

CONCORD CITY COUNCIL
WORK SESSION MEETING
AUGUST 8, 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 August 8, 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

Members Absent:

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 the 2023 Jo Atwater Continuous Core Values Award

Unfinished Business:

Continue a public hearing and consider adopting a resolution of intent in 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, Kevin Ashley, stated the request was continued from the July City Council meeting to allow staff to explain the closing to an adjacent property owner. He stated staff spoke with that resident and she understands the request and process.

He stated the request includes the abandonment of the right-of-way for a +/- 225-foot long alley that runs behind 125 Corban Ave SE. The alley was originally part of the M.L. Widenhouse Subdivision, which was platted in 1914, and was never opened and is unimproved.

Charles Stapleton and Stephanie Stapleton filed the application. They are the owners/developers of Greenway Village Park, an eight-unit single family development proposed on adjacent land at 164 Wilkinson Court, SE.

Continue a public hearing and consider adopting an ordinance annexing +/- 47.52 acres at 1085 Copperfield Blvd, p/o PIN 5622-65-8770, owned by Copperfield, Inc.

The Planning and Development Manager, Autumn James, stated the request is or voluntary annexation of +/- 47.52 acres of property on Copperfield Blvd. The property is currently zoned C-2 (General Commercial) and I-1 (Light Industrial) in the City of Concord ETJ. If approved, a rezoning hearing will not be required as this parcel is located in the ETJ. The subject parcel is located within the Mixed Use Activity Centers (MUAC) Land Use Category of the 2030 Land Use Plan.

Departmental Reports:

Staff will provide an update on the Downtown Streetscape project at the August 10th City Council meeting.

Public Hearings:

Conduct a Public Hearing for case Z -11-23 and consider adopting an ordinance amending the official zoning map for +/- 0.17 acres located at 239 Brookwood Ave NW from C-2 (General Commercial) to RV (Residential Village) and to amend the 2030 Land Use Plan to modify the future land use designation of the parcel from "Commercial" to "Urban Neighborhoods."

The Planning and Development Manager stated the Planning and Zoning Commission voted to forward the request to the City Council with a recommendation of approval. She also stated no comments have been received from surrounding property owners.

Presentations of Petitions and Requests:

Consider adopting a resolution to sell 314 Sycamore Avenue SW to homebuyer Roxanne Stanard for \$232,800.

The Community Development Manager, Mary Carr, stated in 2022, Council approved the construction of 314 Sycamore Avenue SW. The home is 1,080 sq ft with three (3) bedrooms and two (2) baths.

She stated the structure was constructed with energy efficiency in mind. Another key feature of the home is the outbuilding constructed by the carpentry class at Concord High School. Community Development provided the materials and the students received hands-on experience in construction. The building is designed to give the homeowner a safe place to store lawn equipment or others items without compromising the conditioned crawlspace.

Staff received 78 applications for both 314 Sycamore Avenue SW and 318 Sycamore Avenue SW. The listed purchase price was \$232,800 and the City received the full asking price.

Consider adopting a resolution to sell 318 Sycamore Avenue SW to homebuyer Tyler J. Gacek for \$220,550.

The Community Development Manager stated in 2022, Council approved the construction of 318 Sycamore Avenue SW. The home is 1,248 sq ft with three (3) bedrooms with two and one-half (2.5) baths.

She stated the structure was constructed with energy efficiency in mind. Another key feature of the home is the outbuilding constructed by the carpentry class at Concord High School. Community Development provided the materials and the students received hands-on experience in construction. The building is designed to give the homeowner a safe place to store lawn equipment or others items without compromising the conditioned crawlspace.

Staff received 78 applications for both 314 Sycamore Avenue SW and 318 Sycamore Avenue SW. The listed purchase price was \$220,550 and the City received the full asking price.

Consider adopting an ordinance ordering the demolition of the structure located at 90 James St SW (PIN# 5620-85-0735) owned by Jeremiah Owens Jr.

Police Chief, Gary Gacek, stated the structure is located on a single parcel. Dexter Zimmerman, Code Enforcement Officer, opened the case March 22, 2023. The Finding of Fact and Order to Repair or Demolish was issued on April 17, 2023. The Order to Repair or Demolish said structure was not extended. The Order to Repair or Demolish expired on May 17, 2023. There have been no attempts to come into compliance with this case and no civil penalties have been imposed.

Consider adopting a Resolution Providing for the Issuance of Not to Exceed \$42,000,000 City of Concord, North Carolina General Obligation Parks and Recreation Bonds.

The Finance Director, Jessica Jones, stated this is the last step in the process before issuing the GO Bonds. She stated the planned sale date is August 22, 2023.

Consider approval of the First Amendment to the Interlocal Sewer Agreement with WSACC and other member jurisdictions.

The Water Resources Director, Jeff Corley, stated the Interlocal Sewer Agreement was fully executed on December 21, 2021 to provide a framework for the distribution of sewer allocation to the member jurisdictions. This amendment will distribute the sewer capacity from the 2024 expansion at the Rocky River Regional Wastewater Treatment Plant.

Consider awarding a bid in the amount of \$878,527.15 to Pike Electric, LLC for subsurface construction of Substation V at 7437 Ruben Linker Rd.

The Electric Systems Director, Alex Burris, stated Substation V Site-work/grading is now complete. Formal bids for construction of the concrete foundations and all subsurface construction were opened on July 19, 2023. Five construction firms submitted bids, which were evaluated by staff for adherence to specifications. Pike Electric, LLC was the lowest bidder at \$878,527.15. Pike Electric, LLC was deemed to be a responsive and responsible bidder. Upon a Notice to Proceed letter, Pike Electric, LLC will have 150 days to perform the work.

Consider approving the Concord Co-Sponsorship application for the Downtown Concord-Cabarrus Arts Council Art Walk on Union.

The Emergency Management Coordinator, Ian Crane, stated the event organizers are requesting assistance for police presence before and during the event, as well as transportation barricades to be provided the Friday before the event and picked up on the Monday following the event. Organizers are also requesting 4 trash cans to be provided by solid waste to be dropped off before the event and picked up after the event.

Consider approving the Concord Co-Sponsorship application for the Logan Community Association's-Neighborhood Reunion.

The Emergency Management Coordinator stated the event organizers are requesting assistance for police presence during the event, as well as the waiver of the 85/15 split for the event vendors. Organizers are also requesting additional trash cans be provided and dropped off before the event, as well as assistance with cleaning up after the event.

He also stated the applicant has not provided the appropriate insurance coverage. Therefore, staff recommended an approval be contingent upon the required insurance coverage be provided to the City by the applicant prior the event being held.

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

The Community Outreach Coordinator, Katherine Ramirez, stated the neighborhood, with 55 single-family detached homes, is located in west Concord near Cox Mill Elementary. Officers for the Association are President Steve Wood; Vice President Griffin Goedel; Treasurer Griffin Goedel; and Secretary Maha Ramani.

She stated they submitted all the required documentation for recognition. If approved, the City would have a total of 77 recognized neighborhoods in the Partnership for Stronger Neighborhoods since the program's foundation in 2000.

Consider authorizing the City Manager to eliminate the City's Old Corrugated Cardboard (OCC) Recycling program and not enter into a new contract agreement.

The Solid Waste Services Director, Robin Barham, stated the program was created to provide recycling of cardboard materials from businesses/industries across the City with a goal to promote environmental stewardship while recovering enough revenue to offset a sizable amount of the collection cost. The contract terms have not substantially changed since 2012 and the contract has been extended or renewed until 2023. In June of 2023, Republic Services purchased Benfield Sanitation and did not provide the opportunity for the City to renew or extend the contract until the terms could be reviewed and/or revised under Republic Services.

She explained the net cost per ton. She stated if the program is discontinued, businesses would choose to continue based on need with a private collection company at a cost anywhere from \$60 to \$70 per month. She recommended the City communicate with each participating business via a letter allowing for a 90 day notice of elimination of the program.

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 two (2) new 35' heavy duty hybrid electric diesel replacement buses for the Rider system.

The Transit Deputy Director, Andy Christy, stated moving forward with this purchase will help ensure the delivery of these replacement vehicles as soon as possible at the lowest cost possible, which will help minimize potential impacts on maintenance, operations, and most importantly, service delivery to our customers and communities. The FTA funds will cover 85% of the cost of the two vehicles (\$1,596,803). The remaining 15% (\$281,789) will be split 50/50 between Concord and Kannapolis (\$140,894.50 each). He stated this request was approved by

Kannapolis City Council at their 7/24/23 meeting, and by the Concord Kannapolis Transit Commission at their 8/2/23 meeting.

Consider authorizing the City Manager to sign a contract with Benesch to develop and implement a biennial Customer Service Satisfaction Program for Rider Transit and CCTS.

The Transit Deputy Director stated staff would like to build a customer service satisfaction program to assess current operations, establish benchmarks, and then monitor on an intentional/regular basis every two years moving forward. A task order was issued earlier this spring to our On Call transit planning partners; HDR (\$150,936) and Benesch (\$74,780). Staff recommends utilizing Benesch as Transit's planning partner for this task.

He stated this project is included in the FY 23-24 Rider Transit budget and will be paid for utilizing 5303 Transit Planning funds through the CRMPO. No additional matching funds are needed from Concord, Kannapolis, or Cabarrus County. This request was approved by the Concord Kannapolis Transit Commission at their 8/2/23 meeting.

Consider authorizing the City Manager to negotiate and execute a contract with Richard Burrage, Inc. for the replacement of the culvert on Le Phillip Ct.

The Deputy Engineering Director, Rick Blat, stated the project was bid under the formal bidding process, bids were taken on July 13, 2023. Eight (8) bids were received and the lowest responsible bidder was Richard Burrage, Inc. in the amount of \$898,023.12.

Consider authorizing the City Manager to negotiate and execute a contract with J.D. Goodman Company for the Dorton Park Renovations a part of Group 1 bond projects.

The Deputy Engineering Director stated the project was bid under the formal bidding process and two bids were received on June 29, 2023. As required by NC GS 143-132 under the formal bidding process, three bids must be received before they can be opened. Bids were returned unopened to the bidders and the project was re-advertised. Bids were received a second time on July 11, 2023. This time two bids were received and, as allowed by NC GS 143-132, were allowed to be opened. The lowest responsible bidder was J.D. Goodrum Company in the amount of \$4,555,993.16 for the base bid. We are also recommending accepting the two alternates of the tennis courts resurfacing in the amount of \$96,000 and the parking lot expansion in the amount of \$241,198.20. The total project amount including the alternates is \$4,893,191.36, which is within the budgeted amount.

Consider authorizing the City Manager to negotiate and execute a contract with D. R. Reynolds Company, Inc. for design build services for Fire Station 6/Police David District Substation.

The Fire Chief, Jake Williams stated D. R. Reynolds is teaming with Pinnacle Architecture P.A., GAR Engineering, Pippin Engineering, and AWCK to deliver the project. The contract with D. R. Reynolds Company, Inc. would consist of two phases; pre-construction services and construction services. The contract will be a fixed fee for pre-construction services and a Guaranteed Maximum Price (GMP) for construction services will come back for Council approval. The pre-construction fee is \$350,000. The new facility is anticipated to be three story and construction is preliminarily estimated at \$9,300,000.

Consider abandoning an existing 40' easement across property at 160 Emery Avenue NW (PIN 5611 89 3995 0000).

The Engineering Director, Sue Hyde, stated there is an existing water and sewer easement recorded in Deed Book 292 Page 331 and 332 dated September 1959 to the Parkwood Sanitary District. This parcel has redeveloped and the sanitary sewer was rerouted. The new easement for the rerouted sewer has been recorded and the existing easement is no longer necessary.

Consider a Preliminary Application from Michael Cowan.

The Engineering Director stated Michael Cowan submitted a preliminary application for water service outside the City limits. The property is located at 896 Crestmont Drive. The property is currently in Concord's ETJ and is zoned RM- 1. The applicant is proposing a single family home. City sanitary sewer is not available to this parcel.

Consider a revised Preliminary Application from Stephen and Lorraine Box.

The Engineering Director stated Stephen and Lorraine Box have submitted a preliminary application for water service outside the City limits. The property is located at 1621 Gold Hill Road. The property is currently in Concord's ETJ and is zoned RM- 1. The applicant is proposing a single family home. City sanitary sewer is not available to this parcel.

Consider allowing a change in project title for approved preliminary sewer allocation PSA-2022-00030 DairiO-Copperfield Commercial Subdivision.

The Engineering Director stated PSA-2022-00030 DairiO-Copperfield Commercial Subdivision was approved by Council at the July 19, 2022 Work Session and has received a six month extension valid until January 19, 2024. The applicant, Craig Craver, has requested that the project be not specifically tied to DairiO but allowed to be any type of restaurant as long as the sewer flows do not exceed the approved amount of 3,000 gpd.

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 N.C. General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, character, and fitness of an individual public officer or employee—the vote: all aye.

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

William C. Dusch, Mayor

Kim J. Deason, City Clerk