.

She also stated, if approved, the City would have a total of 76 recognized neighborhoods in the Partnership for Stronger Neighborhoods since the program's foundation in 2000.

Consider authorizing the City Manager to negotiate and execute a contract addendum with Woolpert North Carolina PLLC to provide survey and design work for roadway improvements on

Cox Mill Road to facilitate an NCDOT-approved entrance into the JE 'Jim' Ramseur Park property.

The Parks and Recreation Planner, George Berger, stated J.E. 'Jim' Ramseur Park is located at 1252 Cox Mill Road and totals approximately 28.6 acres. It is adjacent to Cox Mill Elementary School was purchased by the City in 2020 to serve as the site of Concord's first community park in the northwestern portion of the city. He stated Parks and Recreation staff selected Woolpert North Carolina, PLLC through the RFQ process to be the design consulting firm for the park and the contract was approved by Council and executed in June 2020. Woolpert proposes subcontracts with Henson Folie Design Inc., Dunbar Geomatics Group, PLLC and STV Inc. for surveying and design of the improvements, which include utility coordination and roadway improvements creating a park driveway entrance, median modifications and turn lane allowing unrestricted egress into and out of the park.

Consider authorizing the City Manager to negotiate and execute a contract with Piedmont Asphalt Paving Co., Inc. for the resurfacing of 6 tennis courts at Les Myers Park.

The Deputy Engineering Director, Rick Blat, stated six tennis courts at Les Myers Park have developed severe cracks and have become difficult for tennis play and a safety trip hazard. This project will demolish and reconstruct the six courts.

He stated the project was bid under the informal bidding process and bids were to be open on April 13, 2023, but none were received. As required by NCGS 143-132, the project was re-bid and bids were received on April 24, 2023. Only one bid was received from Piedmont Asphalt Paving Co., Inc. in the amount of \$494,670.

Consider authorizing the City Manager to execute a contract with Creative Bus Sales utilizing the State of Oklahoma transit vehicle contract for the purchase of three replacement and one new ADA-accessible Ford Transit Lift-Equipped Vans for the Rider Transit ADA Paratransit program.

The Transit Manager, Andy Christy, stated the three Ford Transit vans Rider Transit currently utilizes are well past their useful life, a burden for maintenance and operations staff, and are eligible for replacement. He stated Rider staff was made aware of the availability of 100 ADA-accessible, lift-equipped Ford Transit vehicles. They've been built and delivered to Creative Bus Sales, and are awaiting purchase on a first come, first served basis. The per vehicle cost is not to exceed \$91,550. FTA grant funding in the amount of \$311,270 has been secured in a project fund for these four vehicles and would cover 85% of the cost. The remaining 15% (\$54,930) would be split 50/50 between Concord and Kannapolis at \$27,465 each. The Concord Kannapolis Transit Commission will consider this recommendation at their 5/9/2023 meeting.

He stated staff is requesting approval for the purchase of one new van in addition to the three replacements, to ensure a safe, reliable, and fully-functional vehicle fleet for service delivery to our passengers.

Consider awarding a bid in the amount of \$1,178,293 to Carolina Power and Signalization for construction of Substation W at 1420 Concord Parkway South.

The Electric Systems Director, Alex Burris, stated the formal bid process was held on April 18, 2023. Eight construction firms submitted bids, which were evaluated by staff for adherence to specifications. The lowest responsive bidder, in the amount of \$1,178,293, was Carolina Power and Signalization.

Consider approving a modification to the Interlocal Agreement with Cabarrus County administering the Central Area Plan.

The Engineering Director, Sue Hyde, stated Allen Montgomery has requested an exception to the Agreement in order to obtain water service for a proposed single-family home at 3868 Hwy 200 (PIN 5547-87-8632).

Consider approving a modification to the Interlocal Agreement with Cabarrus County administering the Central Area Plan.

The Engineering Director stated Casey Honeycutt has requested an exception to the Agreement in order to obtain water service for a proposed single-family home at 4040 Mills Circle (PIN 5651-14-2940).

Consent Agenda:


There were no comments regarding the consent agenda.

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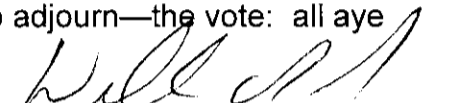
A motion was made by Council Member Crawford and seconded by Council Member Parsley-Hubbard to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(3) to consult with the Attorney to protect the attorney-client privilege and to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action—the vote: all aye.

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There being no further business to be discussed, a motion was made by Council Member Langford and seconded by Council Member Stocks to adjourn—the vote: all aye



Kim J. Deason, City Clerk



William C. Dusch, Mayor