



**WORK SESSION
KANNAPOLIS CITY HALL
401 LAUREATE WAY, KANNAPOLIS, NC
APRIL 14, 2025
4:30 PM**

Please Turn off Cell Phones or Place on Silent Mode.

APPROVED MINUTES

- A. April 14, 2025 Work Session (Pam Scaggs, City Clerk)

CALL TO ORDER AND WELCOME

MOMENT OF SILENT PRAYER AND PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA - Motion to Adopt Agenda or make revisions

PROCLAMATIONS

- A. Lineworker Appreciation Day (Darrell Hinnant, Mayor)
B. National Public Safety Telecommunicator Week (Darrell Hinnant, Mayor)

BOARD AND COMMISSION UPDATES

- A. Board and Commission Update (Mike Legg, City Manager)

CONSENT AGENDA - Motion to Adopt Consent Agenda or make revisions

- A. **RESOLUTION** - Motion to approve a Resolution adopting a Title VI Plan **UNANIMOUSLY APPROVED** (Daniel Jenkins, Assistant Human Resources Director)
- B. **AGREEMENT & BUDGET ORDINANCE AMENDMENT #25-35** - Motion to approve Agreement with the North Carolina Department of Transportation (NCDOT) related to lighting at the I85 Interchange at Kannapolis Parkway/George Liles Parkway and Budget Ordinance Amendment #25-35 appropriating funds for the lighting project. **UNANIMOUSLY APPROVED** (Wilmer Melton, Assistant City Manager)
- C. **FIRST READING: TA-2025-04** - KDO Text Amendment to Article 4, Section 4.2.D(3)a.4(b)3 to increase the maximum number of dwellings permitted in a pocket neighborhood development from twelve (12) to thirty (30). **RECEIVED** (Richard Smith, Planning Director)
- D. **BUDGET AMENDMENT ORDINANCE #25-36** - Appropriating Fund Balance in the Environmental Fund for Vehicle Repairs **UNANIMOUSLY APPROVED** (Daniel

Jenkins, Assistant Human Resources Director, Kristin Jones, Budget and Strategy Director, Brian Roberts, Finance Director)

- E. **BUDGET AMENDMENT ORDINANCE #25-32** - Appropriating Fund Balance in the General Fund to Transfer to the Environmental Fund for Solid Waste Overages. **UNANIMOUSLY APPROVED** (Kristin Jones, Budget and Strategy Director, Brian Roberts, Finance Director, Michael Rattler, Director of Transportation & Environmental Services, Wilmer Melton, Assistant City Manager)
- F. **BUDGET AMENDMENT ORDINANCE #25-33** - Appropriating Fund Balance for Year-End Personnel Adjustments **UNANIMOUSLY APPROVED** (Kristin Jones, Budget and Strategy Director, Brian Roberts, Finance Director)
- G. **VOLUNTARY ANNEXATION A-2025-04** - Resolution Directing the Clerk to Investigate and Certify the Petition and Resolution Of Intent to Annex and Set a Public Hearing on approximately 13.95 +/- combined acres of property located at 5400 and 5425 Odell School Road (Cabarrus County Parcel Identification Numbers 46736668550000 and 46735792770000) **UNANIMOUSLY APPROVED** (Richard Smith, Planning Director)
- H. **VOLUNTARY ANNEXATION A-2025-05**- Resolution Directing the Clerk to Investigate and Certify the Petition; adopt a Resolution of Intent to Annex; and Fix the Date of Public Hearing on approximately 87.748 +/- combined acres of properties located at 2423 and 2575 Jim Johnson Road and an unaddressed parcel on Jim Johnson Road and further identified as Cabarrus County Parcel Identification Numbers 46729232550000, 46729217120000, and 46728256200000 **UNANIMOUSLY APPROVED** (Richard Smith, Planning Director)
- I. **RESOLUTION** - Motion to approve Resolution supporting a Grant Application to the Cabarrus Rowan Metropolitan Planning Organization Transportation Alternatives Program to fund the Midlake Sidewalk **UNANIMOUSLY APPROVED** (Wilmer Melton, Assistant City Manager, Richard Smith, Planning Director)
- J. **BUDGET AMENDMENT ORDINANCE #25-34** - Appropriating Fund Balance in the General Fund to Transfer to the Fire Station Improvements Fund **UNANIMOUSLY APPROVED** (Brian Roberts, Finance Director)
- K. **MINUTES:** March 24, 2024 Business Meeting **UNANIMOUSLY APPROVED** (Pam Scaggs, City Clerk)
- L. **MINUTES:** March 24, 2025 Closed Session **UNANIMOUSLY APPROVED** (Pam Scaggs, City Clerk)

BUSINESS AGENDA

- A. **DISCUSSION** - Potential changes to the Downtown Covenants Conditions and Restrictions (CC&Rs) (Richard Smith, Planning Director, Andrew Kelly, City Attorney)
- B. **RESOLUTION** - Opposing Legislation Restricting Local Land Development

Regulation **UNANIMOUSLY APPROVED** (Mike Legg, City Manager)

CLOSED SESSION

- A. **CLOSED SESSION G.S. 143-318.11(a)(3) - To consult with an attorney in order to preserve the attorney-client privilege (Mayor Pro tem Berry)**

MOTION TO ADJOURN

ADA Notice

In accordance with Title II of the Americans with Disabilities Act (ADA), any person requiring an accommodation to participate in a function or program of the City of Kannapolis should contact Daniel Jenkins, Assistant Human Resources Director & ADA Coordinator by phone at 704-920-4312, email adacoordinator@kannapolisnc.gov, or in person at Kannapolis City Hall as soon as possible, but not later than forty-eight (48) hours prior.

**CITY OF KANNAPOLIS
CITY COUNCIL
WORK SESSION MEETING MINUTES
April 14, 2025**

A work session meeting of City Council of the City of Kannapolis, North Carolina was held on Monday, April 14, 2025, at 4:30 P.M., at Kannapolis City Hall located at 401 Laureate Way, Kannapolis, NC.

CITY COUNCIL MEMBERS PRESENT:

Mayor: Milton D. Hinnant

Council Members: Doug Wilson
Jeanne Dixon
Dianne Berry
Tom Kincaid
Darrell Jackson

Council Members Absent: Ryan Dayvault

City Manager: Mike Legg

Deputy City Manager: Eddie Smith

Assistant City Manager: Tina Cline

Assistant City Manager: Wilmer Melton

City Attorney: Andrew Kelly

City Clerk: Pam Scaggs

Staff Present:	Richard Smith	Annette Privette-Keller
	Kirk Beard	Terry Spry
	Brian Roberts	Irene Wong
	Daniel Jenkins	Gary Mills
	Tracy Winecoff	Elizabeth McCarty
	Alex Anderson	

Visitors Present:	Joseph Crapster	Mark Spitzer
	Phil Goodman	Hope Dean
	Sophia Wilkerson	Andy Hunter

CALL TO ORDER AND WELCOME

Mayor Hinnant called the meeting to order and welcomed all in attendance. He led a moment of silent prayer, followed by the Pledge of Allegiance by Councilmember Kincaid.

1 **ADOPTION OF AGENDA**

2 Mayor Hinnant noted that the Agenda will need to be revised to include a Resolution regarding
3 opposition to proposed legislative changes that will be discussed by City Manager Mike Legg. He
4 added that the item is being added to the Business Agenda as Item #B and asked for a motion
5 regarding the revised Agenda. Councilmember Wilson made motion to approve the revised agenda,
6 second by Councilmember Dixon and the motion was unanimously approved.
7

8 **PROCLAMATION**

9 Mayor Hinnant read two Proclamations recognizing April 19, 2025 as Lineworker Appreciation Day
10 and designated the week of April 13 – 19, 2025 as National Public Safety Telecommunicators Week.
11 He emphasized the importance of each profession and presented the Proclamations to their respective
12 representatives.
13

14 **BOARD AND COMMISSION UPDATE**

15 Mr. Legg noted that the Board and Commission Update will be a new addition to the Work Session
16 Agenda and will include copies of agenda's from other Boards. He added that the purpose is to
17 provide updates on the activity of each of the Boards. Mr. Legg briefly reviewed each agenda and
18 highlighted items that may be of interest to Council.
19

20 Councilmember Dixon asked that the names of Board members be included on future updates.
21

22 **CONSENT AGENDA**

23 Mayor Hinnant asked for a motion regarding the Consent Agenda. Councilmember Jackson made the
24 motion to approve, second by Mayor Pro tem Berry and the motion was unanimously approved.
25

26 Resolution adopting a Title VI Plan (Daniel Jenkins, Assistant Human Resources Director) (Copy
27 included as Exhibit A)
28

29 Agreement and Budget Amendment Ordinance #25-35 related to NCDOT lighting at the I85
30 Interchange at Kannapolis Parkway/George Liles Parkway. (Wilmer Melton, Assistant City Manager)
31 (Copy included as Exhibit B)
32

33 First Reading - Text Amendment 2025-04 to amend Article 4, Section 4.2.D(3)a.4(b)3 to increase the
34 maximum number of dwellings permitted in a pocket neighborhood development from twelve (12)
35 to thirty (30). (Richard Smith, Planning Director) (Copy included as Exhibit C)
36

37 Budget Amendment Ordinance #25-36 appropriating Fund Balance in the Environmental Fund for
38 Vehicle Repairs (Daniel Jenkins, Assistant Human Resources Director and Brian Roberts, Director
39 of Finance) (Copy included as Exhibit D)
40

41 Budget Amendment Ordinance # 25-32 appropriating funds from the General Fund to the
42 Environmental Fund for Solid Waste Overages (Brian Roberts, Director of Finance and Michael
43 Rattler, Director of Transportation & Environmental Services) (Copy included as Exhibit E)
44

45 Budget Amendment Ordinance #25-33 appropriating Fund Balance for Year-End personnel
46 adjustments (Kristin Jones, Budget and Strategy Director; and Brian Robers, Finance Director) (Copy
47 included as Exhibit F)

1 Voluntary Annexation A-2025-04 - Resolution Directing the Clerk to Investigate and Certify the
2 Petition and Resolution of Intent to Annex and Set a Public Hearing on approximately 13.95 +/-
3 combined acres of property located at 5400 and 5425 Odell School Road (Cabarrus County Parcel
4 Identification Numbers 46736668550000 and 46735792770000) (Richard Smith, Planning Director)
5 (Copy included as Exhibit G)
6

7 Voluntary Annexation A-2025-05 - Resolution Directing the Clerk to Investigate and Certify the
8 Petition and Resolution of Intent to Annex and Set a Public Hearing on approximately 87.748 +/-
9 combined acres of property located at 2423 and 2575 Jim Johnson Road and an unaddressed parcel
10 on Jim Johnson Road (Cabarrus County Parcel Identification Numbers 46729232550000,
11 46729217120000, and 46728256200000) (Richard Smith, Planning Director) (Copy included as
12 Exhibit H)
13

14 Resolution supporting a Grant application to the Cabarrus Rowan Metropolitan Planning
15 Organization Transportation Alternatives Program to fund the Midlake Sidewalk (Wilmer Melton,
16 Assistant City Manager and Richard Smith, Planning Director) (Copy included as Exhibit I)
17

18 Budget Amendment Ordinance #25-34 appropriating Fund Balance in the General Fund to transfer
19 to the Fire Station Improvements Fund (Brian Roberts, Finance Director (Copy included as Exhibit
20 J)
21

22 Business Meeting Minutes – March 24, 2025 (Pam Scaggs, City Clerk)
23

24 Closed Session Minutes – March 24, 2025 (Pam Scaggs, City Clerk)
25

26 **BUSINESS AGENDA**

27 **Discussion of potential changes to the Downtown Covenants Conditions and Restrictions** 28 **(CC&Rs) (Richard Smith, Planning Director) (Copy included as Exhibit K)**

29 Planning Director, Richard Smith, explained that the Planning Department received a complaint
30 regarding tattoo studios operating in the downtown area. Mr. Smith added that in investigating the
31 complaint, it was discovered that tattoo studios are prohibited in the Covenants, Conditions and
32 Restrictions (CCRs) for the downtown area. He further explained that meetings were held with the
33 operators of the businesses as well as the property owners and that a subsequent application for a text
34 amendment to the Kannapolis Development Ordinance (KDO) had been made. However, before any
35 zoning text amendments can proceed, Council must decide whether to amend the CCRs, since they
36 take precedence over the KDO.
37

38 Councilmembers expressed a general openness to tattoo businesses operating in the downtown area
39 but raised concerns about the permitting process and the city's ability to ensure ongoing compliance
40 with approved terms. Mr. Legg explained that without increasing Code Enforcement staff, it would
41 be challenging to monitor every business in Kannapolis effectively.
42

43 Consensus of Council was for Mr. Smith and City Attorney, Andrew Kelly, to amend the CCRs and
44 bring back to Council for further review. Mr. Kelly advised that business owners and property owners
45 should also review the amended CCR's since changes would have a direct impact on them. Mr. Legg
46 noted that Council is currently authorized to approve changes to the CCRs, but that if they wanted to

1 delegate that authority to another entity (e.g. a downtown “HOA”), they could make that decision as
2 well.

3
4 **Resolution Opposing HB 765 (Mike Legg, City Manager) (Copy included as Exhibit K)**

5 Mr. Legg stated that there are four legislative Bills currently under consideration, but that the
6 proposed Resolution only addresses three of them. He explained that one of the Bills pertains to
7 accessory uses, which are already permitted under the Kannapolis Development Ordinance (KDO).
8 Mr. Legg noted that the three other Bills addressed in the Resolution include: House Bill 765, Senate
9 Bill 497 and Senate Bill 688 and further explained each Bill.

10
11 House Bill 765 revamps or upholds around 15 provisions related to land, wealth, and immigration.
12 One concerning aspect is the vague conflict-of-interest provision, which prohibits council members
13 from voting on land-use matters if they have a fixed opinion. While some provisions align with
14 practices already followed by the City and pose minimal risk, others are problematic. For instance,
15 the Bill imposes civil penalties on local officials who violate existing or imposed rules, exposing them
16 to personal liabilities for decisions that don't comply with regulations. Legislative decisions under
17 this Bill could lead to significant challenges.

18
19 Senate Bill 497 mandates ordinances to allow duplexes and triplexes in any zoning district, including
20 established single-family detached developments. While some provisions are reasonable if
21 thoughtfully implemented, the Bill undermines local authority to decide where such developments
22 should occur.

23
24 While Senate Bill 688 is similar to House Bill 765, it limits conditional rezonings and negotiations
25 with developers. One example is that the Bill would allow developers to place curb cuts wherever
26 they choose, which could be problematic in high-density neighborhoods. The Bill fails to account for
27 the practical challenges of planned developments and could lead to significant issues in the future.

28
29 Mr. Legg stated that there are elements in these Bills that could be beneficial, but that the overall
30 approach is flawed. The proposed Resolution opposes all three Bills and advocates for maintaining
31 local government autonomy in land development decisions. Mayor Hinnant added that the urgency
32 of this matter stems from recent communications with Rowan County municipalities, who are also
33 opposing these Bills and requested Kannapolis to join them in opposition, as these Bills are likely to
34 be in committee soon.

35
36 Motion to approve the Resolution was made by Councilmember Jackson, second by Councilmember
37 Kincaid and unanimously approved.

38
39 **CLOSED SESSION**

40 **NCGS 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney client**
41 **privilege. (Mayor Pro tem Berry)**

42 Mayor Pro tem Berry made the motion to go into closed session pursuant to NCGS 143-318 (a) (3)
43 to consult with an Attorney in order to preserve the Attorney client privilege. The motion was
44 seconded by Councilmember Wilson and unanimously approved.

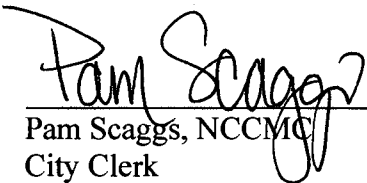
45
46 Council went into closed session at 5:25 PM.
47

1 There being no further business, Councilmember Dixon made a motion to come out of closed session,
2 second by Mayor Pro tem Berry, and the motion was unanimously approved.

3
4 There being no further business, Councilmember Jackson made motion to adjourn, second by
5 Councilmember Kincaid, and the motion was unanimously approved.

6
7 The meeting adjourned at 6:04 PM on Monday, April 14, 2025.
8
9

10
11 
12 _____
13 Milton D. Hinnant, Mayor

14 
15 _____
16 Pam Scaggs, NCCMC
City Clerk



Office of the Mayor

**KANNAPOLIS, NORTH CAROLINA
P R O C L A M A T I O N
“LINEWORKER APPRECIATION DAY”**

WHEREAS, Lineworkers are indispensable members of our community, demonstrating extraordinary courage as they work through storms, emergencies, and adverse conditions to ensure the uninterrupted flow of electricity to homes, schools, businesses and critical facilities; and

WHEREAS, these dedicated professionals exhibit unparalleled skill, resilience, and commitment, often working under hazardous circumstances to restore power and ensure public safety; and

WHEREAS, the residents of Kannapolis deeply value the hard work and sacrifices made by Lineworkers in maintaining our energy infrastructure, supporting the well-being and vitality of our community; and

WHEREAS, these brave men and women handle thousands of volts of electricity, often high atop power lines, risking - and occasionally sacrificing - their lives to keep our community powered; and

WHEREAS, Lineworkers are highly trained and skilled professionals who undergo rigorous preparation to ensure they can work safely and efficiently in all conditions.

NOW, THEREFORE, I, MILTON DARRELL HINNANT, Mayor of the City of Kannapolis, North Carolina by virtue of the authority vested in me, together with the Kannapolis City Council, do recognize and hereby proclaim **April 18th, 2025**, as **Lineworker Appreciation Day**. We encourage all residents of Kannapolis to express their gratitude and appreciation for the hard work and dedication of Lineworkers.



IN WITNESS WHEREOF I have set my hand and caused the Great Seal of the City of Kannapolis to be affixed this 14th day of April 2025.

Milton D. Hinnant



Office of the Mayor

KANNAPOLIS, NORTH CAROLINA

P R O C L A M A T I O N

“NATIONAL PUBLIC SAFETY TELECOMMUNICATOR WEEK”

WHEREAS, emergencies requiring police, fire or emergency medical services can occur at any time and the prompt response of police officers, firefighters, and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our emergency responders depends on the quality and accuracy of information obtained from citizens who contact emergency communication centers; and

WHEREAS, public safety telecommunicators are the first and most critical contact our citizens have with emergency services; and

WHEREAS, public safety telecommunicators are the vital link for our emergency responders, monitoring their activities, providing information, and ensuring their safety; and

WHEREAS, public safety telecommunicators have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and

WHEREAS, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their duties.

NOW, THEREFORE, I, MILTON DARRELL HINNANT, Mayor of the City of Kannapolis, North Carolina by virtue of the authority vested in me as Mayor together with the Kannapolis City Council, do recognize and hereby proclaim **April 13th – April 19, 2025**, as **National Public Safety Telecommunicators Week**. We honor and celebrate the men and women whose diligence and professionalism keep our community safe.

IN WITNESS WHEREOF I have set my hand and caused the Great Seal of the City of Kannapolis to be affixed this 14th day of April 2025.

Milton D. Hinnant





**CITY OF KANNAPOLIS
PLANNING & ZONING COMMISSION MEETING**

March 18, 2025, at 6:00 pm

Agenda

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes:** February 18, 2025
- 5. Public Hearing**
 - a. **CZ-2025-01 – Conditional Zoning Map Amendment – 3397 Camp Julia Rd**
Public Hearing to consider a request to rezone property located at 3397 Camp Julia Road from Cabarrus County Low Density Residential (LDR) zoning district and City of Kannapolis Residential 4 (R4) zoning district to City of Kannapolis Residential 8-Conditional Zoning (R8-CZ) zoning district to allow for a 324-unit townhouse development. The subject property is approximately 53.18 +/- acres and further identified as Cabarrus County Parcel Identification Number 56334589390000.
 - b. **Z-2025-01 – Zoning Map Amendment – 9172 Davidson Hwy**
Public Hearing to consider a request to rezone property located at 9172 Davidson Highway from Cabarrus County Limited Commercial (LC) to City of Kannapolis General Commercial (GC). The subject property is approximately 0.38 +/- acres and further identified as Cabarrus County Parcel Identification Number 46823091760000.
- 6. Recommendation to City Council**
 - a. **Text Amendment – TA-2025-03 – Tattoo or body piercing establishment in CC District by Special Use Permit (SUP)**
Consider a recommendation to City Council on an amendment to the Kannapolis Development Ordinance regarding allowing a tattoo or body-piercing establishment in the Center City (CC) zoning district by Special Use Permit (SUP)
 - b. **Text Amendment – TA-2025-04 – Maximum number of dwellings in a pocket neighborhood development**
Consider a recommendation to City Council on an amendment to the Kannapolis Development Ordinance regarding increasing the maximum number of dwellings permitted in a pocket neighborhood development
- 7. Planning Director Update**
- 8. Other Business**
- 9. Adjourn**



Regional Manager's Group Meeting

March 19, 2025

- Legislative Update
 - Federal Funding and Policy Changes
 - FY26 Budget
 - Community Projects Funding Process
- Briefing on Centralina's Strategic Plan
- Local Government Technical Assistance Services Spotlight

Cabarrus Rowan Urban Area
Metropolitan Planning Organization
Transportation Advisory Committee

Wednesday March 26, 2025

5:30 pm

**Dinner provided by
Town of East Spencer**

PUBLIC WIFI PASSWORD I-Love-Kannapolis!

**NC Research Campus
Kannapolis City Hall
401 Laureate Way
Kannapolis, NC 28081**

Agenda

1) Call to Order TAC Chairman Smith

- Pledge of Allegiance
- Roll Call of Members for Quorum & Introduction of Guests
- List of Eligible TAC Voting Members
- Ethics Reminder
- Chamber of Commerce Update
- Speakers from the Floor (3 minutes per speaker)
- Adjustments/Approval to the Agenda including Consent

CONSENT AGENDA

All items on the consent agenda are considered to be routine and may be enacted by one motion. If a TAC member requests discussion on an item, the item will be removed from the consent agenda and considered separately. The following items are presented for TAC consideration on the Consent Agenda:

NO ITEMS FOR CONSIDERATION

THIS CONCLUDES THE CONSENT AGENDA

2) Approval of January 29, 2025 minutes TAC Chairman Smith

3) FY 2024-2033 MTIP Modification #9 Phil Conrad

INFORMATION: MPO staff typically brings amendments or modifications from recent NCDOT Board of Transportation agendas to the TCC/TAC for consideration. ~~The first project modifications are statewide project additions: R-5753 and TU-0011. The second project modification is to add operating funds beginning in FY 25 to train 74/75 in the Piedmont Corridor (P-2918).~~ The third project modification is to add utilities in FY 25 for the Dale Earnhardt Blvd intersection project (U-5761). The fourth project modification is to add utilities in FY 25 to the Derita Road widening (U-6032). The fifth and final project is to delay right-of-way to FY 26 for the Caldwell Road extension (HL-0063). Attachment 3 is a resolution modifying the MTIP for these projects. The new STIP was effective October 1, 2023.

ACTION/RECOMMENDATION: 1) Receive a report on modification #9 to the FY 2024-2033 MTIP; 2) Discuss; and 3) Consider endorsing modification #9 to the FY 2024-2033 MTIP.

4) 2055 MTP DRAFT Projects List Revisions **Phil Conrad**

INFORMATION: Since the anticipated release of the 2026-2035 TIP, MPO staff began working on a draft revenue forecast for the 2055 Transportation Plan. This forecast is based on the tier system included in the Strategic Mobility Formula, and statewide forecast methodology developed by NCDOT for regional and division tier allocations. These forecasts are applied to the projects listed in the 2050 Plan and most recent MPO SPOT/Priority List. The Draft 2055 Projects List is included as attachment 4. In addition, the MPO is requested to confirm recommendations from the last Cabarrus County Public Transportation Master Plan, with the recent endorsement of the Transit Commission in February.

ACTION / RECOMMENDATION: 1) Receive a report on the 2055 MTP Projects List and financial assumptions; 2) Discuss; and 3) Consider amending the 2055 Projects List and financial assumptions.

5) FY 2025-2026 UPWP **Phil Conrad**

INFORMATION: Each year the Cabarrus-Rowan MPO develops and adopts a unified planning work program (UPWP). The UPWP is the MPO budget and follows the state fiscal year 2025-2026 and is included as attachment 5A. The UPWP identifies the planning tasks, responsible agencies, and funding sources for regional transportation planning activities to be conducted within the planning area during the next fiscal year. These projects include MPO planning activities undertaken by local agencies, the N.C. Department of Transportation, and a line item for Regional Model and MTP Maintenance. In the fall of 2024, the NCDOT indicated that the allocation in FY 26 to the MPO is \$489,250. There is no more unobligated balance for PL funds to MPO's in NC. As part of the UPWP, the Federal government is requiring all MPO's to certify their transportation planning process on an annual basis. Attachment 5B is a checklist for the CR MPO to

certify the MPO transportation planning process and adopting resolution. The local match table is included as attachment 5C and the resolution adopting the UPWP is included as attachment 5D.

ACTION/RECOMMENDATION: 1) Receive a report on the FY 2025-2026 UPWP; 2) Discuss, 3) Consider certifying the CR MPO transportation planning process with resolution 5B; and 4) Consider adopting the FY 2025-2026 UPWP with resolution 5D.

6) Reports / MPO Business **Phil Conrad / TAC Members**

- Local Reports – NCDOT Division 9 & 10
- DRAFT 2026-2035 STIP Release
- P8.0 Project Call – P7.0 carryover projects due by May 9th
- Bike and Ped Demonstration Planning Studies
- Special Study Update – Town of China Grove
- CMAQ Priority Submittal and Funding Update
- TAP/CRP Project Call due May 9th
- TAC Venue
- SEI Filing Deadline April 15th and Newsletter

7) Information Items **Phil Conrad**

- Rider and Salisbury Transit Ridership

Next meeting: April 23, 2025

- Agenda items for April TAC meeting



BOARD OF ADJUSTMENT AGENDA

**Kannapolis City Hall
Laureate Center - Kannapolis, N.C.**

**Tuesday, April 1, 2025
6:00 PM**

- 1. Call to Order**
- 2. Roll Call and Recognition of Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes – February 4, 2025 and February 11, 2025**
- 5. Swearing In for Testimony**
- 6. Public Hearing:**

a. BOA-2025-04 – Special Use Permit – 6441 Davidson Hwy.

Order is for approval of a Special Use Permit (SUP) submitted by the applicants for a comprehensive sign package for property located at 6441 Davidson Highway. The subject properties are a combined 152.04 +/- acres, are zoned Campus Development Conditional Zoning (CD-CZ) and Light Industrial Conditional Zoning (LI-CZ), and are more specifically identified as Cabarrus County Parcel Identification Numbers 46918795730000, 46918717750000, 46918760500000, 46917763310000, 46919604310000, 46918614490000, and 46916672610000.

b. BOA-2025-05 – Special Use Permit – 811 Fairview Street

Order is for approval of a Special Use Permit (SUP) submitted by the applicant, Wynnefield Forward, LLC, to allow for multifamily dwellings in the General Commercial (GC) zoning district on approximately 3.56 +/- acres of a 4.50 +/- acre site located at 811 Fairview Street. The subject property is further identified as Cabarrus County Parcel Identification Numbers 56230672590000, 56230683530000, 56230681340000, 56230681860000, 56230692880000, 56231602860000, 56231612260000, and 56231622390000. The property is also located within the Protected Area of the Lake Concord Watershed.

c. BOA-2025-06 – Variance – 2821 N. Cannon Blvd.

Order is for approval of a variance request submitted by the applicant under Section 2.5.D(1) of the Kannapolis Development Ordinance (KDO). The applicant seeks a variance from the sign area standards for the General Commercial (GC) district, as specified in Table 5.9.E(1)a, requesting a 49.05-square-foot increase for the sign on the front elevation. The property is zoned General Commercial (GC) under the KDO, is approximately 5.01 +/- acres, and is more specifically identified as Rowan County Parcel Identification Number 133 055.

- 7. Planning Director Updates**
- 8. Other Business**
- 9. Adjourn**

City of Kannapolis
PARKS AND RECREATION COMMISSION
“Discover the Fun!”

AGENDA
REGULAR MEETING
TUESDAY, APRIL 8, 2025
6:00 P.M.

- I. Call to Order
- II. Approval of Minutes – March 11, 2025
- III. Citizen’s Concerns / Comments
- IV. Old Business
 - Project updates
- V. New Business
 - P&R Commission upcoming vacancies
- VI. Program Report
- VII. Director’s Report
- VIII. Commission Member Reports / Comments
- IX. Upcoming Events / Meetings
 - Tuesday, April 8, 2025 – P&R Comm. Mtg. Kannapolis City Hall at 6:00 p.m.
 - Monday, April 14, 2025 – City Council Mtg. Kannapolis City Hall at 4:30 p.m.
 - Monday, April 28, 2025 – City Council Mtg. Kannapolis City Hall at 6:00 p.m.
 - Monday, May 12, 2025 – City Council Mtg. Kannapolis City Hall at 4:30 p.m.
 - Tuesday, May 13, 2025 – P&R Comm. Mtg. Kannapolis City Hall at 6:00 p.m.
- X. Adjourn

* Please note, that to speak during Citizen’s Concerns / Comments, please use the sign-up sheet provided prior to the meeting and list your name, address, and topic. Each speaker is limited to 3 – 5 minutes.



**WATER & SEWER AUTHORITY
OF CABARRUS COUNTY
REGULAR MEETING
April 16, 2025
5:00 P.M.**

**CALL TO ORDER BY THE CHAIRMAN
ITEMS OF THE AGENDA**

ADOPTION OF THE AGENDA

1. Request for Adoption of the Agenda of the April 16, 2025 Board Meeting

UNFINISHED BUSINESS

1. Request for Approval of the Minutes of March 19, 2025

PUBLIC HEARING

1. Open the Public Hearing for the Proposed Fiscal Year 25-26 Budget

WORK SESSION

1. Discussion as Necessary on the Proposed Fiscal Year 25-26 Budget
2. Consideration of Adoption of the Fiscal Year 25-26 Budget Ordinance – [Wendi Heglar](#)

NEW BUSINESS

1. Request for Approval and Award of Engineering Design Services to HDR for the Rocky River Rehabilitation Project – [Kevin Loescher](#)
2. Request for Approval of the Capital Project Ordinance for the Rocky River Sewer Rehabilitation Project – [Wendi Heglar](#)

GENERAL DISCUSSION

1. Overview of Upcoming Results from the WSACC Facilities Plan – [Chad VonCannon](#)
2. Updates from the Executive Director – [Chad VonCannon](#)

REPORTS

1. WSACC CIP Update – [Thomas Hahn](#)

PUBLIC COMMENTS

CLOSED SESSION

1. Closed Session - G.S.143-318.11 (a)(1) - to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
2. Closed Session - G.S.143-318.11 (a)(4) - to discuss matters relating to the location or expansion of industries or other businesses in the area served by the local body, including

agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations.

ADJOURN

(The next regular meeting will be held on Wednesday, May 21, 2025, at 5:00 p.m.)

Please note that anyone needing reasonable accommodation to participate in the meeting should contact the Secretary to the Board at (704) 786-1783, extension 234, at least twenty-four (24) hours before the meeting.



Concord Kannapolis Area Transit Commission

February 28th, 2025 – 8:30AM

Rider Transit Center
45 Transit Court NW, Concord, NC

Agenda

1) Call to Order & Quorum **Chair Dusch**

- Quorum & Introduction of Guests - Changes or Additions to Agenda
- Public Comments from the Floor – 3 minutes per speaker

2) Approval of the 12/19/24 Meeting Minutes **Chair Dusch**

3) Long Range Transit Plan Task Order Approval **Rider Staff, Benesch Staff**

Information: Presentation of the task order process, firm recommended for award, and a presentation of the work plan recommended for award by staff by the project manager with Benesch.

Recommendation/Action: Review and consider approval of staff recommendation for approval of the task order.

4) Public Art in Transit **Sarah Gay, Doyle Bussey, Public Art Commission**

Information: Receive a presentation and request from the Concord Public Art Commission to place public art on the exterior of one of Rider Transit’s buses.

Recommendation/Action: Review and consider approval of the request from the Concord Public Art Commission.

5) CRMPO Long Range Transportation Plan Update **Phil Conrad, CRMPO**

Information: Discussion with MPO staff regarding the transit component updates for the Cabarrus Rowan MPO’s Long Range Transportation Plan, which was last updated in April 2022. It was based upon future projects (17) and service expansions for the Cabarrus County Long-Range Public Transportation Master Plan (LRPTMP). The MTP will be updated again in 2030 to incorporate the *next* LRPTM.

Recommendation/Action: Review and consider the request to re-endorse the current LRPTM for inclusion in the 2055 MTP and regional travel model (multiple counties including Mecklenburg).

6) Reports / Other Business **Rider Staff**

- Replacement Van Update
- 2024 Ridership Update
- Other Business
- Next Meetings – April 2025 and beyond – TBD by the CKTC



CITY OF KANNAPOLIS
COMMUNITY IMPROVEMENT COMMISSION

Tuesday, April 7, 2025
6:00 PM

- A. Welcome and Call to Order – Amos McClorey, Chairperson**
- B. Review CDBG nonprofit grant applications – Sherry Gordon**

Next meeting May 20, 2025



Kannapolis
Agenda Staff Report
April 14, 2025

To: Mayor and City Council
From: Daniel Jenkins, Assistant Human Resources Director
Subject: **RESOLUTION** - Motion to approve a Resolution adopting a Title VI Plan **UNANIMOUSLY APPROVED**

Recommended Action Requested by City Council

Motion to approve the resolution to adopt the City of Kannapolis Title VI Plan

Required Votes to Pass Required Action

Majority Present at Meeting

Background

As a recipient of federal financial assistance from the Department of the Treasury, the City is required to ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance. Discrimination on the basis of gender, age, and disability is prohibited under related statutes, all of which fall under the umbrella of Title VI.

This Plan has been developed as a culmination of applicable regulations and federal law to demonstrate the City's commitment to non-discrimination in its services, activities, and programs while also providing a means of grievance for any person who feels they have been the subject of a discriminatory act. Longstanding Federal civil-rights laws protect individual Americans from discrimination based on race, color, religion, sex, or national origin. These civil-rights protections serve as a bedrock supporting equality of opportunity for all Americans. This plan demonstrates the City's alignment with these Federal laws.

Fiscal Implications

None

Alternate Courses of Action

1. **Approve the resolution to adopt the City of Kannapolis Title VI Plan (Recommended)**
2. Take no action.
3. Table to a future meeting

Attachments

1. Title VI Plan
2. 2025-30 Resolution Adopting Title VI Policy



TITLE VI PLAN

APRIL 14, 2025
CITY OF KANNAPOLIS
401 Laureate Way, Kannapolis, NC 28081

City of Kannapolis

Title VI Plan



Table of Contents

Introduction.....	3
Authorities in Summary.....	4
Definitions.....	5
Areas of Practice.....	6
Staffing and Organization/Implementation.....	7
Title VI Non-Discrimination Complaint Process.....	8
<i>Appendix A: City Council Resolution.....</i>	<i>10</i>
<i>Appendix B: Title VI Non-Discrimination Policy Statement.....</i>	<i>11</i>
<i>Appendix C: Non-Discrimination Notice and Accessibility Rights.....</i>	<i>12</i>
<i>Appendix D: Equal Employment Opportunity Statement.....</i>	<i>13</i>
<i>Appendix E: Title VI Discrimination Complaint Form.....</i>	<i>14</i>
<i>Appendix F: Title VI Assurance of Compliance.....</i>	<i>17</i>

Introduction

The City of Kannapolis (hereinafter referred to as “City”) has adopted this Title VI Plan to ensure that the City is compliant with the provisions of Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance. Discrimination on the basis of gender, age, and disability is prohibited under related statutes and fall under the umbrella of Title VI.

Federal-aid recipients, subrecipients and contractors are required to prevent discrimination and ensure nondiscrimination in all of their programs, activities and services whether these programs, activities and services are federally funded or not. The City’s Title VI Coordinator is responsible for providing leadership, direction and policy to ensure compliance with Title VI.

Title VI was enacted to ensure equal distribution of federal funds regardless of race, color, or national origin. Because of this, Title VI:

- Encourages the participation of minorities as members of planning or advisory bodies for programs receiving federal funds
- Prohibits discriminatory activity in a facility built in whole or part with federal funds
- Prohibits entities from denying an individual any service, financial aid, or other benefit because of race, color, or national origin
- Prohibits entities from providing a different service or benefit, or providing these in a different manner from those provided to others under the program
- Prohibits entities from requiring different standards or conditions as prerequisites for serving individuals
- Prohibits locating facilities in any way that would limit or impede access to a federally funded service or benefit
- Prohibits segregation or separate treatment in any manner related to receiving program services or benefits
- Requires assurance of nondiscrimination in purchasing of services
- Requires entities to notify the respective population about applicable program
- Requires information and services to be provided in languages other than English when significant numbers of beneficiaries are of limited English-speaking ability

**Any City resident who has experienced discrimination or harassment or has a human rights concern may file a discrimination complaint with the City.*

***Any City employee who has experienced discrimination or harassment or has a human rights concern may file a discrimination complaint with the Human Resources Department and follow current harassment procedures as outlined in the Personnel Policy Manual.*

Authorities in Summary

The City establishes the Title VI plan not only on the adoption of a local policy, but by long standing federal law.

Title VI of the Civil Rights Act of 1964 [Pub. L. 88-352 (1964), codified as 42 U.S.C. §§2000d through 2000- 4]: Title VI of the Civil Rights Act of 1964 prohibits the discrimination in, or the denial of benefits under, any program or activity receiving federal financial assistance on grounds of race, color or national origin.

The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.): Title VIII of the Civil Rights Act of 1968 prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability.

The Civil Rights Restoration Act of 1987, [Pub. L. 100-259, sec. 6 (1988), codified as 42 U.S.C. §2000D-4A]: The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of federal aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not.

Federal Aid Highway Act of 1973, [Pub. L. 93-87 (1973), codified as 23 U.S.C. §324]: The Federal Aid Highway Act of 1973 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

Age Discrimination Act of 1975, [Pub. L. 94-135 (1975), codified as 42 U.S.C. §6102]: The Age Discrimination Act of 1975 provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

Americans with Disabilities Act of 1990, Subchapter 2, Part A [Pub. L. 101-336 (1990); codified as 42 U.S.C. §§12131-12134]: The Americans with Disabilities Act of 1990 provides that no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

Section 504 of the Rehabilitation Act of 1973 [Pub. L. 93-112 (1973), codified as 29 U.S.C. §794]: Section 504 of the Rehabilitation Act of 1973 provides that no qualified handicapped person, shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

23 CFR Part 200: 23 CFR 200: are administration regulations promulgated by the Federal Highway Authority that specify the Title VI implementation requirements for state departments of transportation at state and local levels.

49 CFR Part 21: 49 CFR 21 are administration regulations promulgated by the US Department of Transportation that specify the Title VI implementation requirements for state departments of transportation at state and local levels.

Definitions

As used in this Title VI Plan, the following definitions are asserted:

Affected Parties: persons protected against discrimination because of race, color, national origin, sex, age, or disability by the Title VI Requirements, and the City's Non-Discrimination Policy.

Contractor: a person or entity that has entered into an agreement with the City that is subject to Title VI Requirements.

Locating and siting actions: a recommendation by City staff or decision by the City staff or the City Council that will result in the construction of a public facility that could have adverse environmental impacts on the surrounding area.

Meaningful access: the provision of communicative assistance by the City necessary to allow affected persons to participate in governmental services/activities.

Proposed Project: a project that receives federal funds and is subject to the Title VI Requirements.

Subrecipient: a person or entity that receives federal funds from the City to be used by the entity to further the objectives of the federal grant. The City is the recipient of the grant, and the person or entity is a subrecipient of those grant funds.

Title VI Assurances: conditions imposed upon contractors or subrecipients as a result of federal funding being directly or indirectly provided to the contractor or subrecipient.

Title VI Requirements: the nondiscrimination provisions contained in Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Federal Aid Highway Act of 1973, Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973.

Areas of Practice

Policy and Public Notice: The City will create, publish and post a Public Notice of non-discrimination. The City Council will adopt within this plan a Non-Discrimination Policy.

Elimination of Discrimination: The City will continue its practice of identifying discrimination based on race, color, religion, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, income level, and gender identity, and where such discrimination is found to exist, implementing programs or practices to eliminate the discrimination.

Public Dissemination of Information: The Title VI Coordinator shall assist City staff in the creation and dissemination of Title VI Program information to City employees, subrecipients, contractors, Affected Parties, and the general public. Public dissemination efforts may include posting public statements setting forth the City's non-discrimination policy, inclusion of Title VI Assurances in City contracts and grants, and publishing a Title VI Policy Statement on the City's website including the notice and policy into all adopted plans and program documents.

Title VI Assurances in Contracts and Grants: Contracts and procurement are integrated into each department. Staff will ensure that all federally funded contracts administered by the City contain Title VI Assurances. In the event that the City distributes federal funds to another entity through grants or other agreements, the Department Head administering the grant or agreement will ensure that such grants and agreements contain the Title VI Assurances. The Department's project administrator or grant administrator will monitor the performance of the contract or grant for compliance. The Title VI Coordinator and Department Head will coordinate efforts to ensure that the requirements of Title VI are met throughout the entire contracting and grant performance process.

Data Collection: Statistical data on Affected Parties will be compiled by each department head and provided to the Title VI Coordinator. The data compilation process will be reviewed regularly by the Title VI Coordinator to ensure the data is sufficient to meet the requirements of this Title VI Plan.

Site and Facility Location: The City shall not make selection of a site or location of a facility for participants in and beneficiaries of the City's federal aid programs if that selection could exclude individuals from participation in, or deny them benefits of, or subject them to discrimination on grounds of race, color or national origin, or could substantially impair the accomplishment of the objectives of the nondiscrimination policy.

Limited English Proficiency: Approximately 12.6% of residents in the City primarily speak a language other than English with 8.6% indicating Spanish as their primary language. The City will review demographic data annually to identify language assistance needs within its service areas, utilizing the American Community Survey, to determine Limited English Proficiency (LEP) Program requirements.

Staffing and Organization/Implementation

City Manager: The City Manager is ultimately responsible for ensuring the City's compliance with Title VI Requirements, including, but not limited to, monitoring City programs, preparing required reports and undertaking such other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21. To ensure compliance the City Manager has appointed the Human Resources Director or their designee to serve as the Title VI Coordinator. Other department heads will collaborate with the Title VI Coordinator as needed to ensure required compliance.

Human Resources Director or designee serving as Title VI Coordinator: The Title VI Coordinator is responsible for the overall management of the Title VI Program, under the direction of the City Manager to include the following responsibilities:

- Process and research complaints regarding compliance with this Title VI Plan that are received by the City and coordinate with relevant and appropriate staff and the City Attorney, to compile statistical data related to race, color, national origin, sex, age, disability, and income of participants in, and beneficiaries of, federally funded programs to ensure compliance with the Title VI Requirements.
- Review City programs or projects receiving federal funding for matters regarding Title VI compliance and reporting.
- Conduct training programs related to Title VI Requirements for City staff who are responsible for Title VI compliance, and for contractors or subrecipients who are subject to Title VI Requirements. Make recommendations to the City Manager on ways to achieve compliance with Title VI Requirements.
- Develop information regarding this Title VI Plan for dissemination to the general public
- Ensure that individuals who will be affected by locating and siting actions obtain meaningful access to the public awareness/involvement process.
- Identify deficiencies in compliance with the Title VI Requirements and make recommendations to the City Manager for remedial actions to be taken to promptly resolve such deficiencies.
- Annually prepare a Title VI Plan Report that documents progress, accomplishments, impediments and goals in fulfilling this Title VI Plan.

Departmental Responsibility: Each Department Head is responsible for Title VI compliance, with support from the Title VI Coordinator, for individual projects. Compliance activities include, but are not limited to:

- Ensuring that all aspects of a project's planning process and operations comply with the Title VI Requirements
- Ensuring that Affected Parties have meaningful access to a project's planning processes
- Assisting the Title VI Coordinator in gathering and organizing data for the Title VI Plan Report
- Reviewing the Department work programs, policies, and other directives to ensure compliance with the Title VI Requirements
- Verifying the level of participation of Affected Parties at public outreach meetings

Title VI Nondiscrimination Complaint Process

Any person who believes that they or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services from the City, or by a contractor or subrecipient on the grounds of race, color, or national origin may file a Title VI Complaint with the Title VI Coordinator.

Any person who believes that they or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services from the City, or on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, income level, or gender identity may file a complaint. The complaint form is included in this document (Appendix E).

Every effort will be made to obtain early resolution of complaints. The option of mediation meeting(s) between the Title VI Coordinator, City staff, Contractors, Subrecipients and Affected Parties may be utilized for resolution.

The following procedures cover all complaints filed under Title VI. These procedures do not deny the right of the complainant after the completion of the Title VI process to file a complaint with State or Federal agencies or to bring private action based on the complaint.

1. Any person, group of persons, or entity that believes they have been subjected to discrimination under the Title VI requirements may file a written complaint with the Title VI Coordinator. The complaint must be filed within 180 days of the alleged discriminatory act or occurrence.
2. Upon receipt of the complaint, the Title VI Coordinator in consultation with the City Attorney will determine whether the City has jurisdiction over the complaint, whether the complaint contains the necessary information, what additional information is needed, and whether further investigation is needed. Within five (5) working days of receipt of the complaint, the Title VI Coordinator will determine whether the complaint is complete, and if it requires additional investigation.
3. The Title VI Coordinator will provide the respondent the opportunity to respond in writing to the allegations of the complaint. The respondent shall have fifteen (15) days from receipt of notification to provide a response to the allegation in the complaint.
4. If the complaint is against a contractor or subrecipient, the City shall have fifteen (15) days from receipt of the complaint to advise the appropriate state or federal agency of the receipt of complaint and statutes of the investigation.
5. Within sixty (60) days of the receipt of the complaint the Title VI Coordinator shall prepare a written investigative report. The report shall include narrative description of the incident, identification of persons interviewed, findings, and recommendations for resolution and corrective action. The written report will be sent to the City Attorney.
6. The City Attorney will review the report and meet with the Title VI Coordinator and the City Manager to determine the appropriate action.
7. When the investigative report is complete and appropriate action has been determined, the complainant and respondent shall receive a copy of the report, statement of appropriate action,

and notification of appeal rights.

8. Within fifteen (15) days of the complainant and respondent receiving a copy of the report and determination of appropriate action, a copy of the complaint and the City's investigative report and determination of appropriate action will be provided to the appropriate federal or state agency for comments.
9. Within fifteen (15) days of receiving comments from the federal or state agency, the Title VI Coordinator will notify all parties of the comments received from the federal or state agency reviewing the investigative report.
10. After receiving comments from the federal or state agency, the Title VI Coordinator will meet with the City Manager and City Attorney to review the comments and adopt a final decision that includes taking appropriate actions to address any comments provided by a federal or state agency. The final decision shall be provided to all parties of the proceedings and shall include a statement that a party has a right to appeal the decision if the party produces evidence of new facts that were not previously considered and could not have been reasonably discovered during the investigation.
11. If a party is not satisfied with the results of the investigation or the resolution of the complaint, the party may appeal the City Manager's decision to the appropriate federal or state agency, by filing a request for an appeal no later than 180 days after the date of the City Manager's final decision.

Council Resolution

RESOLUTION TO ADOPT A TITLE VI POLICY TO PROHIBIT DISCRIMINATION IN PROGRAMS AND SERVICES AND IN ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

WHEREAS, in 1964, Congress enacted the Civil Rights Act of 1964, which included that section labeled Title VI which prohibits discrimination in any activity which is financed by federal funds or receives federal financial assistance; and

WHEREAS, since the adoption of Title VI, additional federal regulations and court decisions have further refined the definition of “federal financial assistance” and what entities are affected and controlled by Title VI; and

WHEREAS, the City of Kannapolis has no formal policy in place for defining and preventing discrimination in the activities and for the entities Title VI affects; and

WHEREAS, the interpretation and application are not intuitive or readily understood, requiring an understanding of what “federal financial assistance” might be in any particular situation and what persons or entities must comply with Title VI; and

WHEREAS, a policy and procedure for reporting violations will provide guidelines for the City, City Departments and private persons and companies doing business with the City and receiving federal financial assistance.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KANNAPOLIS, THAT:

1. The attached “Title VI Plan”, including its policies and procedures, is hereby adopted as the official policy of the City of Kannapolis for applying, reporting, and enforcing Title VI of the Civil Rights Act of 1964.
2. The City Manager is authorized to approve this policy on an annual basis if there are no changes.

Adopted this 14th day of April, 2025.

CITY COUNCIL
CITY OF KANNAPOLIS
NORTH CAROLINA

Pam Scaggs, City Clerk

Milton D. Hinnant, Mayor

Title VI Nondiscrimination Policy Statement

It is the policy of the City of Kannapolis to ensure that no person shall, on the ground of race, color, national origin, limited English proficiency, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City of Kannapolis program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964, United States Department of Transportation (DOT) Order 1050.2A, Title 49 Code of Federal Regulations (CFR) Part 21, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities.

The following practices are hereby prohibited throughout the City of Kannapolis to comply, at a minimum, with Title VI and related requirements:

- Denying to an individual any standard service or other program benefit without good cause.
- Providing any service or other benefit to a person which is distinct in quantity or quality, or is provided in a different manner, from that provided to others under the program.
- Subjecting a person to segregation or separate treatment in any part of a program.
- Restrictions in the enjoyment of any advantages, privileges, or other benefits enjoyed by others.
- Methods of Administration, which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination.
- Different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities.
- Acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because he/she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing.
- Discrimination in any employment resulting from a program, a primary objective of which is to provide employment.
- Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations.

To assure that appropriate program measures are implemented and monitored, I have designated a Title VI Coordinator for the City of Kannapolis. As an expression of my commitment to and support of the City's Title VI Nondiscrimination Program, I have set my hand and seal upon this policy statement this 14th day of April, 2025.

Michael B. Legg, City Manager

Notice of Nondiscrimination and Accessibility Rights

The City of Kannapolis, pursuant to its policy to comply with Title VI of the Civil Rights Act of 1964 and other pertinent nondiscrimination authorities, will not exclude from participation in, deny the benefits of, or subject to discrimination any person based on race, color, national origin, limited English proficiency, sex, age, income level, or disability (or religion, where applicable), under any programs or activities conducted or funded by the City of Kannapolis.

Any person who believes they have been wronged by a discriminatory act (action or inaction) of the City of Kannapolis or its funding recipients, has the right to file a complaint with the City of Kannapolis. For instructions on how to file a complaint, or additional information regarding the City of Kannapolis' nondiscrimination obligations, please contact:

City of Kannapolis
Department of Human Resources
Attn: Title VI Coordinator
401 Laureate Way
Kannapolis, NC 28081
704-920-4300
adacoordinator@kannapolisnc.gov

Anyone with a hearing or speech impairment or needing communication accommodations may use Relay NC, a telecommunications relay service, to call the City of Kannapolis Human Resources Department.

- Relay NC Voice: Dial 711 or 1-877-735-8200
- Relay NC TTY: Dial 711 or 1-800-735-2962
- Relay NC Spanish: Dial 711 or 1-888-825-6570

Visit www.relaync.com for additional information.

Equal Employment Opportunity Statement

The City of Kannapolis is an equal opportunity employer. Discrimination against any person in recruitment, examinations, appointments, training, promotion, retention, discipline, salary increases, or any other aspect of personnel administration because of race, color, national origin, or because of political or religious opinions or affiliations is hereby prohibited. Discrimination on the basis of age, sex, or physical disability is hereby prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary for job performance. Any applicants or employees "not at will" who believe that employment, promotion, training, transfer or salary increases were denied them or that demotion, transfer, layoff, or termination was forced on them may, as a matter of right, use the grievance procedure described in this manual without fear of coercion or reprisal. In addition, employees are entitled under federal statutes to register their complaints with the United States Equal Employment Opportunity Commission. The City of Kannapolis is committed to providing access, equal opportunity and reasonable accommodation for individuals with disabilities in employment opportunities.

City of Kannapolis

Title VI Complaint Form

Any person who believes that they have been subjected to discrimination based upon race, sex, age, national origin, disability, income-level, limited English proficiency, or religion may file a written complaint with the City of Kannapolis' Title VI Coordinator within one hundred eighty (180) days after the alleged discrimination occurred.

Last Name:	First Name:	☐ Male ☐ Female ☐ Other
Mailing Address:	City:	State / Zip Code:
Home Phone:	Work/Cell Phone:	Email Address:

Identify the category of alleged discrimination.

- ☐ Race ☐ Color ☐ Sex ☐ Age ☐ National Origin ☐ Disability
☐ Income Level ☐ Limited English Proficiency ☐ Religion
☐ Other _____

Identify the race of the complainant.

- ☐ Black ☐ White ☐ Hispanic ☐ Asian American ☐ American Indian
☐ Alaskan Native ☐ Pacific Islander
☐ Other _____

Date(s) and place(s) of all alleged discriminatory action(s).

Names of individuals responsible for the alleged discriminatory action(s).

How were you allegedly discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the alleged discrimination. Include how other persons were treated differently from you. Attach additional page(s) if necessary.												
The law prohibits intimidation or retaliation against anyone because they either have taken action, or participated in action, to secure rights protected by these laws. If you feel you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation. Attach additional page(s) if necessary.												
Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint. Attached additional page(s) if necessary. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Name</th> <th style="width: 33%;">Address</th> <th style="width: 33%;">Phone</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>	Name	Address	Phone	_____	_____	_____	_____	_____	_____	_____	_____	_____
Name	Address	Phone										
_____	_____	_____										
_____	_____	_____										
_____	_____	_____										
Have you filed, or intend to file, a complaint regarding the matter raised with an outside State or Federal enforcement agency? If yes, please provide the agency name and filing date, if already filed. ☐ Yes ☐ No ☐ Undecided												

Have you discussed the complaint with any City of Kannapolis representative? If yes, provide the name, position, and date of discussion.	
☐ Yes ☐ No	
Please provide any additional information that you believe would assist with an investigation.	
Briefly explain what remedy, or action, you are seeking for the alleged discrimination.	
AN UNSIGNED COMPLAINT WILL NOT BE ACCEPTED. PLEASE SIGN AND DATE THE FORM BELOW.	
Complainant's Signature	Date
MAIL COMPLAINT FORM TO: City of Kannapolis Department of Human Resources Attn: Title VI Plan and Program Coordinator via email at adacoordinator@kannapolisnc.gov or mail at 401 Laureate Way Kannapolis, NC 28081	
FOR OFFICE USE ONLY	
Date Complaint Received: _____ Processed by: _____ Referred to: _____ Date referred: _____	

ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

As a condition of receipt of federal financial assistance from the Department of the Treasury, the recipient (hereinafter referred to as the “Recipient”) provides the assurances stated herein.

The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Recipient’s beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Recipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Recipient’s program(s) and activity(ies), so long as any portion of the Recipient’s program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other directives, circulars, policies, memoranda, and/or guidance documents.
2. Recipient seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury’s implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury’s directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient’s programs, services, and activities.
3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit www.lep.gov.
4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient

and Recipient's successors, transferees, and assignees for the period in which such assistance is provided.

5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.
7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.
8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.
9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such

discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.

10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document. State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Recipient's obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Recipient is compliant with the aforementioned nondiscrimination requirements.

Recipient

Signature of Authorized Official

Date

**RESOLUTION TO ADOPT A TITLE VI POLICY
TO PROHIBIT DISCRIMINATION IN PROGRAMS AND SERVICES
AND IN ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

WHEREAS, in 1964, Congress enacted the Civil Rights Act of 1964, which included that section labeled Title VI which prohibits discrimination in any activity which is financed by federal funds or receives federal financial assistance; and

WHEREAS, since the adoption of Title VI, additional federal regulations and court decisions have further refined the definition of “federal financial assistance” and what entities are affected and controlled by Title VI; and

WHEREAS, the City of Kannapolis has no formal policy in place for defining and preventing discrimination in the activities and for the entities Title VI affects; and

WHEREAS, the interpretation and application are not intuitive or readily understood, requiring an understanding of what “federal financial assistance” might be in any particular situation and what persons or entities must comply with Title VI; and

WHEREAS, a policy and procedure for reporting violations will provide guidelines for the City, City Departments and private persons and companies doing business with the City and receiving federal financial assistance.

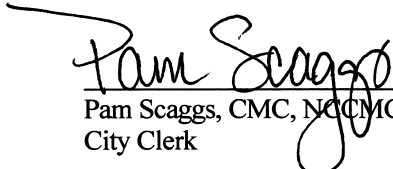
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KANNAPOLIS, THAT:

1. The attached “Title VI Plan”, including its policies and procedures, is hereby adopted as the official policy of the City of Kannapolis for applying, reporting, and enforcing Title VI of the Civil Rights Act of 1964.
2. The City Manager is authorized to approve this policy on an annual basis if there are no changes.

Adopted this 14th day of April, 2025.

CITY COUNCIL
CITY OF KANNAPOLIS
NORTH CAROLINA


Milton D. Hinnant, Mayor


Pam Scaggs, CMC, NCCMC
City Clerk



Kannapolis
Agenda Staff Report
April 14, 2025

To: Mayor and City Council
From: Wilmer Melton, Assistant City Manager
Subject: **AGREEMENT & BUDGET ORDINANCE AMENDMENT #25-35** - Motion to approve Agreement with the North Carolina Department of Transportation (NCDOT) related to lighting at the I85 Interchange at Kannapolis Parkway/George Liles Parkway and Budget Ordinance Amendment #25-35 appropriating funds for the lighting project. **UNANIMOUSLY APPROVED**

Recommended Action Requested by City Council

1. Motion authorizing the City Manager to execute the agreement with the North Carolina Department of Transportation (NCDOT) related to lighting at the I85 Interchange at Kannapolis Parkway/George Liles Parkway.
2. Motion approving Budget Ordinance Amendment #25-35 appropriating funds for the lighting project.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

On August 26 2024, City Council approved a Resolution supporting the interchange lighting project and local financial support before Spot Safety funds could be awarded for this project. The project was awarded Spot Safety fund were allocated to the project on April 2025 by the Board of Transportation. Therefore, the City of Kannapolis, the City of Concord and the North Carolina Department of Transportation (NCDOT) intend to enter into an agreement for local non-federal funding participation and install lighting at the Interstate 85 (I85) and Kannapolis Parkway/George W Liles Parkway interchange.

The project is estimated to cost approximately \$1 million and requires a \$200,000 non-federal match (80% federal/20% local) that will be split between the City of Kannapolis, the City of Concord and NCDOT. The City's portion of the non-federal funds will be approximately \$66,666.00 and supports our intent to improve lighting along Kannapolis Parkway, which is the only interchange along the City's I-85 corridor that is not illuminated.

Fiscal Implications

The City's portion of the Kannapolis Parkway lighting project is \$66,666.00 and will be funded from fund balance.

Alternate Courses of Action

1. Motion to authorize the City Manager to execute the agreement with the North Carolina Department of Transportation (NCDOT) related to lighting at the I-85 Interchange at

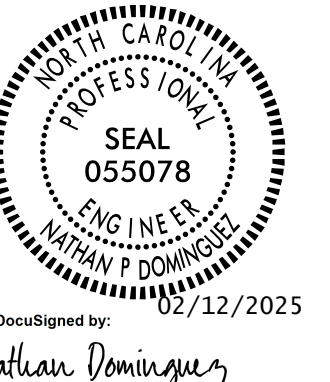
Kannapolis Parkway/George Liles Parkway.

- 2. Motion to approve Budget Ordinance Amendment #25-35 appropriating funds for the lighting project (Recommended).**
3. Table to a future meeting.
4. Take no action.

Attachments

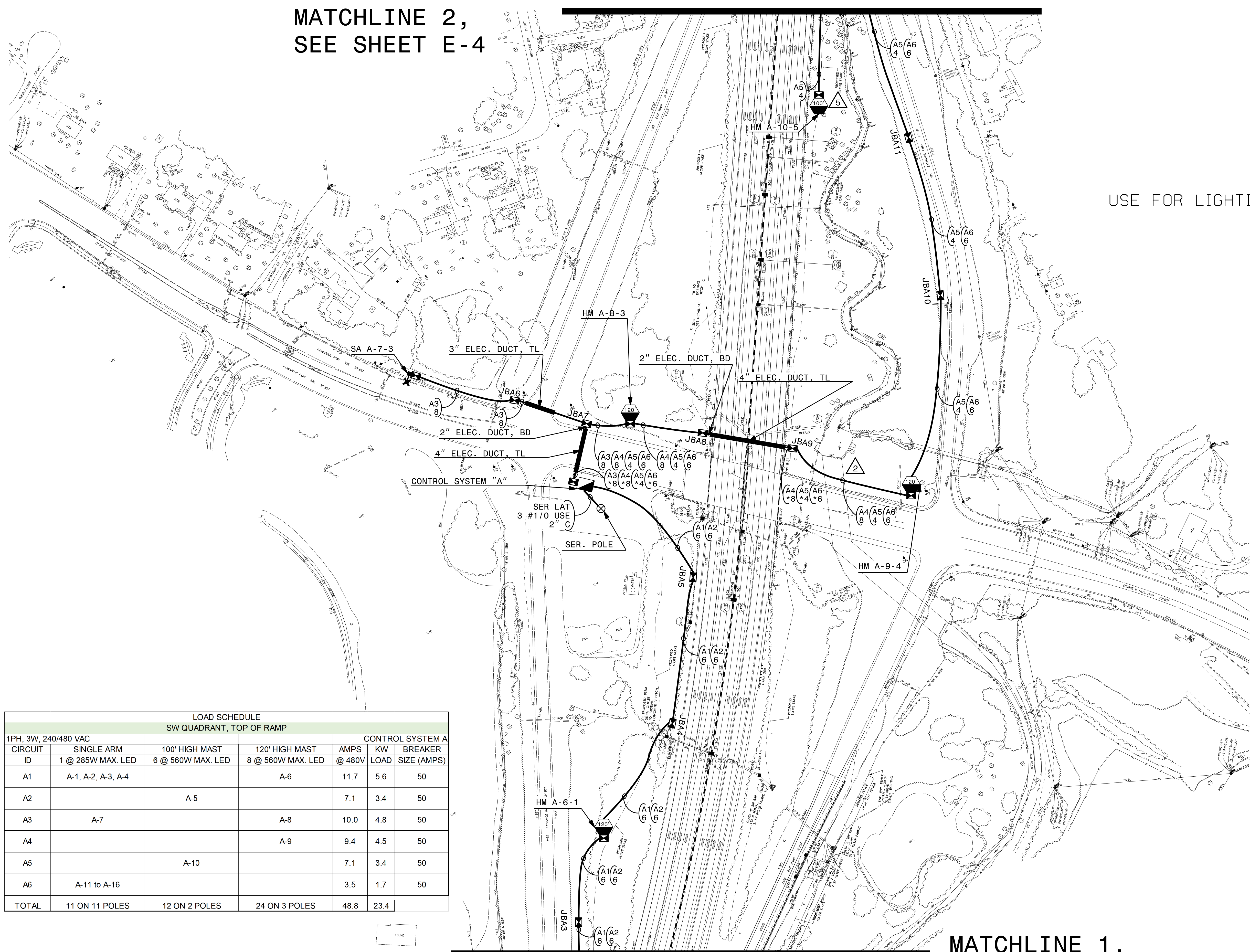
1. HL-00157_LE_GLP_PSH_E-3
2. HL-00157_LE_GLP_PSH_E-4
3. HL-00157_LE_GLP_PSH_E-2
4. Resolution 2024-32 Roadway Lighting Kannapolis Pkwy Interchange
5. 2025-22 Ordinance Amending Budget #25-35 I85 Lighting at Interchange
6. NCDOT I85 Lighting

PROJECT REFERENCE NO.	SHEET NO.
HL-0157	E-3



**DOCUMENT NOT CONSIDERED FINAL
UNLESS ALL SIGNATURES COMPLETED**

USE FOR LIGHTING CONSTRUCTION ONLY



LOAD SCHEDULE						
SW QUADRANT, TOP OF RAMP						
1PH, 3W, 240/480 VAC			CONTROL SYSTEM A			
CIRCUIT	SINGLE ARM	100' HIGH MAST	120' HIGH MAST	AMPS	KW	BREAKER
ID	1 @ 285W MAX. LED	6 @ 560W MAX. LED	8 @ 560W MAX. LED	@ 480V	LOAD	SIZE (AMPS)
A1	A-1, A-2, A-3, A-4		A-6	11.7	5.6	50
A2		A-5		7.1	3.4	50
A3	A-7		A-8	10.0	4.8	50
A4			A-9	9.4	4.5	50
A5		A-10		7.1	3.4	50
A6	A-11 to A-16			3.5	1.7	50
TOTAL	11 ON 11 POLES	12 ON 2 POLES	24 ON 3 POLES	48.8	23.4	

A horizontal scale bar with a black and white checkerboard pattern. The bar is divided into two equal halves. The left half is white with a black border, and the right half is black with a white border. Above the bar, the numbers 0, 50, and 100 are printed, indicating the scale.

SEE SHEET "E-1" FOR
LEGEND & $\triangle$ NOTES

2			
1			
Rev.	Date	Description	Approved
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ROADWAY DESIGN LIGHTING/ELECTRICAL SECTION			
LIGHTING LAYOUT I-85/GEORGE LILES PKWY INTERCHANGE			
CABARRUS COUNTY			
Drawn By:	MSQ	Approved By:	RGH
		Dwg No.:	

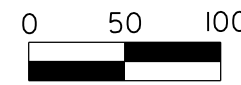
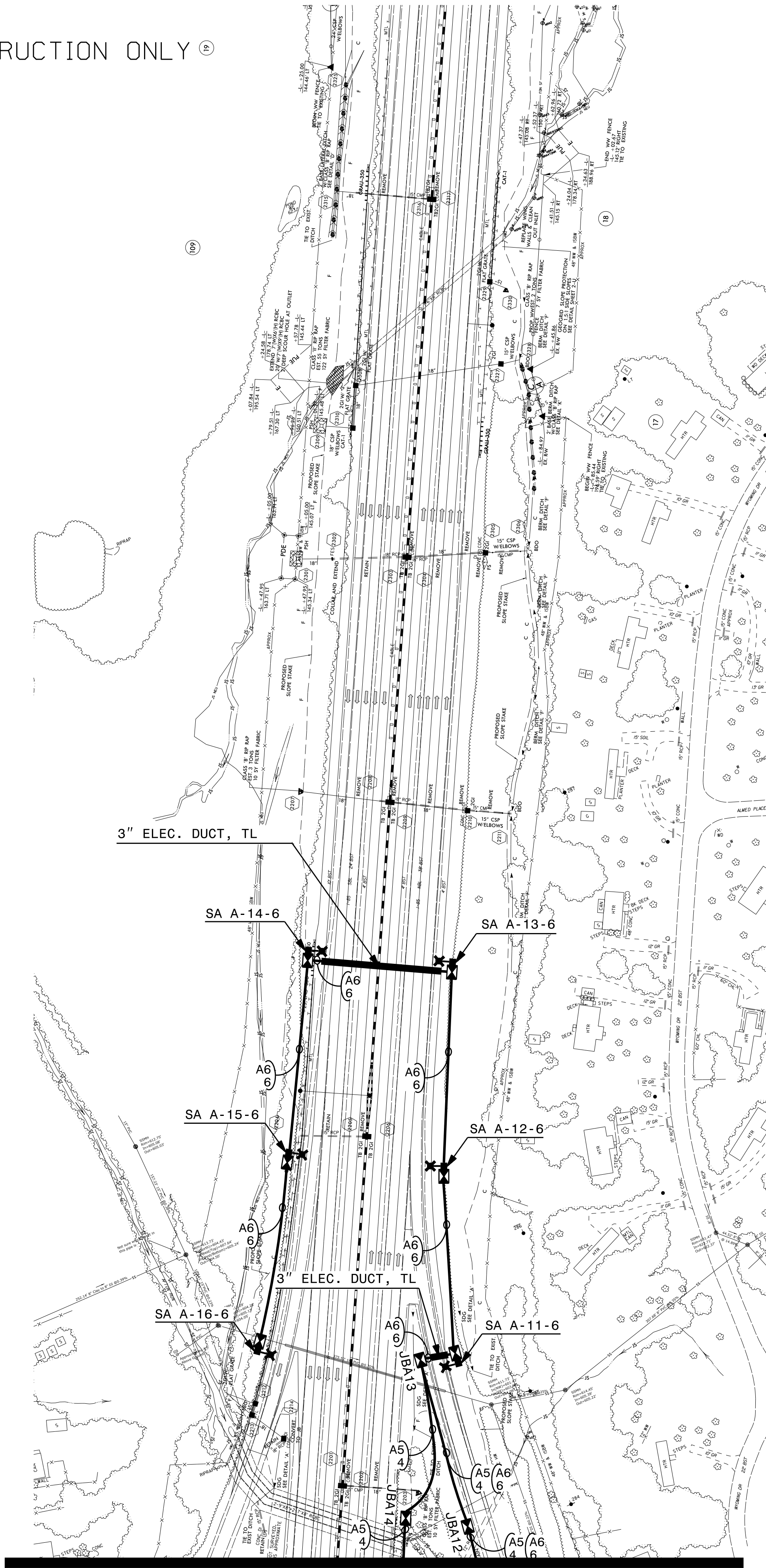
MATCHLINE 1,
SEE SHEET E-2

Q:\FEB-2025 14:41
S:\Specialty Functions\Lighting & Electrical\Projects\Div 10 POC for George Liles Pkwy (Modif of I-3803B)\HL-00157-LE_GLP_PSH_E-3.DGN
mspec-d1 AT RN-329439L

30-JAN-2025 09:22
S:\Users\jld\Documents\Lighting & Electrical\Projects\Div 10 POC for George Liles Pkwy (Modif of I-3803B)\HL-00157_LE_GLP_PSH.E-4.DGN
msquodri AT RD-329439L

USE FOR LIGHTING CONSTRUCTION ONLY

MATCHLINE 2,
SEE SHEET E-3



SEE SHEET "E-1" FOR
LEGEND & △ NOTES

2			
1			
Rev.	Date	Description	Approved
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ROADWAY DESIGN LIGHTING/ELECTRICAL SECTION			
LIGHTING LAYOUT I-85/GEORGE LILES PKWY INTERCHANGE			
CABARRUS COUNTY			
Drawn By: MSQ	Approved By: RGH	Dwg No.:	

PROJECT REFERENCE NO.
HL-0157

SHEET NO.
E-4

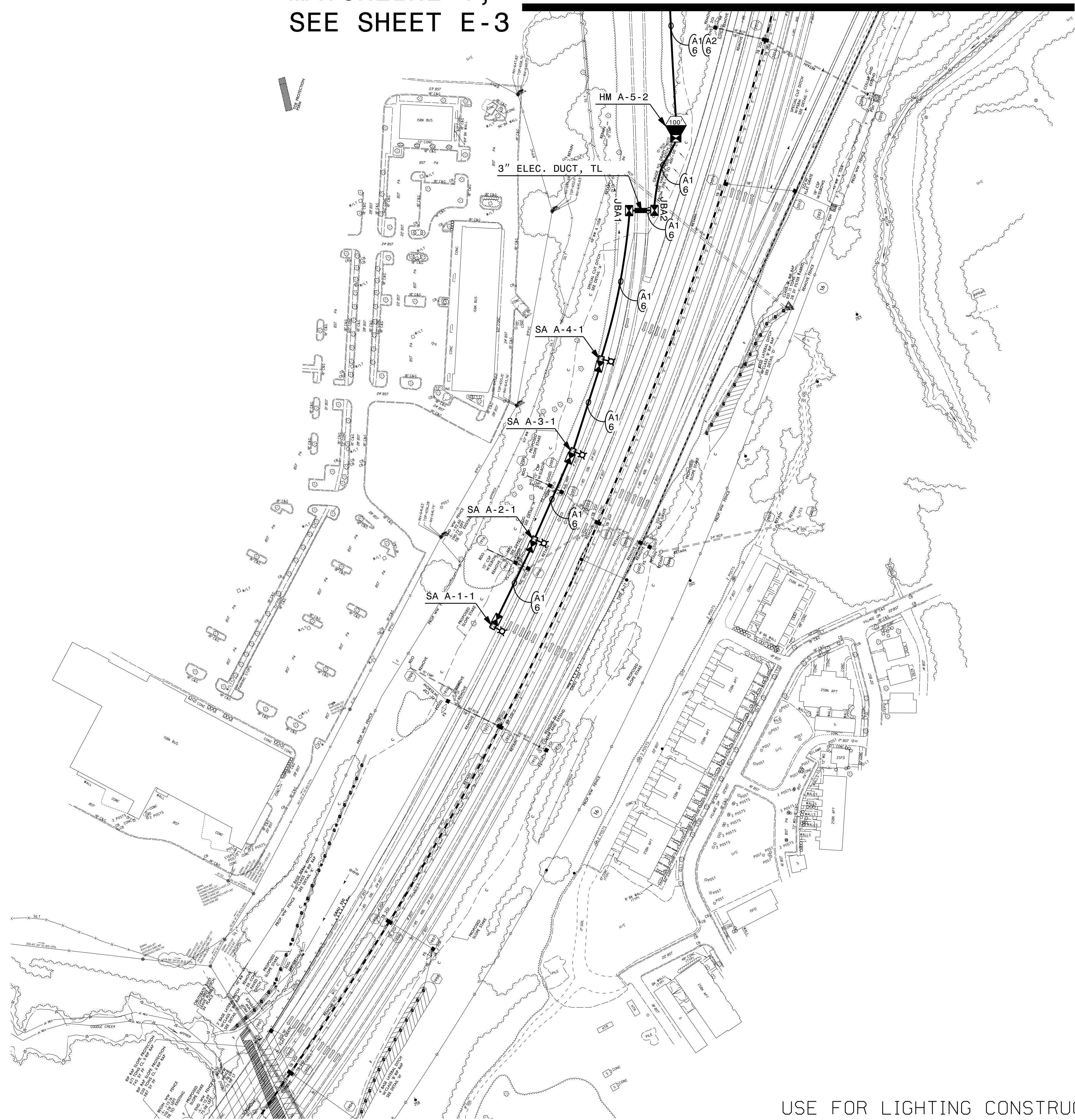
NORTH CAROLINA
PROFESSIONAL
SEAL
055078
ENGINEER
NATHAN P. DOMINGUEZ

DocuSigned by:
Nathan Dominguez
12/12/2025

DOCUMENT NOT CONSIDERED FINAL
UNLESS ALL SIGNATURES COMPLETED

30-JAN-2025 09:20
S:\Information\Projects\Lighting & Electrical\Projects\Div 10 POC for George Liles Pkwy (Modif of I-3803B)\HL-00157_LE.GLP_PSH.E-2.DGN
msquod1 AT RD-329439L

MATCHLINE 1,
SEE SHEET E-3

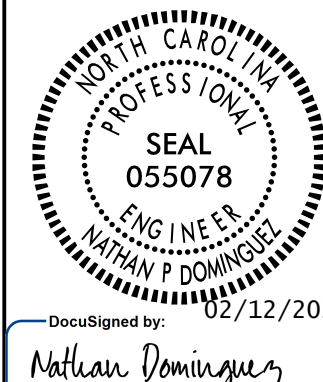


USE FOR LIGHTING CONSTRUCTION ONLY

SEE SHEET "E-1" FOR
LEGEND & △ NOTES

0 50 100

PROJECT REFERENCE NO. SHEET NO.
HL-0157 E-2



DOCUMENT NOT CONSIDERED FINAL
UNLESS ALL SIGNATURES COMPLETED

2			
1			
Rev.	Date	Description	Approved
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ROADWAY DESIGN LIGHTING/ELECTRICAL SECTION			
LIGHTING LAYOUT I-85/GEORGE LILES PKWY INTERCHANGE			
CABARRUS COUNTY			
Drawn By:	MSQ	Approved By:	RGH
Dwg No.:			

**RESOLUTION IN SUPPORT OF
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PROJECT FOR ROADWAY LIGHTING AT THE I-85 AND KANNAPOLIS
PARKWAY/GEORGE W LILES PARKWAY INTERCHANGE**

WHEREAS, the North Carolina Department of Transportation (hereinafter "NCDOT") is proposing to modify the Interstate 85 ("I85") and Kannapolis Parkway/George W Liles Parkway interchange to install roadway lighting (hereinafter referred to as the "Project"); and

WHEREAS, Spot Safety funds will be requested for this Project; and

WHEREAS, NCDOT is asking for local municipal support of this project and a commitment to provide some funding for the project before Spot Safety funds will be committed; and

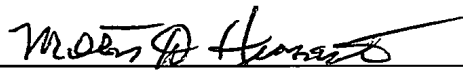
WHEREAS, NCDOT has notified the City of Kannapolis (hereinafter the 'City') of the Project, and has requested that the City submit a resolution expressing its views on the same; and

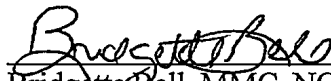
WHEREAS, the City, acting through its City Council in regular session assembled on the 26th day of August 2024, has expressed its support of and commitment of funds towards the Project and has voted to adopt this Resolution evidencing the same, all in compliance with the requirements of NCGS. §136-11.1;

NOW, THEREFORE, BE IT RESOLVED, that City Council does hereby express its support of the Project as set forth hereinabove.

BE IT FURTHER RESOLVED that City Council authorizes its Mayor and the Clerk to Council to sign this Resolution and attach the City seal thereto, and to forward a copy of the same to NCDOT.

Adopted this 26th day of August 2024, by the City of Kannapolis City Council.


Milton D. Hinnant, Mayor
City of Kannapolis


Bridgette Bell, MMC, NCCMC
City Clerk

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2025
Amendment # 25-35**

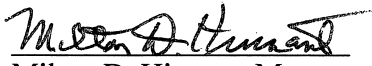
BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 14th day of April 2025, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, is hereby adopted:

Description: (NCDOT) are intending to enter into an agreement that will secure federal funds to install lighting at the Interstate 85 (I85) and Kannapolis Parkway/George W. Liles Parkway interchange. This agreement is needed to support this project. In collaboration with the Cabarrus Rowan Metropolitan Planning Organization (CRMPO), work began to secure a Spot Safety funding match to install lighting at the Interstate 85 (I85) and Kannapolis Parkway/George W Liles Parkway interchange. The project is estimated to cost approximately \$1 million with the match requiring at least \$200,000 in non-federal funds split between the City of Kannapolis, the City of Concord and NCDOT. The City's portion of the non-federal funds will be approximately \$67,000.00 and supports our intent to improve lighting along Kannapolis Parkway, which is the only interchange along the City's I85 corridor that is not illuminated. At its regular meeting held on August 26, 2024, City Council approved a Resolution obligating future payments should the Spot Safety funds be awarded for this project.

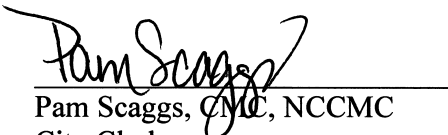
SECTION I – GENERAL FUND

Revenue:	Increase: Fund Balance Appropriated Revenue: 19900-39900	\$67,000
Expenditure:	Increase: Street Lighting: Contracted Services Expenditure: 13100-48000	\$67,000

This Ordinance is approved and adopted on this 14th day of April 2025.


Milton D. Hinnant, Mayor

ATTEST:


Pam Scaggs, ~~CMC~~, NCCMC
City Clerk

ACCOUNTS RECEIVABLE
TIP AGREEMENT – PROJECT COST PARTICIPATION
1000024920

AGREEMENT OVERVIEW

NORTH CAROLINA
CABARRUS COUNTY

DATE: 4/15/2025

PARTIES TO THE AGREEMENT:

PROJECT NUMBERS:

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

TIP #: HL-0157
WBS ELEMENTS: CON 51698.3.1

AND

CITY OF KANNAPOLIS

The purpose of this Agreement is to identify the participation in project costs, project delivery and/or maintenance, by the other party to this Agreement, as further defined in this Agreement.

SCOPE OF PROJECT (“Project”): This Project consists of the installation of lighting at the George Liles Parkway and I-85 interchange.

ESTIMATED COST OF THE PROJECT:	\$	1,000,000
COSTS TO OTHER PARTY:	\$	66,666

RESPONSIBILITY FOR COSTS THAT EXCEED FUNDING:

The Department is responsible for all costs that exceed the total estimated cost.

BREAK DOWN OF PHASES:

ESTIMATED COSTS OF CON PHASE:	\$1,000,000
COSTS TO OTHER PARTY (CON):	\$66,666

PAYMENT TERMS: City of Kannapolis will submit payment upon execution of the agreement.

MAINTENANCE: Department

EFFECTIVE DATES OF AGREEMENT:

START: Upon Full Execution of this Agreement

END: When work is complete, and all terms are met.

This **Agreement** is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the **Department** and the **City of Kannapolis**, hereinafter referred to as the **Municipality**; and collectively referred to as the **Parties**.

The **Parties** to this Agreement, listed above, intend that this Agreement, together with all attachments, schedules, exhibits, and other documents that both are referenced in this

**ACCOUNTS RECEIVABLE
TIP AGREEMENT – PROJECT COST PARTICIPATION
1000024920**

Agreement and refer to this Agreement, represents the entire understanding between the **Parties** with respect to its subject matter and supersedes any previous communication or agreements that may exist.

I. WHEREAS STATEMENTS

WHEREAS, this Agreement is made under the authority granted to the **Department** by the North Carolina General Assembly under General Statutes of North Carolina (NCGS), particularly Chapter 136-66.1 and 136-66.3; and,

WHEREAS, the **Department** and the **Municipality** have agreed that the jurisdictional limits of the **Parties**, as of the date of entering the agreement for the above-mentioned project, are to be used in determining the duties, responsibilities, rights, and legal obligations of the **Parties** hereto for the purposes of this Agreement; and,

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the **Parties** do hereby covenant and agree, each with the other, as follows:

II. RESPONSIBILITIES

A. DEPARTMENT

The **Department** shall be responsible for all phases of project delivery including planning, design, right of way acquisition, utility relocation, construction and maintenance as shown in the **PROJECT DELIVERY** Provision.

B. MUNICIPALITY

The **Municipality** shall be responsible for payment as shown in the **COSTS AND FUNDING** Provision.

III. PROJECT DELIVERY REQUIREMENTS

A. PLANNING, DESIGN, AND CONSTRUCTION

- i. The **Department** will be responsible for preparing the environmental and/or planning document and obtaining any environmental permits.
- ii. The **Department** will be responsible for preparing the plans and specifications and letting the Project to construction.
- iii. The **Department** shall construct the Project in accordance with the plans and specifications for the Project. The **Department** shall administer the construction contract

for said Project. All work shall be done in accordance with Departmental standards, specifications, policies, and procedures.

B. RIGHT OF WAY ACQUISITION

The **Department** will be responsible for acquiring any needed right of way required for the Project in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

C. MUNICIPAL UTILITY RELOCATIONS

Responsibilities

The **Municipality** shall be responsible for the relocation and adjustment of all municipally owned utilities in conflict with the Project and shall exercise any rights that it may have under any franchise to effect all necessary changes, adjustments, and relocations of communications and electric power lines; underground cables, gas lines, and, and other pipelines or conduits; or any privately- or publicly-owned utilities.

- i. Said work shall be performed in a manner satisfactory to the **Department** prior to the **Department** beginning construction of the Project. The **Municipality** shall make every effort to promptly relocate said utilities in order that the **Department** will not be delayed in the construction of the Project.
- ii. The **Municipality** shall make all necessary adjustments to house or lot connections or services lying within the right of way or construction limits, whichever is greater, of the Project.
- iii. The **Department**, where necessitated by construction, will make vertical adjustments of two (2) feet or less to the existing manholes, meter boxes, and valve boxes at no expense to the **Municipality**.
- iv. The **Department** shall not be liable for any work that the **Municipality** undertakes with respect to said utility relocation.

Costs and Funding

- v. If applicable, the **Department** will reimburse the **Municipality** in accordance with NCGS 136-27.1. A separate utility agreement may be prepared to address these costs and payment terms.

Utility Relocation by Department

- vi. If the **Municipality** requests the **Department** to include the relocation and/or adjustment of municipally owned utilities in its construction contract provisions, and the **Department** agrees, then a separate utility agreement will be prepared to state the cost estimate and the reimbursement terms, if applicable. The **Municipality** shall reimburse the

Department all or a portion of the costs associated with said relocation, in accordance with NCGS 136-27.1. Reimbursement will be based on final project plans and actual costs of relocation.

D. MAINTENANCE

Upon completion of the Project:

- i. The Department will be responsible for maintenance of lighting.
- ii. The **Department** shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the “Policy on Street and Driveway Access to North Carolina Highway,” and department criteria.
- iii. The roadway improvements that are within state-owned right of way shall be considered a part of the State Highway System and shall be owned and maintained by the **Department**.

IV. COSTS AND FUNDING

A. PROJECT COSTS AND FUNDING

The **Municipality** has agreed to participate in Project costs as follows:

- i. The estimated cost of the Project is \$1,000,000. Both **Parties** understand that this is an estimated cost and is subject to change.
- ii. The **Department** shall provide the first \$333,340 in Federal and State funding. The Department will then provide an additional \$533,328 in Federal funds and the Municipality will provide one-half of the non-federal match of \$133,332, which is \$66,666 for a total of \$666,660. [The City of Concord, by separate agreement, will provide the other \$66,666.] The **Department** is responsible for all costs that exceed \$1,000,000.

B. PAYMENT BY THE MUNICIPALITY

- i. The **Municipality** shall provide a down payment for the construction phase of the Project, prior to the **Department** initiating work. The **Department** will notify the **Municipality** of the requested amount of down payment. The **Municipality** shall remit payment, in accordance with the attached “Remittance Guidance”.
- ii. If costs for the current phase of work exceed the available funding, then the **Department** will notify the **Municipality** of any additional down payment needed.

V. STANDARD PROVISIONS

A. AGREEMENT MODIFICATIONS

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all **Parties** by means of a written Supplemental Agreement.

B. ASSIGNMENT OF RESPONSIBILITIES

The **Department** must approve any assignment or transfer of the responsibilities of the **Municipality** set forth in this Agreement to other parties or entities.

C. AGREEMENT FOR IDENTIFIED PARTIES ONLY

This Agreement is solely for the benefit of the identified **Parties** to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

D. OTHER AGREEMENTS

The **Municipality** is solely responsible for all agreements, contracts, and work orders entered into or issued by the **Municipality** to meet the terms of this Agreement. The **Department** is not responsible for any expenses or obligations incurred for the terms of this Agreement except those specifically eligible for the funds and obligations as approved by the **Department** under the terms of this Agreement.

E. TITLE VI

The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

F. FACSIMILE

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the **Parties** agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

G. AUTHORIZATION TO EXECUTE

The **Parties** hereby acknowledge that the individual executing this Agreement has read this Agreement, conferred with legal counsel, fully understands its contents, and is authorized to execute this Agreement and to bind the respective **Parties** to the terms contained herein.

H. DEBARMENT POLICY

ACCOUNTS RECEIVABLE
TIP AGREEMENT – PROJECT COST PARTICIPATION
1000024920

It is the policy of the **Department** not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the **Municipality** certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

I. INDEMNIFICATION

To the extent authorized by state and federal claims statutes, the **Municipality** shall be responsible for its actions under the terms of this agreement and save harmless the FHWA (if applicable), the **Department**, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claim for payment, damages and/or liabilities of any nature, asserted against the **Department** resulting from the Municipality's actions in connection with this Agreement. The **Department** shall not be liable and shall be held harmless from any and all third-party claims that might arise on account of the **Municipality's** negligence and/or responsibilities under the terms of this agreement.

J. AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

K. DOCUSIGN

The **Department** and the **Municipality** acknowledge and agree that the electronic signature application DocuSign may be used, at the sole election of the **Department** or the **Municipality**, to execute this Agreement. By selecting "I Agree", "I Accept", or other similar item, button, or icon via use of a keypad, mouse, or other device, as part of the DocuSign application, the **Department** and the **Municipality** consent to be legally bound by the terms and conditions of Agreement and that such act constitutes **Department's** signature as if actually signed by the **Department** in writing or the **Municipality's** signature as if actually signed by the **Municipality** in writing. The **Department** and the **Municipality** also agree that no certification authority or other third-party verification is necessary to validate its electronic signature and that the lack of such certification or third-party verification will not in any way affect the enforceability of its electronic signature. The **Department** and the **Municipality** acknowledge and agree that delivery of a copy of this Agreement or any other document contemplated hereby through the DocuSign application, will have the same effect as physical delivery of the paper document bearing an original written signature.

L. GIFT BAN

ACCOUNTS RECEIVABLE
TIP AGREEMENT – PROJECT COST PARTICIPATION
1000024920

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Adult Corrections, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

ACCOUNTS RECEIVABLE
TIP AGREEMENT – PROJECT COST PARTICIPATION
1000024920

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the **Department** and the **Municipality** by authority duly given.

(DOCUSIGN ONLY)

Authorized Signer: _____

Print Name: _____

Title: _____

Date Signed: _____

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

CITY OF KANNAPOLIS

FED TAX ID NO: _____

REMITTANCE ADDRESS:

Finance Officer: _____

Print Name: _____

Date Signed: _____

DEPARTMENT OF TRANSPORTATION

BY: _____

TITLE: _____

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)

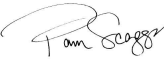
ACCOUNTS RECEIVABLE
TIP AGREEMENT – PROJECT COST PARTICIPATION
1000024920

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the **Department** and the **Municipality** by authority duly given.

(INK SIGNATURES ONLY)

ATTEST:

BY: 

TITLE: City Clerk

Authorized Signer: 
Mike Legg (Apr 30, 2025 01:03 EDT)

Print Name: Michael B Legg

Title: City Manager

Date Signed: 30/04/25

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

CITY OF KANNAPOLIS

FED TAX ID NO: 56-1452469

REMITTANCE ADDRESS:

401 Laureate Way

Kannapolis, NC 28081

Finance Officer: 
Brian Roberts (Apr 15, 2025 14:44 EDT)

Print Name: Brian Roberts

Date Signed: 15/04/25

DEPARTMENT OF TRANSPORTATION (DocuSign)

BY: _____

TITLE: _____

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)



Kannapolis

Agenda Staff Report
April 14, 2025

To: Mayor and City Council
From: Richard Smith, Planning Director
Subject: **FIRST READING: TA-2025-04** - KDO Text Amendment to Article 4, Section 4.2.D(3)a.4(b)3 to increase the maximum number of dwellings permitted in a pocket neighborhood development from twelve (12) to thirty (30). **RECEIVED**

Recommended Action Requested by City Council

Motion to continue to the April 28, 2025 regular Council meeting for the second reading and Public Hearing of TA-2025-04

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The applicant, Green Street Capital Partners LLC, is requesting a text amendment to increase the number of dwelling units permitted within a pocket neighborhood development. The text amendment request is associated with a proposal by the applicant for a single-family detached residential development on Alpine Street.

The Kannapolis Development Ordinance (KDO) defines a pocket neighborhood development as, “A clustered group of single-family dwellings oriented around a common open space.” A pocket neighborhood development is a permitted use in the following zoning districts: Residential 8 (R8), Residential 18 (R18), Mixed-Use Neighborhood (MU-N), Planned Development (PD), and Planned Development-Traditional Neighborhood Development (PD-TND). Section 4.2.D(3)a.4 of the KDO establishes standards to facilitate the voluntary development of pocket neighborhoods that encourage affordable housing, encourage proper use of open space, and provide standards that minimize the impact of vehicle traffic and parking. The *Move Kannapolis Forward 2030 Comprehensive Plan* supports the use of a diverse array of tools to promote affordable housing options such as pocket neighborhood developments.

The applicant is requesting a text amendment to Section 4.2.D(3)a.4(b)3 of the KDO that specifies the number of dwelling units permitted in a neighborhood pocket development. Presently, a development must have at least four (4) dwellings but no more than twelve (12) dwellings. The applicant is requesting that the maximum number of dwellings be increased from twelve (12) to thirty (30).

The Planning and Zoning Commission unanimously recommended approval with modifications of TA-2025-04 to City Council at their March 18, 2025 Commission meeting. The Planning Commission recommended that projects requesting more than twelve (12) lots be required to be granted the issuance of a Special Use Permit, with additional development standards.

Fiscal Implications

None

Alternate Courses of Action

1. **Motion to continue to April 28, 2025 for second reading and Public Hearing for TA-2025-04 (Recommended).**
2. Defer action to a future meeting.

Attachments

1. Zoning Text Amendment 02.21.2025
2. EXHIBIT A



Zoning Text Amendment Checklist

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. Please either bring this application to the address above or email to bstanley@kannapolisnc.gov. The fees may also be paid online with a link provided by staff.

APPLICANT

Applicant: Green Street Capital Partners LLC

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting
- ☒ Zoning Text Amendment Checklist and Application – Complete with all required signatures
- ☒ Fee: \$400.00

PROCESS INFORMATION

Public Notification: This is a legislative process that requires a public hearing and public notification including newspaper notice, first-class mailed notice to adjacent property owners and a sign posted prominently on the property (Section 2.4.F of the KDO).

Review Process: All applications will be reviewed for compliance and then forwarded to the Planning and Zoning Commission for consideration at a public hearing which is held monthly on the third Tuesday at 6:00pm in City Hall Laureate Center. **The pre-application meeting, submittal of application, and payment of fees, must be completed prior to scheduling the public hearing.** Please review Section 2.4.D. of the KDO.

Action by Planning and Zoning Commission: The Commission shall consider the text amendment request and make a recommendation to City Council in accordance with Section 2.4.G. of the KDO.

Scope of Approval: City Council may approve or deny the request in accordance with Section 2.5.A(1).

By signing below I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature: Nicholas R. Parker

Date: 02-20-2025



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

ZONING TEXT AMENDMENT APPLICATION

Approval authority – Planning and Zoning Commission

Applicant Contact Information

Name: Green Street Capital Partners LLC

Phone: 704-751-6867

Address: 2925 Senna Drive; Suite 202
Matthews, NC 28105

Email: nrparker@amicuseng.com

In the space provided below, or on a separate sheet, present your requested text for the Ordinance provisions in question:

Section 4.2D(3)a(4)b3

Developments shall include at least 4 dwellings but no more than "30" dwellings.

State your reasons for amending the text of the Ordinance:

To increase the number of units allowed within a pocket neighborhood development.

I certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Nicholas R. Parker
Applicant Signature

02-20-2025

Date

Stephanie R. Webber
Property Owner Signature

2/21/2025

Date

EXHIBIT A
PROPOSED TEXT AMENDMENT
TA-2025-04

Kannapolis Development Ordinance

Article 4, Section 4.2.D(3)a.4(b)3 Standards Specific to Pocket Neighborhood Development

(b) General Standards

1. Pocket neighborhood developments shall be located on a parcel of land at least one- third ($\frac{1}{3}$) of an acre and no greater than six acres in area, with at least 50 feet of frontage along a public street.
2. Only single-family detached dwellings and incidental and subordinate accessory uses are permitted as part of a pocket neighborhood development.
3. Developments shall include at least four dwellings but no more than ~~12~~ 30 dwellings. In no instance shall the gross density of the development exceed a 20 percent increase in the density of the underlying base zoning district.
4. At least 60 percent of the individual building lots shall front the common open space area provided in accordance with subsection (c) below, rather than a street or alley.
5. Each individual lot in a pocket neighborhood shall contain only one dwelling unit.
6. Individual lots and buildings shall comply with the standards in Table 4.2.D(3)a.4 below.



Kannapolis
Agenda Staff Report
April 14, 2025

To: Mayor and City Council

From: Daniel Jenkins, Assistant Human Resources Director, Kristin Jones, Budget and Strategy Director, Brian Roberts, Finance Director

Subject: **BUDGET AMENDMENT ORDINANCE #25-36** - Appropriating Fund Balance in the Environmental Fund for Vehicle Repairs **UNANIMOUSLY APPROVED**

Recommended Action Requested by City Council

Approve budget amendment ordinance to appropriate insurance proceeds for vehicle repairs.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

A city leaf truck experienced an electrical fire in FY24, subsequently resulting in an insurance claim and repairs. The repair process was extensive and has just recently been completed. The initial appraisal for repairs yielded a check payable to the city for \$42,765.15 which was received and subsequently deposited on April 1, 2024. This amount represents the initial total cost of repairs less deductible and tax. The repairs being completed and the vehicle returned to the city, payment is now due upon receipt of the invoice.

This budget amendment will appropriate the insurance proceeds for this purpose.

Fiscal Implications

None

Alternate Courses of Action

- 1. Approve ordinance appropriating insurance proceeds to pay the invoice for repairs (Recommended)**
2. Take no action.
3. Table to a future meeting

Attachments

1. 2025-23 Ordinance Amending Budget #25-36 Appropriating funds for Environmental Vehicle Repair

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2025
Amendment # 25-36**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 14th day of April 2025, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, is hereby adopted:

Description: This budget amendment budgets the insurance proceeds received from a leaf vac truck in the Environmental Fund that caught fire. We must budget the insurance proceeds and corresponding expense so we can pay the invoice to repair the equipment.

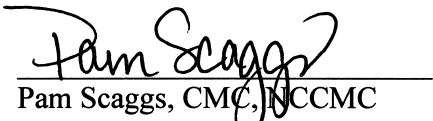
SECTION I – ENVIRONMENTAL FUND

Revenue:	Increase: Appropriated Fund Balance Revenue: 59900-39900	\$42,765
Expenditure:	Increase: Repair and Maintenance: Vehicles Expenditure: 50000-44200	\$42,765

This ordinance is approved and adopted on this 14th day of April 2025.


Milton D. Hinnant, Mayor

ATTEST:


Pam Scaggs, CMC, NCCMC
City Clerk



Kannapolis

Agenda Staff Report
April 14, 2025

To: Mayor and City Council

From: Kristin Jones, Budget and Strategy Director, Brian Roberts, Finance Director, Michael Rattler, Director of Transportation & Environmental Services, Wilmer Melton, Assistant City Manager

Subject: **BUDGET AMENDMENT ORDINANCE #25-32** - Appropriating Fund Balance in the General Fund to Transfer to the Environmental Fund for Solid Waste Overages. **UNANIMOUSLY APPROVED**

Recommended Action Requested by City Council

Approve Budget Amendment #25-32, which appropriates fund balance in the General Fund to transfer to the Environmental Fund for overages related to the solid waste contract.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Waste Connections was awarded the bid for the new multi-year solid waste contract in FY 25. The current budget was prepared at the base level contract amount of \$3,787,170; plus tipping fees for the landfill, charges for bulk containers (commercial collection) and charges for recycling. After reviewing over 8 months of actual data, staff have realized shortfalls in the landfill, commercial collection and recycling line items. This budget amendment will correct those shortfalls and has allowed for a better understanding of the contract and breakdown in service levels so the FY 26 budget can be prepared accordingly.

Below is a summary of the three areas in which staff are projecting to come in over budget for FY 25:

1. **Landfill Costs:** This line item includes the transport costs of solid waste to the landfill and then the tipping fee per ton disposed of at the landfill. Historically, this budget was around \$665,000. This line item was reduced by \$300,000 in the FY 25 budget, which was a larger cut than should have been made. This budget reduction, in conjunction with the actual charges we are experiencing in actual transfer costs, causes this line item to be over budget. Early projections show us coming in short of around \$475k for this line item. The budget was reduced to account for trends in tipping fees and existing transfer costs and didn't take into account the new supplemental agreement with Waste Collections and how they transfer solid waste.
2. **Commercial Costs:** The second driver to budget overages in this fund are bulk containers. These costs average around \$19,000 - \$22,000 per month compared to a budget of \$134,000. This is projected to come in short by around \$120,000.
3. **Recycling Costs:** The third driver is recycling. The FY 25 budget is currently \$300,000. The monthly invoices are approximately \$30,000-\$33,000, which is trending towards an annual

cost of \$396,000 (short about \$100,000).

This budget amendment also addresses small shortages in a few personnel line items that staff are projecting to come in over budget.

Fiscal Implications

This budget amendment appropriates fund balance in the General Fund and then transfers to the Environmental Fund to cover overages in this fund.

Alternate Courses of Action

1. Motion to approve budget amendment #25-32 which appropriates fund balance in the General Fund to transfer to the Environmental Fund for overages related to the solid waste contract **(Recommended)**.
2. Take no action.
3. Table to a future meeting.

Attachments

1. 2025-24 Ordinance Amending Budget #25-32 Appropriating Funds for Solid Waste Overages

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2025
Amendment # 25-32**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 14th day of April 2025, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, is hereby adopted:

Description: This budget amendment appropriates fund balance in the General Fund and then transfers to the Environmental Fund to cover overages in this fund. This fund is experiencing overages based on landfill, recycling and bulk container charges exceeding the projected budgeted amount. Historically, these charges were being paid from one line item- solid waste contract and year end budget adjustments were made to cover these increases. Based on better accounting and the way Waste Connections invoices, it is best to separate these charges out to their individual line items.

SECTION I – GENERAL FUND

Revenue:	Increase: Fund Balance Appropriated Revenue: 19900-39900	\$750,000
Expenditure:	Increase: Transfer to Environmental Fund Expenditure: 19000-57400	\$750,000

SECTION II – ENVIRONMENTAL FUND

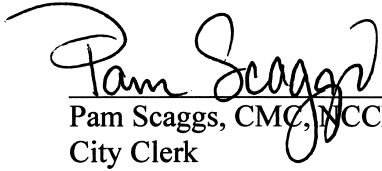
Revenue:	Increase: Transfers from the General Fund Revenue: 59000-39200	\$750,000
Expenditure:	Increase: Solid Waste Expenditure: 50000-48910	\$15,600
Expenditure:	Increase: Bulk Containers Expenditure: 50000-48920	\$120,000
Expenditure:	Increase: Landfill Expenditure: 50000-48930	\$476,400
Expenditure:	Increase: Recycling Expenditure: 50000-48940	\$100,000
Expenditure:	Increase: Salaries- Overtime Expenditure: 50000-41200	\$8,000

Expenditure:	Increase: Salaries- FICA Expenditure: 50000-42000	\$8,000
Expenditure:	Increase: State Retirement Expenditure: 50000-42200	\$6,000
Expenditure:	Increase: 401k Expenditure: 50000-42210	\$16,000

This ordinance is approved and adopted on this 14th day of April 2025.


Milton D. Hinnant, Mayor

ATTEST:


Pam Scaggs, CMC, NCCMC
City Clerk



Kannapolis

Agenda Staff Report
April 14, 2025

To: Mayor and City Council

From: Kristin Jones, Budget and Strategy Director, Brian Roberts, Finance Director

Subject: **BUDGET AMENDMENT ORDINANCE #25-33** - Appropriating Fund Balance for Year-End Personnel Adjustments **UNANIMOUSLY APPROVED**

Recommended Action Requested by City Council

Approve budget amendment #25-33 appropriating fund balance for year-end personnel adjustments.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

This budget amendment appropriates fund balance in the General Fund and Stormwater Fund to address personnel accounts in anticipation of budget overages at year-end. Many of these budget overages are due to salary adjustments in relation to the COLA and Merit adjustments made throughout the year. Forecasted COLA and Merit are budgeted in the Non-Departmental Fund – Special Expenses for all departments, but actual expenditures have exceeded projections.

Additionally, scheduling impacts in the City's public safety departments (primarily the Fire Department) have impacted these accounts. In summary, what was budgeted was the base salary employees were making, but it wasn't considering the long weeks that these employees worked and therefore these personnel line items weren't budgeted accurately. Going forward, these impacts will be addressed for the FY 26 Budget.

Historically, these kinds of fluctuations in personnel costs are a normal budget management occurrence. In the past, some of these overages have been adjusted through lapsed salaries (portions of salaries not paid due to position vacancies). However, since we have been fully staffed citywide for most of the current budget year, lapsed salary has not been an option this year. This budget amendment accounts for personnel overages as well as projected overtime overages for fiscal year-end.

Fiscal Implications

A budget amendment is needed to appropriate fund balance in both the General Fund and Stormwater Fund to clean up personnel accounts in preparation for fiscal year end.

Alternate Courses of Action

1. Motion to approve budget amendment #25-33 appropriating fund balance for year-end personnel adjustments **(Recommended)**.
2. Do not approve the budget amendment.
3. Table to a future meeting.

Attachments

1. BA 25-33 Budget Amendment for YE Adjustment

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2025
Amendment # 25-33**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 14th day of April 2025, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, is hereby adopted:

Description: This budget amendment appropriates fund balance in the General Fund and Stormwater Fund to clean up personnel accounts in anticipation of budget overages at year-end. Many of these budget overages are due to salary adjustments in relation to the COLA and Merit made throughout the year. Forecasted COLA and Merit are budgeted in the Non-Departmental Fund – Special Expenses but actuals have far exceeded projections. We have also recently become aware that we have been short on budgeting on personnel costs due to scheduling impacts in our public safety departments (primarily the Fire Department). In summary- what was budgeted was the base salary employees were making but it wasn't considering the long weeks that these employees worked and therefore these personnel line items weren't budgeted accurately. We are cleaning this up for FY 26.

Historically, some of these overages have been adjusted through lapsed salary but since we are fully staffed city-wide- lapsed salary isn't an option. This budget amendment accounts for personnel overages related to salaries and benefits as well as projected overtime overages for fiscal year end.

SECTION I – GENERAL FUND

Revenue:	Increase: Fund Balance Appropriated Revenue: 19900-39900	\$2,521,835
Expenditure:	Increase: Field Ops- Overtime Expenditure: 12035-41200	\$268,735
Expenditure:	Increase: Field Ops- FICA Expenditure: 12035-42000	\$22,740
Expenditure:	Increase: Field Ops- State Retirement Expenditure: 12035-42200	\$223,702
Expenditure:	Increase: Field Ops- 401k Expenditure: 12035-42210	\$226,158
Expenditure:	Increase: Police- Special Ops- Salaries Expenditure: 12070-41000	\$10,000
Expenditure:	Increase: Fire Admin- Salaries Expenditure: 12510-41000	\$97,000

Expenditure:	Increase: Fire Emergency- Salaries Expenditure: 12540-41000	\$575,000
Expenditure:	Increase: Fire Emergency- Overtime Expenditure: 12540-41200	\$133,000
Expenditure:	Increase: Fire Emergency- FICA Expenditure: 12540-42000	\$130,000
Expenditure:	Increase: Fire Emergency- State Retirement Expenditure: 12540-42200	\$240,000
Expenditure:	Increase: Fire Emergency- 401k Expenditure: 12540-42210	\$161,000
Expenditure:	Increase: Engineering- Salaries Expenditure: 13000-41000	\$1,500
Expenditure:	Increase: Sign Shop- Salaries Expenditure: 13300-41000	\$19,000
Expenditure:	Increase: Street Maint - Salaries Expenditure: 13500-41000	\$89,000
Expenditure:	Increase: Planning - Salaries Expenditure: 14000-41000	\$200,000
Expenditure:	Increase: Parks- Salaries Expenditure: 15010-41000	\$125,000

SECTION II – STORMWATER FUND

Revenue:	Increase: Appropriated Fund Balance Revenue: 40000-39900	\$40,000
Expenditure:	Increase: Stormwater - Salaries Expenditure: 40000-41000	\$40,000

This ordinance is approved and adopted on this 14th day of April 2025.

Milton D. Hinnant, Mayor

ATTEST:

Pam Scaggs, CMC, NCCMC
City Clerk



Kannapolis
Agenda Staff Report
April 14, 2025

To: Mayor and City Council
From: Richard Smith, Planning Director
Subject: **VOLUNTARY ANNEXATION A-2025-04** - Resolution Directing the Clerk to Investigate and Certify the Petition and Resolution Of Intent to Annex and Set a Public Hearing on approximately 13.95 +/- combined acres of property located at 5400 and 5425 Odell School Road (Cabarrus County Parcel Identification Numbers 46736668550000 and 46735792770000) **UNANIMOUSLY APPROVED**

Recommended Action Requested by City Council

1. Motion to adopt a Resolution Directing the Clerk to Investigate an Intent to Annex and to Certify the Sufficiency of the Petition to Annex; and
2. Motion to adopt a Resolution of Intent to Annex and Fix Date of Public Hearing for Monday, April 28, 2025.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

That applicant, Coddle Creek, LLC, has submitted an application for voluntary annexation of approximately 13.95 +/- acres of combined noncontiguous property located at 5400 and 5425 Odell School Road. The properties are further identified as Cabarrus County Parcel Identification Numbers 46736668550000 and 46735792770000 and are located in an unincorporated area of Cabarrus County.

Fiscal Implications

None.

Alternate Courses of Action

1. Motion to approve the Resolution Directing the Clerk to Investigate the Intent to Annex under Chapter 160A-58 et seq., and to Certify the Sufficiency of the Petition (Recommended); and
2. Motion to approve the Resolution of Intent to Annex and Fix Date of Public Hearing for Monday, April 28, 2025, on question of annexation (Recommended).
3. Table actions to a future meeting.
4. Take no action.

Attachments

1. Petition for Non-Contiguous Annexation
2. Minor Subdivision Plat - RECORDED 05-14-24
3. Resolution Directing the Clerk to investigate an intent to annex

4. Resolution of Intent to Annex and to set a public hearing



Petition for Non-Contiguous Annexation

So that we may efficiently review your request in a timely manner, it is important that all required documents are submitted with your application. Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

ANNEXATION REQUEST

Approval authority – City Council.

Property Address: 5400 Odell School Rd / 5425 Odell School Rd

Applicant: Coddle Creek, LLC

Address: 357 Concrescere Pkwy City: Davidson State: NC Zip: 28036

Contact number: (704) 361-1887 Email: keith.wayne@waynebrothers.com

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting – send an email to planreviewappointment@kannapolisnc.gov 3-14-25
- ☒ Annexation Checklist and Application – Complete with all required property owner signatures
- ☒ Stamped, signed black and white 18 x 24" survey of subject property prepared by a registered engineer or surveyor (not preliminary)
- ☒ Metes and Bounds description of subject property

PROCESS INFORMATION

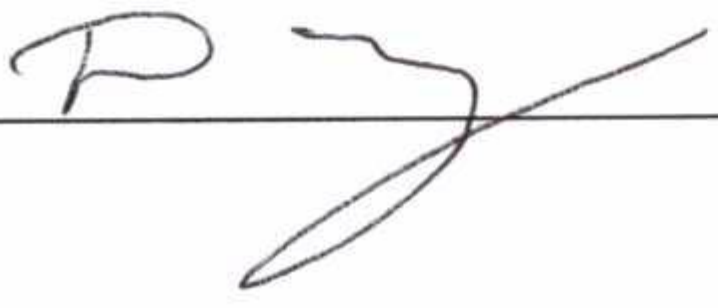
Annexation involves two (2) separate City Council meetings:

First meeting: The City Clerk will certify the sufficiency of the annexation and City Council will set a date for the public meeting.

Second meeting: City Council will review the petition and either approve or decline the annexation request:

1. Newspaper notification at least ten (10) days prior to the second Council meeting
2. Notification to the County or municipality from which the subject property is being annexed
3. Public Hearing
4. State recordation of the Resolution to Extend the Corporate City Limits, the signed/stamped 18X24" survey (can not be stamped as preliminary) and the Metes and Bounds Description.

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature:  Date: 3/24/25



PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

Approval authority – City of Kannapolis City Council

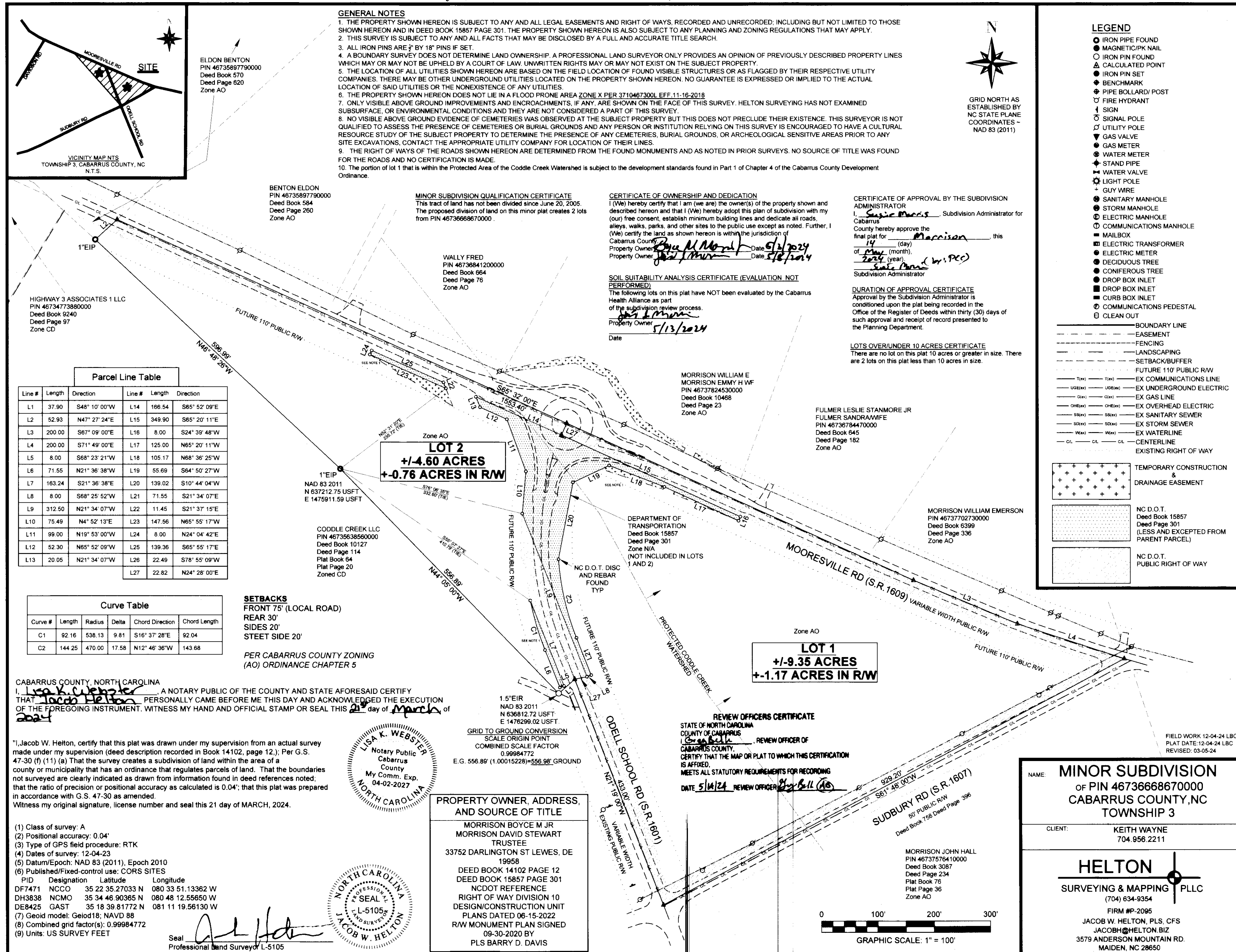
DATE: 3/24/25

To the City Council of the City of Kannapolis, North Carolina:

1. We, the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Kannapolis.
2. The area to be annexed, located at 5400 Odell School Rd / 5425 Odell School Rd, further identified as Cabarrus County Parcel Identification Number _____, is non-contiguous to the primary limits of the City of Kannapolis, is approximately _____ acres, and the boundaries of such territory are as follows:
46736668550000 9.35 acres / 46735792770000 4.6 acres
See Attached Signed, Stamped Survey Map and Metes and Bounds Description
3. This petition is signed by all property owners of the area to be annexed.
4. ☒ The undersigned owners acknowledge that the following City service(s) is (are) not presently available for immediate taps upon annexation: water ☐ sewer ☒; and, subsequently agree that the City shall not provide water and sewer service to the area to be annexed except in accordance with the City's standard water and sewer policy.
5. Please check ONE box below:
☐ The undersigned owners declare that zoning vested rights have been established on the area to be annexed under G.S. 160D-108 or G.S. 160D-108.1 and provide proof of such rights by attachment hereto.
☒ The undersigned owners hereby declare that no such vested rights have been established and that any vested rights previously acquired are hereby terminated.

<u>Name</u> (print or type)	<u>Address</u>	<u>Signature*</u>
1. <u>D. Keith Wayne</u>	<u>357 Concrecere Pkway, Davidson, NC 28036</u>	<u>[Signature]</u>
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

**Family members (e.g., husbands and wives) need to sign separately. Signatures for corporations, institutions, etc., are by those with the authority to sign legal documents.*



**RESOLUTION DIRECTING THE CLERK TO
INVESTIGATE AN INTENT TO ANNEX**

A-2025-04 – 5400 and 5425 Odell School Road

WHEREAS, City Council may initiate annexation of noncontiguous property owned by the petitioners by adopting a resolution stating its intent to annex the property of the area described herein; and

WHEREAS, N.C.G.S Chapter 160A-58 *et seq*, provide that the sufficiency of the petition shall be investigated by the City Clerk of the City of Kannapolis, North Carolina before further annexation proceedings consistent within the intent to annex can take place; and

WHEREAS, City Council of the City of Kannapolis, North Carolina deems it advisable to direct the City Clerk to investigate the sufficiency of the intent to annex;

NOW, THEREFORE, BE IT RESOLVED by City Council of the City of Kannapolis, North Carolina that:

The City Clerk is hereby directed to investigate the sufficiency of the above-described intent to annex under N.C.G.S. Chapter 160A-58 *et seq* and to certify as soon as possible to the City Council the result of the investigation.

ADOPTED this the 14th day of April 2025.

Milton D. Hinnant, Mayor
City of Kannapolis

ATTEST:

Pam Scaggs, CMC, NCCMC
City Clerk

RESOLUTION OF INTENT TO ANNEX AND FIX DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION

A-2025-04 – 5400 and 5425 Odell School Road

WHEREAS, pursuant to N.C.G.S Chapter 160A-58 *et seq.*, the City Council may initiate annexation of real property noncontiguous to the City's boundary pursuant to a Petition for Annexation by all property owners located therein by adopting a Resolution stating its intent to annex the property described.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Kannapolis, North Carolina that:

- Section 1. A public hearing on the question of annexation of the area described herein will be held at the Laureate Center, 401 Laureate Way, Kannapolis, NC at 6:00 PM on the 28th day of April 2025.
- Section 2. The area proposed for annexation is described as follows:
See attached Metes and Bounds Description and Annexation Survey.
- Section 3. Notice of public hearing shall be published in the Independent Tribune on Thursday, April 17th and Thursday, April 24, 2025

ADOPTED this the 14th day of April 2025.

Milton D. Hinnant, Mayor
City of Kannapolis

ATTEST:

Pam Scaggs, CMC, NCCMC
City Clerk



Kannapolis
Agenda Staff Report
April 14, 2025

To: Mayor and City Council
From: Richard Smith, Planning Director
Subject: **VOLUNTARY ANNEXATION A-2025-05-** Resolution Directing the Clerk to Investigate and Certify the Petition; adopt a Resolution of Intent to Annex; and Fix the Date of Public Hearing on approximately 87.748 +/- combined acres of properties located at 2423 and 2575 Jim Johnson Road and an unaddressed parcel on Jim Johnson Road and further identified as Cabarrus County Parcel Identification Numbers 46729232550000, 46729217120000, and 46728256200000 **UNANIMOUSLY APPROVED**

Recommended Action Requested by City Council

1. Motion to adopt a Resolution Directing the Clerk to Investigate an Intent to Annex and to Certify the Sufficiency of the Petition to Annex; and
2. Motion to adopt a Resolution of Intent to Annex and Fix Date of Public Hearing for Monday, April 28, 2025.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The applicant, Blue River Development, has submitted an application for voluntary annexation of approximately 87.748 +/- combined acres of noncontiguous properties located at 2423 and 2425 Jim Johnson Road and an unaddressed parcel on Jim Johnson Road. The properties are further identified as Cabarrus County Parcel Identification Numbers 46729232550000, 46729217120000, and 46728256200000.

Fiscal Implications

None

Alternate Courses of Action

1. Motion to approve the Resolution Directing the Clerk to Investigate the Intent to Annex under 160A-58 et seq., and to Certify the Sufficiency of the Petition (Recommended); and
2. Motion to approve the Resolution of Intent to Annex and Fix Date of Public Hearing for Monday, April 28, 2025 (Recommended).
3. Table actions to a future meeting.
4. Take no action.

Attachments

1. Annexation Application - Non-Contiguous

2. Annexation Plat
3. Resolution Directing the Clerk to investigate an intent to annex
4. Resolution of Intent to Annex and to set a public hearing



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

Petition for Non-Contiguous Annexation

So that we may efficiently review your request in a timely manner, it is important that all required documents are submitted with your application. Submit digitals and 1 hard copy of applications and accompanying documents to the Planning Department at the address above.

ANNEXATION REQUEST

Approval authority – City Council.

Property Address: 2423 & 2575 Jim Johnson Rd., Concord NC 28027

Applicant: Blue River Development

Address: 3715 Davinci Ct. Ste. 300 City: Peachtree Corners State: GA Zip: 30092

Contact number: 404-895-8035 Email: sfreeman@blueriverdevelopment.com

SUBMITTAL CHECKLIST

- ☒ Pre-Application Meeting – send an email to planreviewappointment@kannapolisnc.gov
- ☒ Annexation Checklist and Application – Complete with all required property owner signatures
- ☒ Stamped, signed black and white 18 x 24" survey of subject property prepared by a registered engineer or surveyor (not preliminary)
- ☒ Metes and Bounds description of subject property

PROCESS INFORMATION

Annexation involves two (2) separate City Council meetings:

First meeting: The City Clerk will certify the sufficiency of the annexation and City Council will set a date for the public meeting.

Second meeting: City Council will review the petition and either approve or decline the annexation request:

1. Newspaper notification at least ten (10) days prior to the second Council meeting
2. Notification to the County or municipality from which the subject property is being annexed
3. Public Hearing
4. State recordation of the Resolution to Extend the Corporate City Limits, the signed/stamped 18X24" survey (can not be stamped as preliminary) and the Metes and Bounds Description.

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if incomplete.

Applicant's Signature: _____

Date: 3/31/2025



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

Approval authority – City of Kannapolis City Council

DATE: 3-17-25

To the City Council of the City of Kannapolis, North Carolina:

1. We, the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Kannapolis.
2. The area to be annexed, located at 2423 Jim Johnson Rd., further identified as Cabarrus County Parcel Identification Number 46729232550000, is non-contiguous to the primary limits of the City of Kannapolis, is approximately 1.00 acres, and the boundaries of such territory are as follows:

See Attached Signed, Stamped Survey Map and Metes and Bounds Description

3. This petition is signed by all property owners of the area to be annexed.
4. ☒ The undersigned owners acknowledge that the following City service(s) is (are) not presently available for immediate taps upon annexation: water ☒ sewer ☒; and, subsequently agree that the City shall not provide water and sewer service to the area to be annexed except in accordance with the City's standard water and sewer policy.
5. Please check ONE box below:
☒ The undersigned owners declare that zoning vested rights have been established on the area to be annexed under G.S. 160D-108 or G.S. 160D-108.1 and provide proof of such rights by attachment hereto.
☐ The undersigned owners hereby declare that no such vested rights have been established and that any vested rights previously acquired are hereby terminated.

	<u>Name (print or type)</u>	<u>Address</u>	<u>Signature*</u>
1.	Irvin, W. Jerry		
2.	Larry J. Rodriguez	2600 Jim Johnson Rd, Concord, NC	
3.	Xonne I. Rodriguez	2600 Jim Johnson Rd. Concord, NC 28057	
4.			

*Family members (e.g., husbands and wives) need to sign separately. Signatures for corporations, institutions, etc., are by those with the authority to sign legal documents.



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

Approval authority – City of Kannapolis City Council

DATE: 3-13-25

To the City Council of the City of Kannapolis, North Carolina:

1. We, the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Kannapolis.
2. The area to be annexed, located at 2423 Jim Johnson Rd., further identified as Cabarrus County Parcel Identification Number 46729232550000, is non-contiguous to the primary limits of the City of Kannapolis, is approximately 1.00 acres, and the boundaries of such territory are as follows:

See Attached Signed, Stamped Survey Map and Metes and Bounds Description

3. This petition is signed by all property owners of the area to be annexed.
4. ☒ The undersigned owners acknowledge that the following City service(s) is (are) not presently available for immediate taps upon annexation: water ☒ sewer ☒; and, subsequently agree that the City shall not provide water and sewer service to the area to be annexed except in accordance with the City's standard water and sewer policy.
5. Please check ONE box below:
☒ The undersigned owners declare that zoning vested rights have been established on the area to be annexed under G.S. 160D-108 or G.S. 160D-108.1 and provide proof of such rights by attachment hereto.
☐ The undersigned owners hereby declare that no such vested rights have been established and that any vested rights previously acquired are hereby terminated.

<u>Name</u> (print or type)	<u>Address</u>	<u>Signature*</u>
1. <u>Irvin, W. Jerry</u>		
2. <u>IRVIN, WILLIAM JASON</u>	<u>2575 JIM JOHNSON RD CONCORD</u>	<u>William Jason Irvin</u>
3. <u>Irvin, Tammy Hough</u>	<u>2575 Jim Johnson Rd. Concord</u>	<u>Tammy Hough Irvin</u>
4. _____	_____	_____

**Family members (e.g., husbands and wives) need to sign separately. Signatures for corporations, institutions, etc., are by those with the authority to sign legal documents.*



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

Approval authority – City of Kannapolis City Council

DATE: 3-17-25

To the City Council of the City of Kannapolis, North Carolina:

1. We, the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Kannapolis.
2. The area to be annexed, located at Unaddressed Jim Johnson Rd., further identified as Cabarrus County Parcel Identification Number 46728256200000, is non-contiguous to the primary limits of the City of Kannapolis, is approximately 78.68 acres, and the boundaries of such territory are as follows:

See Attached Signed, Stamped Survey Map and Metes and Bounds Description

3. This petition is signed by all property owners of the area to be annexed.
4. ☒ The undersigned owners acknowledge that the following City service(s) is (are) not presently available for immediate taps upon annexation: water ☒ sewer ☒; and, subsequently agree that the City shall not provide water and sewer service to the area to be annexed except in accordance with the City's standard water and sewer policy.
5. Please check ONE box below:
☒ The undersigned owners declare that zoning vested rights have been established on the area to be annexed under G.S. 160D-108 or G.S. 160D-108.1 and provide proof of such rights by attachment hereto.
☐ The undersigned owners hereby declare that no such vested rights have been established and that any vested rights previously acquired are hereby terminated.

	<u>Name</u> (print or type)	<u>Address</u>	<u>Signature*</u>
1.	Irvin, William Jerry		
2.	Larry D. Rodriguez	2606 Jim Johnson Rd, Concord, NC	
3.	Yvonne T. Rodriguez	2600 Sim Johnson Rd Concord, NC 28027	Yvonne T. Rodriguez
4.			

**Family members (e.g., husbands and wives) need to sign separately. Signatures for corporations, institutions, etc., are by those with the authority to sign legal documents.*



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

Approval authority – City of Kannapolis City Council

DATE: 3-13-25

To the City Council of the City of Kannapolis, North Carolina:

1. We, the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Kannapolis.
2. The area to be annexed, located at Unaddressed Jim Johnson Rd., further identified as Cabarrus County Parcel Identification Number 46728256200000, is non-contiguous to the primary limits of the City of Kannapolis, is approximately 78.68 acres, and the boundaries of such territory are as follows:

See Attached Signed, Stamped Survey Map and Metes and Bounds Description

3. This petition is signed by all property owners of the area to be annexed.
4. ☒ The undersigned owners acknowledge that the following City service(s) is (are) not presently available for immediate taps upon annexation: water ☒ sewer ☒; and, subsequently agree that the City shall not provide water and sewer service to the area to be annexed except in accordance with the City's standard water and sewer policy.
5. Please check ONE box below:
☒ The undersigned owners declare that zoning vested rights have been established on the area to be annexed under G.S. 160D-108 or G.S. 160D-108.1 and provide proof of such rights by attachment hereto.
☐ The undersigned owners hereby declare that no such vested rights have been established and that any vested rights previously acquired are hereby terminated.

	<u>Name</u> (print or type)	<u>Address</u>	<u>Signature*</u>
1.	Irvin, William Jerry		
2.	IRVIN, WILLIAM JERRY	2575 JIM JOHNSON RD CONCORD	William Jerry Irvin
3.	Irvin, Tammy Hough	2575 Jim Johnson Rd. Concord	Tammy Hough Irvin
4.			

*Family members (e.g., husbands and wives) need to sign separately. Signatures for corporations, institutions, etc., are by those with the authority to sign legal documents.



Planning Department
401 Laureate Way
Kannapolis, NC 28081
704.920.4350

PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

Approval authority – City of Kannapolis City Council

DATE: 3-13-25

To the City Council of the City of Kannapolis, North Carolina:

1. We, the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Kannapolis.
2. The area to be annexed, located at 2575 Jim Johnson Rd., further identified as Cabarrus County Parcel Identification Number 46729217120000, is non-contiguous to the primary limits of the City of Kannapolis, is approximately 5.52 acres, and the boundaries of such territory are as follows:

See Attached Signed, Stamped Survey Map and Metes and Bounds Description

3. This petition is signed by all property owners of the area to be annexed.
4. ☒ The undersigned owners acknowledge that the following City service(s) is (are) not presently available for immediate taps upon annexation: water ☒ sewer ☒; and, subsequently agree that the City shall not provide water and sewer service to the area to be annexed except in accordance with the City's standard water and sewer policy.
5. Please check ONE box below:
☒ The undersigned owners declare that zoning vested rights have been established on the area to be annexed under G.S. 160D-108 or G.S. 160D-108.1 and provide proof of such rights by attachment hereto.
☐ The undersigned owners hereby declare that no such vested rights have been established and that any vested rights previously acquired are hereby terminated.

	<u>Name (print or type)</u>	<u>Address</u>	<u>Signature*</u>
1.	Irvin, William Jason	2575 Jim Johnson Rd Concord NC	
2.	Irvin, Tammy Hough	2575 Jim Johnson Rd Concord	
3.			
4.			

**Family members (e.g., husbands and wives) need to sign separately. Signatures for corporations, institutions, etc., are by those with the authority to sign legal documents.*



LEGAL DESCRIPTION

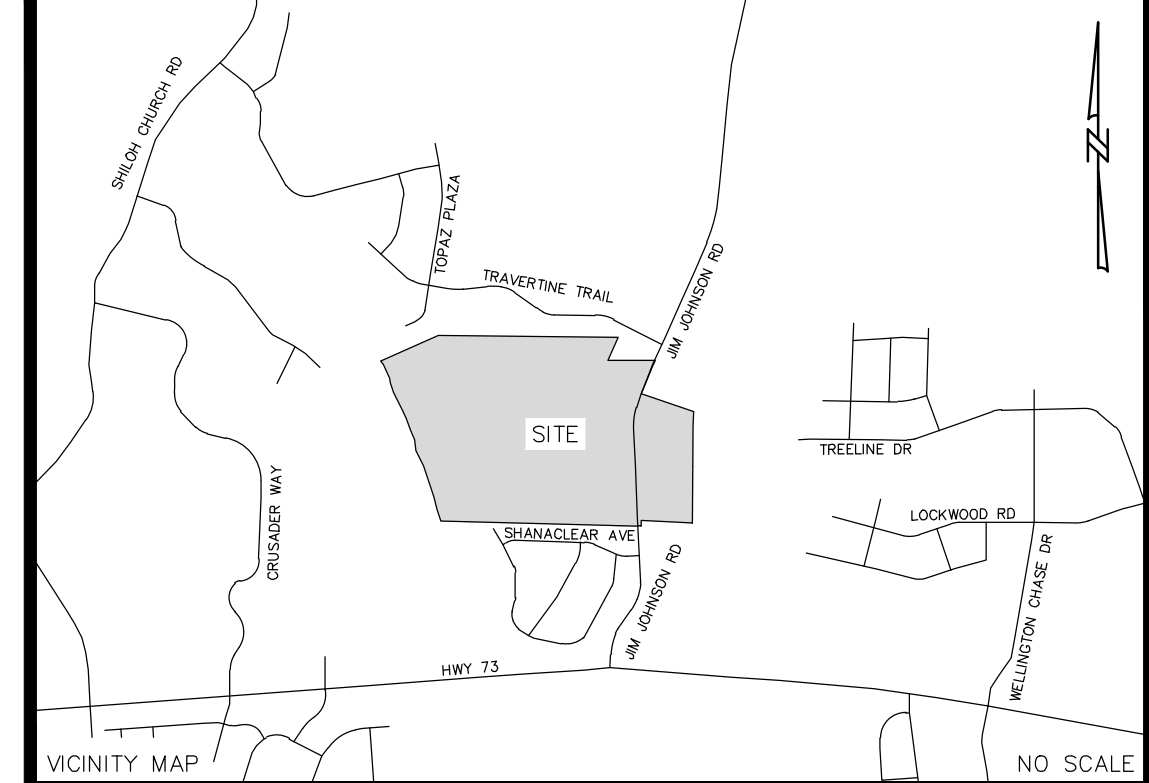
PIN: #4672923255, #4672921712, & #4672825620

SITUATE IN THE TOWNSHIP NUMBER 3, CABARRUS COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE AT NGS MONUMENT "JIM", SAID MONUMENT HAVING GRID COORDINATES (NAD 83/2011) OF NORTH: 620,465.91 US FT AND EAST: 1,479,396.77 US FT; THENCE NORTH 5°35'13" EAST, 1,249.15 FEET (GRID DISTANCE-COMBINED GRID FACTOR OF 0.99985216) TO A POINT IN THE CENTER OF JIM JOHNSON ROAD HAVING NC GRID COORDINATES OF NORTH: 621,709.13 US FT AND EAST: 1,479,518.38 US FT AND BEING THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT OF LAND, THENCE LEAVING THE CENTERLINE OF JIM JOHNSON ROAD AND ALONG THE LINE OF PELHEM POINTE SUBDIVISION PHASE 1 AS RECORDED IN PLAT BOOK 53 AT PAGE 36, PHASE 2 AS RECORDED IN PLAT BOOK 60 AT PAGE 82, AND PHASE 3 AS RECORDED IN PLAT BOOK 69 AT PAGE 40 NORTH 88°26'26" WEST, CROSSING A #5 REBAR (SET) AT 30.00 FEET, A #5 REBAR SET AT 1,698.38 FEET FOR A TOTAL DISTANCE OF 1,748.38 FEET TO A POINT IN THE CENTERLINE OF ROCKY RIVER AND BEING THE CORNER OF WOODROW HARRISON SHEPHERD AND FRANCES D. SHEPHERD AS RECORDED IN DEED BOOK 11279 AT PAGE 263 AND CITY OF KANNAPOLIS AS RECORDED IN DEED BOOK 11180 AT PAGE 161; THENCE WITH THE CENTERLINE OF ROCKY RIVER THE FOLLOWING FOURTEEN (14) COURSES AND DISTANCES: (1) NORTH 19°01'49" WEST, 110.27 FEET TO A POINT; (2) NORTH 14°18'58" WEST, 114.36 FEET TO A POINT; (3) NORTH 15°44'47" WEST, 148.90 FEET TO A POINT; (4) NORTH 21°19'36" WEST, 140.83 FEET TO A POINT; (5) NORTH 25°16'15" WEST, 153.95 FEET TO A POINT; (6) NORTH 9°36'56" WEST, 97.75 FEET TO A POINT; (7) NORTH 20°38'34" WEST, 82.67 FEET TO A POINT; (8) NORTH 22°00'48" WEST, 117.32 FEET TO A POINT; (9) NORTH 22°43'39" WEST, 77.02 FEET TO A POINT; (10) NORTH 26°37'59" WEST, 180.41 FEET TO A POINT; (11) NORTH 19°49'07" WEST, 89.56 FEET TO A POINT; (12) NORTH 9°24'49" WEST, 41.75 FEET TO A POINT; (13) NORTH 25°20'03" WEST, 134.40 FEET TO A POINT; (14) NORTH 31°02'26" WEST, 35.91 FEET TO A POINT; THENCE LEAVING ROCKY RIVER AND WITH THE LINE OF WATERFORD ON THE ROCKY RIVER, PHASE 4, MAP 2 AS RECORDED IN PLAT BOOK 74 AT PAGE 29 NORTH 66°07'26" EAST, CROSSING A #5 REBAR (SET) AT 50.00 FEET FOR A TOTAL DISTANCE OF 560.10 FEET TO A 1.5" IRON PIPE (FOUND); THENCE WITH THE LINE OF WATERFORD ON THE ROCKY RIVER, PHASE 4, MAP 1 AS RECORDED IN PLAT BOOK 71 AT PAGE 109 THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) SOUTH 89°30'38" EAST, CROSSING A 1.5" IRON PIPE (FOUND) AT 718.80 FEET FOR A

TOTAL DISTANCE OF 1,593.75 FEET TO A #5 REBAR (SET); (2) SOUTH 24°07'36" WEST, 226.25 FEET TO A 0.5" IRON PIPE (FOUND); (3) SOUTH 89°33'06" EAST, CROSSING A #5 REBAR (SET) AT 390.68 FEET FOR A TOTAL DISTANCE OF 420.68 FEET TO A POINT IN THE CENTERLINE OF JIM JOHNSON ROAD AND BEING A CORNER OF LARRY D. RODRIGUEZ AND WIFE YVONNE I. RODRIGUEZ AS RECORDED IN DEED BOOK 734 AT PAGE 136; THENCE WITH THE LANDS OF LARRY D. RODRIGUEZ AND WIFE YVONNE I. RODRIGUEZ THE FOLLOWING FOUR (4) COURSES AND DISTANCES: (1) SOUTH 23°45'55" WEST, 66.61 FEET TO A POINT IN THE CENTERLINE OF THE ROAD; (2) SOUTH 22°57'23" WEST, 163.09 FEET TO A POINT IN THE CENTERLINE OF THE ROAD; (3) SOUTH 21°43'03" WEST, 86.09 FEET TO A POINT IN THE CENTERLINE OF THE ROAD; (4) SOUTH 70°42'34" EAST, 490.80 FEET TO A 1.5" IRON PIPE (FOUND) AND BEING THE CORNER OF M/I HOMES OF CHARLOTTE, LLC AS RECORDED IN DEED BOOK 16175 AT PAGE 142; THENCE WITH THE LINE OF M/I HOMES OF CHARLOTTE, LLC SOUTH 0°56'21" WEST, 126.76 FEET TO A 1.5" IRON PIPE (FOUND) AND BEING THE CORNER OF JAMES M. SHEPERD AND WIFE CYNTHIA G. SHEPERD AS RECORDED IN DEED BOOK 16886 AT PAGE 164; THENCE WITH THE LINE OF JAMES M. SHEPERD AND WIFE CYNTHIA G. SHEPERD SOUTH 0°25'00" WEST, 858.27 FEET TO A 1" IRON PIPE (FOUND) AND BEING THE CORNER OF STEVEN FOGERTY AND WIFE OLGA D FOGERTY AS RECORDED IN DEED BOOK 12191 AT PAGE 50; THENCE WITH THE LINE OF STEVEN FOGERTY AND WIFE OLGA D FOGERTY THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) NORTH 87°37'07" WEST, 456.94 FEET TO AN AXLE (FOUND); SOUTH 2°48'47" EAST, CROSSING A #5 REBAR (FOUND) AT 20.06 FEET FOR A TOTAL DISTANCE OF 47.93 FEET TO A #5 REBAR (SET); THENCE SOUTH 80°25'34" WEST, 30.27 FEET TO THE **POINT OF BEGINNING** CONTAINING 87.748 ACRES MORE OR LESS, SUBJECT HOWEVER TO ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, AND EASEMENTS CONTAINED IN ANY INSTRUMENT OF RECORD PERTAINING TO THE ABOVE DESCRIBED TRACT OF LAND.

THIS DESCRIPTION WAS PREPARED FROM A FIELD SURVEY PERFORMED BY ESP ASSOCIATES, INC. IN JANUARY OF 2025. BEARINGS ARE BASED ON NC SPCS NAD83/2011 "GRID BEARINGS".



NO.	DATE	REVISION	BY
ANNEXATION PLAT OF PARCELS PIN #: 4672825620, 4672921712, & 4672923255 CONTAINING 81.225 ACRES			PROJECT NO 24-01797 SCALE 1"=100' DATE 03/24/25 DRAWN BY JLF/ECW
LOCATED IN: THE CITY OF KANNAPOLIS CABARRUS COUNTY, NORTH CAROLINA			CHECKED BY MEF DATE SURVEYED 12/30/24 24-01797 WORK ANNEX.dwg
CLIENT: BLUE RIVER DEVELOPMENT ACQUISITIONS, LLC 3715 DAVINCI CT, SUITE 300 PEACHTREE CORNERS, GA 30092 (770) 289-3229			

LINE #	DIRECTION
L14	N31°02'26"W
L15	S23°45'55"W
L16	S22°57'23"W
L17	S21°43'03"W
L18	S02°48'47"E
L19	S02°48'47"E
L20	S80°25'34"W
L22	S12°10'11"W
L23	S08°55'53"W
L24	S05°45'37"W
L25	S02°55'46"W
L26	S00°28'44"E
L27	S02°43'00"E

**RESOLUTION DIRECTING THE CLERK TO
INVESTIGATE AN INTENT TO ANNEX**

**A-2025-05 – 2423 and 2575 Jim Johnson Road
and an Unaddressed Parcel on Jim Johnson Road**

WHEREAS, City Council may initiate annexation of noncontiguous property owned by the petitioners by adopting a resolution stating its intent to annex the property of the area described herein; and

WHEREAS, N.C.G.S Chapter 160A-58 *et seq*, provide that the sufficiency of the petition shall be investigated by the City Clerk of the City of Kannapolis, North Carolina before further annexation proceedings consistent within the intent to annex can take place; and

WHEREAS, City Council of the City of Kannapolis, North Carolina deems it advisable to direct the City Clerk to investigate the sufficiency of the intent to annex.

NOW, THEREFORE, BE IT RESOLVED by City Council of the City of Kannapolis, North Carolina that:

The City Clerk is hereby directed to investigate the sufficiency of the above-described intent to annex under N.C.G.S. Chapter 160A-58 *et seq* and to certify as soon as possible to the City Council the result of the investigation.

ADOPTED this the 14th day of April 2025.

Milton D. Hinnant, Mayor
City of Kannapolis

ATTEST:

Pam Scaggs, CMC, NCCMC
City Clerk

RESOLUTION OF INTENT TO ANNEX AND FIX DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION

A-2025-04 – 2423 and 2575 Jim Johnson Road
and an Unaddressed Parcel on Jim Johnson Road

WHEREAS, pursuant to N.C.G.S Chapter 160A-58 *et seq.*, the City Council may initiate annexation of real property noncontiguous to the City's boundary pursuant to a Petition for Annexation by all property owners located therein by adopting a Resolution stating its intent to annex the property described.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Kannapolis, North Carolina that:

- Section 1. A public hearing on the question of annexation of the area described herein will be held at the Laureate Center, 401 Laureate Way, Kannapolis, NC at 6:00 PM on the 28th day of April 2025.
- Section 2. The area proposed for annexation is described as follows:
See attached Metes and Bounds Description and Annexation Survey.
- Section 3. Notice of public hearing shall be published in the Independent Tribune on Thursday, April 17th and Thursday, April 24, 2025

ADOPTED this the 14th day of April 2025.

Milton D. Hinnant, Mayor
City of Kannapolis

ATTEST:

Pam Scaggs, CMC, NCCMC
City Clerk



Kannapolis

Agenda Staff Report
April 14, 2025

To: Mayor and City Council

From: Wilmer Melton, Assistant City Manager, Richard Smith, Planning Director

Subject: **RESOLUTION** - Motion to approve Resolution supporting a Grant Application to the Cabarrus Rowan Metropolitan Planning Organization Transportation Alternatives Program to fund the Midlake Sidewalk **UNANIMOUSLY APPROVED**

Recommended Action Requested by City Council

Motion to approve Resolution in supporting a Grant Application to the Cabarrus-Rowan Metropolitan Planning Organization Transportation Alternatives Program for the Midlake Avenue Sidewalk project

Required Votes to Pass Required Action

Background

The Transportation Alternatives (TA) Program was initially authorized by the Federal Transportation Funding Act - the Moving Ahead for Progress in the 21st Century Act (MAP-21) that was signed into law on July 6, 2012 and has continued in subsequent reauthorizations including the Infrastructure Investment and Jobs Act (IIJA). The Transportation Alternatives Program redefines the former Transportation Enhancements (TE) activities and consolidates these eligibilities with the Safe Routes to School and Recreational Trails Programs. The TE program was originally authorized in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and continued through two successive laws TEA-21 and SAFETEA-LU. The Transportation Alternatives Program builds upon the legacy of the TE program by expanding travel choices, strengthening the local economy, improving the quality of life, and protecting the environment.

The Cabarrus-Rowan MPO (CRMPO) has released a call for projects under the TA Program. The City has identified the need for safe and accessible pedestrian facilities on Midlake Avenue to support the 4000+ people residing in communities off of Midlake Avenue. There are four bus stops along the corridor and bus riders must walk on the shoulder to access the bus stops. Improving walkability in this area will promote ridership and improve the utilization of the City's existing transportation infrastructure and provide a connection from these neighborhoods to the proposed Eastside Park. A sidewalk in this area will embody the City's vision to exemplify "Discover a Healthy Life" in Kannapolis. The Midlake Road sidewalk will provide direct benefits to the community and will create the infrastructure needed to give area residents access to Eastside Park and the ability to improve their health outcomes and health disparities.

It is important to note that the federally-directed appropriation ("earmark") that U.S. Representative Alma Adams secured for the City has been rescinded with Congress' recent passage of a continuing resolution (extension of the federal budget). With Rep. Adams no longer representing Kannapolis due to redistricting prior to the last election, she will no longer be in a position to support this project in future earmark requests.

Fiscal Implications

If the grant is awarded, it will cover 80% of project costs. The City will be responsible for the remaining 20% of the total project cost.

Alternate Courses of Action

- 1. Approve the Resolution Supporting a Grant Application for the Midlake Avenue Sidewalk (recommended)**
2. Table the action to a future meeting.
3. Take no action.

Attachments

1. Spring 2025 CRMPO Resolution for TAP Fundin

**Resolution In Support of the City of Kannapolis, NC
to Apply for funding from the
Transportation Alternatives Program
through the Cabarrus-Rowan Metropolitan Planning Organization**

WHEREAS, The Transportation Alternatives (TA) Program was initially authorized by the Federal Transportation Funding Act - the Moving Ahead for Progress in the 21st Century Act (MAP-21) that was signed into law on July 6, 2012 and has continued in subsequent reauthorizations including the Infrastructure Investment and Jobs Act (IIJA). The Transportation Alternatives Program redefines the former Transportation Enhancements (TE) activities and consolidates these eligibilities with the Safe Routes to School and Recreational Trails Programs. The TE program was originally authorized in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and continued through two successive laws TEA-21 and SAFETEA-LU. The Transportation Alternatives Program builds upon the legacy of the TE program by expanding travel choices, strengthening the local economy, improving the quality of life, and protecting the environment.

WHEREAS, The City of Kannapolis, herein referred to as the "City" has need for and intends to construct and design transportation projects which meet the eligibility requirements associated with the Transportation Alternatives Program.

WHEREAS, The City of Kannapolis intends to request State loan and/or grant assistance for the projects,

NOW THEREFORE BE IT RESOLVED, by the City Council of Kannapolis, North Carolina that:

1. The City of Kannapolis Council supports City Staff in the endeavor to seek funding through the Transportation Alternatives Program for the Midlake Sidewalk Project consistent with adopted transportation and community plans.
2. The City will arrange financing for all remaining costs of the project, if approved for a grant award.
3. The City will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
4. The City will provide for efficient operation and maintenance of the project on completion of construction thereof.
5. The City Planning Director, Richard Smith, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the City with the Cabarrus-Rowan Metropolitan Planning Organization for a loan and/or grant to aid in the study of or construction of the project described above.
6. The City Planning Director, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. The City has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

ADOPTED this 14th day of April, 2025

Milton D. Hinnant, Mayor
City of Kannapolis

ATTEST:

Pam Scaggs, CMC, NCCMC
City Clerk



CERTIFICATE OF RECORDING OFFICER

I, Pam Scaggs, the undersigned duly qualified and acting City Clerk for the City of Kannapolis, North Carolina do hereby certify and acknowledge that the attached Resolution is a true and accurate copy authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City of Kannapolis City Council held on the 14th day of April, 2025; and further, that such Resolution has been fully recorded in Minute Book 135, Volume CXXXV.

WITNESS my hand and the official seal of said City, this 14th day of April, 2025.

Pam Scaggs, CMC, NCCMC
City Clerk

SEAL



Kannapolis
Agenda Staff Report
April 14, 2025

To: Mayor and City Council
From: Brian Roberts, Finance Director
Subject: **BUDGET AMENDMENT ORDINANCE #25-34** - Appropriating Fund Balance in the General Fund to Transfer to the Fire Station Improvements Fund **UNANIMOUSLY APPROVED**

Recommended Action Requested by City Council

Motion to approve budget amendment #25-34, which appropriates funds in the General Fund to transfer to the Fire Station Improvements Fund.

Required Votes to Pass Required Action

Majority Present at Meeting

Background

In Fiscal Year 2022, City Council authorized transfers totaling \$181,900.00 from the General Fund to the Fire Station Improvements Fund to fund capital projects. The journal entry was not completed in that fiscal year. The purpose of this budget amendment is to reinstate the appropriation and allow for the cash transfer of \$181,900.00 to be completed. This is an administrative, accounting action only.

Fiscal Implications

This budget amendment allows for the cash transfer to the capital project fund for expenses.

Alternate Courses of Action

1. Approve Budget Amendment #25-34, which appropriates fund balance in the General Fund to transfer to the Fire Station Improvements Fund.
2. Take no action.
3. Table to future meeting.

Attachments

1. BA 25-34 Budget Amendment for 255 Fund

**ORDINANCE AMENDING BUDGET FOR THE
CITY OF KANNAPOLIS, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2025
Amendment # 25-34**

BE IT ORDAINED by the City Council of the City of Kannapolis, North Carolina meeting in open session this 14th day of April 2025, that the following amendment to the Budget Ordinance for the City of Kannapolis, North Carolina for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, is hereby adopted:

Description: This budget amendment appropriates fund balance in the General Fund to cover \$181,900 transfer from General Fund to Capital Projects Fund for the Fire Stations remodel. This transfer was never completed to fully fund these projects.

SECTION I – GENERAL FUND

Revenue:	Increase: Fund Balance Appropriated Revenue: 19900-39900	\$181,900
Expenditure:	Increase: Transfer for Capital Projects Expenditure: 19000-57200	\$181,900

This ordinance is approved and adopted on this 14th day of April 2025.

Milton D. Hinnant, Mayor

ATTEST:

Pam Scaggs, CMC, NCCMC
City Clerk



Kannapolis
Agenda Staff Report
April 14, 2025

To: Mayor and City Council
From: Pam Scaggs, City Clerk
Subject: **MINUTES:** March 24, 2024 Business Meeting **UNANIMOUSLY APPROVED**

Recommended Action Requested by City Council

APPROVE

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Fiscal Implications

Alternate Courses of Action

Attachments

1. Council Meeting Minutes 2025.03.24

**CITY OF KANNAPOLIS
CITY COUNCIL
WORK SESSION MEETING MINUTES
March 24, 2025**

A regular meeting of City Council of the City of Kannapolis, North Carolina was held on Monday, March 24, 2025, at 6:00 P.M., at Kannapolis City Hall located at 401 Laureate Way, Kannapolis, NC.

CITY COUNCIL MEMBERS PRESENT:

Mayor: Milton D. Hinnant

Council Members: Ryan Dayvault
Doug Wilson
Jeanne Dixon
Dianne Berry
Darrell Jackson
Doug Wilson

Council Members Absent: Tom Kincaid

City Manager: Mike Legg

Assistant City Manager: Tina Cline

Assistant City Manager: Wilmer Melton

City Attorney: Andrew Kelly

City Clerk: Pam Scaggs

Information Technology: Tony Eury
David Jordon

Staff Present:	Richard Smith	Kristin Jones
	Kirk Beard	Brian Roberts
	Terry Spry	Irene Wong
	Alex Anderson	Gerald Faulkner
	Michael Dodge	Michael Rattler
	Sherry Gordon	

Visitors Present:	Joe Hatley	Josh Teague
	Zach Ervin	Sophia Wilkerson
	Chris Puckett	Zac Moretz
	Nate Buhler	Jay Priester
	Jim Rutledge	Nancy Rutledge
	Pam Smith	Shelly Stein
	Naomi Hatchell	Greg Lambert
	Doug Cambell	Eric Blackburn

1 **CALL TO ORDER AND WELCOME**

2 Mayor Hinnant called the meeting to order and welcomed all in attendance. He led a moment of silent prayer,
3 followed by the Pledge of Allegiance by Councilmember Wilson.

4
5 **ADOPTION OF AGENDA**

6 Mayor Hinnant asked for a motion regarding the Agenda. Councilmember Jackson made the motion to
7 approve, second by Councilmember Wilson and the motion was unanimously approved.

8
9 **CONSENT AGENDA**

10 Mayor Hinnant asked for a motion regarding the Consent Agenda. Councilmember Dayvault made the motion
11 to approve, second by Councilmember Dixon and the motion was unanimously approved.

12
13 Resolution supporting Cabarrus County Blue Zoning Initiative (Mike Legg, City Manager) (Copy included as
14 Exhibit A)

15
16 Contract – 2025 Street Resurfacing (Michael Rattler, Director of Transportation & Environmental Services)
17 (Copy included as Exhibit B)

18
19 Policy Amendment – Amending Public Hearing and Public Comments Policy (Mike Legg, City Manager)
20 (Copy included as Exhibit C)

21
22 Work Session Meeting Minutes – March 10, 2025 (Pam Scaggs, City Clerk)

23
24 Closed Session Meeting Minutes – February 24, 2025 (Pam Scaggs, City Clerk)

25
26 Closed Session Meeting Minutes – March 10, 2025 (Pam Scaggs, City Clerk)

27
28 **BUSINESS AGENDA**

29 **Public Hearing and Resolution - Development Agreement #2025-03 – Lennar Carolinas, LLC**
30 **(Summerlyn Amendment) (Richard Smith, Planning Director) (Copy included as Exhibit D)**

31 Planning Director, Richard Smith, explained that the City is amending a Development Agreement with Lennar
32 Carolinas, LLC. (“Lennar”), who are now the active participant for the Summerlyn development, replacing the
33 previously approved entity Summerlyn, LLC. The amended agreement acknowledges this new entity, and it
34 also requires Lennar to install the complete infrastructure for the development. Mr. Smith added that Lennar
35 fully understands that they will be liable for any damage to utilities in areas where water access is not yet
36 available, as well as for any associated city taxes on those utilities.

37
38 Mayor Hinnant opened the Public Hearing which was then closed with no public comment being made.

39
40 Councilmember Dayvault made the motion to adopt the Resolution approving the Ordinance for the amended
41 Development Agreement. The motion received a second by Councilmember Jackson and was unanimously
42 approved.

43
44 **Public Hearing and Resolution – Development Agreement #2025-04 – BA Leasing BSC, LLC and**
45 **Stanley Logistics, LLC (Stanley Black & Decker) (Richard Smith, Planning Director) (Copy included as**
46 **Exhibit E)**

47 Mr. Smith directed Council’s attention to a map showing location of an existing building stating that the
48 Development Agreement between the City and BA Leasing BSC, LLC and Stanley Logistics, LLC. will secure
49 wastewater allocation based on the original allocation. The existing Stanley, Black & Decker building is a

1 900,000 square-foot facility located between Interstate 85 and Highway 73. Mr. Smith added that the
2 Agreement will also enable sale of the site to an interested purchaser and support modifications to the existing
3 building for future tenants.

4
5 Mayor Hinnant opened the Public Hearing.

6
7 Zac Moretz, PO Box 446, Concord, NC, identified himself as a lawyer with the Moretz Law Group representing
8 BA Leasing BSC, LLC. Mr. Moretz asked for approval of the Development Agreement, made himself
9 available for questions, and thanked City Staff for their help in creating the Development Agreement.

10
11 There being no additional questions or comments, Mayor Hinnant closed the Public Hearing.

12
13 Councilmember Jackson made the motion to adopt the Resolution approving the Ordinance for the
14 Development Agreement. Second by Mayor Pro tem Berry and unanimously approved.

15
16 **Public Hearing Text Amendment #2025-01 – KDO Text amendments to Article 3, Section 3.4.I(2) to**
17 **reduce minimum lot width to sixteen (16) feet in the Center City (CC) zoning district. (Richard Smith,**
18 **Planning Director) (Copy included as Exhibit F)**

19 Mr. Smith stated that the proposed text amendment was requested by Cambridge Properties, LLC.
20 (“Cambridge”) and that it proposes changes to Article 3, Section 3.4.I(2) regarding the Center City (CC) zoning
21 district's intensity standards. The amendment proposes to reduce the minimum lot width from 20 feet to 16 feet
22 throughout the district. The Center City District, a dense and pedestrian-friendly area with a mix of uses, serves
23 as the focal point for commerce, government, and cultural activities.

24
25 Mr. Smith advised that the Planning and Zoning Commission previously voted to deny this request, but staff
26 recommends approval with caveats which include limiting the reduced lot width to townhomes, maintaining a
27 minimum width of 16 feet, and requiring rear-access parking garages to avoid interfering with the streetscape.
28 He noted that the applicants have agreed to these caveats.

29
30 Mayor Hinnant opened the Public Hearing.

31
32 Nate Buhler, 831 E. Morehead Street, Suite 245, Charlotte, North Carolina, representing Cambridge, directed
33 Council’s attention to a site plan stating that the proposed text amendment is regarding a residential portion of
34 a larger multi-use development project referred to as “Millstone Village”. Mr. Buhler added that Millstone
35 Village will span over 20 acres at North Main Street and Loop Road [Dale Earnhardt Boulevard], and will
36 integrate retail, residential, and commercial spaces in a pedestrian-friendly, urban design. Key components
37 include a grocery-anchored retail space, boutique shops, a 300-unit multi-family apartment component and a
38 133-unit attached townhome component, which is the subject of the proposed text amendment.

39 Mr. Buhler reiterated that the text amendment seeks to reduce the minimum lot width in the CC zoning district
40 from 20 feet to 16 feet for alley-fed townhomes to maintain urban design standards and to provide housing
41 variety while adhering to Kannapolis’ architectural and urban standards. He highlighted a few properties
42 developed by Cambridge in the Charlotte and Raleigh areas which showcased a similar urban, interconnected
43 design. Mr. Buhler stated that the townhomes will offer a mix of 2-3-story units with varying garage sizes,
44 parking schemes and unit configurations. Additionally, the plan emphasizes green spaces, active open space
45 and urban design.

46
47 Chris Puckett, 2770 Keady Mill Loop, stated that while he is the current chairman of the Planning and Zoning
48 Commission, he is also a citizen of Kannapolis, as well as a local realtor. Mr. Puckett expressed strong support
49 for the proposed text amendment, highlighting Kannapolis' pressing housing shortage and affordability crisis.
50 He noted the city has limited land available for development, making innovative solutions such as the

1 applicant's proposal essential. Mr. Puckett pointed out that apartments consume a significant share of
2 wastewater allocation and contribute to transient housing patterns. He referenced the city's development map,
3 which shows over 6,000 residential units currently planned or under review and inferred that half are
4 apartments. He argued that Kannapolis needs more homes that can foster generational wealth and provide long-
5 term benefits for future residents, stating that this proposal aligns with those goals.

6
7 Councilmembers raised concerns regarding parking issues, architectural design, size of the units, handicapped
8 access, target audience, pricing, and reasons why the Planning and Zoning Commission denied the request.
9 Parking solutions include on-street parking, driveways for each unit, and overflow parking at a neighboring
10 grocery store. Smaller units (16-foot) will have one to two garage spaces, while larger units (20-foot) will
11 feature two-car-width garages. Architectural design aims to preserve the historic downtown aesthetic, with a
12 high percentage of masonry materials—primarily brick—used in construction. Average unit size is projected
13 at 1,500 square feet, targeting the higher end of the general market. Accessibility requirements will comply
14 with KDO and municipal standards. Potential crowding downtown was cited as the reason the Planning and
15 Zoning Commission denied the request.

16
17 There being no additional questions or comments, the Public Hearing was closed.

18
19 Mayor Hinnant asked for a motion to adopt a Resolution approving the Statement of Consistency for TA-2025-
20 01 which was made by Councilmember Wilson, second by Councilmember Dayvault, and the motion was
21 unanimously approved.

22
23 Mayor Hinnant asked for a motion to adopt an Ordinance to amend the KDO per TA-2025-01, which was
24 made by Councilmember Jackson, second by Councilmember Wilson, and the motion was unanimously
25 approved.

26
27 **Public Hearing Text Amendment #2025-02 – KDO Text Amendments to several sections of Articles 2,**
28 **3, 4, 5, and 10 (Richard Smith, Planning Director) (Copy included as Exhibit G)**

29 Mr. Smith explained that the proposed Text Amendments under TA-2025-02 are all staff driven and that some
30 are clarifying while others are “clean-up” amendments. He noted that the Planning and Zoning Commission
31 unanimously recommended approval of all the amendments which included:

- 32
33 1. Amend Section 2.5.A(5)b.6(b) to extend expiration date of approved special use permits (SUPs) when
34 projects are delayed due to lack of sewer allocation.

35
36 Mr. Smith explained that most SUPs expire after two years and due to the wastewater allocation process, some
37 projects may take longer than two years. He added that the proposed amendment will allow him, as the
38 ordinance administrator, to extend permit expiration dates.

- 39
40 2. Amend Section 2.5.B(2)d.1(c) to remove the requirement for a mylar copy of a recorded minor
41 subdivision plat.
42 3. Amend Section 2.5.B(3)e.1(c) to remove the requirement for a mylar copy of a recorded major
43 subdivision plat.

44
45 Mr. Smith stated that the current ordinance requires developers to submit a mylar copies of a finalized site plan
46 to the Planning Department, but that this requirement is redundant and unnecessary since an electronic copy is
47 sufficient.

- 48
49 4. Amend Section 3.8.H(3)a to revise River/Stream Overlay (RSO) District to remove duplicative text.

5. Amend Section 4.2.D(5)e.3(b)2 to update street name of First Street to Martin Luther King Jr. Avenue under Standards Specific to Principal Uses for Sexually Oriented Businesses.

Mr. Smith clarified that amendment #5 simply updates the street name and does not change the use or the location of where the use is permitted.

6. Amend Table 4.3.B(3): Accessory Use/Structure Table to correct “L” to a “P” for a storage building in the PD District.
7. Amend Table 4.3.B(3) to correct the table header to change MU-ND to MU-N for the Mixed-Use Neighborhood District.
8. Amend Section 5.9.D to add standards for A-frame signs (“Sandwich Signs”).
9. Amend Section 5.9E(3)a.7 to add standards for curbside pickup signs.
10. Amend Section 5.1.C(6)b.2 to reference the minimum vehicular access requirements of the North Carolina Fire Code.
11. Delete Table 5.1.C(6)b.2: Minimum Subdivision Access Points.

Mr. Smith explained that the following text amendments relate to addressing the homelessness issue in the City. He added that unless the KDO specifically prohibits a use, it is presumed to be an allowed use.

12. Amend Table 4.4.B to add camping to the Temporary Use/Structure Table.
13. Amend Section 4.4.C(1)a to add camping as a use that does not require a temporary use permit.
14. Amend Section 4.4.D to add standards specific to camping as a temporary use.
15. Amend Article 10: Definitions to add definition of camping.

Councilmember Wilson expressed concern regarding amendment #4 for river and stream buffers. Mr. Smith assured him that the amendment will only remove the duplicative text and will not reduce the size of the buffers.

There being no additional questions or comments, Mayor Hinnant opened the Public Hearing which was then closed with no public comment made.

Mayor Hinnant asked for a motion to adopt a Resolution approving the Statement of Consistency for TA-2025-02 which was made by Councilmember Dixon, second by Mayor Pro tem Berry and the motion was unanimously approved.

Mayor Hinnant asked for a motion to adopt an Ordinance to amend the KDO per TA-2025-02, which was made by Councilmember Dayvault, second by Councilmember Wilson, and the motion was unanimously approved.

Public Hearing and Budget Amendment Ordinance – CDBG Program Income FY2024-25 (Sherry Gordon) (Copy Included as Exhibit H)

Community Development Program Administrator, Sherry Gordon, stated that the US Department of Housing and Urban Development (“HUD”) requires public input on the allocation of Community Development Block Grant (CDBG) funds and amendments to the City’s Annual Action Plan should additional funds become available during the program year. Ms. Gordon noted that the City received \$1,215,249 in proceeds from the sale of land at the Gateway Business Park, developed using CDBG Section 108 loan funds. In accordance with HUD regulations, these proceeds are categorized as program income and must be used under the same guidelines as the annual CDBG funding. She outlined Staff recommendations for fund allocation as follows:

1. \$40,000 for Program Administration to replace a City vehicle.

- 1 2. \$60,000 for Non-Profit Public Services supplementing the annual \$50,000 allocation for public
2 services.
3

4 Ms. Gordon noted that the Community Improvement Commission (CIC) will be reviewing applications
5 submitted by non-profit public services and will provide recommendations to City Council during their April
6 or May meetings.
7

- 8 3. \$495,249 for Transitional Housing to purchase and rehabilitate two to three houses, which will be
9 leased to non-profit organizations for transitional housing and homelessness support. (This expands
10 upon the seven properties already serving similar purposes.).
11 4. \$620,000 for flood mediation in collaboration with Public Works, addressing issues in a community
12 significantly affected by flooding.
13

14 Councilmember Dixon asked if Rowan County will be considered as a location for transitional housing. Ms.
15 Gordon responded that the initiative will depend on the cost of the identified properties, and that she is working
16 with a realtor to purchase and rehabilitate as many homes as the budget will allow. Councilmember Jackson
17 asked if Council would be given the opportunity to review a list of available homes. City Manager, Mike Legg,
18 responded that staff can provide updates on the property's as they close on them, but that Staff intend to
19 purchase and close on the homes as quickly as possible. He added that the funds allocated to flood mediation
20 will be addressing the Rose Hill church property that Council has previously discussed.
21

22 Councilmember Dixon asked if any of the funds will be allocated for urgent home repairs. Ms. Gordon
23 responded that regular entitlement CDBG funds will be utilized for home repairs which is separate from the
24 program income generated from the Gateway Business Park land sale. She added that Kannapolis residents
25 also benefit from partnership funds from Habitat for Humanity, which received \$100,000 through the North
26 Carolina Housing Finance Agency.
27

28 There being no additional questions or comments, Mayor Hinnant opened the Public Hearing which was then
29 closed with no public comment made.
30

31 Councilmember Dixon made the motion to approve the Budget Amendment Ordinance as discussed, second
32 by Councilmember Wilson and the motion was unanimously approved.
33

34 **Public Hearing – Voluntary Annexation (A-2025-03) of approximately 0.9492 +/- acre portion of a larger**
35 **1.4 +/- acre parcel located at 5051 Macon Street (Cabarrus County Parcel Identification Number**
36 **56035728560000). (Richard Smith, Planning Director) (Copy included as Exhibit I)**

37 Mr. Smith directed Council's attention to a map showing location of property at 5051 Macon Street, stating
38 that the property owner submitted a request for voluntary annexation. He noted that the property encompasses
39 approximately 0.9492 acres of an existing parcel and that it is situated in the southernmost portion of the
40 Fishertown area, near Highway 3.
41

42 There being no additional questions or comments for staff, Mayor Hinnant opened the Public Hearing which
43 was then closed with no public comment made.
44

45 Councilmember Dayvault made the motion to adopt an Ordinance extending the corporate limits of the City
46 as shown in A-2025-03, second by Councilmember Jackson, and the motion was unanimously approved.
47

48 **Public Hearing & Order – Request to consider withdrawal from dedication a portion of right-of-way**
49 **known as Cannon Baller Way from the parking area east of West Avenue to the intersection with South**
50 **Main Street. (Richard Smith, Planning Director) (Copy included as Exhibit J)**

1 Mr. Smith stated that the applicant, Peter Flotz with LMG Holdings, LLC., submitted a request to close a
2 portion of Cannon Baller Way after it was discovered that the newly constructed building and retaining walls
3 encroached into the City's right-of-way area. Mr. Smith utilized the survey map to highlight the area proposed
4 for closure and stated that the applicant owns all of the property south of Cannon Baller Way.

5
6 There being no additional questions or comments for staff, Mayor Hinnant opened the Public Hearing which
7 was then closed with no public comment made.

8
9 Councilmember Jackson made the motion to approve the Order to close that portion of Cannon Baller Way,
10 second by Councilmember Dayvault, and the motion was unanimously approved.

11 12 **CITY MANAGER REPORT**

13 Mr. Legg stated that Mayor Pro Tem Berry had suggested Staff provide Council with reports from other Boards
14 and Commissions, such as WSAAC and MPO. He concurred that keeping everyone informed was important
15 and noted that the reports would be limited to approximately 15 minutes per meeting to prevent overly lengthy
16 discussions.

17
18 Mr. Legg also reported that he, along with the Mayor and the Director of Communications, Annette Privette-
19 Keller, met with US Representative for North Carolina's 6th Congressional District, Addison McDowell, who
20 was very receptive to the growth happening in Kannapolis. He added that Mr. McDowell's office is currently
21 accepting appropriation requests focused on transportation, and that Staff is considering submitting
22 applications for South Main Street improvements (sidewalks, drainage, curb, and gutter) as well as the
23 Oakwood Avenue/Rogers Lake Road intersection upgrades. Mr. Legg stated that the group also discussed the
24 research campus and potential partnership between the federal government and researchers on the campus.

25 26 **CITY COUNCIL COMMENTS**

27 Councilmember Dayvault commended the Kannapolis Police Department for their work in response to a
28 serious emergency call that occurred near his parents' home.

29 30 **SPEAKERS FROM THE FLOOR**

31 Zach Erwin, 903 Applewood Avenue, expressed concern that Council was asked to amend the Public Hearing
32 and Public Comments Policy which would prohibit electronic presentations and videos during public comment
33 periods. Drawing from his experience as a schoolteacher, Mr. Erwin emphasized that multimedia enhances
34 communication, supports transparency, and benefits visual learners. He suggested retaining the current policy,
35 which allows for multimedia submissions at least four days in advance, arguing that the proposed restriction
36 is unnecessary and would diminish the quality of public presentations.

37 38 **CLOSED SESSION**

39 Mayor Pro tem Berry made the motion to go into closed session pursuant to NCGS 143.318.11 (a) (3) to consult
40 with an attorney in order to preserve the attorney client privilege and NCGS 143.318.11 (a) (4) for discussing
41 matters relating to the location or expansion of industries or businesses in the area. The motion was seconded
42 by Councilmember Wilson and unanimously approved.

43
44 Council went into closed session at 6:55 PM.

45
46 Councilmember Dayvault made a motion to come out of closed session, second by Councilmember Wilson,
47 and the motion was unanimously approved.

48
49 Council resumed regular session at 7:54 PM. Mr. Legg offered a tour of the recently renovated City Hall space
50 to Council members.

1
2 There being no further business, Councilmember Dixon made motion to adjourn, second by Councilmember
3 Jackson, and the motion was unanimously approved.

4
5 The meeting adjourned at 7:55 PM on Monday, March 24, 2025.
6
7

8
9 _____
10 Milton D. Hinnant, Mayor

11
12 _____
13 Pam Scaggs, CMC, NCCMC
City Clerk



Kannapolis
Agenda Staff Report
April 14, 2025

To: Mayor and City Council
From: Pam Scaggs, City Clerk
Subject: **MINUTES:** March 24, 2025 Closed Session **UNANIMOUSLY APPROVED**

Recommended Action Requested by City Council

APPROVE

Required Votes to Pass Required Action

Majority Present at Meeting

Background

Fiscal Implications

Alternate Courses of Action

Attachments

None



Kannapolis
Agenda Staff Report
April 14, 2025

To: Mayor and City Council
From: Richard Smith, Planning Director, Andrew Kelly, City Attorney
Subject: **DISCUSSION** - Potential changes to the Downtown Covenants Conditions and Restrictions (CC&Rs)

Recommended Action Requested by City Council

Staff is requesting Council's feedback as it relates to the possibility of amending the Downtown CCRs in order to include uses that have not previously been permitted, such as tattoo parlors.

Required Votes to Pass Required Action

Presentation Only. No Action Required

Background

As a one-time primary property owner of most of the downtown properties, the City was deemed the declarant of the covenants, conditions, and restrictions (CCRs) for the downtown area. Generally speaking, this area includes the areas and properties along West Avenue, as well as those along Oak Avenue. A copy of the CCRs are included as part of this agenda item.

Over the course of the past few months, staff was made aware of the operation of a tattoo parlor on Oak Avenue. Contact was made with the operator of the business, who was informed that the operation of a tattoo parlor is not a permitted use in the Center City (CC) Zoning District. The CC Zoning District encompasses the entirety of downtown. The business owner has made application to the City for a text amendment to the Kannapolis Development Ordinance (KDO) to permit tattoo parlors as a use in the CC Zoning District. Presently, tattoo parlors are only permitted in the General Commercial (GC) Zoning District of the KDO upon issuance of a Special Use Permit (SUP).

Subsequently, after further review, staff discovered that the CCRs for the downtown area do not permit tattoo parlors as a use. The operation of a tattoo parlor is specifically prohibited under the CCR's, Article 4(13) in the downtown business district. The CCR's are enforced as a proprietary function of the City as former owner and CCRs Declarant. It is not enforced by the City under its governmental function through the KDO.

As the declarant, the City could possibly change the CCRs to allow uses that may not presently be allowed. As demonstrated in the CCRs attached, there are various other uses in addition to tattoo parlors that are presently prohibited in the downtown area of the City.

The business owner's request for a text amendment has been tabled until City Council determines whether or not to amend the CCRs. If the CCRs are not amended, the KDO text amendment request is a moot issue.

Fiscal Implications

None

Alternate Courses of Action

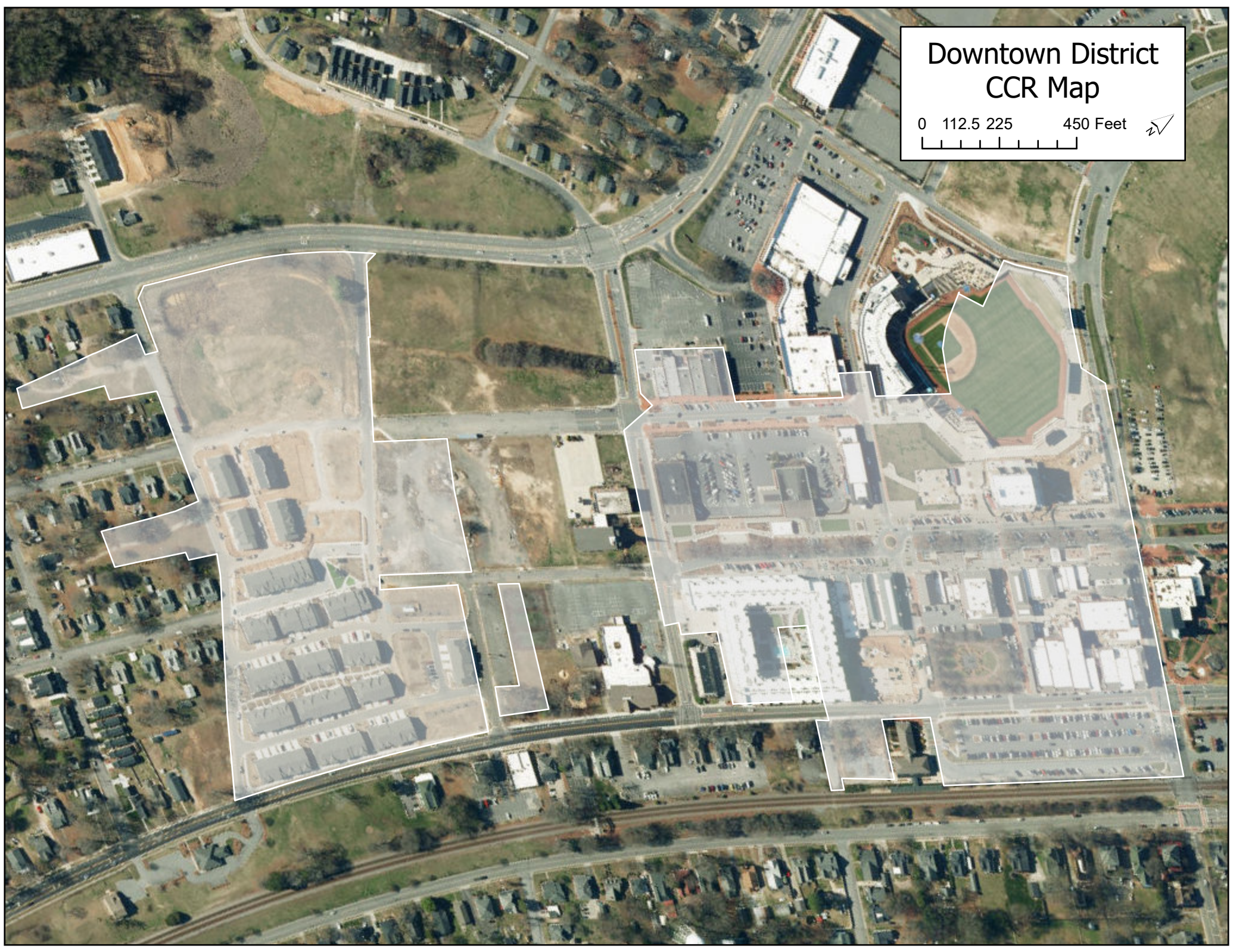
None. Discussion only.

Attachments

1. Downtown CCR with Imagery 2025-04-10
2. Dec, 1st Amend, 2nd Amend
3. Plat Map of DT 1 of 2
4. Plat Map of DT 2 of 2

Downtown District CCR Map

0 112.5 225 450 Feet



COPY

SCANNED AND RETURNED

FILED
CABARRUS COUNTY NC
WAYNE NIXON
REGISTER OF DEEDS
FILED Feb 03, 2020
AT 02:51 pm
BOOK 13983
START PAGE 0302
END PAGE 0311
INSTRUMENT # 03414
EXCISE TAX \$0.00
MCL

Prepared by and return to: Walter M. Safrit, II, City Attorney, City of Kannapolis, 401 Laureate Way, Kannapolis, North Carolina 28081

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Declaration") is executed as of January 27, 2020 by **CITY OF KANNAPOLIS**, a North Carolina municipal corporation ("Declarant").

A. Declarant is the owner of those parcels of real property located in Cabarrus County, North Carolina more particularly being the property acquired by Declarant by deed recorded in Book 11615, Page 176 (Tracts 1-7) and Book 11615, Page 182 (Tract 1), Cabarrus County Registry, and is located in the central business district of the City of Kannapolis and comprises a significant part of Declarant's downtown area (the "Property") being shown in Map Book 68 at Pages 106 and 107.

B. Declarant desires to preserve the character of its downtown area by imposing certain restrictive covenants on the Property, as set forth in this Declaration.

NOW THEREFORE, Declarant hereby declares that the Property shall be held, transferred, conveyed, leased, occupied or otherwise disposed of and used subject to the following restrictive covenants:

1. **Definitions.** All capitalized terms used in this Declaration shall have the meanings set forth in this **Section 1**, unless otherwise defined in this Declaration.

(a) **"Architectural Review Committee"** or **"ARC"** means the committee established by Declarant to regulate the construction and alteration of Improvements.

(b) **"Building Site"** means any parcel of land composed of a portion of the Property that is shown on any recorded plat of all or a portion of the Property as being a parcel of the Property, and that is suitable for construction of Improvements.

(c) **"Declarant Control Period"** means the period of time beginning on the date of this Declaration and ending on the first day of the Owner Control Period.

(d) **"Improvement"** or **"Improvements"** means any and all structures, betterments, construction and improvements made or placed upon any portion of the Property, and shall include, without limitation, all changes in site topography, lighting fixtures, communications equipment.

1098 26

underground utilities, all buildings, roofed structures, parking areas, roads, loading docks, loading areas, fences, wall hedges, landscaping, mass plantings, poles, signs, and monuments.

(e) **"Majority of Owners"** means more than fifty percent of the Owners; provided, however, that if a Building Site has more than one owner of the fee simple interest in such Building Site, (by way of example, a condominium complex) or a development which has a property owners association which represents the fee owners as a group (by way of example, townhome development) such Building Site shall be considered to have only one vote when determining a Majority of Owners.

(f) **"Mortgagee"** means the beneficiary or holder of a Mortgage.

(g) **"Owner"** means any party and its successors, assigns, heirs and legal representatives owning a record fee simple interest in and to all or any portion of the Property (including the Declarant if it owns all or any portion of the Property); provided however, the term "Owner" shall not include any person or entity having an interest merely as security for the repayment of indebtedness or the performance an obligation.

(h) **"Owner Control Period"** means the period of time after the earlier to occur of the following: (i) Declarant no longer owns any portion of the Property or (ii) Declarant assigns its rights to appoint the members of the ARC by the execution of a written instrument that is recorded in the Cabarrus County Public Registry.

2. **General Purposes of Declaration.** The Property is hereby subjected to this Declaration for the following purposes:

(a) To encourage maintenance and development of the Property in a manner suitable for the public and that is free from danger of fire, explosion, toxic and noxious matter and other hazards, and from offensive noise, vibration, smoke, dust odorous matter and other objectionable influences or threats to public health, safety and welfare.

(b) To promote the proper and most desirable use and development of the Property in accordance with a well-considered plan and suitable for a downtown urban experience utilizing both vehicular and pedestrian travel.

(c) To protect and enhance the appearance of (including the landscaped appearance of) and to preserve the value of the Property and its component Building Sites.

(d) To protect against construction of Improvements that are of poor design or quality and to encourage construction of Improvements that utilize good quality and attractive material and good architectural and planning standards, and which are compatible with other Improvements on the Property.

(e) To preserve the historical character of the City of Kannapolis, its downtown areas and its heritage as a textile mill town, including the preservation of various aspects of life emanating from Kannapolis' rich mill village history.

(f) To promote the renovation of the Kannapolis downtown by preserving the downtown shopping district to the extent possible while recognizing the North Carolina Research Campus as an integral part of the area adjacent to the downtown.

3. Regulation of Improvements.

(a) **General.** No construction, demolition or site preparation on any Building Site, no change in grade or slope or drainage patterns of any Building Site, no construction or placement of any building or exterior additions or alterations to any building situated upon a Building Site, no removal of trees (except for dead, dying and diseased trees) and no construction of, demolition of or changes or additions to any other Improvement on a Building Site shall be commenced nor shall any of the same be placed, maintained or allowed to remain, on any Building Site until all the following conditions have been satisfied:

(i) an application for approval has been submitted to Declarant and ARC;

(ii) the ARC and Declarant have given written approval for the plans and specifications for the Improvements, the location of such Improvements, and the commencement of construction, all in accordance with the applicable regulations of the City of Kannapolis and terms and requirements in the architectural guidelines published by the ARC ("**Guidelines**"); and

(iii) any fees set forth in or contemplated by this **Section 3** have been paid in full by the Owner.

The provisions of this **Section 3** shall not apply to the construction or alteration of any Improvements commenced, erected or maintained by Declarant or at Declarant's direction on any portion of the Property or required and approved in the Purchase and Sale Agreement between Declarant and the Owner. Declarant may delegate to the ARC any powers or authority reserved or granted to it under this **Section 3**.

(b) **Composition of ARC.** During the Declarant Control Period, Declarant shall appoint the members of the ARC. During the Owner Control Period, the authority to appoint the members of the ARC shall automatically be vested in the Owners. Prior to December 31 of each year during the Owner Control Period, the Owners shall appoint the members of the ARC by the approval of a Majority of the Owners. The ARC shall have the right, power and authority to employ and/or use the services of any architects, engineers or other professionals as it deems necessary or advisable, in its sole discretion, to carry out its duties and obligations as described in this **Section 3**. When groups of Owners are aggregated into a formal owner's association with respect to the portion of the Property owned by such Owners (an "**Owner's Association**"), for purposes of this Section 3(b) only, "Owners" shall mean the Owner's Association and not each owner that is a member of such Owner's Association. For example, if a portion of the Property is developed into condominiums, only the condominium owner's association shall be considered to be an "Owner" for purposes of this Section 3(b), not each owner of a condominium unit.

(c) **Architectural Guidelines.** The ARC may, from time to time, publish, promulgate and amend the Guidelines. The Guidelines shall be explanatory and illustrative of the general intent of the ARC with respect to the construction of Improvements on Property and are intended as a guide to assist the ARC in reviewing plans and specifications for Improvements. The Guidelines shall also set out, among other things, the procedures for submission, review and approval of plans and specifications (for the construction of Improvements) to the ARC and the fees to be imposed by the ARC, as more specifically described in **Section 3(g)** below. In any event, the Guidelines shall not be binding upon the ARC, may be revised and amended at any time by the ARC, in its sole discretion, and shall not constitute, in every event, the basis for approval or disapproval of plans, specifications and other materials (for the construction of Improvements) submitted to the ARC for approval. The ARC may issue and amend the Guidelines, from time to time, and may publish and promulgate different Guidelines for different phases, sections or portions of the Property.

(d) **Enforcement.**

(1) It is Declarant's intent that the architectural control provisions of this Declaration are to permit control of the architectural design and to establish quality standards for construction within the Property and to help preserve values of the Property. All Owners, by purchasing property subject to this Declaration, acknowledge that a violation of any such provisions could result in irreparable harm and damage to other Owners and to Declarant, and to the values of the Property, a monetary measure of which harm and damage would be difficult to establish. Accordingly, Declarant and the ARC shall have the specific right (but not the obligation) to enforce and/or to prevent any violation of the provisions contained in this **Section 3** by a proceeding at law or in equity against the person or persons violating or attempting to violate any such provisions. Declarant hereby specifically reserves and grants to the ARC the right of entry and inspection upon any portion of the Property for the purpose of determining whether any construction of any Improvement violates any approval by the ARC, the Guidelines, this Declaration, as amended.

(2) If Improvements are commenced or constructed in violation of this **Section 3**, Declarant may require any Owner to remove such Improvements or restore the Building Site to the condition in which it existed prior to the construction of such Improvements. If it becomes necessary to resort to litigation to determine whether any constructed Improvement was approved or conforms to the Guidelines, to remove any unapproved Improvement, or otherwise to remedy a violation of the Guidelines, Declarant shall be entitled to recover court costs, reasonable attorneys' fees and expenses incurred by Declarant and/or the ARC, if the Declarant and/or the ARC is ultimately successful in such action.

(e) **Failure of ARC to Act.** Written requests for approval of plans or specifications shall be deemed to be approved in the event the ARC has not responded to such request in writing within thirty (30) days of the submission of such request. If plans and specifications or other submittals are not sufficiently complete or are otherwise inadequate, the ARC may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject or approve the balance.

(f) **Variances.** Upon submission of a written request, the ARC may, from time to time, in its sole discretion, permit Owners to construct, erect or install Improvements which are at variance with restrictions, requirements or provisions of this Declaration from which a variance is permitted. In any case, however, such variances shall be in basic conformity with and shall blend effectively with the general architectural style and design of the Property and shall not materially change the scheme of restrictions herein set forth. Written requests for variances shall be deemed to be disapproved in the event the ARC has not expressly approved such request in writing within thirty (30) days of the submission of such request. No member of the ARC shall be liable to any Owner for any claims, causes of action, or damages arising out of the grant or denial of any variance to any Owner. Each request for a variance shall be reviewed separately and apart from other such requests and the grant of a variance to any Owner shall not constitute a waiver of the ARC's right to strictly enforce the covenants, restrictions and architectural standards provided hereunder against any other Owner.

(g) **Fees Required by the ARC.** The ARC, in its sole discretion, may require that each Owner submitting plans and specifications for Improvements pay one or more fees to the ARC or to Declarant as a condition to commencement of construction of such Improvements. Such fee(s), including the amount(s), payee and purpose(s) thereof shall be established by, and may be increased, from time to time, by the Declarant or ARC and shall be set forth in the Guidelines. Plans and specifications for Improvements to be constructed on any portion of the Property shall not be deemed to have been properly submitted unless and until any and all fees required by the ARC to be paid in connection with such Improvements, as provided in this **Section 3(g)** shall have been paid to the ARC or Declarant, as required by the Guidelines.

(h) **Notices and Submittals.** Notices and submittals to the ARC shall be in accordance with the notice provisions set forth, from time to time, in the Guidelines.

(i) **Limitation of Liability.** No member of the Declarant or ARC shall be liable for claims, causes of action or damages (except where occasioned by willful misconduct of such member) arising out of services performed pursuant to this **Section 3**. Neither the ARC, the members thereof, Declarant, nor any officers, directors, members, employees, agents or affiliates of any of them, shall be liable for damages or otherwise to anyone submitting plans and specifications and other submittals for approval or to any Owner by reason of mistake of judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval of, or the failure to approve or disapprove of, any plans and specifications. The approval of plans and specifications by the ARC shall not be deemed or construed as a representation or warranty of the ARC, Declarant, or any officer, director, member, employee, agent or affiliate of any of them (i) that Improvements constructed in accordance with such plans and specifications will comply with applicable zoning ordinances, building codes, or other governmental or quasi-governmental laws, ordinances, rules and regulations; or (ii) as to the structural soundness, quality, durability, suitability, fitness or proper functioning of Improvements constructed in accordance with such plans and specifications. Any responsibility or liability therefor is expressly hereby disclaimed. Every Owner who submits plans and specifications agrees to not bring any action or suit against Declarant, the ARC, or the officers, directors, members, employees, agents or affiliates of any of them, to recover any such damages and hereby releases, demises, and quitclaims all claims, demands and causes of action arising out of or in connection with any judgment, negligence or nonfeasance and hereby waives the provisions of any law which provides that a general release does not extend to claims, demands and causes of action not known at the time the release is given. Declarant shall be the sole party responsible for the performance of Declarant's obligations under this Declaration, and no other person, firm or entity, including, without limitation, any entity affiliated with Declarant, shall have any obligation or liability for Declarant's obligations under this Declaration.

(j) **Vested Approvals.** Notwithstanding anything in this Declaration to the contrary, Declarant may provide vested approval(s) for certain floorplans and/or elevations submitted by an Owner and/or waive any review fees associated therewith. Once granted by Declarant, and provided that the applicable plans do not subsequently change, any such vested approval(s) shall be irrevocable and binding on the ARC as to any Building Site owned by Owner. Once a vested approval is granted by Declarant, and provided that the applicable plans do not subsequently change, an Owner shall not be obligated to obtain any other approvals from, or pay any fees to, the ARC.

4. Use Restrictions.

(a) The Property shall not be utilized for any of the following prohibited uses:

(1) Any manufacturing, distilling, refining, smelting, agricultural or mining operation, including any roadside stand for the display and sale of agricultural products, and any metal products foundries, blast furnaces, coke ovens or rolling mills.

(2) Any use which involves the raising, breeding, processing, boarding, maintaining, treating or slaughter of any livestock, swine, poultry or other animals. For avoidance of any doubt, the foregoing restriction shall not apply to household pets, provided such pets are (i) permitted to be so kept by applicable laws and regulations, (ii) not left unattended on patios or terraces, (iii) not kept or maintained for commercial purposes or breeding, and (iv) generally, not a nuisance.

(3) Any use that emits noise that unreasonably disturbs occupants of the property adjacent to the Property, whether due to intermittence, beat, frequency, shrillness or loudness.

(4) Any use that creates strong, unusual or offensive odors, fumes, dust or vapors.

(5) Freight terminals or truck terminals.

(6) Junkyards, scrap metal yards, stock yard or storage yard and any use involving the storage of heavy equipment or storage or processing of wrecked or junked motor vehicles or other materials (including recycling operations).

(7) Mobile home park or trailer court.

(8) Jails, prisons, labor camps, penal, detention or correctional facilities or farms.

(9) Cemetery, mortuary, funeral home, crematorium or mausoleum.

(10) Dumping, disposing, incinerating or reducing of garbage (exclusive of dumpsters for the temporary storage of garbage and any garbage compactors), and any landfills or hazardous waste disposal or storage facilities.

(11) Outdoor racetracks, raceways and drag strips.

(12) Massage parlors (other than first class therapeutic massage facilities offering massages by licensed professionals), topless night clubs, adult movie theater, adult video store, adult bookstore or similar adult-oriented business operations.

(13) Flea market, pawnshop; amusement park (other than on a temporary basis), carnival (other than on a temporary basis), bingo parlor, shooting gallery, gun club, shooting range, off-track betting parlor or other gambling establishment; tattoo parlor, body-piercing establishment, discotheque, or night club, video or game center, amusement center or arcade.

(14) Central laundry, dry cleaning plant or laundromat; provided, however, this restriction shall not be construed to prevent on-site pickup and delivery by consumers in connection with laundry or dry-cleaning businesses, provided that no on-site cleaning or processing activities are conducted on the Property.

(15) Warehouse and/or storage uses (excluding storage for retail purposes within the Property and incidental to any retail use conducted within the Property).

(16) Selling or leasing new or used automobiles, trucks, trailers or recreational vehicles; any automotive service or repair facility.

(17) Any establishment which stocks, displays, sells, rents or offers for sale or rent any merchandise or material commonly used or intended for use with or in consumption of any narcotic, dangerous drug or other controlled substance, including, without limitation, any hashish pipe, waterpipe, bong, cilium, pipe screens, rolling papers, rolling devices, coke spoons or roach clips.

(18) Veterinary clinic or kennel.

(19) Plasma and/or blood bank or donation facility.

(20) Drug or alcohol treatment facility or methadone clinic.

(b) **Right to Enter.** During reasonable business hours after at least one hour prior notice to the Owner, Declarant or its authorized agents, shall have the right to enter any Building Site, but not the insides of buildings, for the purpose of ascertaining whether the restrictions provided herein may have been violated. Declarant or its agents must present themselves at the main office of the Owner on the Building Site or at such other comparable location at the Building Site, present appropriate identification or credentials to the Owner or the Owner's authorized representative prior to any further inspection of the Building Site, and, at the Owner's discretion, be accompanied by the Owner or the Owner's authorized representative during any such inspection. Any such entry shall constitute an authorized entry.

5. **Binding Effect.** Every person or entity who now or hereafter owns or acquires any rights, title or interest in or to any portion of the Property shall be conclusively deemed to have consented and agreed to and assumed every covenant, condition, and restriction contained herein, whether or not any reference to this Declaration is contained in the instrument by which such person or entity acquired an interest in the Property. All restrictions, conditions, covenants and agreements contained herein are made for the direct, mutual and reciprocal benefit of each and every part and parcel of the Property; shall create a mutual, equitable servitude upon each portion of the Property in favor of every other portion of the Property; shall create reciprocal rights and obligations between the respective Owners of any portion of the Property; and, as to the Owners, shall operate as covenants running with the land, for the benefit of the rest of the Property.

6. **Amendment.** This Agreement shall not be modified or amended in any respect except by a written instrument executed by Declarant. Notwithstanding the foregoing, the City Manager, to the extent permitted by a Resolution of Council, is authorized to amend this Agreement without Council approval pursuant to the terms stated therein.

7. **No Delay.** No delay or failure on the part of Declarant to invoke an available remedy with respect to a violation of any restriction contained in this Declaration shall be held to be a waiver by Declarant of any right available to it upon the recurrence or continuance of that violation or the occurrence of a different violation.

8. **Governing Law.** North Carolina law governs this Declaration.

9. **Enforcement.**

(a) **Responsibility of Owner.** Each Owner shall be responsible for compliance with the terms, provisions and conditions of this Declaration by its employees, agents, independent contractors, tenants, building occupants, customers and visitors.

(b) **Abatement and Suit.** Violation or breach of any restriction herein contained shall give to the Declarant and every Owner subject to this Declaration, the right to prosecute a proceeding at law or in equity against the Owner who has violated, is attempting to violate or is permitting the violation on its Building Site of any of these restrictions, including, without limitation, actions to enjoin or prevent such Owner from doing so, to cause said violation to be remedied, or to recover actual damages for said violation.

(c) **Deemed to Constitute a Nuisance.** Any action or omission whereby any restriction herein contained is violated in whole or in part is hereby declared to be and to constitute a nuisance, and every remedy allowed by law or equity against an Owner, either public or private, shall be applicable against every such action or omission and may be exercised by the Declarant or by any Owner.

(d) **Attorney's Fees.** In any legal or equitable proceeding for the enforcement of this Declaration or any provision hereof, the Declarant or ARC in any such proceeding shall be entitled to recover from the losing party against whom a final, unappealable order is issued the party's or parties' actual out of pocket costs and expenses including, but not limited to, its attorney's fees and expenses incurred in connection with or related to such proceeding in such amounts as may be fixed by the court in such proceedings. All remedies provided herein or at law or in equity shall be cumulative and not exclusive of any other remedies.

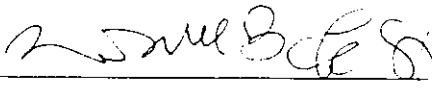
(e) **Failure to Enforce Not a Waiver of Rights.** The failure of the Declarant or any other Owner to enforce any restrictions herein contained shall in no event be deemed to be a waiver of the right to do so, nor of the right to enforce any other restriction. No suit shall lie against the Declarant for any failure, refusal or omission to institute or join in any action or proceeding for the enforcement hereof or to restrain the violation of any of the provisions hereof.

{Signature and Notary Acknowledgment Page Follows}

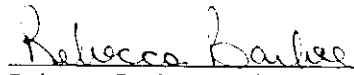
Declarant has caused this Declaration to be executed by its duly authorized officer as of the day and year first above written.



City of Kannapolis, North Carolina

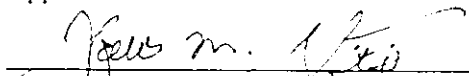
By: 
Michael B. Legg
City Manager

ATTEST:


Rebecca Barbee, Acting City Clerk

[CORPORATE SEAL]

Approved as to form:

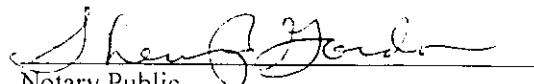

Walter M. Safrit II, City Attorney

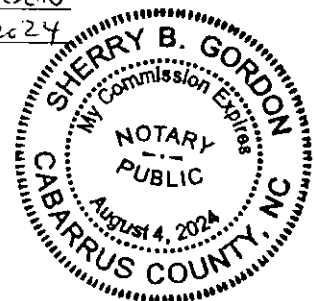
STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

I, Sherry Gordon, a Notary Public of the State and County aforesaid, certify that Rebecca Barbee personally came before me this day and acknowledged that she is Acting City Clerk of the City of Kannapolis, and that by authority duly given and as the act of the Council, the foregoing instrument was signed in its name by its City Manager, sealed with its corporate seal and attested by herself as its Acting City Clerk.

WITNESS my hand and official seal, this 31 day of January, 2020.


Notary Public
Printed Name: Sherry Gordon
My commission expires: 08/04/2024



Resolution #2020-03

**RESOLUTION APPROVING EXECUTION OF A
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

WHEREAS, North Carolina General Statutes, Chapter 160A, Article 19, Part 8, authorizes municipalities to engage in appropriations and expend funds for community development programs and activities for restoration or preservation of blighted, deteriorated, undeveloped or inappropriately developed properties for sound community development and growth; and

WHEREAS, North Carolina municipalities are encouraged to acquire such properties for public purposes or community development projects with redevelopers for residential, recreational, commercial or other uses for the general benefit of its citizens; and

WHEREAS, the Kannapolis City Council adopted a Master Development for Downtown Kannapolis on July 25, 2016 setting forth a vision for the City's central business district with the intention to engage developers to create downtown development projects intended to achieve one or more of the goals contained in the Master Development Plan; and

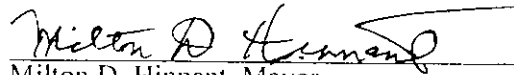
WHEREAS, the City has acquired real property in the central business district which the City Council desires to encumber with covenants, conditions and restrictions designed to encourage maintenance and development of property in a manner best suited to promote a proper and most desirable use of the property; and

WHEREAS, pursuant to and consistent with the provisions of North Carolina General Statutes 160A-457, 160A-457.3 and 158-7.1 the City Council desires to approve and record the attached Declaration of Covenants, Conditions and Restrictions to accomplish the goals stated herein.

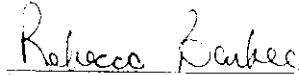
NOW, THEREFORE, BE IT RESOLVED, that the Declaration of Covenants, Conditions and Restrictions attached hereto is hereby approved and adopted; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute and record in the Cabarrus Registry the Declaration on behalf of the City subject to the correction of clerical, typographical and other non-substantive changes, or modifications as may be necessary, desirable and consistent with the intent of this Resolution.

Adopted this the 27th day of January, 2020.


Milton D. Hinnant, Mayor

ATTEST:


Rebecca Barbee
Acting City Clerk

14465 0119

FILED ELECTRONICALLY
CABARRUS COUNTY NC
M. WAYNE NIXON

FILED	Sep 01, 2020
AT	04:31:00 PM
BOOK	14465
START PAGE	0119
END PAGE	0125
INSTRUMENT #	29488
EXCISE TAX	\$0.00

Drawn by and mail after recording to:
Alexander Ricks PLLC (MJH)
1420 E. 7th Street, Suite 100, Charlotte, NC 28204

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

**FIRST AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS**

THIS FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS (this "Amendment") is made as of the 1 day of September, 2020 (the "Effective Date"), by the **CITY OF KANNAPOLIS**, a North Carolina municipal corporation (the "City").

RECITALS:

WHEREAS, Atlantic American Properties, Inc., a Delaware corporation (the "Declarant"), made and entered into that certain Declaration of Protective Covenants and Restrictions dated September 29, 1995 and recorded in Book 1495, Page 166 of the Cabarrus County Register of Deeds (the "Declaration"); and

WHEREAS, in accordance with Article V, Section 3 of the Declaration, City, as owner of the property on Exhibit A (the "City Property"), owns at least two-thirds (2/3) of the Lots subject to the Declaration and, therefore, desires to amend the Declaration as set forth herein, and any beneficiary (and the trustee thereof, if applicable) of any mortgage or deed of trust of record affecting the City Property has consented to this Amendment.

NOW, THEREFORE, the Declaration is hereby amended in accordance with the terms thereof as follows:

Drawn by and mail after recording to:
Alexander Ricks PLLC (MJH)
1420 E. 7th Street, Suite 100, Charlotte, NC 28204

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

**FIRST AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS**

THIS FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS (this "Amendment") is made as of the 1 day of September, 2020 (the "Effective Date"), by the **CITY OF KANNAPOLIS**, a North Carolina municipal corporation (the "City").

RECITALS:

WHEREAS, Atlantic American Properties, Inc., a Delaware corporation (the "Declarant"), made and entered into that certain Declaration of Protective Covenants and Restrictions dated September 29, 1995 and recorded in Book 1495, Page 166 of the Cabarrus County Register of Deeds (the "Declaration"); and

WHEREAS, in accordance with Article V, Section 3 of the Declaration, City, as owner of the property on Exhibit A (the "City Property"), owns at least two-thirds (2/3) of the Lots subject to the Declaration and, therefore, desires to amend the Declaration as set forth herein, and any beneficiary (and the trustee thereof, if applicable) of any mortgage or deed of trust of record affecting the City Property has consented to this Amendment.

NOW, THEREFORE, the Declaration is hereby amended in accordance with the terms thereof as follows:

1. Incorporation by Reference. The recitals above are hereby incorporated into this Amendment. Capitalized terms used but not defined herein shall have the meanings given them in the Declaration.

2. Property. Exhibit A to the Declaration is hereby amended by releasing the property described on Exhibit B attached hereto and incorporated herein (the "Released Property") from the scope and scheme of such Declaration. From and after the Effective Date, the Released Property shall no longer be encumbered or restricted by the Declaration.

3. Governing Law. The terms and conditions of this Amendment shall be governed by and construed in accordance with the laws of the State of North Carolina. This Amendment shall bind and run with the Property.

4. Miscellaneous. Except as modified by this Amendment, all of the terms and conditions of the Declaration shall remain in full force and effect. If there is any conflict between this Amendment and the Declaration, this Amendment shall control. Except where the context otherwise requires, all references in this Amendment to the Declaration shall be deemed to include the provisions of this Amendment. The terms and provisions of this Amendment shall be binding upon and shall inure to the benefit of the owners of the Property, their heirs, executors, administrators, successors, successors-in-title, assigns and tenants, including any ground lessee under a ground lease and the customers, employees and invitees of such parties.

[SIGNATURES APPEAR ON FOLLOWING PAGE(S)]

IN WITNESS WHEREOF, the City has caused this Amendment to be executed and delivered as of the day and year first above written.



CITY:

CITY OF KANNAPOLIS,
a North Carolina municipal corporation

By: Michael B. Legg
Name: Michael B. Legg
Title: City Manager

ATTEST:

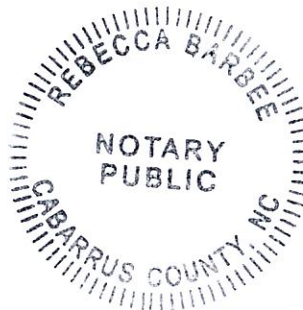
By: Bridgette Bell
Name: Bridgette Bell
Title: City Clerk

STATE OF North Carolina
COUNTY OF Cabarrus

I, the undersigned, a Notary Public of the County and the State aforesaid, certify that Bridgette Bell, personally appeared before me this day and acknowledged that s/he is the City Clerk of the City of Kannapolis, a North Carolina municipal corporation, and that by authority duly given and as the act of the City of Kannapolis, the foregoing instrument was signed in its name by its City Manager, sealed with its municipal seal and attested by her/him as its City Clerk.

Witness my hand and official seal, this the 1st day of September 2020.

Rebecca Barbée
Notary Public
Rebecca BARBEE
Print Name
My commission expires: 10/19/23



South Main Street Offices, Lot 2:

Lying and being in the City of Kannapolis, Cabarrus County, North Carolina, and being a 0.593 acre tract, and being part of Lots 1, 2 and an unnumbered area in Block "A", Kannapolis Subdivision S.W. Section 1, a map of which is recorded in the Office of the Register of Deeds for Cabarrus County, North Carolina in Map Book 20, page 39, and being more particularly described as follows:

BEGINNING at a new iron pin on the south side of the property of Eddie B. Durham (Deed Book 524, page 23; Deed Book 568, page 494; and Deed Book 571, page 223), said beginning point lying two calls as follows from an existing drill hole at the northwest corner of the property of Durham: 1) S. 28-39-58 W. 133.39 feet to an existing iron rod, 2) S. 59-30-44 E. 187.34 feet to a new iron pin, being the point of beginning, and said beginning point lying S. 37-03-35 W. 5433.25 feet from N.C.G.S. Monument "Kannapolis" (N:643604.263 and E:1519642.418) and runs thence from said beginning point with the south side of Durham S. 59-30-44 E. 43.48 feet to a point in the west track of Southern Railroad; thence a line with said railroad S. 28-46-09 W. 131.22 feet to a point on the north side of East "C" Street; thence N. 62-46-31 W. 189.07 feet to a PK nail at the southwestern corner of Lot 1 in Block "A", Kannapolis Subdivision S.W. Section 1, Map Book 20, page 39; at the northeast intersection of East "C" Street and S. Main Street; thence with the east side of S. Main Street N. 28-39-58 E. 141.99 feet to an existing iron rod, the southwestern corner of said Durham property; thence with Eddie B. Durham property S. 59-30-44 E. 145.86 feet to the point of **BEGINNING**.

Loop Road Offices, Lot 1:

Lying and being in the City of Kannapolis, Cabarrus County, North Carolina, and being a portion of Block "A", KANNAPOLIS SUBDIVISION, S.W. Section VI, Map Book 20, page 6, and being more particularly described as follows:

BEGINNING at a new iron pin at the northeast corner of Lot 600 in the northwestern line of Lot 312, Block "A", Kannapolis Subdivision, S.W. Section VI (Map Book 20, page 6) and runs thence with the northeastern boundary of the property of Lot 600 and Lot 313, N. 24-40-05 W. 185.03 feet (passing a new iron pin at 177.23 feet) to a new drill hole on the south side of S. Juniper Street; thence with the S. Juniper Street right of way 4 calls as follows: 1) N. 65-06-30 E. 180.68 feet to a point; 2) S. 24-48-50 E. 9.30 feet to a new iron pin; 3) N. 65-11-10 E. 220.57 feet to a new iron pin; 4) S. 68-18-56 E. 39.18 feet to a new iron pin on the west side of Kannapolis Loop Road (said point having a tie line to an existing tack on the centerline intersection of Kannapolis Loop Road and S. Juniper Street N. 13-41-21 E. 64.26 feet) and runs thence with the west side of Kannapolis Loop Road S. 21-48-59 E. 240.00 feet to a new iron pin; thence S. 28-03-11 W. 33.78 feet to a new iron pin on the north side of the Pine Street right of way; thence with the Pine Street right of way 3 calls as follows: 1) S. 65-07-22 W. 118.15 feet to a point; 2) S. 24-52-38 E. 1.23 feet to a point; 3) S. 65-07-22 W. 235.66 feet to a new iron pin on the northeastern side of Lot 312; thence with the Lot 312 boundary N. 24-47-06 W. 62.66 feet to an existing iron rod; thence N. 46-13-04 W. 55.31 feet to a nail by an existing rod; thence S. 65-04-33 W. 15.25 feet to the point of **BEGINNING**.

Loop Road Offices, Lot 4:

Lying and being in the City of Kannapolis, Cabarrus County, North Carolina, and being a part of Lot 1, Block "A", part of Lots 1, 2, 3, 4 and an unnumbered area in Block "B" and a portion of the sixty (60) foot right of way for Mulberry Avenue withdrawn from dedication, KANNAPOLIS SUBDIVISION, S.W. Section V, Map Book 20, page 4, and being more particularly described as follows:

BEGINNING at a new drill hole on the south side of Vance Street, said point lying S. 40-03-20 E. 73.07 feet from a PK nail at the centerline intersection of Vance Street and Kannapolis Loop Road and runs thence with the south side of Vance Street S. 61-25-42 E. 219.27 feet to a point; thence S. 39-41-45 W. 343.70 feet (passing an existing iron pin at 33.66 feet) to an existing iron rod in Lot 1 of Block "A", Kannapolis Subdivision S.W. Section V (Map Book 20, page 4); thence N. 50-26-59 W. 191.25 feet to an existing iron rod on the east side of Kannapolis Loop Road; thence with the east side of Kannapolis Loop Road 4 calls as follows: 1) N. 35-12-26 E. 107.60 feet to a point; 2) thence with a curve to the left at a radius of 753.70 feet (having a chord bearing and distance of N. 34-09-33 E. 27.57 feet) for a distance of 27.57 feet to a point; 3) N. 33-17-20 E. 142.47 feet to a new iron pin; 4) N. 46-33-33 E. 25.77 feet to the point of **BEGINNING**.

EXHIBIT A

CITY PROPERTY

Oak Avenue, Lot 1:

Lying and being in the City of Kannapolis, Cabarrus County, North Carolina, and being a 2.846 acre tract as shown on "Plat of Property of Atlantic American Properties, Inc." Original Survey by Mel G. Thompson and Associates, P.A. September 29th., 1993, plat prepared August 3rd., 1995 then revised September 18th., 1995 and being more particularly described as follows:

BEGINNING at a point in the centerline of Oak Avenue said point lying S. 61-29-26 E. 78.68 feet from an existing PK nail at the back of curb and runs thence from said beginning point with the Oak Avenue Mall boundary 5 calls as follows: 1) N. 61-29-26 W. 267.87 feet to a new iron pin (passing an existing PK nail at 78.68 feet); 2) N. 28-38-50 E. 89.73 feet to a new iron pin; 3) N. 40-50-02 W. 71.53 feet to an existing iron rod; 4) S. 51-49-13 W. 52.00 feet to a new iron pin; 5) N. 24-53-38 W. 223.60 feet to an existing iron rod in the back of the curb bordering S. Chestnut Street; thence with said street N. 65-07-58 E. 255.55 feet to a point in the centerline of West "A" Street; thence with West "A" Street 3 calls as follows: 1) S. 24-56-11 E. 216.87 feet to a point; 2) a curve to the left - Chord Bearing and distance of S. 42-42-57 E. 117.38 feet, Radius of 192.21 feet, Arc Length of 119.29 feet to a point; 3) S. 60-29-43 E. 98.32 feet to a point in the centerline intersection of West "A" St. with Oak Ave.; thence with the centerline of Oak Avenue S. 28-51-05 W. 236.96 feet to the point of BEGINNING.

South Main Street Offices, Lot 1:

Lying and being in the City of Kannapolis, Cabarrus County, North Carolina, and being Lots 1 through 7, Block "D", KANNAPOLIS SUBDIVISION S.W. Section 1, a map of which is recorded in the Office of the Register of Deeds for Cabarrus County in Map Book 20, page 39, and being more particularly described as follows:

BEGINNING at a PK nail at the southwestern corner of the intersection of S. Main Street (U.S. Hwy 29-A) and Cabarrus Avenue, said beginning point lying N. 65-53-03 W. 45.23 feet from the northwestern corner of Lot 10, Block "C", KANNAPOLIS SUBDIVISION S.W. Section 1, Map Book 20, page 39, and runs thence with the west side of S. Main Street four calls as follows: 1) S. 20-09-11 W. 48.62 feet to a point; 2) S. 19-16-46 W. 71.30 feet to an existing iron rod; 3) S. 18-41-59 W. 68.79 feet to an existing iron rod; 4) S. 18-17-15 W. 101.89 feet to an existing PK nail at the northwestern intersection of S. Main Street and West "D" Street and runs thence with the north side of West "D" Street N. 51-35-22 W. 304.43 feet to an existing 1/2 inch iron rod; thence continuing with West "D" Street N. 51-38-12 W. 115.49 feet to a PK nail set at the northeast intersection of West "D" Street and West Avenue; thence with the east side of West Avenue N. 27-27-39 E. 215.72 feet to a PK nail at the southeastern intersection of West Avenue and Cabarrus Avenue; thence with the south side of Cabarrus Avenue S. 61-17-49 E. 369.33 feet to the point of BEGINNING.

EXHIBIT B

RELEASED PROPERTY

South Main Street Offices, Lot 1:

Lying and being in the City of Kannapolis, Cabarrus County, North Carolina, and being Lots 1 through 7, Block "D", KANNAPOLIS SUBDIVISION S.W. Section 1, a map of which is recorded in the Office of the Register of Deeds for Cabarrus County in Map Book 20, page 39, and being more particularly described as follows:

BEGINNING at a PK nail at the southwestern corner of the intersection of S. Main Street (U.S. Hwy 29-A) and Cabarrus Avenue, said beginning point lying N. 65-53-03 W. 45.23 feet from the northwestern corner of Lot 10, Block "C", KANNAPOLIS SUBDIVISION S.W. Section 1, Map Book 20, page 39, and runs thence with the west side of S. Main Street four calls as follows: 1) S. 20-09-11 W. 48.62 feet to a point; 2) S. 19-16-46 W. 71.30 feet to an existing iron rod; 3) S. 18-41-59 W. 68.79 feet to an existing iron rod; 4) S. 18-17-15 W. 101.89 feet to an existing PK nail at the northwestern intersection of S. Main Street and West "D" Street and runs thence with the north side of West "D" Street N. 51-35-22 W. 304.43 feet to an existing 1/2 inch iron rod; thence continuing with West "D" Street N. 51-38-12 W. 115.49 feet to a PK nail set at the northeast intersection of West "D" Street and West Avenue; thence with the east side of West Avenue N. 27-27-39 E. 215.72 feet to a PK nail at the southeastern intersection of West Avenue and Cabarrus Avenue; thence with the south side of Cabarrus Avenue S. 61-17-49 E. 369.33 feet to the point of **BEGINNING**.

FILE COPY

FILED
CABARRUS COUNTY NC
WAYNE NIXON
REGISTER OF DEEDS

FILED Jan 15, 2016
AT 04:14 pm
BOOK 11753
START PAGE 0311
END PAGE 0324
INSTRUMENT # 01115
EXCISE TAX \$0.00
EBV

This instrument was prepared by,
and, when recorded, return to:

Gary W. Swindell, Esquire
Swindell & Bond, PLLC
227 West Trade Street, Suite 2030
Charlotte, North Carolina 28202

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

**SUPPLEMENTAL RELEASE OF
REAL PROPERTY FROM EFFECT OF
MASTER DECLARATION**

File City of Kannapolis

THIS SUPPLEMENTAL RELEASE OF REAL PROPERTY FROM EFFECT OF MASTER DECLARATION (the "Release") is made as of the 11th day of November, 2015 (the "Effective Date") by **CASTLE & COOKE NORTH CAROLINA, LLC**, a Delaware limited liability company ("CCNC"); **CASTLE & COOKE-NCRC PROPERTIES 1, LLC**, a North Carolina limited liability company ("Properties 1"); **CASTLE & COOKE-NCRC PROPERTIES 2, LLC**, a Delaware limited liability company ("Properties 2"); **CASTLE & COOKE-NCRC PROPERTIES 3, LLC**, a North Carolina limited liability company ("Properties 3"); **CASTLE & COOKE-NCRC PROPERTIES 4, LLC**, a Delaware limited liability company ("Properties 4"); **CASTLE & COOKE-NCRC PROPERTIES 5, LLC**, a Delaware limited liability company ("Properties 5"); **CASTLE & COOKE-NCRC PROPERTIES 6, LLC**, a Delaware limited liability company ("Properties 6"); **DAVID H. MURDOCK RESEARCH INSTITUTE**, a North Carolina not-for-profit corporation ("DHMRI"); and **CITY OF KANNAPOLIS**, a North Carolina municipal corporation (the "City") (CCNC, Properties 1, Properties 2, Properties 3, Properties 4, Properties 5, Properties 6, DHMRI and the City are sometimes individually referenced herein as an "Owner" and are sometimes collectively referenced herein as the "Owners").

RECITALS:

A. Owners are all of the current owners of the real property or condominium units, as applicable, within the North Carolina Research Campus, located in Cabarrus and Rowan Counties, North Carolina (the "Research Campus").

B. The portion of the Research Campus that is located in Cabarrus County, North Carolina is defined, delineated and otherwise encumbered by: (i) that certain Master Declaration of Covenants, Conditions and Restrictions, dated as of March 25, 2008 (the "Original Master Declaration"), and recorded on April 2, 2008 in Deed Book 8157, Page 291 of the Office of the Register of Deeds of Cabarrus County (the "Cabarrus Public Registry"); (ii) that certain First Supplement to Master Declaration of Covenants, Conditions and Restrictions, dated as of April 7, 2008 (the "First Supplement"), and recorded on April 16, 2008 in Deed Book 8183, Page 131 of the Cabarrus Public Registry; and (iii) that certain Second Supplement to Master Declaration of Covenants, Conditions and Restrictions, dated as of June 26, 2008 and recorded on June 27, 2008 in Deed Book 8314, Page 66 of the Cabarrus Public Registry (the "Second Supplement")(the Original Master Declaration, the First Supplement and the Second Supplement are collectively referenced herein as the "Master Declaration").

C. The Second Supplement incorporates into the Master Declaration that certain unimproved real property (the "First-Described Property") more fully described in Exhibit C to that certain Release of Real Property from Master Declaration (the "First Release"), which was recorded on October 1, 2015 (the "Recordation Date") in Book 11615, Page 162 of the Cabarrus County Public Registry.

D. The City recently acquired the First-Described Property from CCNC, using a legal description for the First-Described Property that, because of an updated survey, differed from the legal description for the First-Described Property (the real property description of the property so acquired by the City from CCNC is attached hereto as Exhibit D, which, by this reference, is made a part hereof and which, for purposes of this Release, is defined herein as the "City-Described Property").

E. In order to insure that all of the City-Described Property has been released from the lien, operation and effect of the Master Declaration, taking into account any non-material difference between the First-Described Property and the City-Described Property, the Owners have agreed to execute and record this Release.

NOW, THEREFORE, in consideration of the Recitals (which, by this reference, are hereby incorporated into the operative and enforceable provisions of this Release), the mutual agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, the Owners agree as follows:

1. Release. Effective as of the Recordation Date, the Owners agree to release, and by these presents do hereby release, the City-Described Property from the lien, operation and effect of the Master Declaration. The release set forth herein is intended to modify the Master Declaration in the manner described in Section 11.2 of the Original Master Declaration, and by execution hereof, each Owner confirms that the release does not materially alter the rights or obligations of such Owner under the Master Declaration.

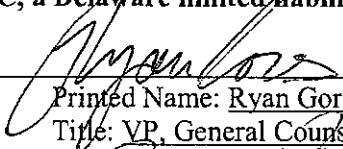
2. Payment of Assessments. Effective as of the Effective Date, the Owners acknowledge and agree that the owner of the City-Described Property shall have no further obligation for payment of any assessments that may be due and payable pursuant to the Master Declaration and that no lien for payment of such assessments shall attach to the City-Described Property from and after the Recordation Date.

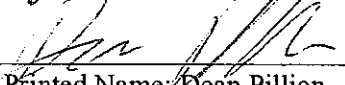
3. Recordation of Release. The Owners acknowledge and agree that this Release shall be recorded in the Cabarrus County Registry by the City promptly after full execution of this Release by all of the Owners.

4. Counterparts. The Owners agree that this Release may be executed in one or more counterparts, all of which shall constitute one instrument.

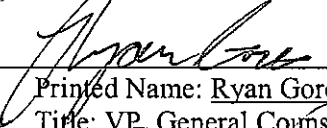
IN WITNESS WHEREOF, all of the Owners have executed and delivered this Release as of the Effective Date.

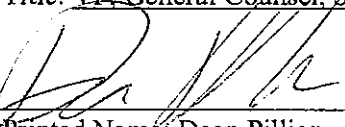
CASTLE & COOKE NORTH CAROLINA, LLC, a Delaware limited liability company

By: 
Printed Name: Ryan Gores
Title: VP, General Counsel, Secretary

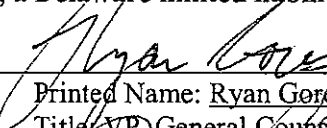
By: 
Printed Name: Dean Pillion
Title: Vice President - Tax

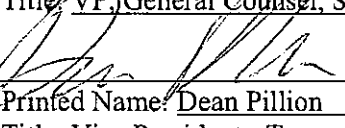
CASTLE & COOKE-NCRC PROPERTIES 2, LLC, a Delaware limited liability company

By: 
Printed Name: Ryan Gores
Title: VP, General Counsel, Secretary

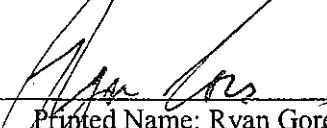
By: 
Printed Name: Dean Pillion
Title: Vice President - Tax

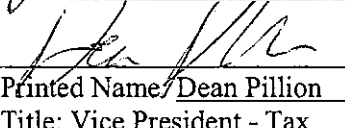
CASTLE & COOKE-NCRC PROPERTIES 4, LLC, a Delaware limited liability company

By: 
Printed Name: Ryan Gores
Title: VP, General Counsel, Secretary

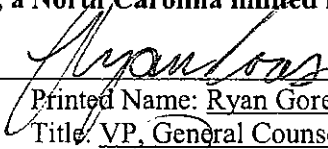
By: 
Printed Name: Dean Pillion
Title: Vice President - Tax

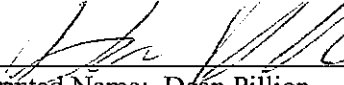
CASTLE & COOKE-NCRC PROPERTIES 6, LLC, a Delaware limited liability company

By: 
Printed Name: Ryan Gores
Title: VP, General Counsel, Secretary

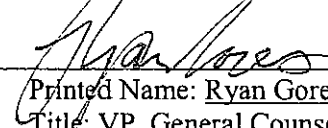
By: 
Printed Name: Dean Pillion
Title: Vice President - Tax

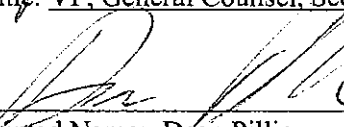
CASTLE & COOKE-NCRC PROPERTIES 1, LLC, a North Carolina limited liability company

By: 
Printed Name: Ryan Gores
Title: VP, General Counsel, Secretary

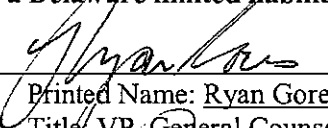
By: 
Printed Name: Dean Pillion
Title: Vice President - Tax

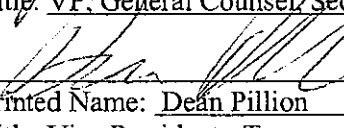
CASTLE & COOKE-NCRC PROPERTIES 3, LLC, a North Carolina limited liability company

By: 
Printed Name: Ryan Gores
Title: VP, General Counsel, Secretary

By: 
Printed Name: Dean Pillion
Title: Vice President - Tax

CASTLE & COOKE-NCRC PROPERTIES 5, LLC, a Delaware limited liability company

By: 
Printed Name: Ryan Gores
Title: VP, General Counsel, Secretary

By: 
Printed Name: Dean Pillion
Title: Vice President - Tax

DAVID H. MURDOCK RESEARCH INSTITUTE, a North Carolina not-for-profit corporation

By: 
Printed Name: JOHN CAVANAGH
Title: INTERIM PRESIDENT, DHMRI

By: _____
Printed Name: _____
Title: _____

CONTINUATION OF SIGNATURES FOR RELEASE OF REAL PROPERTY FROM EFFECT OF
MASTER DECLARATION

CITY OF KANNAPOLIS,
a North Carolina municipal corporation

By: Michael B. Legg
Printed Name: Michael B. Legg
Title: City Manager

Notary Acknowledgment for Castle & Cooke North Carolina, LLC

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

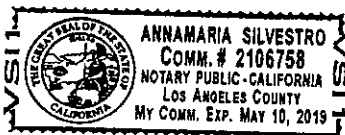
State of California)
) SS
County of Los Angeles)

On Nov. 11, 2015 before me, Annamaria Silvestro, Notary Public
(insert name and title of the officer)

personally appeared Ryan Gores and Dean Pillion,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the
within instrument and acknowledged to me that ~~he~~ ~~she~~ ~~they~~ executed the same in ~~his~~ ~~her~~ ~~their~~ authorized
capacity(ies), and that by ~~his~~ ~~her~~ ~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph
is true and correct.

WITNESS my hand and official seal.



AS Silvestro

Printed or Typed Name: Annamaria Silvestro, Notary Public

My commission expires: May 10, 2019

[Official Stamp/Seal]

Notary Acknowledgment for Castle & Cooke-NCRC Properties 1, LLC

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

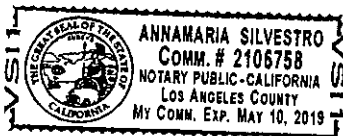
State of California)
) SS
County of Los Angeles)

On Nov. 11, 2015 before me, Annamaria Silvestro, Notary Public
(insert name and title of the officer)

personally appeared Ryan Gores and Dean Pillion,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph
is true and correct.

WITNESS my hand and official seal.



ASilvestro

Printed or Typed Name: Annamaria Silvestro, Notary Public

My commission expires: May 10, 2019

[Official Stamp/Seal]

Notary Acknowledgment for Castle & Cooke-NCRC Properties 2, LLC

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

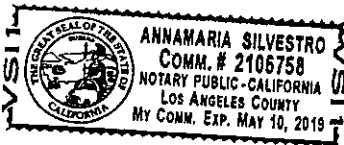
State of California)
) SS
County of Los Angeles)

On Nov. 11, 2015 before me, Annamaria Silvestro, Notary Public
(insert name and title of the officer)

personally appeared Ryan Gores and Dean Pillion,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph
is true and correct.

WITNESS my hand and official seal.



AS Silvestro

Printed or Typed Name: Annamaria Silvestro, Notary Public

My commission expires: May 10, 2019

[Official Stamp/Seal]

Notary Acknowledgment for Castle & Cooke-NCRC Properties 3, LLC

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

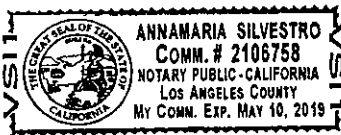
State of California)
) SS
County of Los Angeles)

On Nov. 11, 2015 before me, Annamaria Silvestro, Notary Public
(insert name and title of the officer)

personally appeared Ryan Gores and Dean Pillion,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same in ~~his~~/~~her~~/their authorized capacity(ies), and that by ~~his~~/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



ASilvestro
Printed or Typed Name: Annamaria Silvestro, Notary Public

My commission expires: May 10, 2019

[Official Stamp/Seal]

Notary Acknowledgment for Castle & Cooke-NCRC Properties 4, LLC

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

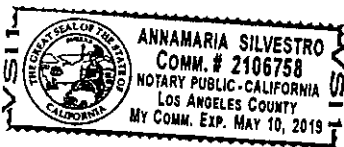
State of California)
) SS
County of Los Angeles)

On Nov. 11, 2015 before me, Annamaria Silvestro, Notary Public
(insert name and title of the officer)

personally appeared Ryan Gores and Dean Pillion,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



AS Silvestro
Printed or Typed Name: Annamaria Silvestro, Notary Public

My commission expires: May 10, 2019

[Official Stamp/Seal]

Notary Acknowledgment for Castle & Cooke-NCRC Properties 5, LLC

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

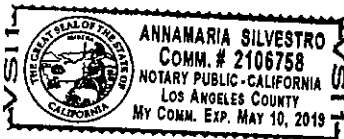
State of California)
) SS
County of Los Angeles)

On Nov. 11, 2015 before me, Annamaria Silvestro, Notary Public
(insert name and title of the officer)

personally appeared Ryan Gores and Dean Pillion,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



ASilvestro

Printed or Typed Name: Annamaria Silvestro, Notary Public

My commission expires: May 10, 2019

[Official Stamp/Seal]

Notary Acknowledgment for Castle & Cooke-NCRC Properties 6, LLC

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

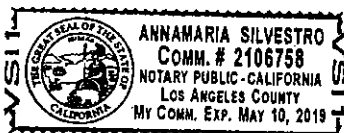
State of California)
) SS
County of Los Angeles)

On Nov. 11, 2015 before me, Annamaria Silvestro, Notary Public
(insert name and title of the officer)

personally appeared Ryan Gores and Dean Pillion,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~are subscribed to the within instrument and acknowledged to me that ~~he~~~~she~~~~they~~ executed the same in ~~his~~~~her~~~~their~~ authorized capacity(ies), and that by ~~his~~~~her~~~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



ASilvestro
Printed or Typed Name: Annamaria Silvestro, Notary Public

My commission expires: May 10, 2019

[Official Stamp/Seal]

Notary Acknowledgment for DAVID H. MURDOCK RESEARCH INSTITUTE
– a North Carolina not for profit organization

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certification is attached, and not the truthfulness, accuracy, or validity of that document.

State of North Carolina

County of Cabarrus

On December 2, 2015 before me, Nikki Chadwick, Notary Public the undersigned notary public, personally appeared John Cavanagh and proved to me through satisfactory evidence of identification to be the person whose name is signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

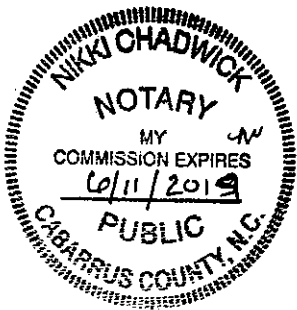
Subscribed and sworn to (or affirmed) before me, under penalties of perjury, this 2 day of Dec, 20 15

WITNESS my hand and official seal.

Nikki Chadwick

NIKKI CHADWICK, Notary Public

My Commission Expires: June 11, 2019



[Official Stamp/Seal]

Notary Acknowledgment for City of Kannapolis

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Michael B. Legg, City Manager, City of Kannapolis
[here insert names of principals].

Date: 1/7/16

Rebecca Barber
Printed or Typed Name: Rebecca Barber
Notary Public

My commission expires: 10/19/18

[Official Stamp/Seal]

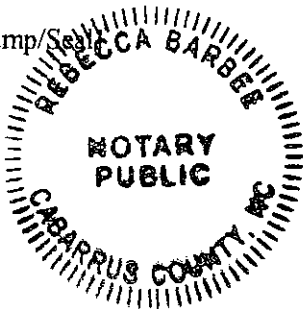


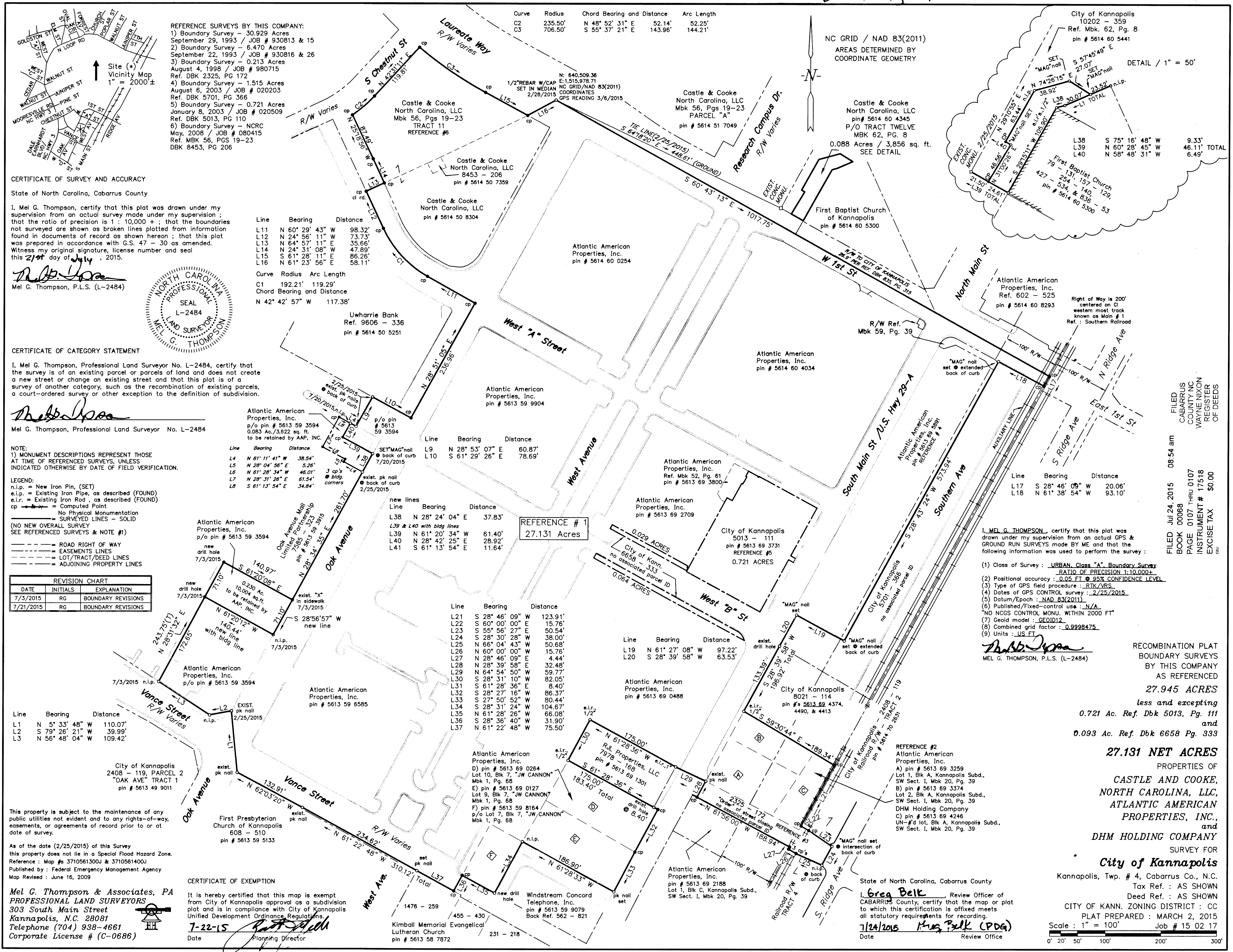
EXHIBIT D
To
Release of Real Property From Effect of Master Declaration

Description of Released Property

Lying and being in the City of Kannapolis, Cabarrus County, North Carolina and being more particularly described as follows:

Those three (3) certain tracts or parcels of land of Castle & Cooke North Carolina, LLC, described as follows: (i) Castle & Cooke North Carolina, LLC, MbK 56, Pages 19-23, Tract 11; (ii) Castle & Cooke North Carolina, LLC, 8453-206, pin #5614 50 7359; and (iii) Castle & Cooke North Carolina, LLC, pin # 5614 50 8304, all as shown on Recombination Plat Boundary Surveys, prepared by Mel G. Thompson & Associates, PA, recorded on July 24, 2015 in Map Book 68, Page 107, Cabarrus County Public Registry.

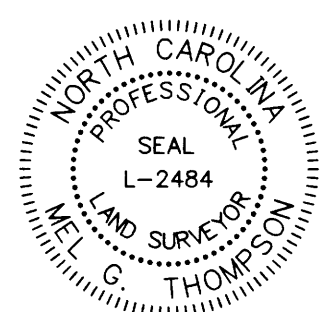
BLK 65 79 107



REFERENCE SURVEYS BY THIS COMPANY:
1) Boundary Survey - 30.929 Acres
September 29, 1993 / JOB # 930813 & 15
2) Boundary Survey - 6.470 Acres
September 22, 1993 / JOB # 930816 & 26
3) Boundary Survey - 0.213 Acres
August 4, 1998 / JOB # 980715
Ref. DBK 2325, PG 172
4) Boundary Survey - 1.515 Acres
August 6, 2003 / JOB # 020203
Ref. DBK 5701, PG 366
5) Boundary Survey - 0.721 Acres
January 8, 2003 / JOB # 020509
Ref. DBK 5013, PG 110
6) Boundary Survey - NCRC
May, 2008 / JOB # 080415
Ref. MBK 56, PGS 19-23
DBK 8453, PG 206

CERTIFICATE OF SURVEY AND ACCURACY
State of North Carolina, Cabarrus County

I, Mel G. Thompson, certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the ratio of precision is 1 : 10,000 + ; that the boundaries not surveyed are shown as broken lines plotted from information found in documents of record as shown herein; that this plat was prepared in accordance with G.S. 47 - 30 as amended. Witness my original signature, license number and seal this 21st day of July, 2015.



CERTIFICATE OF CATEGORY STATEMENT

I, Mel G. Thompson, Professional Land Surveyor No. L-2484, certify that the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street and that this plat is of a survey of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to the definition of subdivision.

Mel G. Thompson, Professional Land Surveyor No. L-2484

NOTE:
1) MONUMENT DESCRIPTIONS REPRESENT THOSE AT TIME OF REFERENCED SURVEYS, UNLESS INDICATED OTHERWISE BY DATE OF FIELD VERIFICATION.

LEGEND:
n.i.p. = New Iron Pin, (SET)
e.i.p. = Existing Iron Pipe, as described (FOUND)
e.i.r. = Existing Iron Rod, as described (FOUND)
cp = Computed Point
No Physical Monumentation
SURVEYED LINES - SOLID
(NO NEW OVERALL SURVEY
SEE REFERENCED SURVEYS & NOTE #1)
--- ROAD RIGHT OF WAY
--- EASEMENTS LINES
--- LOT/TRACT/DEED LINES
--- ADJOINING PROPERTY LINES

DATE	INITIALS	EXPLANATION
7/3/2015	RG	BOUNDARY REVISIONS
7/21/2015	RG	BOUNDARY REVISIONS

Line	Bearing	Distance
L1	N 5° 33' 48" W	110.07'
L2	S 79° 26' 21" W	39.99'
L3	N 56° 48' 04" W	109.42'

This property is subject to the maintenance of any public utilities not evident and to any rights-of-way, easements, or agreements of record prior to or at date of survey.

As of the date (2/25/2015) of this Survey this property does not lie in a Special Flood Hazard Zone. Reference : Map # 3710561300J & 3710561400J Published by : Federal Emergency Management Agency Map Revised : June 16, 2009

Mel G. Thompson & Associates, PA
PROFESSIONAL LAND SURVEYORS
303 South Main Street
Kannapolis, N.C. 28081
Telephone (704) 938-4661
Corporate License # (C-0686)

CERTIFICATE OF EXEMPTION

It is hereby certified that this map is exempt from City of Kannapolis approval as a subdivision plat and is in compliance with City of Kannapolis Unified Development Ordinance Regulations.
7-22-15
Date Planning Director

Kimball Memorial Evangelical Lutheran Church
pin # 5613 58 7872

Line	Bearing	Distance
L21	S 28° 46' 09" W	123.91'
L22	S 60° 00' 00" E	15.76'
L23	S 55° 56' 27" E	50.54'
L24	S 28° 30' 28" W	38.00'
L25	N 66° 04' 43" W	50.68'
L26	N 60° 00' 00" W	15.76'
L27	N 28° 46' 09" E	4.44'
L28	N 28° 39' 58" E	32.48'
L29	N 64° 54' 50" W	59.77'
L30	S 28° 31' 10" W	82.05'
L31	S 28° 27' 16" W	8.40'
L32	S 27° 50' 52" W	80.44'
L33	S 28° 31' 24" W	104.67'
L34	S 61° 28' 26" W	66.08'
L35	S 28° 36' 40" W	31.90'
L36	N 61° 22' 48" W	75.50'
L37		

Atlantic American Properties, Inc.
D) pin # 5613 69 0264
Lot 10, Blk 7, "JW CANNON"
Mbk 1, Pg. 68
E) pin # 5613 69 0127
Lot 9, Blk 7, "JW CANNON"
Mbk 1, Pg. 68
F) pin # 5613 59 8164
p/o Lot 7, Blk 7, "JW CANNON"
Mbk 1, Pg. 68

REFERENCE # 1
27.131 Acres

Line	Bearing	Distance
L19	N 61° 27' 08" W	97.22'
L20	S 28° 39' 58" W	63.53'

Atlantic American Properties, Inc.
pin # 5613 69 0488

Atlantic American Properties, Inc.
pin # 5613 69 2188
Lot 1, Blk C, Kannapolis Subd.,
SW Sect. 1, Mbk 20, Pg. 39

State of North Carolina, Cabarrus County
Greg Belk
Review Officer of
CABARRUS County, certify that the map or plat
to which this certification is affixed meets
all statutory requirements for recording.
7/24/2015
Date Review Office

I, MEL G. THOMPSON, certify that this plat was drawn under my supervision from an actual GPS & GROUND RUN SURVEYS made BY ME and that the following information was used to perform the survey:

- (1) Class of Survey : URBAN, Class "A", Boundary Survey
- (2) Positional accuracy : 0.05 FT @ 95% CONFIDENCE LEVEL
- (3) Type of GPS field procedure : RTK/VRS
- (4) Dates of GPS CONTROL survey : 2/25/2015
- (5) Datum/Epoch : NAD 83(2011)
- (6) Published/Fixed-control use : N/A
- (7) Geoid model : GEOID12
- (8) Combined grid factor : 0.99998475
- (9) Units : US FT

MEL G. THOMPSON, P.L.S. (L-2484)

RECOMBINATION PLAT
BOUNDARY SURVEYS
BY THIS COMPANY
AS REFERENCED
27.945 ACRES
less and excepting
0.721 Ac. Ref. Dbk 5013, Pg. 111
and
0.093 Ac. Ref. Dbk 6658 Pg. 333

27.131 NET ACRES
PROPERTIES OF
CASTLE AND COOKE,
NORTH CAROLINA, LLC,
ATLANTIC AMERICAN
PROPERTIES, INC.,
and
DHM HOLDING COMPANY
SURVEY FOR
City of Kannapolis

Kannapolis, Twp. # 4, Cabarrus Co., N.C.
Tax Ref. : AS SHOWN
Deed Ref. : AS SHOWN
CITY OF KANN. ZONING DISTRICT : CC
PLAT PREPARED : MARCH 2, 2015
Scale : 1" = 100' Job # 15 02 17

FILED
CABARRUS
COUNTY NC
WAYNE NIXON
REGISTER
OF DEEDS
Jul 24, 2015 08:54 am
BOOK 00068
PAGE 0107 THRU 0107
INSTRUMENT # 17518
EXCISE TAX \$0.00

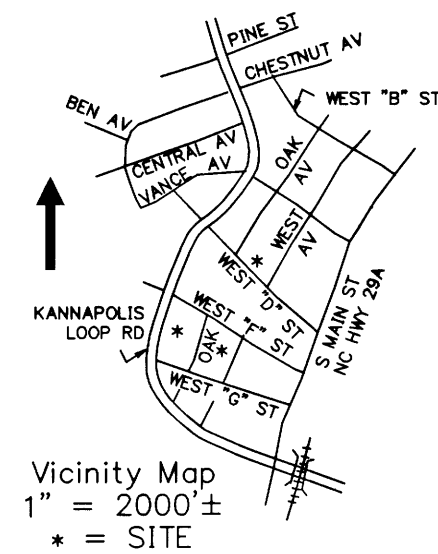
BR 61 Pg 136

I, MEL G. THOMPSON, certify that this plat was drawn under my supervision from an actual GPS & GROUND RUN SURVEYS made BY ME and that the following information was used to perform the survey:

- (1) Class of Survey: URBAN, Class "A", Boundary Survey
- (2) Positional accuracy: 0.05 FT @ 95% CONFIDENCE LEVEL
- (3) Type of GPS field procedure: RTK/RTS
- (4) Dates of GPS CONTROL survey: 2/25/2015
- (5) Datum/Epoch: NAD 83(2011)
- (6) Published/Fixed-control use: N/A
- (7) Geoid model: GEOID12
- (8) Combined grid factor: 0.9998475
- (9) Units: US FT

Mel G. Thompson
MEL G. THOMPSON, P.L.S. (L-2484)

NC GRID / NAD 83(2011)
AREAS DETERMINED BY
COORDINATE GEOMETRY



CERTIFICATE OF SURVEY AND ACCURACY

State of North Carolina, Cabarrus County

I, Mel G. Thompson, certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the ratio of precision is 1 : 10,000 +; that the boundaries not surveyed are shown as broken lines plotted from information found in documents of record as shown hereon; that this plat was prepared in accordance with G.S. 47 - 30 as amended. Witness my original signature, license number and seal this 21st day of July, 2015.

Mel G. Thompson
Mel G. Thompson, P.L.S. (L-2484)



CERTIFICATE OF CATEGORY STATEMENT

I, Mel G. Thompson, Professional Land Surveyor No. L-2484, certify that the survey is of an existing parcel or parcels of land and does not create a new street or change an existing street. RE: G.S. 47-30 (f) (1) c-1, does not require Review Officer for recording.

Mel G. Thompson
Mel G. Thompson, Professional Land Surveyor No. L-2484

LINE CHART		
Line	Bearing	Distance
L1	S 61° 38' 24" E	35.27'
L2	S 17° 43' 44" W	57.29'
L3	S 17° 59' 05" E	42.63'
L4	N 72° 00' 55" W	50.00'
L5	N 70° 43' 55" W	86.50'
L6	N 24° 49' 52" W	37.97'
L7	N 35° 11' 47" E	35.14'
L8	S 8° 08' 26" E	37.06'
L9	S 38° 33' 54" W	4.73'
L10	S 51° 41' 23" E	62.40'
L11	S 20° 08' 05" W	48.65'
L12	S 19° 15' 42" W	71.30'
L13	S 18° 40' 55" W	68.79'
L14	S 40° 57' 26" W	118.17'

CURVE CHART			
Curve	Radius	Chord Bearing and Distance	Arc Length
C1	1394.89'	N 25° 59' 44" E 381.11'	382.31'

Mel G. Thompson & Associates, PA
PROFESSIONAL LAND SURVEYORS
303 South Main Street
Kannapolis, N.C. 28081
Telephone (704) 938-4661
Corporate License # (C-0686)

LEGEND:
n.i.p. = New Iron Pin, (SET)
e.i.p. = Existing Iron Pipe, as described (FOUND)
e.i.r. = Existing Iron Rod, as described (FOUND)
cp = Computed Point
No Physical Monumentation
SURVEYED LINES - SOLID
(NO NEW SURVEY - SEE REFERENCED SURVEYS)
ROAD RIGHT OF WAY
EASEMENTS LINES
LOT/TRACT/DEED LINES
ADJOINING PROPERTY LINES

FILED Jul 24, 2015 08:54 am
BOOK 00068
PAGE 0106 THRU 0106
INSTRUMENT # 17517
EXCISE TAX \$0.00

FILED
CABARRUS
COUNTY NC
WAYNE NIXON
REGISTER
OF DEEDS

COMPOSITE PLAT
BOUNDARY SURVEYS
BY THIS COMPANY
AS REFERENCED
19.339 Total Acres
PROPERTIES OF
**ATLANTIC AMERICAN
PROPERTIES, INC.,**
PREPARED FOR
City of Kannapolis
Kannapolis, Twp. # 4, Cabarrus Co., N.C.
Tax Ref.: PIN #s 5613 58 0411, 2677, 4455,
4585, 5410, 5571, 6258, 6327, 6485 & 6614
Deed Ref.: AS SHOWN
CITY OF KANN. ZONING DISTRICT: CC
PLAT PREPARED BY: MARCH 2, 2015
Scale: 1" = 100' Job # 15 02 17
0' 20' 50' 100' 200' 300'

NOTE:
1) MONUMENT DESCRIPTIONS REPRESENT THOSE AT TIME OF REFERENCED SURVEYS, UNLESS INDICATED OTHERWISE.
REFERENCE SURVEYS BY THIS COMPANY:
1) Boundary Survey - 3.302 Acres
February 9, 2007 / JOB # 07 01 19
Ref. MBK 51, PG 89
2) Boundary Survey (Composite Plat)
28.543 Acres
July 16, 2007 / JOB # 07 01 19
Ref. MBK 53, PG 24
3) Boundary Survey - 0.233 Acres
February 21, 2008 / JOB # 05 08 08
Ref. MBK 8549, PG 245

As of the date (FEBRUARY 28, 2015) of this PLAT, this property does not lie in a Special Flood Hazard Zone. Reference: Map #s 3710561300J & 3710561400J Published by: Federal Emergency Management Agency Map Revised: June 16, 2009

This property is subject to the maintenance of any public utilities not evident and to any rights-of-way, easements, or agreements of record prior to or at date of survey.



Kannapolis
Agenda Staff Report
April 14, 2025

To: Mayor and City Council
From: Mike Legg, City Manager
Subject: **RESOLUTION** - Opposing Legislation Restricting Local Land Development Regulation **UNANIMOUSLY APPROVED**

Recommended Action Requested by City Council

Motion to approve the Resolution Opposing Legislation Restricting Local Land Development Regulation

Required Votes to Pass Required Action

Majority Present at Meeting

Background

The North Carolina General Assembly is considering legislation that would impact local governments statewide in the area of land development regulations. To be fair, not all the changes included in these bills are inherently bad. To the extent that they promote more affordable housing – that is a good outcome. The problem is that these legislative changes are a one-size-fits-all approach which can be quite problematic when practically applied at the local level.

A Resolution opposing the enactment of this legislation is included with this staff report for City Council consideration. There are three bills the Resolution addresses. They are summarized below:

House Bill 765 is a major change in local government development regulation authority. It is a 22-page bill including numerous harmful provisions for local governments across the state. This bill is about removing a number of local controls over land development activities. Notable provisions include:

- Section 4. (a) introduces vague conflict-of-interest rules, barring officials from voting on land-use matters if they have a “fixed opinion.”
- Section 8. (a-b) implements at 90-day shot clock for rezoning and site plan reviews. Probably not too bad for us.
- Section 9. eliminates the ability for local governments and developers to negotiate voluntary conditions in the Conditional Zoning process—conditions that often include environmental protections and infrastructure improvements. We use this all the time to find compromise with residents or others opposing projects.
- Section 9. bans local governments from regulating parking or adopting street design standards that exceed NCDOT standard. The NCDOT standard is pretty weak.
- Section 10. (b) mandates new minimum density requirements based solely on population size, allowing development by right, without approval from elected officials or public input. In both municipalities and counties, these mandates would upend long-standing, community-driven comprehensive growth plans. This may be the most concerning provision (outside the first and

last ones on this list).

- Section 17. (b) imposes new civil penalties on local officials who violate existing or newly imposed rules, increasing legal exposure for routine planning decisions.

Senate Bill 497 is related to “middle housing” (duplexes, triplexes, etc.). This bill will require some text changes to our ordinance if passed. We do have some residential districts that prohibit middle housing which is what is proposed to be required as an allowable use in ALL residential districts.

Staff believes this is an overreach by the legislature because it is a one-size fits all approach. The goal of the legislature is to promote more affordable housing and staff agrees this would certainly help. But every residential district might not be suitable for this use. At a minimum, the legislature should allow for some negotiation on site and building design.

Senate Bill 688 is a similar bill to HB 765 that makes several changes to local government development regulation authority. If HB 765 passes some of these provisions are a moot point because conditional zoning would be eliminated. Some notable provisions include:

- Conditional zonings can only require what is within existing law - which makes sense.
- Limits curb cut regulations (where they can be placed).
- The law goes on to give standing to anyone that brings a claim against a jurisdiction for what is deemed “arbitrary.”
- Prohibits local governments from mandating as a condition for approval of a conditional district (1) any requirement not specifically authorized by law, or any requirement that the courts have held to be unenforceable if imposed directly by the local government, or (2) any offer from the petitioner to consent to requirements not authorized by law.
- Provides the means for a person to bring a civil action against a local government for violations of 160D provisions.
- Adds “conditional use permits” to the list of appeals requiring quasi-judicial procedures (which is probably not a problem).
- For cities 149,999 population or less, it requires no fewer than four (4) dwellings per acre, but makes bona fide farm use an exemption to these requirements.
- Specifies that a local government must use quasi-judicial procedures to adopt a zoning or development regulation authorized by the statute. If this bill passes, it is presumed all ordinances would not be enforceable until this is resolved.
- Several legal process provisions are included. Among them are an expansion of the scope of actions where a party may obtain attorneys’ fees under GS 6-21.7 to include where a court finds that a city or county’s actions were arbitrary and capricious. Adds new subsection (b), specifying that when a local elected official is a party, if a court finds that the official’s act was “fraudulent, unlawful, arbitrary and capricious, beyond the scope of his or her statutory authority, or malicious or corrupt,” the official may be held personally liable for injury and damages, and attorneys’ fees are to be awarded to the other party. Specifically, it waives public official immunity, legislative immunity and judicial immunity. It does not hold local elected officials responsible for unlawful acts by officers and employees, unless the acts were by the authority of the local elected official, or the official had knowledge of the act or should have known of the act under reasonable circumstances.

Not included in the Resolution is an opposition to Senate Bill 495 which enacts provisions related to Accessory Dwelling Units (ADU). Our Planning Director, Richard Smith has indicated that for the most part, we have these provisions already in place in the KDO. Our ordinance is fairly user-friendly on the usage of these units, so it doesn’t seem appropriate to include it in the opposition.

Fiscal Implications

None.

Alternate Courses of Action

1. **Motion to approve the Resolution Opposing Legislation Restricting Local Land Development Regulation (Recommended).**
2. Table the action to a future meeting.
3. Take no action.

Attachments

1. Resolution Opposing Legislation Restricting Local Land Development Authority

RESOLUTION OPPOSING LEGISLATION RESTRICTING LOCAL LAND DEVELOPMENT REGULATION

WHEREAS, Statewide legislation has been introduced in the 2025-26 Session of the North Carolina General Assembly that would severely restrict local government oversight and management of several elements of traditional land use and land development; and

WHEREAS, the Kannapolis City Council has been openly supportive of removing as many regulatory barriers to private land development as possible to encourage growth and development of all kinds in our City and at the same time maintaining that there is a reasonable compromise to virtually all land development situations; and

WHEREAS, the Kannapolis City Council also recognizes the importance of preserving local control over development regulations to address the unique needs and priorities of our community; and

WHEREAS, House Bill 765, Senate Bill 497, and Senate Bill 688 all propose significant changes to local government development regulations that could undermine the ability of municipalities to effectively plan and manage growth; and

WHEREAS, the proposed legislation may lead to adverse impacts on the environment, public health, and infrastructure by limiting local government's ability to enforce or even negotiate development standards; and

WHEREAS, the enactment of these legislative changes could result in unforeseen financial burdens on local governments, potentially requiring increased local taxes or fees to maintain the quality of life for residents; and

WHEREAS community engagement and public participation are vital components of the development process, and these proposed legislative changes may reduce opportunities for local input in decision-making:

NOW, THEREFORE BE IT RESOLVED that the Kannapolis City Council opposes the adoption of House Bill 765, Senate Bill 497, and Senate Bill 688 as currently written and urges state legislators to consider maintaining the autonomy of local governments in crafting development regulation authority that reflect the distinct needs of their communities.

Adopted this the 14th day of April 2025

Milton D. Hinnant, Mayor
City of Kannapolis

Attest:

Pam Scaggs, CMC, NCCMC
City Clerk